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**Notification No. B 2** — The Maintenance of Racial Harmony Bill is published for general information. It was introduced in Parliament on 7 January 2025.



# Maintenance of Racial Harmony Bill

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Bill No. 2/2025.

*Read the first time on 7 January 2025.*

## MAINTENANCE OF RACIAL HARMONY ACT 2025

(No.    of 2025)

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A BILL

*i n t i t u l e d*

An Act to provide for the maintenance of racial harmony and to establish a Presidential Council for Racial and Religious Harmony, and to make related and consequential amendments to certain other Acts.

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 Maintenance of Racial Harmony Act 2025 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

**Interpretation**

**2.** In this Act —

10     “accept”, in relation to a donation, has the meaning given by or prescribed under section 13;

“anonymous donation” has the meaning given by section 13(4);

15     “competent authority”, for the purposes of any provision of this Act or the regulations, means any public officer who is appointed under section 5(1) as a competent authority for the purposes of that provision or for the purposes of the Act in general;

“Council” means the Presidential Council for Racial and Religious Harmony established by Part 2;

“designated entity” means an entity designated under section 15;

20     “donation”, in relation to an entity, has the meaning given by or prescribed under section 13, and any reference to making a donation has a corresponding meaning;

“entity” has the meaning given by section 11;

“foreign affiliation” has the meaning given by section 14;

25     “foreign donation” has the meaning given by section 13(5);

“foreign influence restraining order” means a foreign influence restraining order made under section 27;

“foreign principal” has the meaning given by section 12;

“general public” includes a section of the general public;



“governing body”, in relation to an entity, has the meaning given by or prescribed under section 11;

“racial content restraining order” means a racial content restraining order made under section 8;

“regulations” means regulations made under section 47; 5

“removal direction” means a direction made under section 23(3) or 24(2);

“responsible officer”, in relation to an entity, has the meaning given by or prescribed under section 11;

“restraining order” means a racial content restraining order or a foreign influence restraining order; 10

“Singapore permanent resident” means a permanent resident of Singapore as defined by section 2 of the Immigration Act 1959;

“specified”, in relation to a notice, removal direction or restraining order under this Act, means specified in the notice, removal direction or restraining order. 15

## PART 2

### ADMINISTRATION

#### *Division 1 — Presidential Council for Racial and Religious Harmony* 20

#### **Establishment of Council**

**3.—**(1) A Presidential Council for Racial and Religious Harmony is established.

(2) The Schedule applies to the Council. 25

#### **Functions of Council**

**4.** The functions of the Council are —

- (a) to consider and report to the Minister on matters affecting the maintenance of racial or religious harmony in Singapore that are referred to the Council by the Minister; 30

(b) to consider and report to Parliament on matters affecting the maintenance of racial or religious harmony in Singapore that are referred to the Council by Parliament; and

5 (c) to consider and make recommendations to the President on restraining orders made under this Act or the Maintenance of Religious Harmony Act 1990.

### *Division 2 — Competent authority*

#### **Competent authority**

10 **5.—**(1) The Minister may —

(a) appoint one or more public officers to each be a competent authority for the purposes of this Act in general; or

(b) appoint one or more public officers to each be a competent authority for the purposes of a particular provision of this Act.

15

(2) The Minister may from time to time give a competent authority directions that —

(a) are of a general character;

(b) relate to the performance of the functions conferred on the competent authority by this Act; and

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(c) are not inconsistent with the provisions of this Act.

(3) The competent authority must give effect to those directions in performing his or her functions.

#### **Power to require information, etc.**

25 **6.—**(1) The competent authority may exercise the powers in subsection (2) for the purpose of determining one or more of the following matters:

(a) whether there are grounds for the Minister to perform any function conferred on the Minister by this Act;

- (b) whether there are grounds for the competent authority to perform any function conferred on the competent authority by this Act;
  - (c) whether a designated entity has complied with the provisions of Part 4 (including the regulations made for the purposes of that Part); 5
  - (d) whether a restraining order has been complied with;
  - (e) whether any information or document provided to the competent authority under this section is correct and complete. 10
- (2) The competent authority may give a written notice to a person to require the person to do one or both of the following:
- (a) to answer any question by the competent authority, or a public officer authorised by the competent authority, to the best of the person's knowledge, information and belief, and to do so — 15
    - (i) in person at the specified time and place; or
    - (ii) in writing and within the specified time;
  - (b) to give to the competent authority, or a public officer authorised by the competent authority, within the specified time and in the specified manner, any document that the competent authority has reason to believe is in the possession, custody or control of the person, and to do so without charge. 20
- (3) The powers in subsection (2) include the power to require — 25
- (a) an explanation of any document;
  - (b) any information about the location of any document;
  - (c) any password, access code or other information required to access any document; and
  - (d) a legible copy of any document that is illegible or any information that is given in an illegible form. 30

(4) An oral statement made by a person in response to a notice under subsection (2) must —

- (a) be reduced to writing;
- (b) be read over to the person;
- 5 (c) if the person does not understand English, be interpreted in a language that the person understands; and
- (d) be signed by the person after any necessary correction.

(5) The competent authority may keep without charge —

- 10 (a) a document produced in response to a notice under subsection (2); and
- (b) any copy or extract of the document.

(6) A person is not excused from giving any information or document required by a notice under subsection (2) even if the information or document might tend to incriminate the person.

15 (7) If a person —

- (a) gives any information or document to the competent authority in response to a notice under subsection (2); and
- (b) before doing so, claims that the information or document might tend to incriminate the person,

20 the information or document is not admissible in evidence against the person in any proceedings for any offence other than —

- (c) an offence under section 7; or
- (d) any offence under any other written law in respect of the falsity of the information or document.

25 (8) In this section and section 7, “document” includes —

- (a) a document in electronic or digital form; and
- (b) an image or a sound recording.

### **Offences relating to section 6**

30 7.—(1) A person who is given a notice under section 6(2) commits an offence if —

- (a) the person fails to comply with any requirement in the notice;
  - (b) the person alters, damages or destroys a document that must be given to the competent authority under the notice;
  - (c) in response to the notice, the person gives to the competent authority or a public officer any information that —
    - (i) contains a material particular that is false or misleading; or
    - (ii) is false or misleading because a material particular is omitted;
  - (d) in response to the notice, the person gives to the competent authority or a public officer a document that —
    - (i) contains a material particular that is false or misleading; or
    - (ii) is false or misleading because a material particular is omitted;
  - (e) in response to the notice, the person knowingly gives to the competent authority or a public officer any information that —
    - (i) contains a material particular that is false or misleading; or
    - (ii) is false or misleading because a material particular is omitted; or
  - (f) in response to the notice, the person knowingly gives to the competent authority or a public officer a document that —
    - (i) contains a material particular that is false or misleading; or
    - (ii) is false or misleading because a material particular is omitted.
- (2) In any proceedings for an offence under subsection (1)(a), it is a defence for the accused to prove, on a balance of probabilities, that the accused took all reasonable steps to comply with the requirement.

(3) In any proceedings for an offence under subsection (1)(b), it is a defence for the accused to prove, on a balance of probabilities, that the accused took all reasonable steps to safeguard the document.

5 (4) In any proceedings for an offence under subsection (1)(c) or (d), it is a defence for the accused to prove, on a balance of probabilities, that the accused took all reasonable steps to ensure the correctness and completeness of the information or document.

10 (5) In any proceedings for an offence under subsection (1)(d) or (f), it is a defence for the accused to prove, on a balance of probabilities, that the accused —

(a) informed the competent authority or public officer about what was false or misleading about the document; and

(b) did so before giving the document to the competent authority or public officer.

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

(a) to a fine not exceeding \$5,000; and

20 (b) in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

(7) A person who is guilty of an offence under subsection (1)(b), (c) or (d) shall be liable on conviction to a fine not exceeding \$5,000.

(8) A person who is guilty of an offence under subsection (1)(e) or (f) shall be liable on conviction —

25 (a) to a fine not exceeding \$10,000; and

(b) in the case of a second or subsequent conviction, to a fine not exceeding \$20,000.

PART 3  
RESTRAINING ORDERS  
AGAINST RACIAL CONTENT

**Racial content restraining orders**

**8.**—(1) The Minister may make a racial content restraining order against a person (*X*) if the Minister is satisfied that *X* has committed, is committing, is likely to commit or has attempted or is attempting to commit — 5

- (a) an act that causes feelings of enmity, hatred, ill-will or hostility between different races in Singapore; or 10
- (b) an act that incites, instigates or encourages a person to commit an act mentioned in paragraph (a).

(2) A racial content restraining order against *X* may —

- (a) prohibit *X* from addressing orally or in writing the general public in Singapore, or any specified person or class of persons, on any specified subject, topic or theme; 15
- (b) prohibit *X* from communicating or distributing to the general public in Singapore —
  - (i) any specified information or material; or
  - (ii) any specified description of information or material, 20  
immediately or within a specified time;
- (c) require *X* to take all reasonably practicable steps to ensure that —
  - (i) any specified information or material; or
  - (ii) any specified description of information or material, 25  
is no longer available to the general public in Singapore;
- (d) prohibit *X* from printing or editing, or assisting or contributing to, any publication or specified publication or class of publications;
- (e) prohibit *X* from holding office in an editorial board or 30  
committee of any publication; or

(f) impose any combination of the measures in paragraphs (a) to (e).

5 (3) A prohibition under subsection (2)(a), (b) or (d), or a requirement under subsection (2)(c), may be imposed on an individual or any other person.

(4) A prohibition under subsection (2)(e) may only be imposed on an individual.

(5) A prohibition under subsection (2)(a), (b), (d) or (e) does not extend to anything done with the prior permission of the Minister.

