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PUBLIC ORDER ACT (CHAPTER 257A)

PUBLIC ORDER (ELECTION MEETINGS IN PRESIDENTIAL ELECTIONS) REGULATIONS 2017

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In exercise of the powers conferred by section 47 of the Public Order Act, the Minister for Home Affairs makes the following Regulations:

Citation and commencement

1. These Regulations are the Public Order (Election Meetings in Presidential Elections) Regulations 2017 and come into operation on 1 June 2017.

Application to election meetings in presidential elections

2. These Regulations apply only to the following public assemblies (called in these Regulations election meetings):

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- (a) a public assembly (whether held wholly inside a building or enclosed premises or outdoors) organised by or on behalf of a candidate nominated in accordance with the provisions of the Presidential Elections Act (Cap. 240A) for election as President, and held at any time on or after nomination day but before the eve of polling day of a presidential election under that Act, to promote or procure the electoral success at the presidential election for one or more identifiable candidates or to otherwise enhance the standing of any such candidates with the electorate in connection with the election;
- (b) a public assembly (whether held wholly inside a building or enclosed premises or outdoors) organised by or on behalf of a candidate in any presidential election under the Presidential Elections Act to show support for the candidate at or about the time the results of any presidential election may be declared under section 32(8) or (8D) or 32A(5) of that Act.

Definitions

3. In these Regulations, unless the context otherwise requires —

“advance notice”, in relation to an election meeting, means notice of intention to organise the election meeting required by section 6 of the Act and includes the accompanying application for a permit for that meeting;

“candidate” means the individual who is nominated in accordance with the provisions of the Presidential Elections Act (Cap. 240A) for election as President;

“election agent”, in relation to a candidate, means the person named as the candidate’s election agent under section 43(1) of the Presidential Elections Act;

“nomination day” means the day of nomination at a presidential election under the Presidential Elections Act;

“polling day” means the polling day at a presidential election under the Presidential Elections Act.

Forms

4.—(1) All forms used for the purposes of these Regulations must be completed in the English language and in accordance with such directions as may be specified in the form or by the Commissioner.

(2) The Commissioner may refuse to accept any form if it is not completed or lodged in accordance with this regulation.

(3) Where strict compliance with any form is not possible, the Commissioner may allow for the necessary modifications to be made to that form, or for the requirements of that form to be complied with in such other manner as the Commissioner thinks fit.

Advance notice

5.—(1) For the purposes of section 6(1) of the Act, advance notice of an election meeting must be given to the Commissioner —

(a) by delivering the advance notice in person at the offices of any of the following police officers:

(i) a Deputy Commissioner of Police;

(ii) the officer-in-charge of the Police Division in which the election meeting is intended to be held;

(iii) the Police Liaison Officer (Elections); or

(b) by completing and submitting the appropriate web-based form on the Commissioner's Internet website at <http://www.spf.gov.sg>, in accordance with the instructions on the website or the form, so that the Commissioner receives it not later than the applicable deadline specified in paragraph (2).

(2) For the purposes of section 6(2) of the Act, advance notice of an election meeting must be given as follows:

(a) subject to sub-paragraph (b), not later than 4 p.m. on the second calendar day before the day on which the election meeting is to be held;

(b) if the election meeting is to be held on the third day after nomination day or on any day after that day — not later

than 11 a.m. on the second calendar day before the day on which the election meeting is to be held.

(3) For the purposes of section 6(3)(a) of the Act, advance notice of an election meeting organised by or on behalf of a candidate must be made by the candidate or the candidate's election agent.

(4) For the purposes of section 6(3)(c)(vii) of the Act, advance notice of an election meeting which is to be held on State land, within a national park, public park or public car park, along a public road or on any land vested in or under the control of a Town Council or other statutory board, must contain evidence of the prior written consent of the following persons for the holding of the election meeting on their respective premises:

- (a) the Commissioner of Lands if the election meeting is to be held on State land;
- (b) the National Parks Board if the election meeting is to be held in a national park or public park;
- (c) the Superintendent of Car Parks appointed under the Parking Places Act (Cap. 214) if the election meeting is to be held in a public car park;
- (d) the Chief Executive of the Land Transport Authority of Singapore if the election meeting is to be held on or along a road;
- (e) a Town Council or other statutory board, as the case may be, if the election is to be held on any land vested in or under the control of that Town Council or statutory board.

