
First published in the *Government Gazette*, Electronic Edition, on 31 July 2017 at 5 pm.

No. S 434

PUBLIC ENTERTAINMENTS ACT (CHAPTER 257)

PUBLIC ENTERTAINMENTS (DEMERIT POINTS) RULES 2017

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In exercise of the powers conferred by sections 15 and 23 of the Public Entertainments Act, the Minister for Home Affairs makes the following Rules:

Citation and commencement

1. These Rules are the Public Entertainments (Demerit Points) Rules 2017 and come into operation on 1 August 2017.

Definitions

2. In these Rules, unless the context otherwise requires —

“current demerit points” means demerit points that have been recorded in the demerit points register and have not been cancelled;

“demerit points offence” means an offence under section 19(1)(c) of the Act for contravening a condition of a licence;

“fun fair” means an amusement fair which is, or may be, established and operated at a particular place or premises for a continuous period of not more than 31 days, being a place or premises to which the public or any class of the public has access, whether gratuitously or otherwise;

“licence” means a licence issued or renewed under the Act authorising —

- (a) the provision of any public entertainment in a particular place or premises in respect of which a Class 1A or Class 1B liquor licence is granted under the Liquor Control (Supply and Consumption) Act 2015 (Act 5 of 2015);
- (b) the provision of any of the following public entertainment at a particular place or premises:
 - (i) an amusement centre;
 - (ii) a billiard saloon;
 - (iii) a computer games centre; or
- (c) the provision of any public entertainment which is any machine or device by the manipulation of which chances are given of obtaining prizes in money or kind, at a particular place or premises except at a fun fair;

“licensee” means the holder of a licence;

“Licensing Officer” means the Public Entertainment Licensing Officer;

“new licence” means a licence that —

- (a) is issued on or after 1 August 2017 in respect of a particular place or premises and authorising the provision of a specified public entertainment; and

(b) is not issued in substitution for a licence in respect of the same place or premises and for the same type of public entertainment, and which has expired immediately before its issue;

“probation period”, for a licensee holding a new licence, means a period —

(a) starting from the day on which the licensee is issued the licence; and

(b) ending 12 consecutive months after the date in paragraph (a);

“specified public entertainment” means any type of public entertainment set out in the First Schedule.

Award of demerit points

3.—(1) The Licensing Officer must award demerit points in accordance with these Rules against a licensee who provides any specified public entertainment and who —

(a) is convicted of, or has accepted an offer to compound, a demerit points offence committed or allegedly committed before, on or after 1 August 2017 by the licensee; or

(b) has consented to have a demerit points offence committed on or after 1 August 2017 taken into consideration by a court for the purposes of sentencing the licensee for the commission of any other offence under the Act or any other written law.

(2) The number of demerit points to be awarded against a licensee for a demerit points offence committed or allegedly committed by the licensee is the number set out in the second column in the applicable table in the Second Schedule corresponding to —

(a) the specified public entertainment provided by the licensee; and

(b) the licence condition set out in the first column of the table which is contravened or allegedly contravened by the licensee.

(3) Every demerit point awarded under this rule against a licensee for a demerit points offence must be entered by the Licensing Officer into a register (called in these Rules the demerit points register).

(4) Demerit points awarded under this rule are cancelled only after the demerit points are reckoned for the purposes of cancelling a licence under section 14(3) of the Act on the ground specified in section 14(1)(e) of the Act; and those demerit points in the demerit points register must immediately be cancelled with the cancellation of the licence.

Varying licence conditions

4. For the purposes of section 10(3) of the Act, the total number of demerit points awarded against a licensee is the total number of current demerit points, calculated in accordance with rule 6.

Threshold for suspension or cancellation of licence

5.—(1) For the purposes of section 14(3) of the Act, to suspend a licence on the ground specified in section 14(1)(e) of the Act, the number of demerit points accumulated by a licensee is —

- (a) where the licensee is not the holder of a new licence —
 - (i) at least 21 current demerit points, calculated in accordance with rule 6(1); but
 - (ii) not more than 23 current demerit points, calculated in accordance with rule 6(1); or
- (b) where the licensee is the holder of a new licence —
 - (i) at least 21 current demerit points, calculated in accordance with rule 6(2)(a) and (b)(ii); but
 - (ii) not more than 23 current demerit points, calculated in accordance with rule 6(2)(a) and (b)(ii).