10 (6) A prohibition under subsection (2)(a), (b) or (d) is contravened if —

(a) a person does an act on behalf of *X*; and

(b) that act would, if it were done by *X*, contravene the prohibition.

15 (7) A prohibition under subsection (2)(b) includes a prohibition against —

(a) placing the specified information or material somewhere where it can be accessed by the general public in Singapore;

20 (b) giving the specified information or material to an intermediary to communicate or distribute to the general public in Singapore;

(c) describing to the general public in Singapore how to obtain access to the specified information or material;

25 (d) describing to the general public in Singapore methods that are likely to facilitate access to the specified information or material;

30 (e) displaying, screening or playing the specified information or material so that it can be seen or heard in or from a public place in Singapore;

(f) making the specified information or material available to one or more end-users in Singapore on or through the Internet; and



- (g) any act mentioned in paragraph (a), (b), (c), (d), (e) or (f) in relation to anything that contains the specified information or material.

(8) In this section, “information or material” means information or material in any form, including —

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- (a) oral, written, electronic or digital form; and
- (b) visual, pictorial or graphic form (such as but not limited to an anthropomorphic or humanlike depiction).

### **Supplementary provisions about racial content restraining orders**

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9.—(1) A racial content restraining order has effect for the period specified in the order, which must not exceed 2 years.

(2) A racial content restraining order against a person takes effect when a copy of the order is given to the person.

(3) The Minister may, at any time while a racial content restraining order is in effect, issue a direction to extend the duration of the order.

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(4) A racial content restraining order may be extended one or more times under subsection (3), but each extension must not exceed 2 years.

(5) A direction to extend a racial content restraining order against a person takes effect when a copy of the direction is given to the person.

20

(6) Before making or extending a racial content restraining order, the Minister is not required to give any person notice of, or consult any person on, the Minister’s intention to make or extend the order.

(7) A racial content restraining order, and a direction to extend such an order, is subject to the oversight and review arrangements in Part 5.

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### **Offence if racial content restraining order not complied with**

10. A person who fails to comply with a racial content restraining order made against the person (including one as confirmed, varied or extended) —

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- (a) commits an offence; and

(b) shall be liable on conviction —

(i) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both; and

(ii) in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 years or to both.

## PART 4

### MEASURES AGAINST FOREIGN INFLUENCE

#### *Division 1 — Interpretation and supplementary provisions for this Part*

#### **“Entity”, “governing body”, “responsible officer” and related concepts**

**11.—(1)** This section contains interpretation and supplementary provisions about entities and their governing bodies and responsible officers.

(2) “Entity” includes —

(a) a co-operative society registered under the Co-operative Societies Act 1979;

(b) a company as defined by section 4(1) of the Companies Act 1967;

(c) any other corporation as defined by section 4(1) of the Companies Act 1967;

(d) a limited liability partnership as defined by section 4(1) of the Limited Liability Partnerships Act 2005;

(e) a mutual benefit organisation registered under the Mutual Benefit Organisations Act 1960;

(f) a partnership (including a limited partnership);

(g) a platform work association as defined by section 19 of the Platform Workers Act 2024;

(h) a society registered under the Societies Act 1966;

- (i) a sole proprietorship;
- (j) a trade union as defined by section 2 of the Trade Unions Act 1940;
- (k) an express trust or other similar arrangement; and
- (l) an unincorporated association. 5

(3) For a company as defined by section 4(1) of the Companies Act 1967 —

- (a) the board of directors is the governing body; and
- (b) the following are the responsible officers:
  - (i) the chairperson of the board of directors; 10
  - (ii) the chief executive officer of the company as defined by section 4(1) of the Companies Act 1967 (whether called by that title or by some other title such as managing director);
  - (iii) the company secretary; 15
  - (iv) if an office mentioned in sub-paragraph (i), (ii) or (iii) is vacant, any person carrying out the duties of that office.

(4) For a partnership, including a limited partnership and a limited liability partnership — 20

- (a) the partners are the governing body; and
- (b) the following are the responsible officers:
  - (i) every partner;
  - (ii) if the office of a partner is vacant, any person carrying out the duties of that office. 25

(5) For a society registered under the Societies Act 1966 —

- (a) the committee of the society, as mentioned in the definition of “officer” in section 2 of that Act, is the governing body; and

(b) the following are the responsible officers:

- (i) the president, secretary and treasurer of the society;
- (ii) if an office mentioned in sub-paragraph (i) is vacant, any person carrying out the duties of that office.

5 (6) For other classes of entities, the governing body and responsible officers are as prescribed by the regulations.

(7) For the purposes of this Part, if an entity is not a legal person —

- (a) any obligation or duty imposed on the entity by or under this Part is imposed on each member of the governing body of the entity; and
- (b) anything done or omitted to be done by a person in the capacity of a member of the governing body of the entity is deemed to be done or omitted to be done by the entity.

### **“Foreign principal”**

15 **12.—**(1) A “foreign principal” is —

- (a) an individual who is not a Singapore citizen or Singapore permanent resident;
- (b) an entity that is constituted or organised under the law of a foreign country and is not registered in Singapore under any written law;
- (c) an entity that has its principal place of business in a foreign country, even if it is incorporated or registered in Singapore under any written law;
- (d) the government of a foreign country; or
- (e) an authority of the government of a foreign country.

(2) In subsection (1), “foreign country” means a country or part of a country, or a territory or part of a territory, other than Singapore.

### **“Donation”, “anonymous donation”, “foreign donation” and related concepts**

30 **13.—**(1) This section contains interpretation and supplementary provisions about donations.

(2) Each of the following is a “donation” to an entity, and any reference to making a donation to an entity has a corresponding meaning:

- (a) a bequest of money to the entity;
- (b) a gift of money to the entity; 5
- (c) a loan of money to the entity otherwise than on commercial terms;
- (d) a payment of money to the entity that —
  - (i) forms part of the gross proceeds of a fund-raising venture or similar function organised by the entity; 10  
and
  - (ii) entitles the payor or another person to take part in or otherwise obtain any benefit from the venture or function;
- (e) a payment of money to the entity by way of an annual or other subscription; 15
- (f) a payment of money to the entity to reimburse the entity for any expenditure incurred by the entity;
- (g) a payment of money to a third party towards any expenditure that is incurred by, or that would otherwise be incurred by, the entity; 20
- (h) a payment of money in any prescribed circumstances;
- (i) other prescribed forms of donations.

(3) For the purposes of subsection (2), money is deemed to be bequeathed, gifted, lent or paid to an entity if it is bequeathed, gifted, lent or paid to an individual — 25

- (a) in the individual’s capacity as —
  - (i) a member of the governing body of the entity; or
  - (ii) a responsible officer of the entity; and
- (b) not solely for the individual’s own use and benefit. 30

(4) A donation is an “anonymous donation” if the donation is made by or on behalf of a person whose identity cannot reasonably be ascertained, whether because the donation is made anonymously or because of deception or concealment.

5 (5) A donation is a “foreign donation” if the donation is made by or on behalf of a foreign principal.

(6) A donation of money is “accepted” by an entity if —

(a) the donation is received and retained by or on behalf of the entity for its use and benefit; or

10 (b) in the case of a donation within the meaning of subsection (2)(g), the donation is accepted by the third party as payment towards any expenditure that is incurred by, or that would otherwise be incurred by, the entity.

15 (7) The regulations may —

(a) prescribe other forms of donations for the purposes of subsection (2)(i), including donations of movable, immovable and intangible property and donations of services;

20 (b) prescribe the methods or means by which the value of a donation is to be determined; and

(c) make supplementary provisions for donations, including provisions about the circumstances in which donations are deemed to be made to or accepted by an entity.

25 **“Foreign affiliation”**

**14.** An entity has a “foreign affiliation” if —

(a) the entity has an arrangement or agreement with a foreign principal; and

(b) under the arrangement or agreement —

30 (i) the entity is accustomed, or under an obligation (whether formal or informal), to act in accordance

with the directions, instructions or wishes of the foreign principal; or

- (ii) the foreign principal is in a position to exercise, in any other way, total or substantial control over the entity's activities in Singapore.

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## *Division 2 — Designation of entities*

### **Power to designate entities**

**15.** For the purposes of this Part, the competent authority may designate an entity if the competent authority is satisfied that —

- (a) the primary or other objects, purposes or activities of the entity include —

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- (i) representing or promoting the social, economic, political, educational, linguistic, cultural or other interests of; or

- (ii) discussing any issue relating to,

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any race in Singapore, including a geographical, linguistic or other subset of any race in Singapore; and

- (b) having considered the prescribed matters (if any) and all other relevant circumstances, designating the entity is necessary or expedient to pre-empt, prevent or reduce any foreign influence that may undermine racial harmony in Singapore.

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### **Procedure for designation**

**16.—(1)** If the competent authority intends to designate an entity, the competent authority must give notice of the intention to the entity.

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(2) The entity may submit representations to the competent authority in the prescribed form and manner within —

- (a) 14 days after notice is given under subsection (1); or

- (b) any longer period specified by the competent authority.

(3) The competent authority may designate the entity —

(a) after the expiry of the period for making representations under subsection (2); or

(b) after considering any representations made by the entity in accordance with subsection (2).

(4) If the competent authority decides to designate the entity, the competent authority must give notice of the decision to the entity.

(5) The designation takes effect from —

(a) the date on which notice is given under subsection (4); or

(b) any later date specified by the competent authority.

### **Cancellation of designation**

**17.—**(1) The competent authority may cancel the designation of an entity —

(a) on the initiative of the competent authority; or

(b) on an application by the designated entity.

(2) An application for cancellation must be made in the prescribed form and manner.

