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**Notification No. B 17** — The Online Criminal Harms Bill is published for general information. It was introduced in Parliament on 8 May 2023.



# Online Criminal Harms Bill

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**Bill No. 17/2023.**

*Read the first time on 8 May 2023.*

## ONLINE CRIMINAL HARMS ACT 2023

(No. of 2023)

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A BILL

*intituled*

An Act to counter online criminal activity and protect against online harms, and for connected purposes.

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

PART 1  
PRELIMINARY

**Short title and commencement**

5     **1.** This Act is the Online Criminal Harms Act 2023 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

**Interpretation**

**2.—(1)** In this Act —

10     “access”, in relation to any online activity, online material, online location or online service, includes —

      (a) access that is subject to a precondition, such as the use of a password;

      (b) access by way of push technology;

      (c) access by way of a standing request; and

15     (d) access for a limited time only;

“access blocking direction” means a direction described in section 10;

“access blocking order” means an order described in section 29;

“account” includes —

20     (a) a free account;

      (b) a prepaid account; and

      (c) anything that may reasonably be regarded as the equivalent of an account;

25     “account restriction direction” means a direction described in section 11;

“app” includes a computer program;

“app distribution service” means an online service that enables the distribution or download of an app;

30     “app removal direction” means a direction described in section 12;



- “app removal order” means an order described in section 30;
- “authorised officer” means an authorised officer appointed under section 4;
- “chosen means of identification”, in relation to the recipient of an access blocking direction or access blocking order, means any electronic means nominated by the recipient as the means by which any relevant material or relevant location, access to which is to be disabled in compliance with that direction or order, may, from time to time, be identified, and the identity thereof transmitted to the recipient, after that direction or order has been served on the recipient;
- “code application notice” means a notice given under section 22(1);
- “code of practice” or “code” means a code of practice issued under section 21(1), and includes a code of practice varied under section 21(2) or 26(7);
- “competent authority” means the competent authority appointed under section 3;
- “designated officer” means a designated officer appointed under section 4;
- “designated online service” means an online service designated to be a designated online service under section 20(1);
- “designated provider” means the provider of a designated online service;
- “designated provider’s service” means the designated online service of a designated provider;
- “disabling direction” means a direction described in section 9;
- “entity” means —
- (a) a body corporate (including a limited liability partnership);
  - (b) an unincorporated association;
  - (c) a partnership;

(d) a body politic;

(e) a body of individuals who together form a body; or

(f) a person other than an individual;

“functionality”, in relation to an online service, includes any  
5 features of the online service prescribed by regulations;

“implementation directive” or “directive” means a directive to  
implement any system, process or measure made under  
section 24;

10 “internet access service” means a telecommunication service  
between a point in Singapore and another point in Singapore  
or between 2 points, one of which is in Singapore, that  
enables access to online activity by means of the internet, but  
excludes any telecommunication service excluded by  
regulations;

15 *Illustrations*

Service of an Internet Access Service Provider licensed under the  
Telecommunications Act 1999.

Internet reseller service, localised or non-localised.

20 “material” means information or material in any form, such as  
(but not limited to) —

(a) oral, written, electronic or digital form; and

(b) audio, visual, pictorial or graphic form (for example,  
an anthropomorphic or humanlike depiction),

25 and includes information or material in any combination of  
forms;

30 “non-compliant online service” means an online service of an  
online service provider who did not comply with a Part 2  
direction, a rectification notice, an implementation directive  
or a Part 6 order, in relation to that online service or any  
online activity, online material, online account, app, online  
service or online location that can be accessed on or through  
that online service;

- “offence group” means the offences specified in a Part of the Second Schedule;
- “online account” means an account on an online service;
- “online activity” means any activity conducted by means of the internet, and regulations may clarify the types of activities that are online activities; 5
- “online location” means any internet domain, website, webpage, chatroom, channel, group, forum or any other location, that can be accessed by means of the internet;
- “online material” means material (including any computer program, machine code and internet link) that can be accessed at an online location by means of the internet; 10
- “online service” means the whole or any part of any service on or through which online activity can be conducted and which can be accessed by means of the internet, and regulations may clarify the types of services that are online services; 15
- “online service provider” means the provider of an online service;
- “originator”, in relation to relevant material, means the person who posted the relevant material, and excludes any other person who reposts identical copies of the relevant material so posted; 20
- “owner”, for an app that is distributed or available for download by means of an app distribution service, means a person that caused the app to be distributed or available for download by means of the app distribution service; 25
- “Part 2 direction” means any of the following directions:
- (a) an access blocking direction;
  - (b) an account restriction direction;
  - (c) an app removal direction; 30
  - (d) a disabling direction;
  - (e) a stop communication direction;

“Part 6 order” means any of the following orders:

- (a) an access blocking order;
- (b) an app removal order;
- (c) a service restriction order;

5 “partnership” includes a limited partnership but not a limited liability partnership;

“person” includes an individual and an entity;

“proprietor” —

(a) for an online location, means a person who —

- 10 (i) develops and maintains the online location;
- (ii) organises, manages or supervises the use of the online location;
- (iii) manages or regulates membership of, or access to, the online location; or
- 15 (iv) has the authority to decide whether any material may be included or excluded on the online location, or where to place the material on the online location or otherwise exercise editorial control over the online location; and

20 (b) for an online account, means a person who has control of the account;

“public authority” means a body established or constituted by or under a public Act to perform or discharge a public function;

25 “recipient”, in relation to a Part 2 direction, means a person who is given the Part 2 direction in accordance with section 7;

“rectification notice” means a notice to rectify any non-compliance with a code of practice made under section 23;

“regulations” means regulations made under section 60;

- “related offence group”, in relation to a designated online service designated as such in relation to an offence group, means that offence group;
- “relevant account”, in relation to a notice, direction or order under this Act, means an online account identified in the notice, direction or order; 5
- “relevant app”, in relation to a notice, direction or order under this Act, means an app identified in the notice, direction or order;
- “relevant location”, in relation to a notice, direction or order under this Act, means an online location identified — 10
- (a) in the notice, direction or order; or
  - (b) by the chosen means of identification;
- “relevant material”, in relation to a notice, direction or order under this Act, means online material identified — 15
- (a) in the notice, direction or order; or
  - (b) by the chosen means of identification;
- “relevant service”, in relation to a notice, direction or order under this Act, means an online service identified in the notice, direction or order; 20
- “Reviewing Tribunal” means a body established by section 38;
- “scam or malicious cyber activity offence” means an offence specified in Part 2 of the First Schedule;
- “service restriction order” means an order described in section 31; 25
- “Singapore end-user”, in relation to a designated online service, means a Singapore person who, whether or not in the course of business —
- (a) has access to any online activity; or
  - (b) can conduct online activity, 30
- on or through the designated online service;

“Singapore person” means —

(a) an individual physically present in Singapore; or

(b) an entity which —

(i) is incorporated under any written law; or

5 (ii) is formed or constituted under a law of a foreign country or territory but registered under any written law;

“specified offence” means an offence specified in Part 1 of the First Schedule;

10 “stop communication direction” means a direction described in section 8;

“telecommunication service” has the meaning given by section 2 of the Telecommunications Act 1999.

15 (2) In this Act, a reference to a notice, a direction, a directive or an order under this Act includes a reference to the notice, direction, directive or order (as the case may be) as varied or substituted under this Act.

### **Competent authority**

3.—(1) The Minister may appoint —

20 (a) a public officer from a Ministry or department of the Government; or

(b) an employee of a public authority,

under the charge of the Minister to be the competent authority.

25 (2) Subject to any general or special directions of the Minister, the competent authority is responsible for the administration of this Act, and may perform such duties as are imposed, and may exercise such powers as are conferred, on the competent authority by this Act.

30 (3) The Minister may from time to time give the competent authority directions of a general character, and not inconsistent with the provisions of this Act, as to the exercise of the powers and discretions conferred on the competent authority, and the duties

imposed on the competent authority, by this Act; and the competent authority must give effect to those directions.

### **Designated officers and authorised officers**

4.—(1) The Minister may appoint any of the following as a designated officer or an authorised officer or both: 5

(a) a public officer from any Ministry or department of the Government;

(b) an employee of a public authority.

(2) The appointment under subsection (1) of —

(a) a public officer from a Ministry or department of the Government; or 10

(b) an employee of a public authority,

under the charge of another Minister is to be made in consultation with the other Minister.

(3) Every designated officer or authorised officer appointed under subsection (1)(b) is deemed to be a public servant for the purpose of the Penal Code 1871. 15

(4) A reference in subsection (1) or (2) to a public officer from a Ministry or department of the Government or an employee of a public authority includes a public officer from another Ministry or department or an employee of another public authority performing duties in the firstmentioned Ministry, department or public authority (as the case may be) under a secondment arrangement making available temporarily to that firstmentioned Ministry, department or public authority the services of the public officer or employee. 20 25

(5) The powers of a designated officer under this Act are to be exercised subject to any directions given, and any conditions and limitations specified, by the head of the Ministry, department or public authority in which the designated officer is serving, or any other person authorised by the head to give those directions or specify the conditions and limitations. 30

### **Delegation by competent authority**

5     **5.**—(1) The competent authority may delegate the exercise of all or any of the powers or duties of the competent authority under any provision of this Act or the regulations (except the power of delegation conferred by this section) to one or more authorised officers, and any reference in a provision of this Act or the regulations to the competent authority includes a reference to an authorised officer to whom the powers or duties under that provision have been delegated.

10    (2) Any delegation under subsection (1) may be general or in a particular case and may be subject to such conditions or limitations as set out in this Act or as the competent authority may specify.

15    (3) The competent authority may give an authorised officer directions of a general character, and not inconsistent with the provisions of this Act, as to the exercise of the powers and duties delegated to the authorised officer under this Act; and the authorised officer must give effect to those directions.

## **PART 2**

### **DIRECTIONS AGAINST OFFENCES**

#### **Part 2 direction — general**

20     **6.**—(1) A designated officer may give one or more Part 2 directions in respect of online activity if the designated officer —

25       (a) reasonably suspects that a specified offence has been committed and that any online activity is in furtherance of the commission of the offence; or

      (b) suspects or has reason to believe that any online activity is preparatory to, or in furtherance of, the commission of a scam or malicious cyber activity offence.