(2) For the purposes of section 14(3) of the Act, to cancel a licence on the ground specified in section 14(1)(e) of the Act, the number of demerit points accumulated by a licensee is —

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- (a) where the licensee is not the holder of a new licence, 24 or more current demerit points, calculated in accordance with rule 6(1); or
 - (b) where the licensee is the holder of a new licence —
 - (i) 13 or more current demerit points, calculated in accordance with rule 6(2)(a) and (b)(i); or
 - (ii) 24 or more current demerit points, calculated in accordance with rule 6(2)(a) and (b)(ii).

Calculation of demerit points

6.—(1) For the purposes of rules 4 and 5, when calculating the number of current demerit points awarded against a licensee in respect of a licence (that is not a new licence) authorising a specified public entertainment to be provided at a particular place or premises, the Licensing Officer must only reckon such demerit points as have been awarded against the licensee —

- (a) in respect of the same place or premises, whether or not in relation to the same licence and whether or not in relation to a different type of public entertainment; and
- (b) for any demerit points offence committed or allegedly committed by the licensee during a period of 24 months preceding the date of the latest demerit points offence committed or allegedly committed by the licensee.

(2) For the purposes of rules 4 and 5, when calculating the number of current demerit points awarded against a licensee holding a new licence authorising a specified public entertainment to be provided at a particular place or premises, the Licensing Officer must only reckon such current demerit points as have been awarded against the licensee for any demerit points offence which —

- (a) relates to the new licence; and
- (b) is committed or allegedly committed by the licensee either as follows:
 - (i) within the licensee's probation period;

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- (ii) outside of the licensee's probation period but during the validity of the new licence.

Revocation

7. The Public Entertainments and Meetings (Demerit Points) Rules (R 2) are revoked.

Saving and transitional provisions

8.—(1) Rule 3 of the Public Entertainments and Meetings (Demerit Points) Rules (R 2) as in force immediately before 1 August 2017 continues to apply to a licensee in relation to any award of demerit points for a conviction or commission of a demerit points offence committed or allegedly committed by the licensee before that date.

(2) Any demerit points awarded under rule 3 of the Public Entertainments and Meetings (Demerit Points) Rules as in force immediately before 1 August 2017 are to be treated as current demerit points awarded under these Rules.

(3) To avoid doubt, nothing in these Rules affects the suspension under section 14(3) of the Act of a licence before 1 August 2017 upon the licensee accumulating the number of demerit points specified in rule 6(a) or (b) of the Public Entertainments and Meetings (Demerit Points) Rules as in force immediately before that date.

FIRST SCHEDULE

Rule 2

SPECIFIED PUBLIC ENTERTAINMENT

1. Nightclubs, cabarets, discotheques, bars, lounges and other public houses
2. Computer games centre
3. Billiard saloon
4. Amusement centre
5. Airsoft gun centre
6. Paintball game centre
7. Crane or game machines at premises other than amusement centres
8. Pool table

FIRST SCHEDULE — *continued*

9. Soccer table
10. Dance show

SECOND SCHEDULE

Rule 3(2)

DEMERIT POINTS AND DEMERIT POINT OFFENCES

PART 1

NIGHTCLUBS, CABARETS, DISCOTHEQUES, BARS, LOUNGES AND
OTHER PUBLIC HOUSES*Division 1 — Demerit points*

<i>First column</i>	<i>Second column</i>
<i>Condition contravened</i>	<i>Demerit points</i>
(a) Paragraph 1(n) of Division 2 of this Part	12
(b) Paragraph 5 of Division 2 of this Part, where —	
(i) the number of persons in the licensed premises is more than 20% above the capacity of the premises; or	9
(ii) the number of persons in the licensed premises is not more than 20% above the capacity of the premises	6
(c) Any condition in Division 2 of this Part but not specified in paragraph (a) or (b)	6
(d) Any other condition of the licence	3

Division 2 — Licence conditions

1. The licensee must take all appropriate steps to ensure that the following offences are not committed by any employee while on duty, or any patron or other person in the licensed premises:

- (a) sale, consumption or trafficking of controlled drugs;
(b) use of criminal force;
(c) criminal restraint and confinement;
(d) intentional insult with intent to provoke breach of the peace;