(3) The competent authority may reject an application to cancel the designation of an entity without considering the merits of the application if the application is made within 12 months —

(a) after the entity was designated; or

(b) after an earlier application by the entity was rejected on its merits.

(4) If the competent authority decides to cancel the designation of an entity, the competent authority must give notice of the decision to the entity.

(5) The cancellation of a designation takes effect from —

(a) the date on which notice is given under subsection (4); or

(b) any later date specified by the competent authority.



### *Division 3 — Reporting obligations*

#### **Reporting foreign donations and anonymous donations**

**18.—**(1) A designated entity must report any foreign donation or anonymous donation that it accepts in accordance with the regulations. 5

(2) For the purposes of subsection (1), the matters that may be prescribed by the regulations include —

- (a) the reporting period;
- (b) the classes of foreign donations and anonymous donations (if any) that need not be reported; 10
- (c) the matters that must be reported for each reportable foreign donation and anonymous donation;
- (d) the persons who must sign a report, and any declarations that must be made and signed by those persons as part of the report; 15
- (e) the time within which a report must be submitted; and
- (f) the form and manner in which a report must be submitted.

#### **Reporting foreign affiliations**

**19.—**(1) A designated entity must report its foreign affiliations in accordance with the regulations. 20

(2) For the purposes of subsection (1), the matters that may be prescribed by the regulations include —

- (a) the reporting period;
- (b) the classes of foreign affiliations (if any) that need not be reported; 25
- (c) the matters that must be reported for each reportable foreign affiliation;
- (d) the persons who must sign a report, and any declarations that must be made and signed by those persons as part of the report; 30
- (e) the time within which a report must be submitted; and

(f) the form and manner in which a report must be submitted.

**Reporting governing body composition, etc.**

**20.—**(1) A designated entity must report the following in accordance with the regulations:

- (a) its constitutional arrangements and any change thereto;
- (b) the composition and other prescribed particulars of its governing body and any change thereto;
- (c) the nationality and other prescribed particulars of each member of its governing body and any change thereto;
- (d) the nationality and other prescribed particulars of each of its responsible officers and any change thereto.

(2) For the purposes of subsection (1), the matters that may be prescribed by the regulations include —

- (a) the circumstances in which a report must be made;
- (b) requirements for a designated body to submit copies of its constitutional documents and any changes to those documents;
- (c) the particulars that must be reported for each member of the governing body and for each change in the membership of the governing body;
- (d) the particulars that must be reported for each responsible officer and for each change of a responsible officer;
- (e) the persons who must sign a report, and any declarations that must be made and signed by those persons as part of the report;
- (f) the time within which a report must be submitted; and
- (g) the form and manner in which a report must be submitted.

## **Offence of giving false information about donations**

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

- (a) with intent to deceive, withholds from a designated entity any information about donations; or
- (b) knowingly gives to a designated entity any information about donations that is false or misleading in a material particular.

5

(2) In subsection (1), “information about donations”, in relation to a designated entity, means information about —

- (a) the identity of a person who made a donation to the entity;
- (b) the identity of a person on whose behalf a donation was made to the entity; or
- (c) the amount or value of a donation made to the entity.

10

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

15

- (a) to a fine not exceeding \$10,000; and
- (b) in the case of a second or subsequent conviction, to a fine not exceeding \$20,000.

## **Prescribed offences relating to reporting**

**22.—(1)** The regulations may prescribe offences relating to the reporting obligations under this Division.

20

(2) The punishment for an offence prescribed pursuant to subsection (1) must not exceed —

- (a) a fine of \$20,000 on conviction; and
- (b) in the case of a continuing offence, a further fine of \$1,000 for every day or part of a day during which the offence continues after conviction.

25

*Division 4 — Basic leadership restrictions*

**Governing body composition: restrictions and removal directions**

23.—(1) More than half of the total number of seats on the governing body of a designated entity must be occupied or held by Singapore citizens.

(2) However, if the governing body of a designated entity has fewer than 3 seats, all the seats must be occupied or held by Singapore citizens.

(3) If the competent authority is satisfied that —

(a) the composition of the governing body of a designated entity is in contravention of subsection (1) or (2); and

(b) it is necessary or expedient to pre-empt, prevent or reduce any foreign influence that may undermine racial harmony in Singapore,

the competent authority may direct the designated entity to comply with subsection (1) or (2) by removing a specified number of members of its governing body who are not Singapore citizens.

**Responsible officers' nationality: restrictions and removal directions**

24.—(1) A responsible officer of a designated entity must be a Singapore citizen or Singapore permanent resident.

(2) If the competent authority is satisfied that —

(a) a person is a responsible officer of a designated entity but is not a Singapore citizen or Singapore permanent resident; and

(b) it is necessary or expedient to pre-empt, prevent or reduce any foreign influence that may undermine racial harmony in Singapore,

the competent authority may direct the designated entity to remove the person as a responsible officer.

### **Supplementary provisions about removal directions**

**25.—**(1) The competent authority is not required to give any person notice of, or consult any person on, his or her intention to give a removal direction.

(2) A designated entity must fully comply with a removal direction within — 5

- (a) 7 days after the direction is given to the entity; or
- (b) any longer period specified by the competent authority.

(3) The following persons may appeal to the Minister against a removal direction: 10

- (a) the designated entity to which the direction is given;
- (b) a person who must or may be removed from the person's office or duties under the direction.

(4) On an appeal, the Minister may cancel, vary or confirm a removal direction and the Minister's decision is final. 15

(5) An appeal must be made and determined in accordance with the regulations.

(6) Unless the Minister orders otherwise, a removal direction does not cease to have effect while an appeal is pending.

(7) A removal direction ceases to have effect when — 20

- (a) it has been fully complied with; or
- (b) it is cancelled by the competent authority or the Minister.

### **Offence if removal direction not complied with**

**26.—**(1) If a removal direction against a designated entity is not complied with — 25

- (a) the entity commits an offence; and
- (b) each person who is a member of the governing body of the entity at any time while the removal direction is not complied with also commits an offence.

(2) To avoid doubt, a person's liability under subsection (1)(b) is not affected by the fact that the person is or may be liable to be removed under a removal direction or a foreign influence restraining order.

5 (3) In any proceedings for an offence under subsection (1)(a), it is a defence for the accused to prove, on a balance of probabilities, that the accused took all reasonable steps to comply with the removal direction.

10 (4) In any proceedings for an offence under subsection (1)(b), it is a defence for the accused to prove, on a balance of probabilities, that the accused took all reasonable steps to ensure that the entity complies with the removal direction.

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

15 (a) to a fine not exceeding \$5,000; and

(b) in the case of a continuing offence, to a further fine of \$1,000 for every day or part of a day during which the offence continues after conviction.

### *Division 5 — Stepped-up measures*

#### 20 **Foreign influence restraining orders**

**27.—**(1) The Minister may make a foreign influence restraining order against a designated entity if the Minister is satisfied that it is necessary or expedient to pre-empt, prevent or reduce any foreign influence that may —

25 (a) undermine racial harmony in Singapore; and

(b) present a threat to public peace and public order in Singapore.

(2) A foreign influence restraining order against a designated entity may —

30 (a) prohibit the entity from accepting any donation, or any donation falling within a specified class, that is made by or

on behalf of a specified foreign principal on or after a specified date;

- (b) require the entity to return or dispose of any donation, or any donation falling within a specified class, that is made by or on behalf of a specified foreign principal on or after a specified date; 5
- (c) prohibit the entity from accepting any anonymous donation, or any anonymous donation falling within a specified class, on or after a specified date;
- (d) require the entity to dispose of any anonymous donation, or any anonymous donation falling within a specified class, received on or after a specified date; 10
- (e) prohibit the entity from forming or maintaining a specified foreign affiliation on or after a specified date;
- (f) prohibit the entity from appointing or admitting any person who is not a Singapore citizen as a member of its governing body on or after a specified date; 15
- (g) require the entity to remove any member of its governing body who is not, or who ceases to be, a Singapore citizen on or after a specified date; 20
- (h) prohibit the entity from appointing, admitting or retaining a specified person (whether or not the person is a Singapore citizen) as a member of its governing body on or after a specified date;
- (i) require the entity to suspend a specified member of its governing body (whether or not the member is a Singapore citizen) from the performance of his or her functions for a specified period; or 25
- (j) impose any combination of the measures in paragraphs (a) to (i). 30

(3) For the purposes of subsection (2)(b) and (d), a donation is to be returned or disposed of —

- (a) within the specified time and in the specified manner; or

- (b) subject to paragraph (a), in accordance with the regulations.

### **Supplementary provisions about foreign influence restraining orders**

5     **28.**—(1) A foreign influence restraining order has effect for the period specified in the order, which must not exceed 2 years.

(2) A foreign influence restraining order against a designated entity takes effect when a copy of the order is given to the entity.

10    (3) The Minister may, at any time while a foreign influence restraining order is in effect, issue a direction to extend the duration of the order.

(4) A foreign influence restraining order may be extended one or more times under subsection (3), but each extension must not exceed 2 years.

15    (5) A direction to extend a foreign influence restraining order against a designated entity takes effect when a copy of the direction is given to the entity.

20    (6) Before making or extending a foreign influence restraining order, the Minister is not required to give any person notice of, or consult any person on, the Minister's intention to make or extend the order.

(7) A foreign influence restraining order, and a direction to extend such an order, is subject to the oversight and review arrangements in Part 5.

### **Offence if foreign influence restraining order not complied with**

**29.**—(1) If a foreign influence restraining order against a designated entity is not complied with —

(a) the entity commits an offence; and

30    (b) each person who is a member of the governing body of the entity when the non-compliance took place, or at any time



while the non-compliance was ongoing, also commits an offence.