(2) A Part 2 direction may be given to —

30       (a) any individual whether or not a resident or citizen of Singapore, whether physically present in Singapore or



outside Singapore, and whether carrying on a business or operating in Singapore or outside Singapore; or

- (b) any entity whether formed, constituted or registered in Singapore or outside Singapore, and whether carrying on a business or operating in Singapore or outside Singapore. 5

(3) A Part 2 direction may direct a person to do an act or to not do an act, whether in Singapore or outside Singapore.

### **Part 2 direction — given to whom**

7. The Part 2 directions and the persons to whom they may be given are listed in the table below: 10

<i>Direction</i>	<i>Recipient may be</i>	
1. Stop communication direction	A person who has control of the relevant material or the proprietor of the relevant location.	
2. Disabling direction	The provider of an online service, excluding an internet access service or app distribution service.	15
3. Access blocking direction	The provider of an internet access service.	
4. Account restriction direction	The provider of an online service, excluding an internet access service or app distribution service.	20
5. App removal direction	The provider of an app distribution service.	

### **Stop communication direction — content**

8. A stop communication direction is a direction requiring the recipient to take all reasonable steps to do one or more of the following, and by the time, specified in the direction, such that the relevant material, online material similar to it or the relevant location (as the case may be) cannot be accessed by Singapore persons: 30

- (a) to remove the relevant material;

(b) to stop storing, posting, providing or transmitting any online material similar to the relevant material;

(c) to disable access to the relevant location.

### **Disabling direction — content**

5     **9.** A disabling direction is a direction requiring the recipient to take all reasonable steps to disable access by Singapore persons to one or more of the following, and by the time, specified in the direction:

(a) any relevant material stored, posted, provided or transmitted on or through the recipient’s online service;

10    (b) any identical copies of the relevant material stored, posted, provided or transmitted on or through the recipient’s online service;

(c) any relevant location on the recipient’s online service.

### **Access blocking direction — content**

15     **10.** An access blocking direction is a direction requiring the recipient to take all reasonable steps to disable access by Singapore persons by means of the recipient’s internet access service to any relevant material or relevant location, by the time specified in the direction.

### **Account restriction direction — content**

**11.—(1)** An account restriction direction is a direction requiring the recipient to take all reasonable steps to disallow or restrict interaction between any relevant account on the recipient’s online service and Singapore persons, by the time specified in the direction.

25     (2) Reasonable steps may include the termination, suspension or restriction of one or more functionalities of the online service in relation to the relevant account if this is necessary to comply with subsection (1).

### **App removal direction — content**

30     **12.** An app removal direction is a direction requiring the recipient to take all reasonable steps to stop distributing a relevant app to

Singapore persons and stop enabling Singapore persons to download a relevant app, by means of the recipient's app distribution service, by the time specified in the direction.

## **Part 2 direction — supplementary provisions**

**13.—**(1) A Part 2 direction may be given to a person either individually or as a class. 5

(2) A Part 2 direction is binding on —

(a) the recipient; and

(b) if applicable, the personal representatives, successors and assignees of the recipient to the same extent as it applies to the recipient. 10

(3) It is not necessary to give any person who may be affected by a Part 2 direction a chance to be heard before the direction is given.

(4) A Part 2 direction must —

(a) so far as is reasonably practicable, identify the relevant account, relevant app, relevant material or relevant location (as the case may be) to which the direction relates in a way that is sufficient to enable the person given the direction to comply with the direction; 15

(b) state whether the recipient must do all or any of the following, whichever being applicable: 20

(i) notify the competent authority by the time specified in the direction of the means by which the person proposes to comply with the direction;

(ii) keep information about the matters that are the subject of the direction for a time specified in the direction; 25

(iii) regularly notify the competent authority at the times specified in the direction about the steps being taken towards compliance with the direction; 30

(iv) give written notice to the competent authority when the person has complied with the direction; and

(c) state that it is an offence under this Act to fail to comply with the direction.

(5) The recipient of a Part 2 direction must comply with the Part 2 direction until the earlier of the following occurs:

5 (a) the expiry date and time (if any) stated in the direction is reached;

(b) the Part 2 direction is cancelled or substituted under section 14(1) or 17(1), or cancelled under section 41(3).

10 (6) An access blocking direction may specify that relevant materials or relevant locations, or both (as the case may be) will be identified and the identities thereof transmitted to the recipient, from time to time, by the recipient's chosen means of identification.

15 (7) An access blocking direction described in subsection (6) that has been given to the recipient is deemed to be given in relation to any relevant material or relevant location that is subsequently identified and the identity of which is transmitted to the recipient by the recipient's chosen means of identification, when data identifying the relevant material or the relevant location (as the case may be) becomes accessible by the recipient by that means.

20 (8) An access blocking direction described in subsection (6) is deemed to be cancelled (in relation to any relevant material or relevant location that was identified and the identity of which was transmitted to the recipient by the recipient's chosen means of identification) when the data identifying the relevant material or  
25 relevant location is no longer accessible by the recipient by that means, and in such a case no written notice of the cancellation needs to be given to the recipient.

### **Part 2 direction — self-initiated cancellation or substitution**

30 **14.—**(1) A designated officer may at any time, on his or her own initiative —

(a) cancel a Part 2 direction; or

(b) substitute a Part 2 direction with another Part 2 direction.

(2) Where a Part 2 direction is cancelled under subsection (1)(a), written notice of the cancellation must be given to every person who has been given that Part 2 direction.

## PART 3

### PART 2 DIRECTION — RECONSIDERATION AND APPEAL 5

#### *Division 1 — General*

#### **Part 2 direction — appellants**

**15.** The persons who may apply for reconsideration of, or appeal against, each type of Part 2 direction are listed in the table below:

<i>Type of Part 2 direction</i>	<i>Appellant</i>	
1. Stop communication direction	The recipient.	
2. Disabling direction	(a) The recipient.	
	(b) The proprietor of the relevant location.	15
	(c) The originator of the relevant material.	
3. Access blocking direction	(a) The recipient.	
	(b) The proprietor of the relevant location.	20
	(c) The originator of the relevant material.	
4. Account restriction direction	(a) The recipient.	
	(b) The proprietor of the relevant account.	25
5. App removal direction	(a) The recipient.	
	(b) The owner of the relevant app.	

*Division 2 — Reconsideration***Part 2 direction — application for reconsideration**

16.—(1) An appellant may apply for reconsideration by a designated officer of a Part 2 direction.

- 5 (2) An application under subsection (1) must be made —
- (a) in a prescribed manner; and
  - (b) not later than 30 days after being given the Part 2 direction.
- (3) An application for reconsideration does not affect the operation of the Part 2 direction concerned.

10 **Part 2 direction — reconsideration**

17.—(1) A designated officer must, within a reasonable time after receipt of any application to reconsider a Part 2 direction under section 16 —

- 15 (a) affirm the Part 2 direction;
- (b) cancel the Part 2 direction; or
- (c) substitute the Part 2 direction with another Part 2 direction.
- (2) The designated officer must give notice of the decision under subsection (1) to the appellant and the recipient of the Part 2 direction (if that person is not the appellant).

20 *Division 3 — Appeal to Reviewing Tribunal*

**Appeal by appellant**

18.—(1) An appellant who receives notice under section 17(2) of the decision to affirm or substitute the Part 2 direction concerned may, on payment of such fee as may be prescribed, appeal against the Part 2 direction to a Reviewing Tribunal in accordance with Part 8.

25

(2) An appeal under subsection (1) does not affect the operation of the Part 2 direction appealed against.

## PART 4

## DESIGNATED ONLINE SERVICES

**Part 4 — general**

**19.—**(1) The purpose of this Part is to counter the commission of offences specified in the Second Schedule by —

5

- (a) promoting or requiring good practices by a designated provider against the commission of offences within a related offence group of its designated online service; and
- (b) requiring a designated provider to implement appropriate systems, processes or measures for one or more of the purposes set out in the Third Schedule in relation to a related offence group of its designated online service.

10

(2) The online service of an online service provider may be designated under section 20, and a code application notice, a rectification notice or an implementation directive may be given to a designated provider —

15

- (a) whether or not the designated provider (being an individual) is a resident or citizen of Singapore, whether he or she is physically present in Singapore or outside Singapore, and whether he or she is carrying on a business or operating in Singapore or outside Singapore; or
- (b) whether the designated provider (being an entity) is formed, constituted or registered in Singapore or outside Singapore, and whether it is carrying on a business or operating in Singapore or outside Singapore.

20

25

(3) A code of practice, a rectification notice or an implementation directive may require a person to do an act or to not do an act, whether in Singapore or outside Singapore.

(4) A requirement of a code of practice has effect despite —

- (a) a duty of confidentiality or privacy imposed by any rule of law; or

30

(b) a duty imposed by any contract or any rule of professional conduct,  
that would otherwise prevent or restrict the person from complying with the requirement.

5 **Designated online service and related offence group**

**20.**—(1) The competent authority may designate an online service of an online service provider as a designated online service in relation to one or more offence groups, if the competent authority is satisfied that —

- 10 (a) the online service is or is likely to be used in the facilitation or commission of any offence or offences within that offence group or each of those offence groups; and
- (b) the online service or any online activity conducted on or through the online service can be accessed by Singapore persons.
- 15

(2) The competent authority must give a notice of the designation to the provider of the designated online service, identifying the designated online service and specifying the related offence group or groups of the designated online service and the date the designation takes effect.

20

(3) The designation of a designated online service in relation to a related offence group under subsection (1) may be revoked at any time by the competent authority; and the competent authority must give a notice of the revocation to the provider of the designated online service concerned.

25

(4) In subsection (1), a reference to facilitation of an offence includes conducting any online activity on or through the online service, where the activity is preparatory to, or in furtherance of, the commission of the offence.

