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Notification No. B 29 — The Public Entertainments and Meetings (Amendment) Bill is hereby published for general information. It was introduced in Parliament on the 8th day of September 2014.

Public Entertainments and Meetings (Amendment) Bill

Bill No. 29/2014.

Read the first time on 8 September 2014.

A BILL

intituled

An Act to amend the Public Entertainments and Meetings Act
(Chapter 257 of the 2001 Revised Edition).

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

Short title and commencement

1. This Act may be cited as the Public Entertainments and Meetings (Amendment) Act 2014 and shall come into operation on such date as the Minister charged with the responsibility for the licensing of arts entertainments may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2 of the Public Entertainments and Meetings Act (referred to in this Act as the principal Act) is amended —

(a) by deleting the definitions of “approved place” and “Licensing Officer” in subsection (1) and substituting the following definitions:

““appropriate Licensing Officer” means —

(a) in the case of an arts entertainment provided or to be provided, solely or in combination with one or more forms of arts entertainment only, in any place other than a specified establishment, the Arts Entertainment Licensing Officer; and

(b) in any other case, the Public Entertainment Licensing Officer;

“appropriate Minister” means —

(a) in the case of an arts entertainment provided or to be provided, solely or in combination with one or more forms of arts entertainment only, in any place other than a specified establishment, the Minister charged with the responsibility for the licensing of arts entertainments; and

(b) in any other case, the Minister charged with the responsibility for public entertainments;

“approved place” means a building, tent, street or place, or any part of that, whether open or enclosed, which is approved by the appropriate Licensing Officer for the purposes of this Act;

“arts entertainment” has the same meaning as in the Schedule; 5

“Arts Entertainment Licensing Officer” means the Licensing Officer appointed under section 4 by the Minister charged with the responsibility for the licensing of arts entertainments, and includes an Assistant Licensing Officer appointed by that Minister under that section; 10

“licence” means a public entertainment licence issued or renewed under this Act;

“licensee” means a person who is the holder of a licence; 15

“Licensing Officer” means —

(a) in sections 17, 17A, 17B, 18 and 21 —

(i) the Arts Entertainment Licensing Officer insofar as the powers under those sections are exercised in connection with section 15A, 15B or 15C; and 20

(ii) the appropriate Licensing Officer insofar as the powers under those sections are exercised in connection with any other provision of this Act; and 25

(b) in any other provision of this Act, the Public Entertainment Licensing Officer or the Arts Entertainment Licensing Officer, as the case may be;” 30

(b) by deleting the full-stop at the end of the definition of “public entertainment” in subsection (1) and substituting a

semi-colon, and by inserting immediately thereafter the following definitions:

““Public Entertainment Licensing Officer” means the Licensing Officer appointed under section 4 by the Minister charged with the responsibility for public entertainments, and includes an Assistant Licensing Officer appointed by that Minister under that section;

“specified establishment” means —

(a) any place or premises in respect of which a public house licence is granted under section 74(1)(a) of the Customs Act (Cap. 70); or

(b) an amusement centre, a billiard saloon, a computer games centre or any other similar establishment.”;

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

“(2) For the purposes of the definitions of “appropriate Licensing Officer” and “appropriate Minister” in subsection (1), section 15A(4), and the Schedule, a public entertainment is provided or to be provided in combination with another public entertainment if —

(a) they are combined such that they are provided or to be provided as a single or an integrated public entertainment; or

(b) they remain distinct but are provided or to be provided in or as part of the same event.

(2A) Unless the context otherwise requires, any reference in this Act to the issue of a licence includes a reference to the renewal of the licence.

(2B) The Schedule may, at any time, by order published in the *Gazette*, be amended, added to or varied by —

- (a) the Minister charged with the responsibility for public entertainments in any case; and
 - (b) the Minister charged with the responsibility for the licensing of arts entertainments insofar as the amendment, addition or variation relates to an arts entertainment.”; and
- (d) by deleting the words “subsection (2)” in subsection (3) and substituting the words “subsection (2B)”.

Repeal and re-enactment of sections 4 and 5

3. Sections 4 and 5 of the principal Act are repealed and the following sections substituted therefor:

“Appointment of officers

4. The Minister charged with the responsibility for public entertainments and the Minister charged with the responsibility for the licensing of arts entertainments may each, by notification in the *Gazette*, appoint a Licensing Officer for the purposes of this Act and may similarly appoint such number of Assistant Licensing Officers as may be necessary.

Application for licence

5.—(1) Any person who desires to apply for or renew a licence must apply to the appropriate Licensing Officer in such form and manner, and within such time, as the appropriate Licensing Officer may require.

(2) An application under subsection (1) is to be accompanied by such documents as the appropriate Licensing Officer may require.