SECOND SCHEDULE — *continued*

- (e) affray;
 - (f) assault;
 - (g) rioting;
 - (h) sexual offences (e.g. rape or outraging of modesty);
 - (i) theft;
 - (j) robbery;
 - (k) extortion;
 - (l) gambling or betting;
 - (m) causing the disappearance of evidence after an offence has been committed;
 - (n) offences under the Women's Charter (Cap. 353) relating to prostitution.
2. The licensee must ensure that no immoral activity is carried out in the licensed premises.
3. If any of the offences set out in paragraph 1 or any immoral activity has been committed or carried out in the licensed premises, the licensee —
- (a) must report the offence to the police as soon as the offence comes to the licensee's knowledge;
 - (b) must not remove, conceal or obliterate any evidence of the commission of the offence;
 - (c) must not cause obstruction to the police officers investigating the offence; and
 - (d) must provide reasonable assistance to police officers when requested.
4. The licensee must not employ, engage or permit any person to provide any service (with or without any consideration) by way of or in connection with surveillance, security, screening or the control of admission into or in respect of the licensed premises (with or without any consideration) if the licensee knows or ought reasonably to have known that the person is a member or a former member of an unlawful society or has previously been convicted of an offence involving criminal assault, violence, intimidation or any form of criminal trespass to persons or property.
5. The licensee must ensure that there is no overcrowding in the licensed premises.
- 6.—(1) The licensee must not allow dancing by patrons in the licensed premises without the approval of the Licensing Officer.

SECOND SCHEDULE — *continued*

(2) Subject to sub-paragraph (1), if the licensee allows dancing by patrons in the licensed premises, the licensee must ensure —

- (a) that the licensee's employees on duty at the premises do not dance with patrons;
- (b) that persons below 16 years of age are not allowed into or to remain in the licensed premises during the hours that the licensed premises are not operated as a restaurant; and
- (c) that any area used for dancing by patrons is structurally sound and safe in all aspects.

PART 2

COMPUTER GAMES CENTRE

Division 1 — Demerit points

<i>First column</i>	<i>Second column</i>
<i>Condition contravened</i>	<i>Demerit points</i>
(a) Any condition of the licence in Division 2 of this Part	6
(b) Any other condition of the licence	3

Division 2 — Licence conditions

1. The licensee must take all appropriate steps to ensure that the following offences are not committed by any employee while on duty, or any patron or other person in the licensed premises:

- (a) sale, consumption or trafficking of controlled drugs;
- (b) use of criminal force;
- (c) criminal restraint and confinement;
- (d) intentional insult with intent to provoke breach of the peace;
- (e) affray;
- (f) assault;
- (g) rioting;
- (h) sexual offences (e.g. rape or outraging of modesty);
- (i) theft;

SECOND SCHEDULE — *continued*

- (j) robbery;
 - (k) extortion;
 - (l) gambling or betting;
 - (m) causing the disappearance of evidence after an offence has been committed.
2. If any of the offences set out in paragraph 1 has been committed in the licensed premises, the licensee —
- (a) must report the offence to the police as soon as the offence comes to the licensee's knowledge;
 - (b) must not remove, conceal or obliterate any evidence of the commission of the offence;
 - (c) must not cause obstruction to the police officers investigating the offence; and
 - (d) must provide reasonable assistance to police officers when requested.
3. The licensee must ensure that no person below 16 years of age is admitted into the licensed premises at any time on any school day except between 6.30 p.m. and 11.59 p.m.
4. The licensee must ensure that no student wearing his or her school uniform or any part of a school uniform, or a school T-shirt, is admitted into the licensed premises.
5. The licensee must not provide a change of clothes to any student.

PART 3

BILLIARD SALOON

Division 1 — Demerit points

<i>First column</i>	<i>Second column</i>
<i>Condition contravened</i>	<i>Demerit points</i>
(a) Any condition of the licence in Division 2 of this Part	6
(b) Any other condition of the licence	3

SECOND SCHEDULE — *continued*

Division 2 — Licence conditions

1. The licensee must take all appropriate steps to ensure that the following offences are not committed by any employee while on duty, or any patron or other person in the licensed premises:

- (a) sale, consumption or trafficking of controlled drugs;
- (b) use of criminal force;
- (c) criminal restraint and confinement;
- (d) intentional insult with intent to provoke breach of the peace;
- (e) affray;
- (f) assault;
- (g) rioting;
- (h) sexual offences (e.g. rape or outraging of modesty);
- (i) theft;
- (j) robbery;
- (k) extortion;
- (l) gambling or betting;
- (m) causing the disappearance of evidence after an offence has been committed.