30 **Codes of practice — issue by competent authority**

**21.**—(1) The competent authority may, for the purpose mentioned in section 19, issue one or more codes of practice applicable to —



- (a) any type of online service in relation to any offence group;  
or
  - (b) a particular designated provider’s service in relation to any related offence group of that service.
- (2) The competent authority may at any time — 5
- (a) vary a code of practice (including by adding anything to it);  
or
  - (b) revoke a code of practice.
- (3) If any provision in a code of practice is inconsistent with any provision of this Act, that provision — 10
- (a) has effect subject to this Act; or
  - (b) having regard to this Act and the regulations, has no effect.
- (4) A code of practice issued under this section does not have legislative effect.

### **Code application notice**

15

**22.—**(1) The competent authority may give notice to a designated provider that a code of practice applies to the designated provider’s service only if —

- (a) the code of practice is one that is specifically applicable to the designated provider’s service in relation to any related offence group of that service; or 20
  - (b) where the code is one that is generally applicable to a type of online service in relation to any offence group —
    - (i) the designated provider’s service is of that type; and
    - (ii) the offence group is a related offence group of the designated provider’s service. 25
- (2) The code application notice must identify the designated provider’s service, the related offence group to which the code of practice relates and the date of application of the code of practice.

(3) The competent authority may, for such time as the competent authority may specify, waive the application of a code of practice (or any part of the code of practice) to a designated provider.

5 (4) The competent authority may at any time, on the competent authority's own initiative, cancel a code application notice, and must give written notice of the cancellation to the designated provider that was given the code application notice.

10 (5) Subject to this section and section 21(3), the designated provider must take all reasonably practicable steps to comply with every code of practice applicable to the designated provider's service.

### **Rectification notice**

15 **23.**—(1) If, whether upon a review of a report given pursuant to a code of practice or otherwise, the competent authority is of the opinion that a designated provider has not complied with any part of a code of practice that applies to the designated provider's service, the competent authority may give the designated provider a notice to rectify the non-compliance with the code within the permitted time.

(2) A rectification notice under subsection (1) must set out —

20 (a) details of the non-compliance with the code of practice;  
and

(b) the time within which the non-compliance must be rectified.

(3) The competent authority may extend the time within which the non-compliance identified in the notice must be rectified.

25 (4) In subsection (1), "permitted time" means the time within which the non-compliance must be rectified as set out in the notice or, if the time has been extended under subsection (3), the extended time notified to the designated provider.

## **Implementation directive**

**24.—**(1) The competent authority may give a designated provider a directive to implement any system, process or measure, within the permitted time, if the competent authority is satisfied that the system, process or measure is necessary or expedient for the furtherance of the purpose in section 19. 5

(2) An implementation directive must set out —

(a) details of the system, process or measure to be implemented; and

(b) the time within which the system, process or measure must be implemented. 10

(3) The competent authority may extend the time within which the system, process or measure specified in the implementation directive must be implemented.

(4) In subsection (1), “permitted time” means the time within which the system, process or measure must be implemented as set out in the implementation directive or, if the time has been extended under subsection (3), the extended time notified to the designated provider. 15

(5) The competent authority may at any time, on the competent authority’s own initiative — 20

(a) cancel an implementation directive; or

(b) substitute an implementation directive with another implementation directive.

(6) Where an implementation directive is cancelled under subsection (5)(a), written notice of the cancellation must be given to the designated provider that has been given that directive. 25

## PART 5

## APPEALS ARISING FROM PART 4

**Appeal to Minister — appellants**

25. The persons who may appeal against each type of decision or requirement under Part 4 are listed in the table below:

<i>Type of decision or requirement</i>	<i>Appellant</i>
1. Decision to designate an online service as a designated online service under section 20(1)	The provider of the online service given a notice of that decision under section 20(2).
2. Decision to give a code application notice to a designated provider under section 22(1)	The designated provider given a code application notice.
3. A requirement in a code of practice applicable to a designated provider issued under section 21(1) or varied under section 21(2)	The designated provider.
4. A requirement in an implementation directive given under section 24(1) or a substitute implementation directive given under section 24(5)(b)	The designated provider that is given the implementation directive or substitute implementation directive.

**Appeal to Minister**

26.—(1) An appellant may appeal to the Minister against a decision or requirement mentioned in section 25 in the manner prescribed.

(2) An appeal under subsection (1) must be made not later than 30 days after —

(a) if the appeal is against a decision to give a code application notice or a requirement in an implementation directive —

the date of service of the code application notice or the implementation directive, as the case may be;

(b) if the appeal is against a decision to designate an online service as a designated online service, or a requirement in a code of practice (or a variation thereof) — the date the designation or requirement in the code or variation thereof (as the case may be) takes effect in respect of the appellant; or

(c) such longer period as the Minister allows in a particular case (whether allowed before or after the end of the 30 days).

(3) Any person who appeals to the Minister under subsection (1) must —

(a) in the appeal, state as concisely as possible the circumstances under which the appeal arises, and the issues and grounds for the appeal; and

(b) submit the appeal to the Minister together with all relevant facts, evidence and arguments for the appeal, within the period specified in subsection (2).

(4) Where an appeal has been made to the Minister under subsection (1), the Minister may require any party to the appeal to provide the Minister with such information as the Minister may require, whether for the purpose of deciding if an Appeals Advisory Committee should be established or for determining the appeal, and any person so required must provide the information in such manner and within such period as may be specified by the Minister.

(5) The Minister is not under any duty to hear, consider or determine any appeal if —

(a) the appellant does not comply with subsection (3) or (4); or

(b) it appears that the bringing of the appeal is or the proceedings of the appeal are frivolous or vexatious.

(6) The decision or requirement appealed against must be complied with until the determination of the appeal.

(7) The Minister may determine an appeal under this section by confirming, varying or cancelling the decision or requirement appealed against.

(8) The decision of the Minister in any appeal is final.

5 (9) The Minister may make regulations in respect of the manner in which an appeal may be made to, and the procedure to be adopted in the hearing of any appeal by, the Minister under this section.

### **Appeals Advisory Committee**

10 **27.**—(1) The Minister may appoint an Appeals Advisory Committee comprising one or more individuals with suitable experience to provide advice to the Minister with regard to an appeal under section 26.

15 (2) Before determining an appeal under section 26(7), the Minister may consult the Appeals Advisory Committee in respect of the appeal but, in making the determination, is not bound by such consultation.

(3) The remuneration and allowances (if any) of a member of an Appeals Advisory Committee are to be determined by the Minister.

(4) An Appeals Advisory Committee is independent in the performance of its functions.

20

## **PART 6**

### **ORDERS AGAINST NON-COMPLIANCE**

#### **Part 6 order — general**

25 **28.**—(1) The competent authority may give a Part 6 order if any person has not complied with a requirement of a Part 2 direction, a rectification notice, an implementation directive or a Part 6 order.

(2) A Part 6 order may be given to —

30 (a) any individual whether or not a resident or citizen of Singapore, whether physically present in Singapore or outside Singapore, and whether carrying on a business or operating in Singapore or outside Singapore; or

- (b) any entity whether formed, constituted or registered in Singapore or outside Singapore, and whether carrying on a business or operating in Singapore or outside Singapore.

(3) A Part 6 order may direct a person to do an act or to not do an act, whether in Singapore or outside Singapore. 5

### **Access blocking order — content**

**29.**—(1) An access blocking order is an order requiring the provider of an internet access service to take all reasonable steps to disable access by Singapore persons to the relevant location by means of that internet access service, by the time specified in the access blocking order. 10

(2) The relevant location specified in the access blocking order must be —

- (a) an online location of a proprietor who did not comply with a Part 2 direction in respect of that online location or online material accessible at that online location; or 15

- (b) an online location at which an online service of an online service provider can be accessed, if the online service provider did not comply with a Part 2 direction, a rectification notice, an implementation directive or a Part 6 order, in relation to — 20

- (i) that online service; or

- (ii) any online activity, online service, online material, online account, app or online location that can be accessed on or through that online service. 25

### **App removal order — content**

**30.**—(1) An app removal order is an order requiring the provider of an app distribution service to stop distributing a relevant app to Singapore persons and stop enabling Singapore persons to download a relevant app by means of that service, by the time specified in the app removal order. 30

(2) The relevant app specified in the app removal order must be an app that allows any of the following online locations to be accessed:

- (a) an online location of a proprietor who did not comply with a Part 2 direction in respect of that online location or online material accessible at that online location;
- (b) an online location at which an online service of an online service provider can be accessed, if the online service provider did not comply with a Part 2 direction, a rectification notice, an implementation directive or a Part 6 order, in relation to —
  - (i) that online service; or
  - (ii) any online activity, online service, online material, online account, app or online location that can be accessed on or through that online service.

### **Service restriction order**

**31.** A service restriction order is an order requiring the provider of a non-compliant online service specified in the order to take all reasonable steps to suspend or stop the supply or provision of that online service or part of that online service to Singapore persons, by the time specified in the service restriction order.

### **Part 6 order — supplementary provisions**

**32.—(1)** The competent authority may give a Part 6 order to a person individually or as a class.

(2) A Part 6 order is binding on —

- (a) the person to whom it is addressed; and
- (b) if applicable, the personal representatives, successors and assignees of the person to whom it is addressed to the same extent as it applies to that person.

(3) It is not necessary to give any person who may be affected by a Part 6 order a chance to be heard before the order is given.

(4) A Part 6 order must —

- (a) so far as is reasonably practicable, identify the relevant location, the relevant app or the relevant service (as the case may be) to which the order relates in a way that is



sufficient to enable the person given the order to comply with the order;

(b) state whether the person to whom it is given must do all or any of the following, whichever being applicable:

(i) notify the competent authority by a time specified in the order of the means by which the person proposes to comply with the order; 5

(ii) keep information about the matters that are the subject of the order for a time specified in the order;

(iii) regularly notify the competent authority at the times specified in the order about the steps being taken towards compliance with the order; 10

(iv) give written notice to the competent authority when the person has complied with the order; and

(c) state that it is an offence under this Act to fail to comply with the order. 15

(5) A person who has been given a Part 6 order must comply with the Part 6 order until the earlier of the following occurs:

(a) the expiry date and time (if any) stated in the order is reached; 20

(b) the Part 6 order is cancelled or substituted under section 33(1) or 36(1), or cancelled under section 41(3).