(3) For the purposes of subsection (1), the appropriate Licensing Officer —

- (a) may require an applicant to satisfy such criteria and requirements as the appropriate Licensing Officer may publish on a prescribed website; and

(b) may publish different criteria and requirements for different classes of public entertainments or public entertainment licences.”.

Repeal and re-enactment of section 8

5 **4.** Section 8 of the principal Act is repealed and the following section substituted therefor:

“Public entertainment licence

8. Every public entertainment licence issued or renewed by the appropriate Licensing Officer —

- 10 (a) is subject to such conditions; and
 (b) is valid for such period or expires on such date,
 as may be specified in the licence.”.

Amendment of section 10

5. Section 10 of the principal Act is amended —

- 15 (a) by inserting, immediately after the word “issuing” in subsection (1), the words “or renewing”;
- (b) by inserting, immediately before the words “Licensing Officer” in subsections (1), (3) and (4), the word “appropriate”;
- 20 (c) by deleting subsection (2) and substituting the following subsection:
- “(2) The appropriate Licensing Officer may, at any time, add to the conditions, or vary or revoke any condition, of a licence.”; and
- 25 (d) by deleting subsection (5) and substituting the following subsection:
- “(5) Any licensee who is aggrieved by the decision of the appropriate Licensing Officer under this section may appeal in writing to the appropriate Minister within
- 30 14 days after being notified of the decision or such

extended period as the Minister may allow in any particular case.”.

Amendment of section 11

6. Section 11 of the principal Act is amended —

- (a) by inserting, immediately before the word “Minister” in subsection (1), the word “appropriate”; 5
- (b) by inserting, immediately before the words “Licensing Officer” wherever they appear in subsections (1) to (5), the word “appropriate”;
- (c) by inserting, immediately after the word “issuing” in subsection (1), the words “or renewing”; 10
- (d) by inserting, immediately after the word “form” in subsections (1) and (2), the words “and manner”;
- (e) by deleting the word “issued” in subsections (1) and (2);
- (f) by inserting, immediately before the word “cancellation” in subsection (4)(a), the words “suspension or”; 15
- (g) by inserting, immediately after the word “licensee” in subsection (5), the words “or the person whose licence is cancelled, as the case may be”; and
- (h) by deleting subsection (6) and substituting the following subsection: 20

“(6) Any licensee, or person whose licence is cancelled, who is aggrieved by the decision of the appropriate Licensing Officer under subsection (4) may appeal in writing to the appropriate Minister within 14 days after being notified of the decision or such extended period as the Minister may allow in any particular case.”. 25

Amendment of section 13

7. Section 13 of the principal Act is amended — 30

- (a) by inserting, immediately before the words “Licensing Officer” in subsections (1) and (2), the word “appropriate”;

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

“*(1A)* The appropriate Licensing Officer must, before refusing to renew a licence, give the licensee a written notice of the intention to do so and an opportunity to submit reasons, within the period specified in that notice, as to why the application to renew the licence should not be refused.”;

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

“*(3)* Any applicant or licensee who is aggrieved by the refusal of the appropriate Licensing Officer to issue or renew a licence may appeal in writing to the appropriate Minister within 14 days after being furnished with the grounds of the refusal or such extended period as the Minister may allow in any particular case.”; and

(d) by inserting, immediately before the word “Minister” in subsection (4), the word “appropriate”.

Amendment of section 14

8. Section 14 of the principal Act is amended —

(a) by inserting, immediately before the words “Licensing Officer” in subsections (1), (2) and (4), the word “appropriate”;

(b) by deleting the word “or” at the end of subsection (1)(c);

(c) by deleting paragraph (d) of subsection (1) and substituting the following paragraphs:

“(d) has been or is likely to be provided in contravention of any provision of this Act;

(e) has been or is likely to be provided in contravention of any condition of the licence; or

(f) is contrary to public interest.”;

(d) by deleting subsection (3) and substituting the following subsections:

“(3) Where the appropriate Minister has made rules under section 15(1) in respect of a licence, the appropriate Licensing Officer must not suspend or cancel the licence under subsection (1)(e) unless the licensee has accumulated such number of demerit points as prescribed under section 15(1).”

(3A) Before suspending or cancelling a licence, the appropriate Licensing Officer must, unless it is not practicable or desirable to do so in the circumstances of the case, give the licensee a written notice of the intention to do so and an opportunity to submit reasons, within the period specified in that notice, as to why the licence should not be suspended or cancelled.”;

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

“(5) Any person who is aggrieved by the suspension or cancellation of the person’s licence by the appropriate Licensing Officer may appeal in writing to the appropriate Minister within 14 days after being furnished with the grounds of the suspension or cancellation or such extended period as the Minister may allow in any particular case.”; and

(f) by inserting, immediately before the word “Minister” in subsection (6), the word “appropriate”.