2. If any of the offences set out in paragraph 1 has been committed in the licensed premises, the licensee —

- (a) must report the offence to the police as soon as the offence comes to the licensee's knowledge;
- (b) must not remove, conceal or obliterate any evidence of the commission of the offence;
- (c) must not cause obstruction to the police officers investigating the offence; and
- (d) must provide reasonable assistance to police officers when requested.

3. The licensee must ensure that no person below 16 years of age is admitted into the licensed premises.

SECOND SCHEDULE — *continued*

4. The licensee must ensure that no student wearing his or her school uniform or any part of a school uniform, or a school T-shirt, is admitted into the licensed premises.

5. The licensee must not provide a change of clothes to any student.

PART 4

AMUSEMENT CENTRE

Division 1 — Demerit points

<i>First column</i>	<i>Second column</i>
<i>Condition contravened</i>	<i>Demerit points</i>
(a) Any condition of the licence in Division 2 of this Part	6
(b) Any other condition of the licence	3

Division 2 — Licence conditions

1. The licensee must take all appropriate steps to ensure that the following offences are not committed by any employee while on duty, or any patron or other person in the licensed premises:

- (a) sale, consumption or trafficking of controlled drugs;
- (b) use of criminal force;
- (c) criminal restraint and confinement;
- (d) intentional insult with intent to provoke breach of the peace;
- (e) affray;
- (f) assault;
- (g) rioting;
- (h) sexual offences (e.g. rape or outraging of modesty);
- (i) theft;
- (j) robbery;
- (k) extortion;
- (l) gambling or betting;
- (m) causing the disappearance of evidence after an offence has been committed.

SECOND SCHEDULE — *continued*

2. If any of the offences set out in paragraph 1 has been committed in the licensed premises, the licensee —

- (a) must report the offence to the police as soon as the offence comes to the licensee's knowledge;
- (b) must not remove, conceal or obliterate any evidence of the commission of the offence;
- (c) must not cause obstruction to the police officers investigating the offence; and
- (d) must provide reasonable assistance to police officers when requested.

3. The licensee must ensure that no person below 16 years of age is admitted into the licensed premises at any time on any school day except between 6.30 p.m. and 11.59 p.m.

4. The licensee must ensure that no student wearing his or her school uniform or any part of a school uniform, or a school T-shirt, is admitted into the licensed premises.

5. The licensee must not provide a change of clothes to any student.

6. No obscene or objectionable slides may be shown on the “mini-movie” machines in the licensed premises.

PART 5

AIRSOFT GUN CENTRE

Division 1 — Demerit points

<i>First column</i>	<i>Second column</i>
<i>Condition contravened</i>	<i>Demerit points</i>
(a) Any condition of the licence in Division 2 of this Part	6
(b) Any other condition of the licence	3

Division 2 — Licence conditions

1. The licensee must take all appropriate steps to ensure that the following offences are not committed by any employee while on duty, or any patron or other person in the licensed premises:

- (a) sale, consumption or trafficking of controlled drugs;
- (b) use of criminal force;

SECOND SCHEDULE — *continued*

- (c) criminal restraint and confinement;
- (d) intentional insult with intent to provoke breach of the peace;
- (e) affray;
- (f) assault;
- (g) rioting;
- (h) sexual offences (e.g. rape or outraging of modesty);
- (i) theft;
- (j) robbery;
- (k) extortion;
- (l) gambling or betting;
- (m) causing the disappearance of evidence after an offence has been committed.

2. If any of the offences set out in paragraph 1 has been committed in the licensed premises, the licensee —

- (a) must report the offence to the police as soon as the offence comes to the licensee's knowledge;
- (b) must not remove, conceal or obliterate any evidence of the commission of the offence;
- (c) must not cause obstruction to the police officers investigating the offence; and
- (d) must provide reasonable assistance to police officers when requested.

3.—(1) The licensee must ensure that no person below 14 years of age is admitted into the licensed premises.

(2) A person who is 14 years of age or older but below 18 years of age is required to produce written parental consent before being allowed into the licensed premises.