(6) An access blocking order may specify that relevant locations will be identified and the identity thereof transmitted to the person to whom the order is addressed, from time to time, by the person's chosen means of identification. 25

(7) An access blocking order described in subsection (6) that has been given to the person to whom it is addressed is deemed to be given in relation to any relevant location that is subsequently identified and the identity of which is transmitted to the recipient by the person's chosen means of identification, when data identifying the relevant location becomes accessible by the person by that means. 30

(8) An access blocking order described in subsection (6) is deemed to be cancelled (in relation to any relevant location that was identified and the identity of which was transmitted to the person by that person's chosen means of identification) when the data identifying the relevant location is no longer accessible by that person by that means, and in such a case no written notice of the cancellation needs to be given to that person.

**Part 6 order — self-initiated cancellation or substitution**

33.—(1) The competent authority may at any time, on the competent authority's own initiative —

- (a) cancel a Part 6 order; or
- (b) substitute a Part 6 order with another Part 6 order.

(2) Where a Part 6 order is cancelled under subsection (1), the competent authority must give written notice of the cancellation to every person who has been given that Part 6 order.

PART 7

PART 6 ORDER — RECONSIDERATION AND APPEAL

*Division 1 — General*

**Part 6 order — appellants**

34. The persons who may apply for reconsideration of, or appeal against, each type of Part 6 order are listed in the table below:

<i>Type of Part 6 order</i>	<i>Appellant</i>
1. Access blocking order	(a) The provider of an internet access service that was given the order.
	(b) The proprietor of the relevant location.

<i>Type of Part 6 order</i>	<i>Appellant</i>	
2. App removal order	(a) The provider of an app distribution service that was given the order.	
	(b) The owner of the relevant app.	5
3. Service restriction order	The online service provider that was given the order.	

### *Division 2 — Reconsideration*

#### **Part 6 order — application for reconsideration** 10

**35.**—(1) An appellant may apply to the competent authority for reconsideration of a Part 6 order.

(2) An application under subsection (1) must be made —

(a) in a prescribed manner; and

(b) not later than 30 days after being given the Part 6 order. 15

(3) An application for reconsideration does not affect the operation of the Part 6 order concerned.

#### **Part 6 order — reconsideration**

**36.**—(1) The competent authority must, within a reasonable time after receipt of any application to reconsider a Part 6 order under section 35 — 20

(a) affirm the Part 6 order;

(b) cancel the Part 6 order; or

(c) substitute the Part 6 order with another Part 6 order.

(2) The competent authority must give written notice of the decision under subsection (1) to the appellant, and the person to whom the Part 6 order was given (if that person is not the appellant). 25

*Division 3 — Appeal to Reviewing Tribunal*

**Appeal by appellant**

5     **37.**—(1) An appellant who receives notice under section 36(2) of the decision to affirm or substitute the Part 6 order concerned may, on payment of such fee as may be prescribed, appeal against the Part 6 order to a Reviewing Tribunal in accordance with Part 8.

(2) An appeal under subsection (1) does not affect the operation of the Part 6 order appealed against.

PART 8

10

REVIEWING TRIBUNALS

**Reviewing Tribunals — composition**

**38.**—(1) One or more bodies each called a Reviewing Tribunal are established by this section.

15     (2) Every Reviewing Tribunal consists of a District Judge or Magistrate (called in this Part the member) appointed by the President on the advice of the Cabinet, subject to subsection (3).

(3) An individual must not be, or be appointed as, the member of any Reviewing Tribunal if he or she is not a citizen of Singapore.

20     (4) The member must vacate office at the end of a period of 3 years starting the day of his or her appointment, but is eligible for reappointment.

(5) The member may resign his or her office by giving written notice to the President.

25     (6) In the performance of his or her functions and duties under this Act, the member has the same protection and immunity as a District Judge or Magistrate, as the case may be.

(7) The proceedings of a Reviewing Tribunal are deemed to be judicial proceedings and the member is deemed to be a public servant within the meaning of the Penal Code 1871.

### **Reviewing Tribunal — remuneration and other terms**

**39.**—(1) The Minister may pay to the member out of moneys provided by Parliament such remuneration or allowances as the Minister may, with the approval of the President, fix.

(2) The remuneration and other terms of service of the member must not be altered to his or her disadvantage during his or her continuance in office as such. 5

### **Reviewing Tribunal — resources**

**40.**—(1) All expenses of every Reviewing Tribunal are to be defrayed out of moneys provided by Parliament. 10

(2) The Minister must appoint a Secretary to the Reviewing Tribunals and such other public officers as are necessary for the Reviewing Tribunals to discharge their functions under this Act.

### **Reviewing Tribunal — function**

**41.**—(1) It is the function and duty of every Reviewing Tribunal to consider and determine any appeal made under section 18 or 37 and served on the Secretary to the Reviewing Tribunals. 15

(2) However, a Reviewing Tribunal may summarily dismiss any appeal which it determines to be frivolous or vexatious.

(3) A Reviewing Tribunal may determine an appeal made to the Reviewing Tribunal by affirming or cancelling the Part 2 direction or Part 6 order, as the case may be. 20

(4) Every Reviewing Tribunal has to carry out its work expeditiously.

(5) A Reviewing Tribunal's decision under subsection (3) is final. 25

### **Reviewing Tribunal — grounds for cancellation**

**42.**—(1) A Reviewing Tribunal may only cancel a Part 2 direction under section 41(3) on any of the following grounds:

- (a) the requirements of section 6(1) were not satisfied;
- (b) the person that was given the direction was not a person to whom the direction may be given under section 7; 30

(c) it is not reasonably practicable to comply with the direction.

(2) A Reviewing Tribunal may only cancel an access blocking order under section 41(3) on any of the following grounds:

- 5 (a) the online location specified in the access blocking order does not satisfy section 29(2);
- (b) the person that was given the order was not the provider of an internet access service;
- (c) it is not reasonably practicable to comply with the order.

10 (3) A Reviewing Tribunal may only cancel an app removal order under section 41(3) on any of the following grounds:

- (a) the app specified in the app removal order does not satisfy section 30(2);
- 15 (b) the person that was given the order was not the provider of an app distribution service;
- (c) it is not reasonably practicable to comply with the order.

(4) A Reviewing Tribunal may only cancel a service restriction order under section 41(3) on any of the following grounds:

- 20 (a) the person that was given the order was not the provider of a non-compliant online service;
- (b) the online service specified in the order was not a non-compliant online service;
- (c) it is not reasonably practicable to comply with the order.

### **Procedure before Reviewing Tribunal**

25 **43.—**(1) Except where a Reviewing Tribunal, having regard to all the circumstances, is satisfied that it is equitable to do so, the Reviewing Tribunal must not consider or determine any appeal against a Part 2 direction under section 18 or a Part 6 order under section 37, if the appeal is made more than 30 days after the notice of

30 a decision relating to the direction or order is given under section 17(2) or 36(2), as the case may be.

(2) A Reviewing Tribunal may at any stage in the appeal proceedings, and without calling for a defence, dismiss an appeal made to or before it if the Reviewing Tribunal is satisfied that —

- (a) the appellant is not a person entitled to appeal under section 15 (in the case of a Part 2 direction) or 34 (in the case of a Part 6 order); 5
- (b) the bringing of the appeal is or the proceedings of the appeal are frivolous or vexatious, and for this purpose the Reviewing Tribunal may take into account whether the appellant has habitually and persistently, and without any reasonable ground, made vexatious appeals to any Reviewing Tribunal; or 10
- (c) the appellant has, without reasonable excuse, failed to comply with the time delimited by any provision of rules made under section 44 for the submission of any notice, document or other information in the appeal proceedings, or with any direction of the Reviewing Tribunal under those rules. 15

(3) Subject to the rules made under section 44, every Reviewing Tribunal is entitled to determine its own procedure in relation to any appeal under section 18 or 37 made to or before the Reviewing Tribunal. 20

### **Rules for Reviewing Tribunal proceedings**

**44.—**(1) Rules may be made by the Minister to prescribe the practice and procedure to be followed on, or in connection with, the hearing or consideration of any proceedings or appeal (including, where applicable, the mode and burden of proof and the admissibility of evidence) before a Reviewing Tribunal. 25

(2) In particular, the rules made under subsection (1) may include — 30

- (a) requiring persons making an appeal to take such preliminary steps, and to make such disclosures, as may be specified in the rules for the purpose of facilitating a

determination whether the making of the appeal is frivolous or vexatious;

- 5 (b) enabling or requiring a Reviewing Tribunal to hear or consider any proceedings or appeal without the person who brought the appeal having been given full particulars of the reasons for any conduct which is the subject of the proceedings or appeal;
- 10 (c) the need to secure that matters which are the subject of proceedings or appeals brought before or made to a Reviewing Tribunal are properly heard and considered;
- (d) prescribing the circumstances and manner in which appeals in relation to the same decision, or that involve the same or similar issues, may be consolidated or heard together;
- 15 (e) enabling or requiring a Reviewing Tribunal to take any steps in exercise of its jurisdiction in the absence of any person (including the person bringing the proceedings or making the appeal and any legal representative of the person);
- 20 (f) enabling or requiring a Reviewing Tribunal to give a summary of any evidence taken in the absence of the person bringing the proceedings or making the appeal, to that person;
- 25 (g) securing that information is not disclosed to an extent, or in a manner, that is contrary to Singapore's national security, the prevention or detection of serious crime, the economic wellbeing of Singapore or the continued discharge of the functions of any of the intelligence services of Singapore; and
- 30 (h) providing for the manner in which the interests of a person who has made an appeal under section 18 or 37 are to be represented, such as for the appointment in accordance with the rules, by such person as may be determined in accordance with the rules, of a person to represent those
- 35 interests.



(3) All rules made under subsection (1) must be presented to Parliament as soon as possible after publication in the *Gazette*.