(2) To avoid doubt, a person's liability under subsection (1)(b) is not affected by the fact that the person is or may be liable to be removed under a removal direction or a foreign influence restraining order.

5

(3) In any proceedings for an offence under subsection (1)(a), it is a defence for the accused to prove, on a balance of probabilities, that the accused took all reasonable steps to comply with the foreign influence restraining order.

10

(4) In any proceedings for an offence under subsection (1)(b), it is a defence for the accused to prove, on a balance of probabilities, that the accused took all reasonable steps to ensure that the entity complies with the foreign influence restraining order.

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

15

(a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both; and

(b) in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 years or to both.

20

### **Offence of facilitating foreign donation prohibited by foreign influence restraining order**

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

(a) a designated entity is prohibited by a foreign influence restraining order from accepting any donation made by or on behalf of a specified foreign principal; and

25

(b) the person enters into, or knowingly does any act in furtherance of, an arrangement that facilitates or is likely to facilitate (whether by means of any concealment or disguise or otherwise) the making of a donation by or on behalf of that foreign principal to the designated entity.

30

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

(a) to a fine not exceeding \$10,000; and

(b) in the case of a second or subsequent conviction, to a fine not exceeding \$20,000.

### *Division 6 — Other provisions*

#### **Designated entity's overriding duty to comply with Divisions 4 and 5; immunity for compliance**

**31.**—(1) In this section, “relevant obligations”, in relation to a designated entity, means the obligations of the designated entity under —

(a) sections 23 and 24, including a removal direction made under either of those sections against the entity; and

(b) a foreign influence restraining order made against the entity.

(2) A designated entity must comply with its relevant obligations despite the provisions of —

(a) any other written law; and

(b) the constitution, memorandum or articles of association, trust deed or any equivalent instrument of the entity.

(3) No civil or criminal liability is incurred by a designated entity, or by a person acting on behalf of a designated entity, for anything that is done or omitted to be done —

(a) in good faith and with reasonable care; and

(b) for the purposes of complying with its relevant obligations.

(4) Without limiting subsection (2), if —

(a) a designated entity is required by a removal direction or a foreign influence restraining order to remove a person as a member of its governing body or as a responsible officer; and

(b) the removal of the person would, apart from this subsection, require the consent or agreement of the person, the person is deemed, by virtue of this subsection, to have consented or agreed to being so removed with effect from the date on which the designated entity is first required to so remove the person.

5

### **Exemption from Divisions 3 and 4**

**32.**—(1) The Minister may, in writing, exempt a designated entity from all or any of the provisions of Divisions 3 and 4 of this Part (including the regulations made for the purposes of those provisions).

(2) An exemption may be granted —

10

(a) on the initiative of the Minister; or

(b) on an application by a designated entity made in the prescribed form and manner.

(3) An exemption has effect —

(a) from the date on which it is granted or any later date specified by the Minister; and

15

(b) for a period of 5 years or any shorter period specified by the Minister.

(4) An exemption may be subject to specified conditions or limited to specified circumstances.

20

(5) Despite subsection (3)(b), the Minister may at any time cancel an exemption by giving notice to the designated entity.

(6) The cancellation of an exemption takes effect from —

(a) the date on which notice is given under subsection (5); or

(b) any later date specified by the Minister.

25

(7) The expiry or cancellation of an exemption does not prevent the Minister from granting another exemption.

## PART 5

OVERSIGHT AND REVIEW ARRANGEMENTS  
FOR RESTRAINING ORDERS**Restraining orders to be referred to Council**

5     **33.**—(1) After the Minister makes a restraining order, the Minister must immediately cause the following to be given to the Council and the restrained person:

          (a) a copy of the restraining order;

10           (b) the grounds, facts and documents supporting the restraining order.

(2) The restrained person may make representations to the Council against the restraining order.

(3) Any representations under subsection (2) must be made —

          (a) in writing; and

15           (b) within 14 days after the documents mentioned in subsection (1) are given to the restrained person.

(4) The Council must consider —

          (a) the restraining order;

20           (b) the grounds, facts and documents mentioned in subsection (1)(b); and

          (c) any representations made under subsection (2).

(5) If the Council considers it necessary for its deliberations under this section, the Council may —

25           (a) invite any person (including the restrained person) to attend before the Council; and

          (b) examine the person orally.

(6) The Council must, within 44 days after the restraining order is given to the restrained person —

          (a) make its recommendation on the restraining order; and

- (b) cause its recommendation to be sent to the President and the Cabinet.
- (7) The Council may recommend that the restraining order be —
  - (a) cancelled;
  - (b) confirmed without any variation; or 5
  - (c) confirmed with variations.
- (8) In this section, “restrained person” means the person (including a designated entity) against whom a restraining order is made.

**Restraining orders to be confirmed by President, etc.**

- 34.—**(1) After the Council’s recommendation is received by the President, the Cabinet must advise the President to — 10
- (a) cancel the restraining order;
  - (b) confirm the restraining order without any variation; or
  - (c) confirm the restraining order with variations.
- (2) If the advice of the Cabinet under subsection (1) is not contrary to the recommendation of the Council, the President must act in accordance with the advice of the Cabinet. 15
- (3) If the advice of the Cabinet under subsection (1) is contrary to the recommendation of the Council, the President may, acting in the President’s discretion under Article 22I of the Constitution — 20
- (a) cancel the restraining order;
  - (b) confirm the restraining order without any variation; or
  - (c) confirm the restraining order with variations.
- (4) The restraining order lapses unless —
- (a) in a case to which subsection (3) applies — 25
    - (i) the President confirms the restraining order (with or without variations); or
    - (ii) the President is deemed by Article 21A of the Constitution to have confirmed the restraining order (with or without variations); or 30

- (b) in any other case — the President confirms the restraining order (with or without variations) within 30 days after receiving the recommendation of the Council.

### **Application to extensions of restraining orders**

5     **35.**—(1) Sections 33 and 34 apply to a direction to extend as if a reference in those sections to a restraining order includes a reference to a direction to extend.

(2) However, the President may only cancel a direction to extend or confirm the direction without variation, and the Council and the  
10     Cabinet must give their advice and recommendations to the President accordingly.

(3) In this section, “direction to extend” means a direction to extend under section 9(3) or 28(3).

### **Review and revocation of restraining orders**

15     **36.**—(1) The Minister must review a restraining order so long as it remains in force.

(2) The first review must be made within 12 months after the date the restraining order was made.

(3) Subsequent reviews must be made at intervals of not more than  
20     12 months.

(4) The Minister may at any time revoke a restraining order, including an order that has been confirmed (with or without variations) or extended.

### **Publication**

25     **37.** The Minister must cause the following to be published in the *Gazette*:

- (a) a restraining order;
- (b) any cancellation, revocation, variation, extension or confirmation of a restraining order;
- 30     (c) a recommendation of the Council.

## PART 6

## OFFENCES RELATING TO RACE

**Meaning of “conduct”**

**38.**—(1) This section defines “conduct” for the purposes of this Part. 5

(2) “Conduct” includes —

- (a) communicating to the general public in Singapore from outside Singapore; and
- (b) other forms of conduct outside Singapore.

(3) “Conduct” may consist of acts or omissions or both. 10

(4) “Conduct” may consist of a single instance of conduct or a course of conduct.

**Offences relating to urging violence on basis of race**

**39.**—(1) A person (*X*) commits an offence if —

- (a) *X* engages in conduct urging one or more persons to use force or violence against a person (*Y*) in Singapore; 15
- (b) *X* does so knowing that force or violence is likely to occur; and
- (c) *X* does so because of any general or specific belief about race (such as a belief about *Y*’s race). 20

(2) A person (*X*) commits an offence if —

- (a) *X* engages in conduct urging one or more persons to use force or violence against a group of persons in Singapore (called in this subsection the target group);
- (b) *X* does so knowing that force or violence is likely to occur; 25  
and
- (c) *X* does so because of any general or specific belief about race (such as a belief that the target group is distinguished by race or a belief about the race of any person in the target group). 30

(3) A person (*X*) commits an offence if —

(a) *X* engages in conduct urging one or more persons to use force or violence against a group of persons in Singapore (called in this subsection the target group); and

(b) in doing so —

(i) *X* identifies the target group as being distinguished by race, or by race and some other characteristic; and

(ii) *X* knows that force or violence is likely to occur.

(4) For the purposes of subsections (1)(c) and (2)(c) —

(a) it is sufficient that *X*'s belief about race is a substantial ground for *X*'s conduct;

(b) it does not matter whether *X* has any other ground for *X*'s conduct; and

(c) it does not matter whether *X*'s belief about race is correct or incorrect.

(5) For the purposes of subsection (3)(b)(i), it does not matter whether *X*'s identification of the target group is correct or incorrect.

(6) For the purposes of subsections (2)(c) and (3)(b)(i), a group of persons is distinguished by race if —

(a) all of them belong to the same race; or

(b) all of them do not belong to a certain race.

(7) A person who is guilty of an offence under subsection (1), (2) or (3) shall be liable on conviction to a fine or to imprisonment for a term not exceeding 10 years or to both.

#### **Offence of inciting enmity against persons distinguished by race, etc.**

**40.—**(1) A person (*X*) commits an offence if —

(a) *X* engages in conduct that incites feelings of enmity, hatred, ill-will or hostility against, or contempt for or ridicule of, a group of persons in Singapore (called in this subsection the target group) who are distinguished by race; and



- (b) *X* does so knowing that the conduct is likely to incite feelings of enmity, hatred, ill-will or hostility against, or contempt for or ridicule of, the target group.