New sections 15A, 15B and 15C

9. The principal Act is amended by inserting, immediately after section 15, the following sections:

“Classification of content of arts entertainment

15A.—(1) The Arts Entertainment Licensing Officer may issue, from time to time, one or more codes for the classification of the content of arts entertainments or classes of arts entertainments.

(2) A licensee must not provide any arts entertainment unless its content has been classified by the Arts Entertainment Licensing Officer.

5 (3) A licensee must not provide any classified arts entertainment unless its form and content are the same as that which have been classified by the Arts Entertainment Licensing Officer.

(4) In this section and sections 15B and 15C, a reference to an arts entertainment includes a reference to —

10 (a) an arts entertainment licensed by the Public Entertainment Licensing Officer; and

(b) an arts entertainment which is provided or to be provided in combination with any other public entertainment.

Duties of licensee providing arts entertainment

15 **15B.**—(1) A licensee must —

(a) furnish to the Arts Entertainment Licensing Officer all relevant information and documents that the Arts Entertainment Licensing Officer requires for the purpose of determining the classification of the content of an arts entertainment;

20 (b) comply with such procedures and requirements as the Arts Entertainment Licensing Officer may direct in relation to the classification of the content of the arts entertainment; and

25 (c) pay the Arts Entertainment Licensing Officer such fee as may be prescribed, within such time as the Arts Entertainment Licensing Officer may specify, for the classification of the content of the arts entertainment.

(2) The Arts Entertainment Licensing Officer may refuse to classify the content of an arts entertainment if —

30 (a) the licensee does not comply with subsection (1); or

- (b) any information or document provided to the Arts Entertainment Licensing Officer under subsection (1)(a) is incomplete or inaccurate.

Directions by Arts Entertainment Licensing Officer

15C.—(1) Where the Arts Entertainment Licensing Officer is of the opinion that an arts entertainment is being provided or is likely to be provided by a licensee in contravention of section 15A(2) or (3), the Arts Entertainment Licensing Officer may direct the licensee —

- (a) to remove such content from the arts entertainment as the Arts Entertainment Licensing Officer determines; or
- (b) to refrain from or cease providing the arts entertainment either for the duration of the licence or for such shorter period as the Arts Entertainment Licensing Officer determines,

and the licensee must comply with the direction.

(2) Before issuing any direction to a licensee under subsection (1), the Arts Entertainment Licensing Officer must, unless it is not practicable or desirable to do so in the circumstances of the case, give the licensee a written notice of the intention to do so and an opportunity to submit reasons, within the period specified in that notice, as to why the direction should not be issued.

(3) Any licensee who is aggrieved by a direction of the Arts Entertainment Licensing Officer under subsection (1) may appeal in writing to the Minister charged with the responsibility for the licensing of arts entertainments within 14 days after being notified of the direction or such extended period as the Minister may allow in any particular case.”.

Repeal of section 16 and new sections 16 and 16A

10. Section 16 of the principal Act is repealed and the following sections substituted therefor:

“Appeals to Minister

16.—(1) Any person who makes an appeal to a Minister under section 10(5), 11(6), 13(3), 14(5) or 15C(3) must, within the period specified in that provision for the making of the appeal —

5 (a) state the circumstances in which the appeal arises and the issues and grounds for the appeal; and

 (b) submit all relevant facts, evidence and arguments in respect of the appeal.

(2) Where an appeal is made to a Minister under any of the provisions specified in subsection (1), the Minister may require —

10 (a) any party to the appeal; or

 (b) any person who is not a party to the appeal but appears to the Minister to have any information or document that is relevant to the appeal,

15 to provide the Minister with such information or document as the Minister may require for the purpose of considering and determining the appeal; and any person so required to provide the information or document must provide it in such manner and within such period as may be specified by the Minister.

(3) A Minister may reject an appeal made to him under any of the provisions specified in subsection (1) if the appellant fails to comply with subsection (1) or (2) in respect of that appeal.

25 (4) Any appeal made to a Minister under any of the provisions specified in subsection (1) against a decision or direction, as the case may be, of the Licensing Officer shall not affect the operation of the decision or direction or prevent the taking of any action to implement the decision or direction unless otherwise provided in this Act or directed by the Minister in any particular case.

30 (5) A Minister may determine an appeal made to him under any of the provisions specified in subsection (1) against a decision or direction of the Licensing Officer by —

(a) confirming, varying or reversing the decision or direction; or

(b) requiring the Licensing Officer to reconsider the decision or direction,

and the decision of the Minister shall be final.

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Exemption

16A.—(1) The Minister may, by order published in the *Gazette*, exempt any person or class of persons, or any public entertainment or series or class of public entertainments, from all or any of the provisions of this Act, subject to such conditions or restrictions as may be specified in the order.

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(2) In this section, “Minister” means —

(a) the Minister charged with the responsibility for the licensing of arts entertainments insofar as the power under this section is exercised in connection with section 15A, 15B or 15C; and

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(b) the appropriate Minister insofar as the power under this section is exercised in connection with any other provision of this Act.”.