## PART 9

### SERVICE OF NOTICES, ETC.

#### **Service of notice, etc., given by designated officer, etc.**

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**45.**—(1) Any notice, direction, directive, order or other document permitted or required to be given under this Act by a designated officer, the competent authority, an authorised officer, a police officer or an enforcement officer (called in this section document to be served) may be served on —

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(a) the person to whom it is addressed (whether in Singapore or outside Singapore); or

(b) a person in Singapore that the person to whom the document is addressed has appointed to receive the document on the person's behalf.

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(2) A document to be served on an individual may be served —

(a) by giving it to the individual personally;

(b) by sending it by post to the address specified by the individual for the service of documents or, if no address is so specified, the individual's residential address or business address;

20

(c) by leaving it at the individual's residential address with an adult apparently resident there, or at the individual's business address with an adult apparently employed there;

(d) by affixing a copy of the document in a conspicuous place at the individual's residential address or business address; or

25

(e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual.

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(3) A document to be served on a partnership (other than a limited liability partnership) may be served —

- (a) by giving it to any partner, secretary or other similar officer of the partnership;
- (b) by leaving it at, or by sending it by post to, the partnership's business address; or
- 5 (c) by sending it by fax to the fax number used at the partnership's business address.

(4) A document to be served on a body corporate (including a limited liability partnership) or an unincorporated association may be served —

- 10 (a) by giving it to the secretary or other similar officer of the body corporate or unincorporated association, or the limited liability partnership's manager;
- (b) by leaving it at, or by sending it by post to, the registered office or principal office in Singapore of the body
- 15 corporate or unincorporated association; or
- (c) by sending it by fax to the fax number used at the registered office or principal office in Singapore of the body corporate or unincorporated association.

(5) In addition, a document to be served on an individual or entity

20 (called in this subsection the addressee) may be served —

- 25 (a) by giving an electronic notice to the addressee by the addressee's chosen means of notification, stating that the document is available for access and how the addressee may use the addressee's chosen means of access to access the document's contents;
- (b) where, by the exercise of reasonable diligence, the name of the addressee, or the business address, residential address or last email address of the addressee, cannot be ascertained, by posting it on an official website; or
- 30 (c) by any other means (including electronic means) for the service of documents of that kind that may be prescribed by regulations.

(6) A document to be served that is addressed to a class of persons may be —

- (a) served on each of the persons in the class in accordance with subsection (2), (3), (4) or (5), as the case may be; or
  - (b) served by publishing both —
    - (i) in a daily newspaper circulating in Singapore or in any other news media that, in the opinion of the person serving the document, will be most likely to bring the document to the attention of the persons who belong to the class; and
    - (ii) on an official website.
- (7) Subject to subsection (8), service of a document to be served takes effect —
- (a) if the document is sent by fax and a notification of successful transmission is received — on the day of transmission;
  - (b) if the document is sent by post — 2 days after the day the document was posted (even if it is returned undelivered);
  - (c) if the document is posted on an official website mentioned in subsection (5)(b) — at the beginning of the day after the date on which subsection (5)(b) has been complied with; or
  - (d) at any other time prescribed by regulations for any other means of service.
- (8) Service of a document to be served that is addressed to a class of persons takes effect —
- (a) where it is served in accordance with subsection (6)(a) — when it is served on all the persons in the class in question; and
  - (b) where it is served in accordance with subsection (6)(b) — at the beginning of the day after the date on which subsection (6)(b) has been complied with.
- (9) To avoid doubt, subsections (7) and (8) do not affect the meaning of any reasonable excuse in section 50, 51, 52 or 53.
- (10) An affidavit or oral evidence of a designated officer, the competent authority, an authorised officer, a police officer or an

enforcement officer as to the service of any notice, direction, directive, order or other document to be served under this Act is admissible as prima facie proof of service of the document.

(11) In this section —

5 “business address” means —

(a) in the case of an individual, the individual’s usual or last known place of business in Singapore or outside Singapore; or

10 (b) in the case of a partnership (other than a limited liability partnership), the partnership’s principal or last known place of business in Singapore or outside Singapore;

15 “chosen means of access”, for an addressee on whom is or is to be served a document, means an electronic means the addressee agrees with the person serving the document as the means by which the addressee may access that document’s contents;

20 “chosen means of notification”, for an addressee on whom is or is to be served a document, means an electronic means that the addressee nominates to the person giving or serving the document as the means by which the addressee may be notified that such a document has been served on the addressee;

25 “document” excludes any document to be served in proceedings in court;

“last email address” means the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act;

30 “official website” means a website of a Ministry or department of the Government or a public authority prescribed by the Minister, by notification in the *Gazette*, for the purposes of this section;

“residential address” means an individual’s usual or last known place of residence in Singapore or outside Singapore.

**Notices, etc., to designated officer, etc.**

**46.** Every notice or information required to be given to a designated officer, the competent authority, an authorised officer, a police officer or an enforcement officer under this Act or by a direction, code, directive, order or notice given under this Act must be given in the manner —

- (a) specified by the direction, code, directive, order or notice, if any; or
- (b) prescribed by regulations.

PART 10

POWERS TO OBTAIN INFORMATION

**Information for administration**

**47.** A designated officer, the competent authority or an authorised officer may, by written notice, require any person to whom a Part 2 direction, a notice of designation as a designated online service, a code application notice, a rectification notice, an implementation directive or a Part 6 order may be given to provide, in the form and manner and within the time specified in the notice, any information (whether stored in Singapore or outside Singapore) necessary for the administration of this Act.

**Information on online activity in furtherance of specified offence, etc.**

**48.—(1)** Where a police officer of or above the rank of sergeant or an enforcement officer reasonably suspects that —

- (a) a specified offence has been committed; and

(b) any online activity in furtherance of the offence has occurred (whether in Singapore or outside Singapore) on or through an online service or through an online account or at an online location,

5 the police officer or enforcement officer (as the case may be) may, by written notice, require the provider of the online service or the proprietor of the online location to provide all or any of the following information (whichever is applicable, whether stored in Singapore or outside Singapore) in the form and manner and within the time  
10 specified in the notice:

(c) information about the online activity that occurred on or through the provider’s online service or at the proprietor’s online location, as the case may be;

15 (d) information about any online account, or the proprietor of an online account, through which the online activity was conducted;

(e) any other information to assist in investigations or criminal proceedings relating to the specified offence.

(2) In this section —

20 “enforcement officer” means —

(a) any person who is authorised in writing by the Commissioner of Police for the purposes of this section; or

25 (b) any officer of a prescribed law enforcement agency who is authorised in writing, by the head of that law enforcement agency, for the purposes of this section;

“prescribed law enforcement agency” means a law enforcement agency prescribed, by order in the *Gazette*, by the Minister.

**Written notice may be given to persons outside Singapore, etc.**

30 **49.** A written notice under section 47 or 48 may be given to —

(a) any individual whether or not a resident or citizen of Singapore, whether physically present in Singapore or

outside Singapore, and whether carrying on a business or operating in Singapore or outside Singapore; or

- (b) any entity whether formed, constituted or registered in Singapore or outside Singapore, and whether carrying on a business or operating in Singapore or outside Singapore.

5

## PART 11

### OFFENCES, PENALTIES AND DEFENCES

#### **Offences of non-compliance with Part 2 directions**

**50.**—(1) A person commits an offence if the person —

- (a) is given a stop communication direction; and  
 (b) without reasonable excuse, fails to comply with any requirement of the direction,

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whether in Singapore or outside Singapore.

(2) A person commits an offence if the person —

- (a) is given a disabling direction; and  
 (b) without reasonable excuse, fails to comply with any requirement of the direction,

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whether in Singapore or outside Singapore.

(3) A person commits an offence if the person —

- (a) is given an access blocking direction; and  
 (b) without reasonable excuse, fails to comply with any requirement of the direction,

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whether in Singapore or outside Singapore.

(4) A person commits an offence if the person —

- (a) is given an account restriction direction; and  
 (b) without reasonable excuse, fails to comply with any requirement of the direction,

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whether in Singapore or outside Singapore.

(5) A person commits an offence if the person —

(a) is given an app removal direction; and

(b) without reasonable excuse, fails to comply with any requirement of the direction,

5 whether in Singapore or outside Singapore.

(6) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

(a) if the person is an individual, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding  
10 2 years or to both; or

(b) in any other case, to a fine not exceeding \$500,000.

(7) A person who is guilty of an offence under subsection (2) or (4) shall be liable on conviction —

(a) if the person is an individual, to a fine not exceeding  
15 \$20,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction; or

(b) in any other case, to a fine not exceeding \$1 million and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction.

(8) A person who is guilty of an offence under subsection (3) or (5) shall be liable on conviction to a fine not exceeding \$20,000 for every  
25 day or part of a day that the person, without reasonable excuse, fails to comply with any requirement of the direction mentioned in that subsection, but not exceeding in total \$500,000.

30 **Offences of non-compliance with rectification notice or implementation directive**

**51.—**(1) A person commits an offence if the person —

(a) is given a rectification notice; and



- (b) without reasonable excuse, fails to comply with any requirement of the notice,

whether in Singapore or outside Singapore.

(2) A person commits an offence if the person —

- (a) is given an implementation directive; and

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- (b) without reasonable excuse, fails to comply with any requirement of the directive,

whether in Singapore or outside Singapore.

(3) A person who is guilty of an offence under subsection (1) or (2) shall be liable on conviction to a fine not exceeding \$1 million and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction.

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### **Offences of non-compliance with Part 6 orders**

**52.—**(1) A person commits an offence if the person —

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- (a) is given a service restriction order; and

- (b) without reasonable excuse, fails to comply with any requirement of the service restriction order,

whether in Singapore or outside Singapore.

(2) A person commits an offence if the person —

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- (a) is given an access blocking order; and

- (b) without reasonable excuse, fails to comply with any requirement of the access blocking order,

whether in Singapore or outside Singapore.

(3) A person commits an offence if the person —

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- (a) is given an app removal order; and

- (b) without reasonable excuse, fails to comply with any requirement of the app removal order,

whether in Singapore or outside Singapore.