(2) A person (*X*) commits an offence if —

- (a) *X* engages in conduct that insults, vilifies, denigrates, threatens or abuses another person (*Y*) in Singapore on the basis of *Y*'s race or on the basis of *Y*'s race and some other characteristic; and 5
- (b) *X* does so knowing that the conduct is likely to insult, vilify, denigrate, threaten or abuse *Y* on the basis of *Y*'s race or on the basis of *Y*'s race and some other characteristic, as the case may be. 10

(3) For the purposes of subsection (1), a group of persons is distinguished by race if —

- (a) all of them belong to the same race; or 15
- (b) all of them do not belong to a certain race.

(4) For the purposes of subsections (1) and (2), *X*'s motive is irrelevant.

(5) In any proceedings for an offence under subsection (1) or (2), it is a defence for the accused to prove, on a balance of probabilities, that — 20

- (a) the conduct in question was private or domestic in nature, having regard to —
  - (i) the number of persons who are likely to perceive the conduct in question; 25
  - (ii) the relationships between those persons, and between the accused and those persons; and
  - (iii) all other relevant circumstances;
- (b) the accused reasonably expected that the conduct in question would only be perceived by the parties to the conduct in question; and 30

- (c) in the case of an offence under subsection (2) — the accused could not reasonably have expected that *Y* would perceive the conduct in question.

(6) In any proceedings for an offence under subsection (1) or (2), it is a defence for the accused to prove, on a balance of probabilities, that the conduct in question consisted of the accused pointing out any of the following matters in good faith and to bring about a removal of those matters:

(a) matters that are producing or have a tendency to produce feelings of enmity, hatred, ill-will or hostility against any race;

(b) matters that are causing or have a tendency to cause contempt for or ridicule of any race;

(c) matters that insult, vilify, denigrate, threaten or abuse any person on the basis of that person's race.

(7) A person who is guilty of an offence under subsection (1) or (2) shall be liable on conviction to a fine or to imprisonment for a term not exceeding 5 years or to both.

### **Community remedial initiative**

**41.—**(1) In deciding whether to institute proceedings against a person for an offence under this Part, the Public Prosecutor may consider whether the person has satisfactorily completed a community remedial programme.

(2) For the purposes of subsection (1), the Minister may —

(a) establish one or more community remedial programmes for a person to take remedial action for engaging in conduct that is prejudicial to the maintenance of racial harmony in Singapore;

(b) determine the form, contents and duration of a community remedial programme; and

(c) appoint persons to conduct a community remedial programme.

(3) For the purposes of subsection (1), the competent authority may —

- (a) determine a person's suitability for a community remedial programme; and
- (b) certify whether a person has satisfactorily completed a community remedial programme.

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(4) It is not compulsory for a person to take part in or complete a community remedial programme.

## PART 7

### GENERAL PROVISIONS

10

#### **Decisions under Act to be final**

**42.** All orders and decisions of the President and the Minister and recommendations of the Council made under this Act are final and are not to be called in question in any court.

#### **Offences by bodies corporate, etc.**

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**43.—**(1) If, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a body corporate, an unincorporated association or a partnership in relation to a particular conduct, the following is evidence that the body corporate, unincorporated association or partnership (as the case may be) had that state of mind:

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- (a) in the case of a body corporate, evidence that —
  - (i) an officer, employee or agent of the body corporate engaged in that conduct within the scope of his or her actual or apparent authority; and
  - (ii) the officer, employee or agent had that state of mind;
- (b) in the case of an unincorporated association or a partnership, evidence that —
  - (i) an employee or agent of the unincorporated association or partnership engaged in that conduct

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30

within the scope of his or her actual or apparent authority; and

(ii) the employee or agent had that state of mind.

5 (2) If a body corporate commits an offence under this Act, a person —

(a) who is —

(i) an officer of the body corporate; or

10 (ii) an individual involved in the management of the body corporate and in a position to influence the conduct of the body corporate in relation to the commission of the offence; and

(b) who —

(i) consented or connived, or conspired with others, to effect the commission of the offence;

15 (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the body corporate; or

20 (iii) knew or ought reasonably to have known that the offence by the body corporate (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of the same offence as is the body corporate, and shall be liable on conviction to be punished accordingly.

25 (3) If an unincorporated association or a partnership commits an offence under this Act, a person —

(a) who is —

(i) an officer of the unincorporated association or a member of its governing body;

30 (ii) a partner in the partnership; or

(iii) an individual involved in the management of the unincorporated association or partnership and in a

position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and

(b) who —

- (i) consented or connived, or conspired with others, to effect the commission of the offence;
- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or
- (iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be), and shall be liable on conviction to be punished accordingly.

(4) A person mentioned in subsection (2) or (3) may rely on a defence that would be available to the body corporate, unincorporated association or partnership (as the case may be) if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the body corporate, unincorporated association or partnership (as the case may be) would bear.

(5) To avoid doubt, this section does not affect —

- (a) the application of Chapters 5 and 5A of the Penal Code 1871;
- (b) the application of the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence; or
- (c) the liability of an individual for an offence under any other provision of this Act.

(6) To avoid doubt, subsection (2) or (3) does not affect the liability of a body corporate, an unincorporated association or a partnership (as the case may be) for an offence under this Act, and applies whether or not the body corporate, unincorporated association or partnership (as the case may be) is convicted of the offence.

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

(8) In this section —

“body corporate” includes a limited liability partnership as defined by section 4(1) of the Limited Liability Partnerships Act 2005;

“officer” —

(a) in relation to a body corporate — means any director, partner, chief executive, manager, secretary or other similar officer of the body corporate, and includes —

(i) any person purporting to act in any such capacity; and

(ii) for a body corporate whose affairs are managed by its members, any of those members as if the member were a director of the body corporate; and

(b) in relation to an unincorporated association (other than a partnership) — means the president, the secretary, or any member of the committee of the unincorporated association, and includes —

(i) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and

(ii) any person purporting to act in any such capacity;

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

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

5

### **Consent of Public Prosecutor**

**44.** A prosecution under this Act may only be instituted by or with the consent of the Public Prosecutor.

### **Jurisdiction of court**

10

**45.—**(1) Despite the Criminal Procedure Code 2010, a District Court has jurisdiction to try any offence under this Act and has power to impose the full punishment for the offence.

(2) If an offence under Part 6 is committed outside Singapore, the offence may be tried as if it had been committed in Singapore.

15

### **Composition of offences**

**46.—**(1) The competent authority may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

20

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

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

25

(3) All sums collected under this section must be paid into the Consolidated Fund.

### **Regulations**

**47.—**(1) The Minister may make regulations for the purposes of this Act.

30

(2) Regulations under subsection (1) may, in particular —

- (a) provide for the publication of any notice, order or the cancellation, revocation, variation, extension or confirmation thereof, or any recommendation of the Council, or any other document made under this Act;
- (b) prescribe the procedures for and manner of making representations to the Minister or the Council;
- (c) prescribe the procedure to be followed by the Council on receiving representations about restraining orders and when making recommendations to the President;
- (d) provide for designated entities to make and keep records of the foreign donations and anonymous donations that they receive and accept, and further provide for the production, examination, auditing and copying of those records;
- (e) provide for designated entities to make and keep records of their governing bodies, responsible officers and foreign affiliations, and further provide for the production, examination and copying of those records;
- (f) prescribe offences for the purposes of this Act and prescribe the punishment for those offences, which (except for offences prescribed pursuant to section 22) must not exceed a fine of \$5,000 or imprisonment for a term of 12 months or both;
- (g) prescribe the methods by which a document may be served, given or sent for the purposes of this Act (other than for the purposes of court proceedings), and the circumstances in which a document is deemed to have been served, given or sent by those methods;
- (h) prescribe the offences under this Act that may be compounded;
- (i) prescribe any matter that must or may be prescribed under this Act; or
- (j) prescribe matters of a saving or transitional nature consequent on amendments to the regulations.



## PART 8

## RELATED AND CONSEQUENTIAL AMENDMENTS

**Amendment of Criminal Procedure Code 2010, etc.**

**48.—**(1) In the Criminal Procedure Code 2010 —

- (a) in section 44(1)(c)(i), delete “, 298A”; 5
- (b) in the First Schedule, delete the heading of Chapter 15 and the items relating to sections 298 and 298A;
- (c) in the Second Schedule, after item 10, insert —
  - “10A. Maintenance of Racial Harmony Act 2025”;
- (d) in the Fourth Schedule, in Part 1, delete the heading of Chapter 15 and item 19; and 10
- (e) in the Fourth Schedule, after Part 3, insert —

## “PART 3A

OFFENCE UNDER  
MAINTENANCE OF RACIAL HARMONY ACT 2025

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>
<i>Item No.</i>	<i>Section</i>	<i>Offence</i>	<i>Explanatory Note</i>
56A.	40(2)	Insulting, vilifying, denigrating, threatening or abusing another person on the basis of that person’s race	Compoundable by the person who was insulted, vilified, denigrated, threatened or abused

(2) Despite paragraph (b) of subsection (1), the items relating to sections 298 and 298A of the Penal Code 1871 in the First Schedule to the Criminal Procedure Code 2010 as in force immediately before the date of commencement of that paragraph continue to apply in respect of any offence committed under either of those sections before the date of commencement of section 52 of this Act. 20 25 30

(3) Despite paragraph (d) of subsection (1), item 19 of the Fourth Schedule to the Criminal Procedure Code 2010 as in force immediately before the date of commencement of that paragraph

continues to apply in respect of any offence committed under section 298 of the Penal Code 1871 before the date of commencement of section 52 of this Act.