Amendment of section 17

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11. Section 17 of the principal Act is amended —

(a) by deleting the words “Any Licensing Officer or” and substituting the words “The Licensing Officer or any”; and

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

25

“(2) Nothing in this section or section 17A, 17B or 18 shall derogate from the powers of a police officer under the Criminal Procedure Code (Cap. 68).”.

New sections 17A and 17B

12. The principal Act is amended by inserting, immediately after section 17, the following sections:

“Powers of investigation

17A.—(1) The Licensing Officer may, for the purposes of investigating an offence under this Act or the contravention of any provision of this Act, do all or any of the following:

(a) require any person whom the Licensing Officer reasonably believes to have committed that offence or contravention to furnish evidence of that person’s identity;

(b) require any person, whom the Licensing Officer reasonably believes has —

(i) any information; or

(ii) any document or article in the person’s possession, custody or control,

relevant to the investigation, to furnish that information, or produce that document or article;

(c) issue a written notice requiring any person within the limits of Singapore, who appears to be acquainted with the facts or circumstances of the matter, to attend before the Licensing Officer;

(d) examine orally any person who appears to be acquainted with the facts or circumstances of the matter —

(i) whether before or after that person or anyone else is charged with an offence in connection with the matter; and

(ii) whether or not that person is to be called as a witness in any inquiry, trial or other proceeding in connection with the matter.

(2) Any person examined under this section shall be bound to state truly what the person knows of the facts and circumstances of the matter, except that the person need not say anything that

might expose the person to a criminal charge, penalty or forfeiture.

(3) A statement made by any person examined under this section must —

- (a) be reduced to writing; 5
- (b) be read over to the person;
- (c) if the person does not understand English, be interpreted to the person in a language that the person understands; and
- (d) after correction (if necessary), be signed by the person. 10

(4) If any person fails to comply with a written notice issued to the person under subsection (1)(c), the Licensing Officer may report the failure to a Magistrate who may then, in the Magistrate's discretion, issue a warrant ordering that person to comply with the written notice. 15

(5) Subject to subsection (6), the Licensing Officer may take possession or make copies of any document or article produced under subsection (1)(b), for further investigation.

(6) Anything taken possession of by the Licensing Officer under subsection (5) — 20

- (a) must be placed in safe custody by the Licensing Officer; and
- (b) unless ordered otherwise by the court, may be retained until the completion of the investigation or any proceedings (including proceedings on appeal) in which it may be in evidence. 25

(7) Any person who, without reasonable excuse, refuses or fails —

- (a) to furnish any information, or produce any document or article, required of the person by the Licensing Officer under subsection (1); or 30
- (b) to comply with any notice issued to the person under subsection (1)(c),

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

(8) In this section and section 17B, a reference to the Licensing Officer shall include a police officer.

5 **Disposal and forfeiture of documents and articles**

17B.—(1) Any document or article retained by the Licensing Officer under section 17A(5) shall —

10 (a) where the document or article is produced in any criminal trial, be dealt with in accordance with section 364 of the Criminal Procedure Code (Cap. 68);
or

(b) in any other case, be returned to the owner or, if the owner is not known, reported to a Magistrate.

15 (2) Where the report of any document or article is made to a Magistrate under subsection (1)(b), the Magistrate may order the document or article to be forfeited or to be disposed of in such manner as the Magistrate thinks fit.

20 (3) Nothing in this section shall be taken to prejudice any right to retain or dispose of any property which may exist in law apart from this section.”.

Amendment of section 19

13. Section 19 of the principal Act is amended —

(a) by deleting the words “this section” in subsection (2) and substituting the words “subsection (1)”;

25 (b) by inserting, immediately after subsection (2), the following subsection:

“(3) Any person who, being required to make any statement or furnish any information or document under this Act —

30 (a) makes any statement or furnishes any information or document which is false or misleading in a material particular; and

(b) knows or ought reasonably to know that, or is reckless as to whether, it is false or misleading in a material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.”; and

5

(c) by deleting the section heading and substituting the following section heading:

“General offences”.

Repeal and re-enactment of section 20

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

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“Service of documents

20.—(1) A document that is permitted or required to be served on a person under this Act may be served as described in this section.

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

(a) by giving it to the individual personally;

(b) by sending it by pre-paid registered post to the address specified by the individual for the service of documents under this Act or, if no address is so specified, the individual’s residential or business address;

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

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

(e) by sending it by fax to the fax number given by the individual as the fax number for the service of documents under this Act; or

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(f) by sending it by email to the individual’s email address.

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

(a) by giving it to any partner, secretary or other like officer of the partnership;

5 (b) by leaving it at, or by sending it by pre-paid registered post to, the partnership's business address;

(c) by sending it by fax to the fax number used at the partnership's business address; or

(d) by sending it by email to the partnership's email address.