(4) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

5 (a) if the person is an individual, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction; or

10 (b) in any other case, to a fine not exceeding \$1 million and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction.

15 (5) A person who is guilty of an offence under subsection (2) or (3) shall be liable on conviction to a fine not exceeding \$20,000 for every day or part of a day that the person, without reasonable excuse, fails to comply with the access blocking order or app removal order (as the case may be), but not exceeding in total \$500,000.

**Offence of non-compliance with written notice under section 47 or 48**

20 **53.—**(1) A person commits an offence if the person —

(a) is given a written notice under section 47 or 48; and

(b) without reasonable excuse, fails to comply with that written notice,

whether in Singapore or outside Singapore.

25 (2) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

(a) if the person is an individual, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; or

30 (b) in any other case, to a fine not exceeding \$10,000.

## Defences

**54.**—(1) It is not a defence to a charge for an offence under section 50, 52 or 53 that —

- (a) the person is subject to a duty under any written law, any rule of law, any contract or any rule of professional conduct, that prevents or restricts the person from complying with a requirement of the Part 2 direction, the Part 6 order or the written notice under section 47 or 48, as the case may be; or 5
- (b) the person has applied for a reconsideration of, or has appealed against, the Part 2 direction or the Part 6 order, as the case may be. 10

(2) It is not a defence to a charge for an offence under section 51 that —

- (a) the person is subject to a duty of confidentiality or privacy imposed by any rule of law or a duty imposed by any contract or any rule of professional conduct, that prevents or restricts the person from complying with a requirement of the rectification notice, the implementation directive or the code of practice concerned, as the case may be; or 15
- (b) the person has appealed against the decision to designate the person’s online service, the decision to give a code application notice to the person, a requirement of the implementation directive or a requirement of the code of practice concerned or a variation thereof, as the case may be. 20

(3) Without limiting the meaning of “reasonable excuse”, it is a defence to a charge for an offence under this Part (except in relation to a stop communication direction) if the accused proves, on a balance of probabilities, that — 30

- (a) it was not reasonably practicable to do more than what was in fact done to comply with the Part 2 direction, rectification notice, implementation directive or Part 6 order, as the case may be; or

(b) there was no better practicable means than was in fact used.

### **Arrestable and bailable offences**

**55.**—(1) Every offence as follows is arrestable and is non-bailable for the purposes of the Criminal Procedure Code 2010:

- 5 (a) an offence under section 50, 51 or 52;  
 (b) an abetment, or a conspiracy or an attempt to commit an offence mentioned in paragraph (a).

(2) Every offence as follows is bailable for the purposes of the Criminal Procedure Code 2010:

- 10 (a) an offence under section 53;  
 (b) an abetment, or a conspiracy or an attempt to commit an offence mentioned in paragraph (a).

### **Jurisdiction of courts**

15 **56.**—(1) Where an offence under this Act is committed by a person outside Singapore, the person may be dealt with in respect of that offence as if it had been committed wholly within Singapore.

(2) Despite the Criminal Procedure Code 2010, a District Court or a Magistrate's Court has jurisdiction to try any offence under this Act and has power to impose the full punishment for any such offence.

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## **PART 12**

### **GENERAL**

#### **Immunity**

25 **57.**—(1) No person or officer, employee or agent of the person shall incur any civil or criminal liability under any written law or rule of law, or be liable for any breach of confidence or to any disciplinary action by a professional body, for doing or omitting to do any act, if the act is done or omitted to be done with reasonable care and in good faith and for the purpose of complying with or giving effect to —

- (a) any Part 2 direction given to the person;

- (b) any requirement of a code of practice applicable to the person;
- (c) any rectification notice given to the person;
- (d) any implementation directive given to the person;
- (e) any Part 6 order given to the person; or 5
- (f) any written notice under section 47 or 48 given to the person.

(2) No liability shall lie against a designated officer, the competent authority, an authorised officer, a police officer or an enforcement officer, the Secretary to the Reviewing Tribunals or a member of an Appeals Advisory Committee for anything done or intended to be done with reasonable care and in good faith in the execution or purported execution of this Act. 10

### **General exemption**

**58.** The Minister may, by order in the *Gazette*, exempt any person or class of persons from all or any of the provisions of this Act, either generally or in a particular case and subject to the conditions that the Minister may impose. 15

### **Amendment of Schedules**

**59.—**(1) The Minister may, by order in the *Gazette*, amend, add to or vary the Schedules. 20

(2) The Minister may, in an order under subsection (1), make provisions of a saving or transitional nature consequent on the enactment of the order that the Minister may consider necessary or expedient. 25

(3) All orders made under subsection (1) must be presented to Parliament as soon as possible after publication in the *Gazette*.

### **Regulations**

**60.—**(1) The Minister may make regulations necessary or convenient to be prescribed for carrying out or giving effect to this Act. 30

- (2) Without limiting subsection (1), the regulations may —
- (a) provide practical guidance or certainty in respect of any one or more of the requirements of a code of practice;
  - (b) provide for anything that may be prescribed under this Act;
  - 5 (c) create offences which may be punishable with a fine not exceeding \$5,000; and
  - (d) provide for such saving, transitional and other consequential provisions as the Minister considers necessary or expedient.
- 10 (3) All regulations made under this section must be presented to Parliament as soon as possible after publication in the *Gazette*.

## FIRST SCHEDULE

Section 2(1)

### SPECIFIED OFFENCES AND SCAM OR MALICIOUS CYBER ACTIVITY OFFENCES

#### PART 1

#### SPECIFIED OFFENCES

1. Offences under the Arms and Explosives Act 1913.
2. Offences under the Arms Offences Act 1973.
- 20 3. Offences under Part 11 of the Casino Control Act 2006.
4. Offences under the Chemical Weapons (Prohibition) Act 2000.
5. Offences under Part 2 of the Children and Young Persons Act 1993.
6. Offences under the Computer Misuse Act 1993.
7. Offences under the Corrosive and Explosive Substances and Offensive  
25 Weapons Act 1958.
8. Offences under Parts 6 and 7 of the Corruption, Drug Trafficking and Other  
Serious Crimes (Confiscation of Benefits) Act 1992.
9. Offences under the Dangerous Fireworks Act 1972.
10. Offences under the Explosive Substances Act 1924.
- 30 11. Offences under Parts 2 and 6 of the Gambling Control Act 2022.
12. Offences under the Guns, Explosives and Weapons Control Act 2021.

FIRST SCHEDULE — *continued*

13. Offences under the Hijacking of Aircraft and Protection of Aircraft and International Airports Act 1978.
14. Offences under the Hostage-Taking Act 2010.
15. Offences under sections 57, 57B and 57C of the Immigration Act 1959. 5
16. Offences under the Infrastructure Protection Act 2017.
17. Offences under the Internal Security Act 1960.
18. Offences under Part 2 of the Intoxicating Substances Act 1987.
19. Offences under the Kidnapping Act 1961.
20. Offences under the Maintenance of Religious Harmony Act 1990. 10
21. Offences under the Maritime Offences Act 2003.
22. Offences under sections 14A, 14D, 20 and 27A of the Miscellaneous Offences (Public Order and Nuisance) Act 1906.
23. Offences under the Misuse of Drugs Act 1973.
24. Offences under sections 19, 25, 27, 47, 49 and 50 of the Moneylenders Act 2008 and rules made under section 93 of that Act to provide for the detection and prevention of money laundering or the financing of terrorism, or for the reporting of transactions suspected of involving money laundering or terrorism financing. 15
25. Offences under section 16(1)(e), (2) and (3) of the National Registration Act 1965. 20
26. Offences under the Official Secrets Act 1935.
27. Offences under Part 2 of the Organised Crime Act 2015.
28. Offences under Part 5 of the Passports Act 2007.
29. Offences under the Penal Code 1871 (except Chapters 5, 5A and 23). 25
30. Offences under the Precious Stones and Precious Metals (Prevention of Money Laundering and Terrorism Financing) Act 2019 (except Part 3).
31. Offences under the Prevention of Human Trafficking Act 2014.
32. Offences under Part 2 of the Protection from Harassment Act 2014.
33. Offences under the Public Order Act 2009 (except section 6A) and any regulations made under section 47(3)(a) of that Act. 30
34. Offences under the Public Order and Safety (Special Powers) Act 2018.
35. Offence under section 50 of the Registration of Births and Deaths Act 2021.

FIRST SCHEDULE — *continued*

36. Offence under section 116 of the Road Traffic Act 1961.
37. Offences under sections 14 to 18 and 23 of the Societies Act 1966.
- 5 38. Offences under sections 3 and 4 of the Terrorism (Suppression of Bombings) Act 2007.
39. Offences under the Terrorism (Suppression of Financing) Act 2002.
40. Offences under the Terrorism (Suppression of Misuse of Radioactive Material) Act 2017.
- 10 41. Offences prescribed by regulations made under section 2(1) of the United Nations Act 2001.
42. Offences under the Vandalism Act 1966.
43. Offences under section 65 and Part 11 (except sections 170, 171, 173, 174 and 178) of the Women's Charter 1961.
- 15 44. Offences under any written law relating to the unauthorised use, disclosure or communication of documents or information —
- (a) under the control of a Singapore public sector agency (as defined in the Public Sector (Governance) Act 2018); or
- (b) obtained by a Singapore public sector agency pursuant to written law.
- 20 45. An abetment, or a conspiracy or an attempt to commit an offence mentioned in items 1 to 44.

## PART 2

## SCAM OR MALICIOUS CYBER ACTIVITY OFFENCES

1. Offences under the Computer Misuse Act 1993.
- 25 2. Offences under Chapters 12 and 18 and sections 383 to 389, 405 to 409, 415 to 420A and 424A of the Penal Code 1871.
3. An abetment, or a conspiracy or an attempt to commit an offence mentioned in items 1 and 2.