Permit conditions

6. Every permit for an election meeting is subject to the following conditions, which are deemed to be imposed under section 8(2) of the Act:

- (a) the election meeting must not be held in any place other than the place specified in the permit;

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- (b) the election meeting must be held —
- (i) in the case of an election meeting mentioned in regulation 2(a) — only at such place as may be specified in the permit and between the hours of 7 a.m. and 10 p.m. (both times inclusive); or
 - (ii) in the case of an election meeting mentioned in regulation 2(b) — only at such place and between such times as may be specified in the permit;
- (c) there must be no procession to or from the place of the election meeting;
- (d) there must be no provision of any public entertainment within the meaning of the Public Entertainments and Meetings Act (Cap. 257) and no live-streaming of any event (including the election meeting itself) before, during or after the election meeting;
- (e) the conduct of the election meeting must not obstruct the free passage of persons or vehicular traffic on any public road;
- (f) before, during and after the election meeting, no organiser and no speaker at the election meeting must display or exhibit any banner, flag, poster, placard, photograph, film, sign, writing or other visible representation or paraphernalia, or use indecent, threatening or abusive words or otherwise behave, with intent to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned whether immediately or at any time after the election meeting.

Production of permit on demand

7. Every organiser of an election meeting must on demand produce to any police officer the permit granted in respect of the election meeting.

Restriction on transfer of permit

8.—(1) A permit for an election meeting must not be transferred to any person.

(2) Any purported transfer of a permit for an election meeting in contravention of this regulation is void and of no effect.

Crowd control and security measures

9.—(1) Police officers may be present at any election meeting to maintain order and may record the proceedings of an election meeting by means of tape recorders or video recorders or both.

(2) Police officers may also take —

(a) such crowd control measures as are necessary for the safety and wellbeing of persons attending an election meeting; and

(b) such security measures as are necessary for the protection of any person or persons attending an election meeting from any imminent threat to his or their safety,

which may include cordoning off an area that is or is around the site at which an election meeting is to be held.

(3) If any police officer present at an election meeting believes on reasonable grounds that it is necessary in the interest of security to do so, the police officer may require a person who is present at or about to attend the election meeting, or is about to enter any area cordoned off under paragraph (2), to be subject to either or all of the following for the purposes of finding out whether any offensive weapon is hidden in the person's clothing or personal effects:

(a) a screening search or a frisk search of the person or both;

(b) a search of the person's personal effects that are reasonably capable of concealing an offensive weapon;

(c) to deposit with a police officer any personal effects that are reasonably capable of concealing an offensive weapon or being used to cause injury to, or incapacitate, a person.

(4) Where any person of whom a requirement is made under paragraph (3), without reasonable excuse, refuses or fails to comply with the requirement, the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding one month or to both.

(5) If the most senior police officer present at an election meeting considers that a breach of the peace is likely to occur at the election meeting, the police officer may order the election meeting to immediately stop and the person to whom the permit is granted must then immediately declare the election meeting closed and ensure that those attending the election meeting leave quietly and peacefully.

(6) If the person to whom the permit is granted fails to comply with any order given under paragraph (5), the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding one month or to both.

(7) Any person to whom a permit is granted under these Regulations for an election meeting, or any organiser of an election meeting, who, without reasonable excuse, tampers with or removes a tape or other barrier used to cordon off under paragraph (2) an area that is or is around the site of that election meeting, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding one month or to both.

(8) Nothing in paragraph (3) authorises any police officer conducting a screening search or frisk search of a person to remove, or require a person to remove, any of the person's clothing, and a frisk search of a person must be conducted by a police officer of the same sex as the person.

(9) In this regulation —

- (a) a cordon around the site at which an election meeting is to be held may include a roadblock and any appropriate form of physical barrier or obstruction preventing or limiting the passage of persons or vehicles to and from that site;

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- (b) “offensive weapon” means any article made or adapted to cause damage to property or to cause injury or fear of injury to a person, or by which the person having it intends to cause damage to property or to cause injury or fear of injury to a person;
- (c) a screening search of a person means a search by equipment that is designed to carry out the search without touching the person.

Evacuation in emergency situations

10.—(1) If the most senior police officer present at an election meeting considers that an emergency situation is, or is likely to pose, a threat to the safety or health of persons present at that election meeting or that there are reasonable grounds for doing so for the purpose of protecting those persons from injury or death threatened by an emergency situation, the police officer may order the election meeting to immediately stop and direct the evacuation and exclusion of all persons from the premises at which the election meeting is held.

(2) For the purposes of paragraph (1), any police officer may remove or cause to be removed (using such force as is necessary for that purpose) any person who does not comply with a direction to evacuate made under that paragraph or any person who enters, attempts to enter or is found in or on any premises in respect of which a direction has been given under that paragraph for the exclusion of persons.

(3) Any person who, without reasonable excuse, fails to comply with any order or direction under paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding one month or to both.

(4) In this regulation, “emergency situation” includes an emergency due to an actual or imminent occurrence (such as fire, flood, storm, earthquake, explosion, terrorist act, accident or epidemic) which endangers, or threatens to endanger, the safety or health of persons, or destroys or damages or threatens to destroy or damage property.

Made on 25 May 2017.

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*Permanent Secretary,
Ministry of Home Affairs,
Singapore.*

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(To be presented to Parliament under section 47(4) of the Public Order Act).