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

(a) by giving it to the secretary or other like officer of the body corporate or unincorporated association or the limited liability partnership's manager;

15 (b) by leaving it at, or by sending it by pre-paid registered post to, the body corporate's or unincorporated association's registered office or principal office in Singapore;

20 (c) by sending it by fax to the fax number used at the body corporate's or unincorporated association's registered office or principal office in Singapore; or

(d) by sending it by email to the body corporate's or unincorporated association's email address.

25 (5) Service of a document on a person under this section takes effect —

(a) if the document is sent by fax and a notification of successful transmission is received, on the day of the transmission;

30 (b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person; and

(c) if the document is sent by pre-paid registered post, 2 days after the day the document was posted (even if it is returned undelivered).

(6) A document may be served on a person under this Act by email only with that person's prior written consent. 5

(7) This section does not apply to documents to be served in proceedings in court.

(8) In this section —

“business address” means —

(a) in the case of an individual, the individual's usual or last known place of business in Singapore; and 10

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

“email address” means the last email address given by the addressee concerned as the email address for the service of documents under this Act; 15

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

Amendment of section 21

15. Section 21 of the principal Act is amended — 20

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

“(1) The Licensing Officer may, in the Licensing Officer's discretion, compound any offence under this Act which 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: 25

(a) one half of the amount of the maximum fine that is prescribed for the offence; 30

(b) \$5,000.”; and

(b) by inserting, immediately after subsection (3), the following subsection:

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

5 **Amendment of section 23**

16. Section 23 of the principal Act is amended —

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

10 “(a) to prescribe the fees or charges in respect of any matter or thing to be done or required under or for the purposes of this Act, including for any application or licence;

(b) to prescribe the matters required or permitted to be prescribed by this Act;”;

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

“(1A) In this section, “Minister” means —

20 (a) the Minister charged with the responsibility for the licensing of arts entertainments insofar as the power under this section is exercised in connection with section 15A, 15B or 15C; and

(b) the appropriate Minister insofar as the power under this section is exercised in connection with any other provision of this Act.”.

25 **Amendment of Schedule**

17. The Schedule to the principal Act is amended —

(a) by deleting the definition of “ad hoc performance” in paragraph 1;

30 (b) by deleting the words “, ad hoc performance” in paragraph (a) of the definition of “arts entertainment” in paragraph 1;

- (c) by deleting the word “or” at the end of paragraph (d) of the definition of “arts entertainment” in paragraph 1;
- (d) by deleting the comma at the end of paragraph (e) of the definition of “arts entertainment” in paragraph 1 and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs: 5
- “(f) any variety act or performance of music, singing or dancing;
- (g) any display or exhibition using real-time transmission of the performance, display or exhibition happening elsewhere (whether in or outside Singapore and whether in a public or private place) of any item, or any combination of the items, specified in paragraphs (a) to (f),”; 10
- (e) by inserting, immediately after the definition of “pin-table” in paragraph 1, the following definition: 15
- ““real-time transmission”, in relation to the performance, display or exhibition of any item or any combination of the items specified in paragraphs (a) to (f) of the definition of “arts entertainment”, means the simultaneous audio or visual transmission, through the Internet or other form of communication network, to any place of the item or combination of the items being performed, displayed or exhibited at any other place, including any reasonable period of delay, due to any technical or other reason, between the performance, display or exhibition of the item or combination of the items and the audio or visual transmission of such performance, display or exhibition;”; 20
- and 25
- (f) by deleting sub-paragraph (a) of paragraph 2 and substituting the following sub-paragraph: 30
- “(a) any performance of gymnastics, acrobatics or legerdemain, demonstration, display or parade;”.

Miscellaneous amendments

18. The principal Act is amended —

5 (a) by inserting, immediately before the words “Licensing Officer” in sections 3(b), 6, 7 and 15(2), the word “appropriate”;

(b) by inserting, immediately after the word “application” in section 6, the words “under section 5 in respect of the licence”;

10 (c) by deleting the words “for a licence” in section 7 and substituting the words “under section 5,”;

(d) by inserting, immediately before the word “Minister” in section 15(1), the word “appropriate”; and

15 (e) by deleting the words “Any Licensing Officer or” in section 18(1) and substituting the words “The Licensing Officer or any”.

Savings and transitional provisions

19.—(1) Except as expressly provided in this section, this section shall apply without prejudice to section 16 of the Interpretation Act (Cap. 1).

20 (2) Every application to the Public Entertainment Licensing Officer for the issue or renewal of a licence that is pending on the date of commencement of section 3 of this Act shall be deemed to be withdrawn on that date in the case where the application is required to be made to the Arts Entertainment Licensing Officer under the
25 principal Act as amended by this Act (referred to in this section as the Amended Act) with effect from that date.