## SECOND SCHEDULE

Sections 2(1) and 19(1)

### OFFENCE GROUPS

#### PART 1

#### SCAM OR MALICIOUS CYBER ACTIVITY OFFENCE GROUP

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1. Offences under the Computer Misuse Act 1993.
2. Offences under Chapters 12 and 18 and sections 383 to 389, 405 to 409, 415 to 420A and 424A of the Penal Code 1871.
3. An abetment, or a conspiracy or an attempt to commit an offence mentioned in items 1 and 2.

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## THIRD SCHEDULE

Section 19(1)(b)

### PURPOSES OF SYSTEMS, PROCESSES OR MEASURES

1. To minimise the exposure of Singapore end-users of a designated provider's service to scam or malicious cyber activities.
2. To verify the authenticity of accounts on a designated provider's service, and detect and safeguard against —
  - (a) the creation of inauthentic accounts and misuse of accounts on a designated provider's service;
  - (b) the misrepresentation of identity of any end-user of a designated provider's service; and
  - (c) the misuse of any bots that conduct online activity on or through a designated provider's service.
3. To receive information from Singapore end-users of a designated provider's service on suspected scam or malicious cyber activities.
4. To facilitate information sharing between the competent authority and a designated provider on suspected scam or malicious cyber activities.
5. To act on information received from the competent authority and Singapore end-users of a designated provider's service to proactively detect, prevent and disrupt scam or malicious cyber activities.
6. To facilitate criminal investigations into scam or malicious cyber activities, including the maintenance, preservation and provision of records.
7. To provide payment protection mechanisms for online payments (if any) conducted through a designated provider's service.

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THIRD SCHEDULE — *continued*

8. To facilitate the administration of this Act by the competent authority, including the provision of relevant information to the competent authority, such as the following:

- 5           (a) details of systems, processes or measures taken or being considered by a designated provider to comply with Part 4 or against scam or malicious cyber activities;
- (b) details of scam or malicious cyber activities encountered on a designated provider's service and identification of new tactics  
10 observed.

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EXPLANATORY STATEMENT

This Bill seeks to counter online criminal activity and protect against online harms by using the following measures:

- (a) various directions and orders to remove or stop communication of online materials, disable access to online materials and locations, restrict online accounts, restrict online services and stop the distribution or download of apps;
- (b) designating certain online services to be designated online services in relation to certain groups of offences (offence groups) and requiring the providers of designated online services to comply with codes of practice relating to those offence groups, notices to rectify their non-compliance with the codes, and directives to implement appropriate systems, processes or measures;
- (c) powers to obtain information on online activity in furtherance of specified offences.

## PART 1

## PRELIMINARY

Clause 1 relates to the short title and commencement.

Clause 2 is a general interpretation provision. It contains definitions of terms used in the Bill.

A "Singapore person" is defined as an individual physically present in Singapore or an entity which is incorporated under written law (that is Singapore legislation) or is formed or constituted under foreign law but is registered under written law.

A “specified offence” is an offence specified in Part 1 of the First Schedule and a “scam or malicious cyber activity offence” is an offence specified in Part 2 of that Schedule.

Technical concepts such as “access”, “account”, “app”, “app distribution service”, “functionality”, “internet access service”, “material”, “online account”, “online activity”, “online location”, “online material”, “online service”, “online service provider”, “originator”, “owner” (for an app), “proprietor” (for an online location or online account) and “Singapore end-user” are defined.

Terms relating to the notices, directions and orders that may be given under the Bill, such as “non-compliant online service”, “relevant account”, “relevant app”, “relevant location”, “relevant material” and “relevant service” are defined.

Clause 3 provides for the appointment of a public officer or an employee of a public authority as the competent authority by the Minister. The competent authority will carry out functions under Parts 4, 6 and 7, and generally administer the Bill.

Clause 4 provides for the appointment of public officers or employees of a public authority as designated officers and authorised officers by the Minister. Designated officers will carry out functions under Parts 2 and 3. Authorised officers will assist the competent authority, as delegated under clause 5.

Clause 5 allows the competent authority to delegate his or her powers and duties to one or more authorised officers. The authorised officers will assist the competent authority in the administration of the Bill.

## PART 2

### DIRECTIONS AGAINST OFFENCES

Clause 6(1) sets out the preconditions for a designated officer to give Part 2 directions in respect of online activity, namely, the designated officer must either (a) reasonably suspect that a specified offence has been committed and that any online activity is in furtherance of the commission of the offence, or (b) suspect or have reason to believe that any online activity is preparatory to, or in furtherance of, the commission of a scam or malicious cyber activity offence.

Clause 6(2) and (3) provides for the extraterritorial application of a Part 2 direction.

Clause 7 sets out the persons (called recipients) who may be given each of the Part 2 directions, that is, the stop communication direction, disabling direction, access blocking direction, account restriction direction and app removal direction.

Clause 8 describes a stop communication direction. The direction requires the recipient (a person with control of online material specified in the direction, called the relevant material or the proprietor of an online location specified in the

direction, called the relevant location) to take all reasonable steps such that the relevant material, online material similar to it or the relevant location cannot be accessed by Singapore persons.

Clause 9 describes a disabling direction. The direction requires the provider of an online service (excluding an internet access service or an app distribution service) to take all reasonable steps to disable access by Singapore persons to relevant material stored, posted, provided or transmitted on or through the online service or identical copies of the relevant material or the relevant online location on the online service.

Clause 10 describes an access blocking direction. The direction requires the provider of an internet access service to take all reasonable steps to disable access by means of the internet access service to any relevant material or relevant location by Singapore persons.

Clause 11 describes an account restriction direction. The direction requires the provider of an online service (excluding an internet access service or an app distribution service) to take all reasonable steps to disallow or restrict interaction between an online account on the online service specified in the direction (called the relevant account) and Singapore persons.

Clause 12 describes an app removal direction. The direction requires a provider of an app distribution service to take all reasonable steps to stop distributing the app specified in the direction (called the relevant app) to Singapore persons and stop enabling them to download the relevant app on the app distribution service.

Clause 13 provides the general content and effect of Part 2 directions, including that a Part 2 direction may be given to persons either individually or as a class, and that it is binding on the recipient and (if applicable) the recipient's personal representatives, successors and assignees.

Clause 13(6), (7) and (8) facilitates the implementation of any system that enables data on the identity of online materials and online locations to be transmitted directly to recipients, such as internet access service providers, for blocking (i.e., to disable access by Singapore persons). Where the recipient has nominated such a system as the recipient's "chosen means of identification", an access blocking direction specifying that system as the recipient's chosen means of identification can be sent to the recipient in advance. The access blocking direction is then deemed to be given in relation to the online materials or online locations that are subsequently identified and the identification thereof transmitted to the recipient by the system when data identifying the online material or online location becomes accessible by the recipient by that means. When online material or an online location no longer needs to be blocked, the data identifying the online material or online location will be no longer be accessible by that means and the access blocking direction in relation to that online material or online location will then be deemed to be cancelled.

Clause 14 allows a designated officer to cancel or substitute a Part 2 direction on his or her own initiative.

### PART 3

#### PART 2 DIRECTION — RECONSIDERATION AND APPEAL

Clause 15 specifies the persons who may apply for reconsideration of, or appeal against, each type of Part 2 direction.

Clause 16 provides for the application for reconsideration of a Part 2 direction. The application does not affect the operation of the Part 2 direction concerned.

Clause 17 requires a designated officer, within a reasonable time after receipt of an application, to reconsider a Part 2 direction and affirm, cancel or substitute the Part 2 direction. The designated officer must give notice of that decision to the appellant and the recipient of the Part 2 direction (if that person is not the appellant).

Clause 18 allows an appellant who receives a notice of the affirmation or substitution of a Part 2 direction under clause 17(2) to appeal against the direction to a Reviewing Tribunal. The appeal does not affect the operation of the direction.

### PART 4

#### DESIGNATED ONLINE SERVICES

Part 4 provides for proactive measures involving designated online services to counter the commission of offences specified in the Second Schedule.

Clause 19 states that the purpose of Part 4 is to counter the commission of offences specified in the Second Schedule by (a) promoting or requiring good practices by designated providers against the commission of offences within a related offence group of their designated online services, and (b) requiring designated providers to implement appropriate systems, processes or measures for the purposes set out in the Third Schedule in relation to a related offence group of their designated online services.

Clause 19(2) and (3) provides for the extraterritorial application of various measures. Clause 19(4) provides that a requirement of a code of practice has effect despite certain duties that would otherwise prevent or restrict the person from complying with the code, notice or directive.

Clause 20 allows the competent authority to designate an online service as a designated online service in relation to one or more offence groups (called the related offence groups of the designated online service). The preconditions for the designation are that the online service is or is likely to be used in the facilitation or commission of offences within that offence group or each of those offence groups, and that the online service or online activity conducted on or through the online

service can be accessed by Singapore persons. Currently, there is only one offence group specified in the Second Schedule, comprising the same offences as “scam or malicious cyber activity offences”. The reference to facilitation includes conducting any online activity on or through the online service that is preparatory to, or in furtherance of, the commission of the offence.

Clause 21 allows the competent authority to issue one or more codes of practice applicable generally to any type of online services in relation to any offence group, or specifically to a designated provider’s service in relation to any related offence group of that service. The competent authority may vary or revoke a code of practice.

Clause 22 provides for the competent authority to give a code application notice to a designated provider in order to apply a code of practice to the designated provider’s service. The code application notice may be given to a designated provider to apply a code of practice that is generally applicable to a type of online service in relation to any offence group, only if the designated online service is of that type and the offence group is a related offence group of the designated provider’s service.

Clause 23 allows the competent authority to give a designated provider a notice to rectify any non-compliance with a code of practice that applies to the designated provider’s service (called a rectification notice).

Clause 24 allows the competent authority to give a designated provider a directive to implement any system, process or measure that the competent authority is satisfied is necessary or expedient for the furtherance of the purpose in clause 19.

## PART 5

### APPEALS ARISING FROM PART 4

Clause 25 specifies the persons who may appeal against certain decisions and requirements under Part 4.