### **Amendment of Maintenance of Religious Harmony Act 1990**

#### **49. In the Maintenance of Religious Harmony Act 1990 —**

(a) in the long title, delete “and for establishing a Presidential Council for Religious Harmony”;

(b) in section 2, delete “, unless the context otherwise requires”;

10 (c) in section 2, in the definition of “communications activity”, in paragraph (d), replace the comma at the end with a semi-colon;

(d) in section 2, in the definition of “communications activity”, delete “but does not include communicating or distributing, in the course of business, information or material produced entirely by another person and without altering the information or material or only altering the information or material to the extent to fit time, space or format constraints;”;

20 (e) in section 2, in the definition of “community remedial initiative”, replace “section 16H” with “section 17GA”;

(f) in section 2, replace the definition of “Council” with —

25 ““Council” means the Presidential Council for Racial and Religious Harmony established by the Maintenance of Racial Harmony Act 2025;”;

(g) in section 2, in the definition of “foreign principal”, in paragraph (b)(ii), after “registered”, insert “in Singapore”;

30 (h) in section 2, delete the definition of “Presidential Council for Minority Rights”;

(i) in section 2, in the definition of “religious group”, in paragraph (b), before “any body of persons”, insert “any other entity or”;

(j) in section 2, replace the definition of “responsible officer” with —

““responsible officer”, for a religious group, means —

- (a) if the religious group is a company as defined by section 4(1) of the Companies Act 1967, each of the following persons:
  - (i) the chairperson of the board of directors; 5
  - (ii) the chief executive officer of the company as defined by section 4(1) of the Companies Act 1967 (whether called by that title or by some other title such as managing director); 10
  - (iii) the company secretary; 15
  - (iv) if an office mentioned in sub-paragraph (i), (ii) or (iii) is vacant, any person carrying out the duties of that office; 20
- (b) if the religious group is a partnership, including a limited partnership and a limited liability partnership, each of the following persons: 25
  - (i) a partner;
  - (ii) if the office of a partner is vacant, any person carrying out the duties of that office;
- (c) if the religious group is a society registered under the Societies Act 1966, each of the following persons: 30

(i) the president, secretary and treasurer of the society;

(ii) if an office mentioned in sub-paragraph (i) is vacant, any person carrying out the duties of that office; and

(d) in any other case, a person prescribed as a responsible officer of the religious group;”;

(k) in section 2A, replace subsection (1) with —

“(1) Subject to the provisions of this Act, a donation is accepted by a religious group if —

(a) the donation is received and retained by or on behalf of the religious group for its use and benefit; or

(b) in the case of a donation in the form of a payment of money to a third party towards any expenditure that is incurred by, or that would otherwise be incurred by, the religious group — the donation is accepted by the third party as payment towards that expenditure.”;

(l) delete Part 2;

(m) in section 8(2A)(e), delete “or” at the end;

(n) in section 8(2A), after paragraph (e), insert —

“(ea) to suspend a member of its governing body specified in the restraining order (whether or not the member is a citizen of Singapore) from the performance of the member’s functions for a period specified in the order;”;

(o) in section 8(2A)(f), replace “, being an individual who is not a citizen of Singapore.” with “(whether or not the member is a citizen of Singapore); or”;

(p) in section 8(2A), after paragraph (f), insert —

“(g) to comply with any combination of the measures in paragraphs (a) to (f).”;

(q) in section 8(3), replace “12(2)” with “12”;

(r) in section 9(3), replace “12(2)” with “12”;

5

(s) in section 11(4), replace “to the President” with “on the order and cause its recommendation to be sent to the President and the Cabinet”;

(t) replace section 12 with —

**“Restraining orders to be confirmed by President, etc.**

10

**12.—**(1) After the Council’s recommendation is received by the President, the Cabinet must advise the President to —

(a) cancel the restraining order;

15

(b) confirm the restraining order without any variation; or

(c) confirm the restraining order with variations.

(2) If the advice of the Cabinet under subsection (1) is not contrary to the recommendation of the Council, the President must act in accordance with the advice of the Cabinet.

20

(3) If the advice of the Cabinet under subsection (1) is contrary to the recommendation of the Council, the President may, acting in the President’s discretion under Article 22I of the Constitution —

25

(a) cancel the restraining order;

(b) confirm the restraining order without any variation; or

30

(c) confirm the restraining order with variations.

(4) The restraining order lapses unless —

(a) in a case to which subsection (3) applies —

(i) the President confirms the restraining order (with or without variations); or

(ii) the President is deemed by Article 21A of the Constitution to have confirmed the restraining order (with or without variations); or

(b) in any other case — the President confirms the restraining order (with or without variations) within 30 days after receiving the recommendation of the Council.”;

(u) in section 13, replace subsection (3) with —

“(3) However, the President may only cancel a direction to extend or confirm the direction without variation, and the Council and the Cabinet must give their advice and recommendations to the President accordingly.”;

(v) in section 15, after “any”, insert “cancellation,”;

(w) in section 16B(1)(b)(i), delete “or, where the foreign principal is an entity, of the governing body of the foreign principal”;

(x) replace section 16G with —

**“Power to require information, etc.**

**16G.**—(1) A competent authority may exercise the powers in subsection (2) for the purpose of determining one or more of the following matters:

(a) whether there are grounds for the Minister to perform any function conferred on the Minister by this Act;

(b) whether there are grounds for the competent authority to perform any

function conferred on the competent authority by this Act;

- (c) whether a religious group has complied with the provisions of Part 4 (including the regulations made for the purposes of that Part); 5
- (d) whether a restraining order has been complied with;
- (e) whether any information or document provided to the competent authority under this section is correct and complete. 10

(2) The competent authority may give a written notice to a person to require the person to do one or both of the following:

- (a) to answer any question by the competent authority, or a public officer authorised by the competent authority, to the best of the person's knowledge, information and belief, and to do so — 15
  - (i) in person at the specified time and place; or 20
  - (ii) in writing and within the specified time;
- (b) to give to the competent authority, or a public officer authorised by the competent authority, within the specified time and in the specified manner, any document that the competent authority has reason to believe is in the possession, custody or control of the person, and to do so without charge. 25 30

(3) The powers in subsection (2) include the power to require —

- (a) an explanation of any document;

(b) any information about the location of any document;

(c) any password, access code or other information required to access any document; and

(d) a legible copy of any document that is illegible or any information that is given in an illegible form.

(4) An oral statement made by a person in response to a notice under subsection (2) must —

(a) be reduced to writing;

(b) be read over to the person;

(c) if the person does not understand English, be interpreted in a language that the person understands; and

(d) be signed by the person after any necessary correction.

(5) The competent authority may keep without charge —

(a) a document produced in response to a notice under subsection (2); and

(b) any copy or extract of the document.

(6) A person is not excused from giving any information or document required by a notice under subsection (2) even if the information or document might tend to incriminate the person.

(7) If a person —

(a) gives any information or document to the competent authority in response to a notice under subsection (2); and



- (b) before doing so, claims that the information or document might tend to incriminate the person,

the information or document is not admissible in evidence against the person in any proceedings for any offence other than —

- (c) an offence under section 16GA; or
- (d) any offence under any other written law in respect of the falsity of the information or document.

(8) In this section and section 16GA, “document” includes —

- (a) a document in electronic or digital form; and
- (b) an image or a sound recording.

### **Offences relating to section 16G**

**16GA.**—(1) A person who is given a notice under section 16G commits an offence if —

- (a) the person fails to comply with any requirement in the notice;
- (b) the person alters, damages or destroys a document that must be given to the competent authority under the notice;
- (c) in response to the notice, the person gives to the competent authority or a public officer any information that —
  - (i) contains a material particular that is false or misleading; or
  - (ii) is false or misleading because a material particular is omitted;

(d) in response to the notice, the person gives to the competent authority or a public officer a document that —

(i) contains a material particular that is false or misleading; or

(ii) is false or misleading because a material particular is omitted;

(e) in response to the notice, the person knowingly gives to the competent authority or a public officer any information that —

(i) contains a material particular that is false or misleading; or

(ii) is false or misleading because a material particular is omitted; or

(f) in response to the notice, the person knowingly gives to the competent authority or a public officer a document that —

(i) contains a material particular that is false or misleading; or

(ii) is false or misleading because a material particular is omitted.

(2) In any proceedings for an offence under subsection (1)(a), it is a defence for the accused to prove, on a balance of probabilities, that the accused took all reasonable steps to comply with the requirement.

(3) In any proceedings for an offence under subsection (1)(b), it is a defence for the accused to prove, on a balance of probabilities, that the accused took all reasonable steps to safeguard the document.

(4) In any proceedings for an offence under subsection (1)(c) or (d), it is a defence for the

accused to prove, on a balance of probabilities, that the accused took all reasonable steps to ensure the correctness and completeness of the information or document.

(5) In any proceedings for an offence under subsection (1)(*d*) or (*f*), it is a defence for the accused to prove, on a balance of probabilities, that the accused —

(*a*) informed the competent authority or public officer about what was false or misleading about the document; and

(*b*) did so before giving the document to the competent authority or public officer.

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

(*a*) to a fine not exceeding \$5,000; and

(*b*) in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

(7) A person who is guilty of an offence under subsection (1)(*b*), (*c*) or (*d*) shall be liable on conviction to a fine not exceeding \$5,000.

(8) A person who is guilty of an offence under subsection (1)(*e*) or (*f*) shall be liable on conviction —

(*a*) to a fine not exceeding \$10,000; and

(*b*) in the case of a second or subsequent conviction, to a fine not exceeding \$20,000.”;

(*y*) delete section 16H;

(*z*) in section 17F, replace subsections (7) and (8) with —

“(7) In any proceedings for an offence under subsection (1) or (2), it is a defence for the accused to prove, on a balance of probabilities, that —

(a) the conduct the accused engaged in was domestic in nature, having regard to —

(i) the number of persons who are likely to perceive the conduct;

(ii) the relationships between those persons, and between the accused and those persons; and

(iii) all other relevant circumstances;

(b) the accused reasonably expected that the conduct would only be perceived by the parties to the conduct; and

(c) in the case of an offence under subsection (2) — the accused could not reasonably have expected that the conduct would be perceived by the target person.