30 (3) Every application to the Arts Entertainment Licensing Officer for the issue or renewal of a licence that is pending on the date of commencement of section 3 of this Act shall be deemed to be withdrawn on that date in the case where the application is required to be made to the Public Entertainment Licensing Officer under the Amended Act with effect from that date.

(4) Every licence issued or renewed under the principal Act by the Public Entertainment Licensing Officer or the Arts Entertainment Licensing Officer before the date of commencement of section 4 of this Act shall, with effect from that date, be regulated and dealt with by that Licensing Officer in accordance with the Amended Act as if that Licensing Officer is the appropriate Licensing Officer for that licence under the Amended Act. 5

(5) Every appeal under the principal Act to the Minister charged with the responsibility for public entertainments or the Minister charged with the responsibility for the licensing of arts entertainments that is pending on the date of commencement of section 10 of this Act shall be continued and dealt with by that Minister in accordance with the Amended Act as if that Minister is the appropriate Minister in respect of that appeal under the Amended Act. 10

(6) Subject to subsection (7), sections 15A, 15B and 15C of the Amended Act shall apply to every arts entertainment provided on or after the date of commencement of section 9 of this Act under a licence issued or renewed under the principal Act before that date. 15

(7) Sections 15A, 15B and 15C of the Amended Act shall not apply to the provision of an arts entertainment that begins before the date of commencement of section 9 of this Act and continues on or after that date under a licence issued before that date under the principal Act. 20

(8) For a period of 2 years after the date of commencement of any provision of this Act, the Minister charged with the responsibility for the licensing of arts entertainments may, by rules, prescribe such additional provisions of a savings or transitional nature consequent on the enactment of that provision as that Minister may consider necessary or expedient. 25

(9) In this section, “Arts Entertainment Licensing Officer”, “licence” and “Public Entertainment Licensing Officer” have the same meanings as in section 2 of the Amended Act. 30

EXPLANATORY STATEMENT

This Bill seeks to amend the Public Entertainments and Meetings Act (Cap. 257) for the following main purposes:

- (a) to clarify the delineation of the matters falling under the purview of the Singapore Police Force (SPF) and those falling under the purview of the Media Development Authority of Singapore (MDA) in relation to the licensing of public entertainments (including arts entertainments) under the Act;
- (b) to clarify the delineation of the matters falling under the purview of the Minister charged with the responsibility for public entertainments (MHA) and those falling under the purview of the Minister charged with the responsibility for the licensing of arts entertainments (MCI) in relation to the exercise of a Minister’s functions and powers under the Act;
- (c) to provide for the legal obligations and consequences relating to the classification of the content of arts entertainments;
- (d) to enhance powers to investigate offences under the Act;
- (e) to regulate the display or exhibition in any place in Singapore of the real-time transmission of the live performance, display or exhibition of an arts entertainment at any other place (whether public or private) in or outside Singapore; and
- (f) to make miscellaneous changes for the better administration of the Act.

Clause 1 relates to the short title and commencement.

Clause 2 inserts new definitions of certain expressions used in the Act and new expressions introduced by the Bill. Of these, the new definitions of “appropriate Licensing Officer”, “appropriate Minister” and “specified establishment” primarily explain the delineation of public entertainment licensing and related functions under the Act between the Public Entertainment Licensing Officer (who is an SPF officer) and the Arts Entertainment Licensing Officer (who is an MDA officer), as well as between MHA and MCI.

The expression “public entertainment” is currently defined in the Schedule as including an arts entertainment.

The new definition of “appropriate Licensing Officer” clarifies that the Arts Entertainment Licensing Officer is responsible for the licensing of an arts entertainment only if the arts entertainment is provided —

- (a) on its own or in combination with only arts entertainments; and
- (b) at a place which is not a specified establishment.

A Public Entertainment Licensing Officer will license an arts entertainment and all other forms of public entertainment in all other instances. In the case of an arts entertainment therefore, the Public Entertainment Licensing Officer will license the arts entertainment if —

- (a) it is provided in a specified establishment, regardless of whether it is provided on its own or in combination with another arts entertainment or any other form of public entertainment; or
- (b) it is provided at any other place in combination with any public entertainment that is not an arts entertainment.

A specified establishment is defined as (a) a place in respect of which a liquor licence known as a public house licence is granted under the Customs Act (Cap. 70); or (b) an amusement centre, a billiard saloon, a computer games centre or any other similar establishment.

The definition of “appropriate Minister” corresponds to the definition of “appropriate Licensing Officer”.

The reference to a combination of public entertainments being provided is found in the new definitions of “appropriate Licensing Officer” and “appropriate Minister”, the new section 15A(4) (inserted by clause 9), and paragraph 1 (as amended by clause 17) and the current paragraph 2 of the Schedule. The new section 2(2) explains that a public entertainment will be considered to be provided in combination with another public entertainment if —

- (a) they are combined to constitute a single or an integrated public entertainment; or
- (b) they remain distinct but are provided within or as part of the same event.