4. The licensee must ensure that the patrons and employees do not take any airsoft gun, any part of an airsoft gun or any pellets out of the licensed premises.

SECOND SCHEDULE — *continued*

PART 6

PAINTBALL GAME CENTRE

Division 1 — Demerit points

<i>First column</i>	<i>Second column</i>
<i>Condition contravened</i>	<i>Demerit points</i>
(a) Any condition of the licence in Division 2 of this Part	6
(b) Any other condition of the licence	3

Division 2 — Licence conditions

1. The licensee must take all appropriate steps to ensure that the following offences are not committed by any employee while on duty, or any patron or other person in the licensed premises:

- (a) sale, consumption or trafficking of controlled drugs;
- (b) use of criminal force;
- (c) criminal restraint and confinement;
- (d) intentional insult with intent to provoke breach of the peace;
- (e) affray;
- (f) assault;
- (g) rioting;
- (h) sexual offences (e.g. rape or outraging of modesty);
- (i) theft;
- (j) robbery;
- (k) extortion;
- (l) gambling or betting;
- (m) causing the disappearance of evidence after an offence has been committed.

2. If any of the offences set out in paragraph 1 has been committed, the licensee —

- (a) must report the offence to the police as soon as the offence comes to the licensee's knowledge;

SECOND SCHEDULE — *continued*

- (b) must not remove, conceal or obliterate any evidence of the commission of the offence;
- (c) must not cause obstruction to the police officers investigating the offence; and
- (d) must provide reasonable assistance to police officers when requested.

3.—(1) The licensee must ensure that no person below 14 years of age is admitted into the licensed premises.

(2) A person who is 14 years of age or older but below 18 years of age is required to produce written parental consent before being allowed to play the paintball game in the licensed premises.

PART 7

CRANE OR GAME MACHINES AT PREMISES OTHER THAN
AMUSEMENT CENTRES*Division 1 — Demerit points*

<i>First column</i>	<i>Second column</i>
<i>Condition contravened</i>	<i>Demerit points</i>
(a) Any condition of the licence in Division 2 of this Part	6
(b) Any other condition of the licence	3

Division 2 — Licence conditions

The licensee must ensure that no student wearing his or her school uniform or any part of a school uniform, or a school T-shirt, is permitted to play at any of the machines in the licensed premises.

SECOND SCHEDULE — *continued*

PART 8

POOL TABLE

Division 1 — Demerit points

<i>First column</i>	<i>Second column</i>
<i>Condition contravened</i>	<i>Demerit points</i>
(a) Any condition of the licence in Division 2 of this Part	6
(b) Any other condition of the licence	3

Division 2 — Licence conditions

1. The licensee must ensure that no person below 16 years of age is permitted to play at any pool table in the licensed premises.
2. The licensee must ensure that no student wearing his or her school uniform or any part of a school uniform, or a school T-shirt, is admitted into the licensed premises.
3. The licensee must not provide a change of clothes to any student.
4. The licensee must ensure that no gambling or betting takes place in the licensed premises.

PART 9

SOCCER TABLE

Division 1 — Demerit points

<i>First column</i>	<i>Second column</i>
<i>Condition contravened</i>	<i>Demerit points</i>
(a) Any condition of the licence in Division 2 of this Part	6
(b) Any other condition of the licence	3

Division 2 — Licence condition

The licensee must ensure that no gambling or betting takes place in the licensed premises.

SECOND SCHEDULE — *continued*

PART 10

DANCE SHOW

Division 1 — Demerit points

<i>First column</i>	<i>Second column</i>
<i>Condition contravened</i>	<i>Demerit points</i>
(a) Any condition of the licence in Division 2 of this Part	6
(b) Any other condition of the licence	3

Division 2 — Licence conditions

1. The licensee must ensure that any performance in the licensed premises must not consist of —

- (a) any depiction of any sexual act or any act of titillation;
- (b) shows or acts which depict, directly or indirectly, themes of homosexuality, bestiality, sadism or masochism;
- (c) kissing;
- (d) pumping action, gyrating or forward thrusts of the pelvic area.

2. Female performers must not perform topless in the licensed premises.

Made on 31 July 2017.

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

[MHA 112/2/091 – TF3; AG/LEGIS/SL/257/2015/2 Vol. 1]

(To be presented to Parliament under section 23(2) of the Public Entertainments Act).