(8) In any proceedings for an offence under subsection (3) or (4), it is a defence for the accused to prove, on a balance of probabilities, that —

(a) the conduct the accused engaged in was private or domestic in nature, having regard to —

(i) the number of persons who are likely to perceive the conduct;

(ii) the relationships between those persons, and between the accused and those persons; and

(iii) all other relevant circumstances;

(b) the accused reasonably expected that the conduct would only be perceived by the parties to the conduct; and

(c) in the case of an offence under subsection (4) — the accused could not reasonably have expected that the conduct would be perceived by the target person.”;

(za) in section 17F(10)(a), delete “or” at the end;

5

(zb) in section 17F(10), after paragraph (a), insert —

“(aa) are causing or have a tendency to cause contempt for or ridicule of a religious group; or”;

(zc) after section 17G, insert —

10

### **“Community remedial initiative**

**17GA.**—(1) In deciding whether to institute proceedings against a person for an offence under this Division, the Public Prosecutor may consider whether the person has satisfactorily completed a community remedial programme.

15

(2) For the purposes of subsection (1), the Minister may —

(a) establish one or more community remedial programmes for a person to take remedial action for engaging in conduct that is prejudicial to the maintenance of religious harmony in Singapore;

20

(b) determine the form, contents and duration of a community remedial programme; and

25

(c) appoint persons to conduct a community remedial programme.

(3) For the purposes of subsection (1), a competent authority may —

(a) determine a person’s suitability for a community remedial programme; and

30

(b) certify whether a person has satisfactorily completed a community remedial programme.

(4) It is not compulsory for a person to take part in or complete a community remedial programme.”;

(zd) in Part 6, in Division 3, replace the Division heading with —

*“Division 3 — Offences relating to Part 4”;*

(ze) in section 17J, after subsection (2), insert —

“(2A) A religious group commits an offence if the religious group fails to comply with a direction under section 16D(3) or 16E(3).”;

(zf) in section 17J, after subsection (3), insert —

“(3A) A religious group who is guilty of an offence under subsection (2A) shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.”;

(zg) in section 17J, after subsection (4), insert —

“(4A) In proceedings for an offence under subsection (2A) in relation to a direction under section 16D(3) or 16E(3), it is a defence to the charge for the accused to prove, on a balance of probabilities, that the accused took all reasonable steps, and exercised all due diligence, to ensure that the direction has been complied with.”;

(zh) in section 17J(5), replace “subsection (1) or (2)” with “subsection (1), (2) or (3)”;

(zi) delete sections 17K and 17L;

(zj) in section 19, delete paragraph (a); and

- (zk) in section 19(b), replace “extension, revocation, variation or confirmation” with “cancellation, revocation, variation, extension or confirmation”.

## **Amendment of Mutual Assistance in Criminal Matters Act 2000**

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**50.** In the Mutual Assistance in Criminal Matters Act 2000, in the Second Schedule —

- (a) after item 154, replace “**Maintenance of Religious Harmony Act 1990**” with “**Maintenance of Racial Harmony Act 2025**”;

10

- (b) replace items 154A and 154B with —

“

154A. Section 39(1), (2) or (3)	Urging violence on the basis of race
154B. Section 40(1) or (2)	Inciting enmity against persons distinguished by race, etc.
<b>Maintenance of Religious Harmony Act 1990</b>	
154C. Section 17E(1), (2), (3) or (4)	Urging violence on religious grounds or against religious group, etc.
154D. Section 17F(1), (2), (3) or (4)	Inciting hatred, ill-will, etc.

”;

15

20

- (c) in item 285, after “Section 298”, insert “(as in force immediately before the date of commencement of section 52 of the Maintenance of Racial Harmony Act 2025)”; and

25

- (d) in item 286, after “Section 298A”, insert “(as in force immediately before the date of commencement of section 52 of the Maintenance of Racial Harmony Act 2025)”.

30

### **Amendment of Online Criminal Harms Act 2023**

**51.** In the Online Criminal Harms Act 2023, in the First Schedule, in Part 1, after item 19, insert —

“19A. Offences under the Maintenance of Racial Harmony Act 2025.”.

### **Amendment of Penal Code 1871**

**52.** In the Penal Code 1871 —

(a) in section 74(2)(a), delete “except sections 298 and 298A”; and

(b) delete Chapter 15.

### **Amendment of Registration of Criminals Act 1949**

**53.** In the Registration of Criminals Act 1949, in the First Schedule —

(a) in Part 1A, in the item relating to section 298A, after “298A”, insert “(as in force immediately before the date of commencement of section 52 of the Maintenance of Racial Harmony Act 2025)”; and

(b) after Part 10, insert —

“PART 11

OFFENCES UNDER OTHER LAWS INCLUDED  
WITH EFFECT FROM DATE OF COMMENCEMENT  
OF SECTIONS 39 AND 40 OF THE MAINTENANCE OF  
RACIAL HARMONY ACT 2025

Maintenance of Racial                      Sections 39 and 40.”.  
Harmony Act 2025

### **Amendment of Trade Disputes Act 1941**

**54.** In the Trade Disputes Act 1941, in section 15(4A), replace paragraph (b) with —

“(b) applies to an act that is an offence under —

(i) section 39 or 40 of the Maintenance of Racial  
Harmony Act 2025;



- (ii) section 17E or 17F of the Maintenance of Religious Harmony Act 1990; or
- (iii) section 267C or 505 of the Penal Code 1871.”.

## THE SCHEDULE

Section 3(2)      5

### PRESIDENTIAL COUNCIL FOR RACIAL AND RELIGIOUS HARMONY

#### **Definitions**

1. In this Schedule —

- “chairperson” means the chairperson of the Council; 10
- “member” means a member of the Council and includes the chairperson;
- “Presidential Council for Minority Rights” means the Presidential Council for Minority Rights established by Article 69 of the Constitution.

#### **Composition of Council**

2. The Council comprises — 15
- (a) a chairperson; and
  - (b) at least 10 and not more than 20 other members.

#### **Appointment and term of members**

3.—(1) The chairperson and every other member are to be appointed by the President on the advice of the Presidential Council for Minority Rights. 20

(2) However, the President is not required to make an appointment if the President, acting in the President’s discretion under Article 22 of the Constitution, does not concur with the advice of the Presidential Council for Minority Rights.

(3) Appointments to the Council must seek to ensure that the Council comprises — 25

- (a) representatives of all major racial and religious communities in Singapore; and
- (b) persons who have distinguished themselves in public service or community relations in Singapore.

(4) The chairperson must be appointed for a period of 3 years. 30

(5) Other members must be appointed for a period of not less than one year and not more than 3 years.

THE SCHEDULE — *continued*

(6) A member may be reappointed.

(7) The appointment of a member may be revoked by the President if the President, acting in the President's discretion under Article 22 of the Constitution,  
 5 concurs with the advice of the Presidential Council for Minority Rights.

**Qualifications of members**

4. An individual is qualified to be a member if the individual is —

- (a) a Singapore citizen;
- (b) at least 35 years of age;
- 10 (c) resident in Singapore; and
- (d) not subject to any of the disqualifications in paragraph 5.

**Disqualifications of members**

5. An individual is disqualified from being a member if the individual —

- (a) has been found to lack mental capacity;
- 15 (b) is insolvent or an undischarged bankrupt;
- (c) has —
  - (i) been convicted of an offence by a court in Singapore or elsewhere and sentenced to imprisonment for a term of not less than one year or to a fine of not less than \$10,000 (or its  
 20 equivalent in a foreign currency at the time of sentencing); and
  - (ii) not received a free pardon,
 except that if the conviction is by a foreign court, the offence must also be one that, had it been committed in Singapore, would have been punishable by a court in Singapore; or
- 25 (d) has voluntarily acquired the citizenship of, or exercised the rights of citizenship in, a foreign country or has made a declaration of allegiance to a foreign country.

**Vacation of membership**

6. A member must vacate his or her seat if —

- 30 (a) the member ceases to be a Singapore citizen;
- (b) the member resigns his or her seat by written notice signed by the member and addressed to the chairperson; or

THE SCHEDULE — *continued*

- (c) the member becomes subject to any of the disqualifications in paragraph 5.

**Presiding at meetings**

- 7.—(1) The chairperson must, if present, preside at all meetings of the Council. 5
- (2) If the office of chairperson is vacant or the chairperson is for any reason unable to attend a meeting, the Council must elect another member to preside.

**Quorum and voting**

- 8.—(1) The Council must not transact any business unless a quorum of at least half of its members is present. 10
- (2) A decision of the Council is to be made by a majority of the votes of the members present and voting.
- (3) If on any question before the Council the votes of the members are equally divided, the chairperson or presiding member has a casting vote in addition to his or her original vote. 15

**Validity of proceedings despite vacancy, etc.**

- 9.—(1) The Council may, subject to paragraph 8, transact its business despite any vacancy among its members.
- (2) The validity of the proceedings or any decision of the Council is not affected — 20
- (a) by any defect in the appointment of its members; or
- (b) by the fact that a person took part in its proceedings despite not being entitled to do so.

**Secrecy of proceedings**

- 10.—(1) Subject to the provisions of this Act and the Maintenance of Religious Harmony Act 1990, the proceedings of the Council are secret. 25
- (2) A member or officer of the Council must not disclose any matter which has arisen at a meeting of the Council unless —
- (a) the disclosure is made to the President, the Cabinet, the Minister or any member or officer of the Council; or 30
- (b) the disclosure is expressly authorised by the Minister.