The clause further clarifies that the Schedule (on what constitutes public entertainments, including arts entertainments) may be amended by MHA at any time, and may be amended by MCI only when the amendment relates to an arts entertainment.

Clause 3 repeals and re-enacts sections 4 and 5.

The re-enacted section 4 (on appointment of officers) clarifies the power of MHA to appoint the Public Entertainment Licensing Officer and assistants, and the power of MCI to appoint the Arts Entertainment Licensing Officer and assistants.

The re-enacted section 5 specifies the procedures for making an application for a public entertainment licence, enables the appropriate Licensing Officer to require a licence application to be made within a specified time and also provides for the publication of the licensing criteria and requirements on a prescribed website.

Clause 4 repeals and re-enacts section 8. The re-enacted section 8 does away with the requirement for the form of a public entertainment licence to be prescribed in subsidiary legislation, and makes consequential and editorial amendments.

Clause 5 makes consequential and editorial amendments to section 10 (on conditions for the issue or renewal of a public entertainment licence).

Clause 6 amends section 11 (on security provided in respect of a public entertainment licence) to expand the grounds for forfeiture of the security to include suspension of the licence, and to make consequential and editorial amendments.

Clause 7 amends section 13 (on refusal to issue or renew a public entertainment licence) to require the appropriate Licensing Officer to give the licensee an opportunity to make representations before refusing to renew the licence. The clause also makes consequential and editorial amendments.

Clause 8 amends section 14 (on suspension or cancellation of a public entertainment licence) to state that the prohibition in section 14(3) against the suspension or cancellation of a licence on the ground of breach of licence conditions unless the licensee has accumulated the requisite number of demerit points does not apply if rules on demerit points have not been made under section 15(1) in respect of that licence. This amendment is necessitated by the fact that there are different classes of public entertainment licences, and the demerit point scheme under section 15 does not apply to all the classes.

The clause also requires the appropriate Licensing Officer to give a licensee an opportunity to make representations, except where it is not desirable or practicable to do so, before suspending or cancelling the licence. The clause further makes consequential and editorial amendments.

Clause 9 inserts new sections 15A, 15B and 15C.

The new section 15A empowers the Arts Entertainment Licensing Officer to issue one or more codes for the classification of the content of arts entertainments or classes of arts entertainments.

A licensee commits an offence under the new section 15A if the licensee provides any arts entertainment which has not been classified by the Arts Entertainment Licensing Officer. The licensee also commits an offence if the licensee provides any arts entertainment containing content which is contrary to the classification given by the Arts Entertainment Licensing Officer — the offence is targeted at a licensee who provides an arts entertainment with amended content after it has been classified without obtaining a re-classification.

The new section 15A further clarifies that the requirements relating to the classification of arts entertainments in the new sections 15A, 15B and 15C also apply to an arts entertainment which is licensed by the Public Entertainment

Licensing Officer and an arts entertainment which is provided in combination with any other form of public entertainment.

The new section 15B sets out the obligations of a licensee in relation to the classification of the content of arts entertainments.

A licensee providing an arts entertainment must furnish information and documents required by the Arts Entertainment Licensing Officer for the purpose of the classification of the arts entertainment. The licensee must also comply with other procedures and requirements specified by the Arts Entertainment Licensing Officer in relation to the classification and pay any fee prescribed for the classification.

If the licensee does not comply with these obligations or fails to provide complete and accurate information and documents, the licensee runs the risk of the Arts Entertainment Licensing Officer refusing to classify the arts entertainment. If the Arts Entertainment Licensing Officer refuses to classify the arts entertainment, the licensee cannot provide the arts entertainment (as providing any arts entertainment that has not been classified by the Arts Entertainment Licensing Officer is an offence under the new section 15A).

The new section 15C empowers the Arts Entertainment Licensing Officer to issue directions to a licensee if an arts entertainment under the licence is provided or is likely to be provided without classification or with any content that is contrary to the classification given by the Arts Entertainment Licensing Officer. The Arts Entertainment Licensing Officer may direct the licensee to (a) remove content from the arts entertainment; or (b) not provide, or cease providing, the arts entertainment either for the entire duration of the licence or for a shorter period.

A licensee who provides an arts entertainment in contravention of a direction given under the new section 15C commits an offence under section 19(1)(d) and is also liable for suspension or cancellation of the licence under the amended section 14(1)(d).

Before issuing any direction under the new section 15C, the Arts Entertainment Licensing Officer must, unless it is not desirable or practicable to do so, give the licensee an opportunity to make representation against the making of the direction. The licensee may appeal to MCI against the Arts Entertainment Licensing Officer's direction.

Clause 10 repeals section 16 and inserts new sections 16 and 16A.