Clause 26 allows an appellant to appeal to the Minister against a decision or requirement mentioned in clause 25. The appeal must be made within the period specified in clause 26(2). The Minister is not under any duty to hear, consider or determine the appeal if the appellant does not comply with the information requirements under clause 26(3) or (4), or the appeal appears to be frivolous or vexatious. The decision or requirement appealed against must be complied with until the determination of the appeal. The Minister may confirm, vary or cancel the decision or requirement appealed against and the Minister’s decision is final.

Clause 27 allows the Minister to appoint an Appeals Advisory Committee to provide advice to the Minister with regard to an appeal. The Minister may consult the Appeals Advisory Committee, but is not bound by such consultation.

## PART 6

## ORDERS AGAINST NON-COMPLIANCE

Clause 28(1) provides that the competent authority may give a Part 6 order if any person has not complied with a Part 2 direction, a rectification notice, an implementation directive or a Part 6 order.

Clause 28(2) and (3) provides for the extraterritorial application of a Part 6 order.

Clause 29 describes an access blocking order. The order requires the provider of an internet access service to take all reasonable steps to disable access by Singapore persons by means of the internet access service, to (a) an online location of a proprietor who did not comply with a Part 2 direction in respect of that online location or online material accessible at that online location, or (b) an online location at which an online service of an online service provider can be accessed, being one who did not comply with a Part 2 direction, a rectification notice, an implementation directive or a Part 6 order, in relation to that online service, or in relation to any online activity, online service, online material, online account, app or online location that can be accessed using that online service.

Clause 30 describes an app removal order. The order requires the provider of an app distribution service to stop distributing a relevant app to Singapore persons and stop enabling Singapore persons to download a relevant app by means of that service. The relevant app must be an app that allows access to (a) an online location of a proprietor who did not comply with a Part 2 direction in respect of that online location or online material accessible at that online location, or (b) an online location at which an online service of an online service provider can be accessed, being one who did not comply with a Part 2 direction, a rectification notice, an implementation directive or a Part 6 order, in relation to that online service, or in relation to any online activity, online service, online material, online account, app or online location that can be accessed using that online service.

Clause 31 describes a service restriction order. The order requires the provider of a non-compliant online service specified in the order to take all reasonable steps to suspend or stop the supply or provision of that online service or part of that online service to Singapore persons.

Clause 32 provides the general content and effect of a Part 6 order, including that the Part 6 order may be given to persons either individually or as a class, and that it is binding on the person to whom it is addressed and (if applicable) that person's personal representatives, successors and assignees. Provisions similar to clause 13(6), (7) and (8) provide for the person's chosen means of identification in relation to access blocking orders.

Clause 33 allows a competent authority to cancel or substitute a Part 6 order on the competent authority's own initiative.

## PART 7

## PART 6 ORDER — RECONSIDERATION AND APPEAL

Clause 34 specifies the persons who may apply for reconsideration of, or appeal against, each type of Part 6 order.

Clause 35 provides for the appellant to apply for reconsideration of a Part 6 order. The application does not affect the operation of the Part 6 order concerned.

Clause 36 requires the competent authority, within a reasonable time after receipt of an application, to reconsider a Part 6 order, to affirm, cancel or substitute the Part 6 order. The competent authority must give notice of that decision to the appellant and the person to whom the Part 6 order was given (if that person was not the appellant).

Clause 37 allows an appellant who receives a notice of the affirmation or substitution of a Part 6 order under clause 36(2) to appeal against the order to a Reviewing Tribunal. The appeal does not affect the operation of the order.

## PART 8

## REVIEWING TRIBUNALS

Clause 38 provides for the composition of a Reviewing Tribunal. Every Reviewing Tribunal consists of a District Judge or a Magistrate (the member) appointed by the President on the advice of the Cabinet. The member must be a citizen of Singapore. In the performance of his or her functions or duties under the Bill, the member has the same protection and immunity as a District Judge or Magistrate and is deemed to be a public servant within the meaning of the Penal Code 1871. The proceedings of a Reviewing Tribunal are deemed to be judicial proceedings.

Clause 39 provides for the remuneration and other terms of service of the member.

Clause 40 relates to the resources of Reviewing Tribunals.

Clause 41 relates to the function of Reviewing Tribunals. A Reviewing Tribunal has the function and duty to hear and determine appeals under clause 18 or 37. It may determine an appeal by affirming or cancelling the Part 2 direction or Part 6 order concerned. A Reviewing Tribunal's decision is final.

Clause 42 provides the grounds for cancellation of Part 2 directions and Part 6 orders. The grounds for cancellation of Part 2 directions relate to the legal basis for giving the directions under clause 6(1), that the person was not the person to whom the direction may be given, and that it is not reasonably practicable to comply with the order. The grounds for cancellation of Part 6 orders are similar except that the legal bases for giving the orders differ from Part 2 directions.



Clause 43 relates to the procedure of a Reviewing Tribunal. The Reviewing Tribunal may dismiss an appeal at any stage of the appeal proceedings if the person is not the person entitled to appeal, the appeal is frivolous or vexatious or the appellant has, without reasonable excuse, failed to comply with the time delimited for the submission of any notice, document or other information in the appeal proceedings, or with any direction of the Reviewing Tribunal. Every Reviewing Tribunal may determine its own procedure in relation to an appeal, subject to rules made under clause 44.

Clause 44 empowers the Minister to make rules to prescribe the practice and procedure for the hearing or consideration of any proceedings or appeal (including, where applicable, the mode and burden of proof and the admissibility of evidence) before a Reviewing Tribunal. Clause 44(2) sets out particular matters for which rules may be made. Rules made under this clause must be presented to Parliament as soon as possible after publication in the *Gazette*.

## PART 9

### SERVICE OF NOTICES, ETC.

Clause 45 provides for any notice, direction, directive, order or other document permitted or required to be given under the Bill by a designated officer, the competent authority, an authorised officer, a police officer or an enforcement officer to be served by various means of service. Clause 45(5)(c) allows for other means of service (including electronic means) to be prescribed by the regulations. Clause 45(7) provides for the time when service of a document takes effect. Clause 45(6) and (8) relates to the service of a document addressed to a class of persons and the time it takes effect. Clause 45(10) provides that an affidavit or oral evidence of a designated officer, the competent authority, an authorised officer, a police officer or an enforcement officer as to the service of the notice, etc., is admissible as prima facie proof of service. The terms used are defined in clause 45(11).

Clause 46 provides that every notice or information required to be given to a designated officer, the competent authority, an authorised officer, a police officer or an enforcement officer under the Bill or by a direction, etc., given under the Bill, must be given in the manner specified in the direction, etc., (if any) or as prescribed by regulations.

## PART 10

### POWERS TO OBTAIN INFORMATION

Clause 47 empowers a designated officer, the competent authority or an authorised officer, by written notice, to require any person to whom a Part 2

direction, a notice of designation, a code application notice, a rectification notice, an implementation directive or a Part 6 order may be given to provide any information whether stored in Singapore or outside Singapore necessary for the administration of the Bill.

Clause 48 empowers a police officer of or above the rank of sergeant or an enforcement officer, who reasonably suspects that a specified offence has been committed and any online activity in furtherance of the offence has occurred (whether in Singapore or outside Singapore) on or through an online service or through an online account or at an online location, by written notice, to require the provider of the online service or the proprietor of the online location to provide information whether stored in Singapore or outside Singapore to assist in investigations or criminal proceedings relating to the specified offence. An enforcement officer is defined as a person who is authorised in writing by the Commissioner of Police or any officer of a prescribed law enforcement agency (prescribed by the Minister) authorised in writing by the head of that law enforcement agency, for the purposes of the clause.

Clause 49 provides that notices under clause 47 or 48 may be served on persons not in Singapore, or not established in or operating in Singapore.

## PART 11

### OFFENCES, PENALTIES AND DEFENCES

Clause 50 creates offences and provides penalties for non-compliance with Part 2 directions.

Clause 51 creates offences and provides penalties for non-compliance with a rectification notice or implementation directive.

Clause 52 creates offences and provides penalties for non-compliance with Part 6 orders.

Clause 53 creates offences and provides penalties for non-compliance with a written notice under clause 47 or 48.

Clause 54(1) and (2) provides that certain duties that prevent or restrict a person from complying with certain requirements under the Bill are not a defence to an offence under Part 11. An application for reconsideration or appeal under the Bill is also not a defence to a related offence.

Clause 54(3) provides that it is a defence to a charge for an offence under Part 11 (except in relation to a stop communication direction) if the accused proves, on a balance of probabilities, that it was not reasonably practicable to do more than what was in fact done to comply, or there was no better practicable means than was in fact used.

Clause 55 provides that certain offences under the Bill are arrestable and non-bailable, or bailable for the purposes of the Criminal Procedure Code 2010.

Clause 56 provides for the jurisdiction of the courts to deal with offences under the Bill which are committed outside Singapore, and gives a District Court or a Magistrate's Court jurisdiction to try any offence under the Bill and to impose the full punishment for the offence despite the Criminal Procedure Code 2010.

## PART 12

### GENERAL

Clause 57(1) confers immunity from civil or criminal liability under any written law or rule of law, breach of confidence or any disciplinary action by a professional body, for anything done or omitted to be done, with reasonable care and in good faith and for the purpose of complying with or giving effect to any Part 2 direction, etc.

Clause 57(2) confers immunity on a designated officer, the competent authority, an authorised officer, a police officer or an enforcement officer, the Secretary to the Reviewing Tribunals or a member of an Appeals Advisory Committee for anything done or intended to be done with reasonable care and in good faith in the execution or purported execution of the Bill.

Clause 58 empowers the Minister to prescribe exemptions from all or any of the provisions of the Bill by order in the *Gazette*.

Clause 59 empowers the Minister, by order in the *Gazette*, to amend, add to or vary the Schedules, and make provisions of a saving or transitional nature consequent on the order.

Clause 60 empowers the Minister to make regulations necessary or convenient for carrying out or giving effect to the Bill. Regulations may create offences punishable with a fine not exceeding \$5,000 and provide saving, transitional and other consequential provisions as the Minister considers necessary or expedient. All regulations made under clause 60 must be presented to Parliament as soon as possible after publication in the *Gazette*.

## EXPENDITURE OF PUBLIC MONEY

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

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