THE SCHEDULE — *continued***Power to regulate own procedure**

11. Subject to the provisions of this Act and the Maintenance of Religious Harmony Act 1990, the Council may regulate its own procedure.

5 **Appointment of officers**

12. The Council may appoint a secretary and other officers as may be required to enable the Council to carry out its functions.

**Members and officers deemed to be public servants**

10 13. A member or officer of the Council is deemed to be a public servant within the meaning of the Penal Code 1871.

**Protection from personal liability**

14. No liability shall lie against a member or officer of the Council for anything done or omitted to be done —

- 15       (a) in good faith and with reasonable care; and
- (b) in the performance or purported performance of the Council's functions under this Act or the Maintenance of Religious Harmony Act 1990.

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**EXPLANATORY STATEMENT**

This Bill seeks to enact measures for the maintenance of racial harmony in Singapore and to establish a Presidential Council for Racial and Religious Harmony. The measures in the Bill are broadly similar to the measures in the Maintenance of Religious Harmony Act 1990. The Bill is accompanied by a Constitution of the Republic of Singapore (Amendment) Bill.

**PART 1****PRELIMINARY**

Clause 1 relates to the short title and commencement.

Clause 2 is an interpretation provision.

## PART 2

### ADMINISTRATION

Part 2 (comprising clauses 3 to 7) relates to the administration of the Bill.

A Presidential Council for Racial and Religious Harmony (the Council) is established, and the Schedule makes further provision about the Council. Members of the Council are to be appointed by the President if the President, acting in the President's discretion, concurs with the advice of the Presidential Council for Minority Rights. Appointments to the Council should ensure that the Council comprises representatives of all major racial and religious communities in Singapore and persons who have distinguished themselves in public service or community relations in Singapore.

The functions of the Council are to report on matters relating to the maintenance of racial or religious harmony in Singapore that are referred to the Council by the Minister or by Parliament, and to make recommendations on restraining orders under the Bill or the Maintenance of Religious Harmony Act 1990 (see also Part 5). The Council will take over the functions of the Presidential Council for Religious Harmony, which will be abolished (see clause 49).

Separately, the Minister is empowered to appoint public officers to be competent authorities for the purposes of the Bill. Competent authorities are empowered to obtain information and documents for the purposes of the Bill.

## PART 3

### RESTRAINING ORDERS AGAINST RACIAL CONTENT

Part 3 (comprising clauses 8, 9 and 10) provides for racial content restraining orders. The Minister may make a racial content restraining order against a person (*X*) connected with the commission of acts that cause feelings of enmity, hatred, ill-will or hostility between different races in Singapore. The order may require *X* to comply with specified measures to stop the creation, communication, distribution or proliferation of content that could cause such feelings. A racial content restraining order has effect for up to 2 years in the first instance, and the Minister may give directions to extend the order for up to 2 years at a time. Failure to comply with a racial content restraining order is an offence.

## PART 4

### MEASURES AGAINST FOREIGN INFLUENCE

Part 4 contains measures against foreign influence that could affect racial harmony in Singapore.

Division 1 (comprising clauses 11 to 14) defines key concepts used in Part 4.

Division 2 (comprising clauses 15, 16 and 17) relates to the designation of entities for the purposes of Part 4. The competent authority may designate an entity whose objects, purposes or activities include representing or promoting the interests of any race in Singapore, or discussing any issue relating to any race in Singapore. The competent authority must be satisfied that the designation is necessary or expedient to pre-empt, prevent or reduce any foreign influence that may undermine racial harmony in Singapore. The competent authority must inform an entity about a proposed designation; the entity will have an opportunity to make representations. A designation may be cancelled by the competent authority.

Division 3 (comprising clauses 18 to 22) provides for regulations to impose reporting obligations on designated entities. Designated entities will generally be required to report the foreign donations and anonymous donations that they accept; their foreign affiliations; their constitutional arrangements; the composition of their governing bodies; the nationality of the members of their governing bodies; and the nationality of their responsible officers. The regulations may prescribe offences relating to these reporting obligations. Separately, it is an offence to deceitfully withhold from a designated entity any information about donations to the entity, or to knowingly provide false information about donations to the entity.

Division 4 (comprising clauses 23 to 26) imposes basic leadership restrictions on designated entities. More than half of the total number of seats on the governing body of a designated entity must be occupied or held by Singapore citizens; for governing bodies with fewer than 3 seats, all of them must be occupied or held by Singapore citizens. Responsible officers of designated entities must be Singapore citizens or Singapore permanent residents. If a designated entity is in contravention of any of these restrictions, the competent authority may direct the entity to remove the relevant members or officers. A removal direction may be appealed against to the Minister, whose decision is final. If a removal direction against a designated entity is not complied with, the entity commits an offence. Each person who is a member of the governing body of the entity while the removal direction is not complied with also commits an offence.

Division 5 (comprising clauses 27 to 30) provides for stepped-up measures to be imposed under foreign influence restraining orders. The Minister may make a foreign influence restraining order against a designated entity to pre-empt, prevent or reduce any foreign influence that may undermine racial harmony in Singapore and present a threat to public peace and public order in Singapore. The order may include measures against accepting or retaining foreign or anonymous donations, measures against foreign affiliations, measures against non-citizens in general serving on the governing body of the entity, and measures against specified persons (who may be Singapore citizens) serving on the governing body of the

entity. A foreign influence restraining order has effect for up to 2 years in the first instance, and the Minister may give directions to extend the order for up to 2 years at a time. If a foreign influence restraining order against a designated entity is not complied with, the entity commits an offence. Each person who is a member of the governing body of the entity while the non-compliance is ongoing also commits an offence. Separately, it is an offence to facilitate a foreign donation prohibited by a foreign influence restraining order.

Division 6 (comprising clauses 31 and 32) contains other provisions. A designated entity must comply with its obligations under Divisions 4 and 5 despite any other written law and its constitutional documents; the entity is protected from any civil or criminal liability to the extent that it is acting in good faith and with reasonable care to comply with those obligations. If the consent or agreement of a person is required for a designated entity to remove the person as a member of its governing body or as a responsible officer, the consent or agreement is deemed to have been given. Finally, the Minister is empowered to exempt a designated entity from all or any of the provisions of Divisions 3 and 4.

## PART 5

### OVERSIGHT AND REVIEW ARRANGEMENTS FOR RESTRAINING ORDERS

Part 5 (comprising clauses 33 to 37) prescribes oversight and review arrangements for both racial content restraining orders and foreign influence restraining orders.

A restraining order is subject to oversight arrangements under which the order may be cancelled, confirmed without variation or confirmed with variations. After a restraining order is made against a person, copies must be given to the person and the Council, together with the grounds, facts and documents supporting the order. The person may make representations to the Council against the order. The Council must then give its recommendation on the order, and the recommendation will be sent to the President and the Cabinet for the latter to advise the former. If the Cabinet's advice is contrary to the recommendation of the Council, the President may act in his or her discretion and decide whether the order should be cancelled, confirmed without variation or confirmed with variations; otherwise, the President must act in accordance with the Cabinet's advice. A restraining order lapses unless it is confirmed or deemed to be confirmed by the President. The same oversight arrangements apply to a direction to extend a restraining order, except that such a direction may only be confirmed or cancelled but not varied.

Separately, the Minister must review a restraining order at least once every 12 months and may revoke a restraining order at any time. Restraining orders, any cancellation, revocation, variation, extension or confirmation of a restraining order, and recommendations of the Council must be published in the *Gazette*.

## PART 6

### OFFENCES RELATING TO RACE

Part 6 (comprising clauses 38 to 41) provides for offences against racial harmony. The new offences are mostly based on the existing offences relating to race in sections 298 and 298A of the Penal Code 1871; the existing offences will be abolished (see clause 52).

Clause 38 defines “conduct” for the purposes of Part 6. Among other things, “conduct” includes conduct occurring outside Singapore.

Clause 39 criminalises conduct that urges the use of force or violence against individuals or groups in Singapore on the basis of race.

Clause 40(1) criminalises conduct that incites feelings of enmity, hatred, ill-will or hostility against, or contempt for or ridicule of, groups in Singapore that are distinguished by race; clause 40(2) criminalises conduct that insults, vilifies, denigrates, threatens or abuses individuals on the basis of their race. It is a defence to prove that the conduct in question was private or domestic in nature; that there was a reasonable expectation that the conduct would not be perceived other than by the parties to the conduct; and, in the case of clause 40(2), that it was not reasonable to expect that the individual concerned would perceive the conduct. It is also a defence to prove that the accused person was acting in good faith to point out and bring about the removal of offensive matters.

Clause 41 empowers the Minister to establish one or more community remedial programmes for persons who have engaged in conduct that is prejudicial to the maintenance of racial harmony in Singapore. Participation in a community remedial programme is not compulsory, but in deciding whether to institute proceedings against a person for an offence under Part 6, the Public Prosecutor may consider whether the person has satisfactorily completed a community remedial programme.

## PART 7

### GENERAL PROVISIONS

Part 7 (comprising clauses 42 to 47) contains general provisions, including provisions about finality, criminal jurisdiction, composition and making regulations.

## PART 8

### RELATED AND CONSEQUENTIAL AMENDMENTS

Part 8 (comprising clauses 48 to 54) contains related and consequential amendments. These include amendments to the Penal Code 1871 to delete Chapter 15 (offences relating to race), and amendments to the Maintenance of



Religious Harmony Act 1990 to abolish the Presidential Council for Religious Harmony and to align certain provisions of that Act with the provisions of the Bill.

## EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure arising from the operation of the Presidential Council for Racial and Religious Harmony, the administration of the measures against foreign influence, and the implementation of community remedial programmes. The exact amount cannot at present be ascertained.

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