The new section 16 concerns appeals to MHA or MCI against certain decisions or directions of the Public Entertainment Licensing Officer or the Arts Entertainment Licensing Officer, respectively. An appeal lies against a decision or direction of the Public Entertainment Licensing Officer or Arts Entertainment Licensing Officer only where the Act confers a right of appeal on the person aggrieved by that decision or direction. An appeal to MHA or MCI will not

suspend the decision or direction being appealed against while the appeal is pending, unless the Act provides or MHA or MCI (as the case may be) directs otherwise. MHA or MCI may decide an appeal by confirming, varying or reversing the relevant decision or direction, or requiring the Public Entertainment Licensing Officer or Arts Entertainment Licensing Officer, as the case may be, to reconsider the decision or direction. MHA's or MCI's decision is final.

The new section 16A is a re-enactment of the repealed section 16 (on power to exempt from the provisions of the Act). The re-enacted section 16A has been expanded to provide for the exemption of any person or class of persons from the provisions of the Act (in addition to the exemption of any public entertainment or series or class of public entertainments). The clause also clarifies that the power to exempt from the new sections 15A, 15B and 15C (on classification of the content of arts entertainments) is exercisable only by MCI, and that the power to exempt from any other provision of the Act is exercisable by the appropriate Minister (as defined under clause 2).

Clause 11 amends section 17 to clarify that sections 17 and 18 and the new sections 17A and 17B on powers relating to offences do not derogate from the powers of police officers under the Criminal Procedure Code (Cap. 68).

Clause 12 inserts new sections 17A and 17B.

The new section 17A confers on the Public Entertainment Licensing Officer, the Arts Entertainment Licensing Officer, their Assistant Licensing Officers and police officers (collectively, investigating officers) certain powers to investigate into offences under the Act and other contraventions of the Act. Investigating officers may summon the attendance of a person, examine the person and require the person to furnish information or produce any document or article relevant to the investigation.

The new section 17B provides for the disposal and forfeiture of any document or article retained by an investigating officer under the new section 17A.

Clause 13 amends section 19 (on offences) to introduce a new offence of providing false or misleading information, document or statement under the Act. The clause also makes consequential and editorial amendments.

Clause 14 repeals and re-enacts section 20 to adopt the modern legislative text on service of documents.

Clause 15 amends section 21 (on composition of offences) to provide that the maximum composition sum that may be collected from a person in respect of an alleged offence is half of the maximum fine prescribed for that offence or \$5,000, whichever is the lower sum. The clause also requires all composition sums to be paid into the Consolidated Fund.

Clause 16 amends section 23 (on power to make rules) to clarify that the power to make rules in connection with the new sections 15A, 15B and 15C (on

classification of the content of arts entertainments) is exercisable only by MCI, and that the power to make rules in connection with any other provision of the Act is exercisable by the appropriate Minister (as defined under clause 2). The clause also makes consequential and editorial amendments.

Clause 17 amends the Schedule —

- (a) to bring all variety acts, and performances of music, singing and dancing, under the definition of arts entertainment, regardless of whether they are provided within a 3-month period or beyond 3 months (currently, a variety act or a music, singing or dance performance is classified as an arts entertainment only if it is provided for a period not exceeding 3 months); and
- (b) to expand the scope of arts entertainments to include the real-time transmission at any place in Singapore (to which the public or any class of the public has access) of an arts entertainment while it is being performed, displayed or exhibited at any other place (whether private or public) in or outside Singapore.

Clause 18 makes miscellaneous amendments (of a consequential or editorial nature) to sections 3, 6, 7, 15 and 18.

Clause 19 sets out the savings and transitional provisions. A licence application to the Public Entertainment Licensing Officer pending when the Bill becomes law and comes into operation (commencement date) will be deemed to have been withdrawn if the licence application has to be made to the Arts Entertainment Licensing Officer under the new law. Similarly, a licence application to the Arts Entertainment Licensing Officer pending on the commencement date will be deemed to have been withdrawn if the licence application has to be made to the Public Entertainment Licensing Officer under the new law. Licences issued or renewed by the Public Entertainment Licensing Officer and Arts Entertainment Licensing Officer before the commencement date will continue to be regulated by the Public Entertainment Licensing Officer and Arts Entertainment Licensing Officer, respectively, in accordance with the Public Entertainments and Meetings Act as amended by the Bill (Amended Act). Similarly, appeals pending to MHA and MCI pending on the commencement date will be dealt with by MHA and MCI, respectively, in accordance with the Amended Act. New sections 15A, 15B and 15C on the classification of the content of arts entertainments will apply to every arts entertainment provided on or after the commencement date, regardless of whether the licence for the arts entertainment is issued or renewed before, on or after the commencement date. However, these provisions will not apply to the performance of an arts entertainment which had started before the commencement date and continued on or after that date.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
