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ONLINE CRIMINAL HARMS ACT 2023

ONLINE CRIMINAL HARMS  
(APPEALS TO MINISTER)  
REGULATIONS 2024

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In exercise of the powers conferred by sections 26(9) and 60 of the Online Criminal Harms Act 2023, the Minister for Home Affairs makes the following Regulations:

**PART 1****PRELIMINARY****Citation and commencement**

1. These Regulations are the Online Criminal Harms (Appeals to Minister) Regulations 2024 and come into operation on 24 June 2024.

**Definitions**

2.—(1) In these Regulations —

“appeal” means an appeal to the Minister under section 26(1) of the Act;

“appeal proceedings” means proceedings before the Minister in connection with an appeal against an appealable decision;

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“appealable decision” means a type of decision or requirement listed in the table in section 25 of the Act;

“Appeals Secretary” means the public officer appointed as such under regulation 3(1);

“appellant” means a person who makes an appeal and is listed in the table in section 25 of the Act opposite the type of decision or requirement which is appealed against;

“contact address”, for any person, means any of the following nominated by the person for the receipt of notices or documents in connection with an appeal:

(a) an address in Singapore;

(b) an email address;

“identity particulars” means —

(a) for an individual —

(i) his or her full name, and the number of his or her passport or other identity document; and

(ii) the nationality of the individual; and

(b) for an entity —

(i) the full name of the entity;

(ii) the place the entity was incorporated or otherwise formed; and

(iii) the Unique Entity Number (UEN) of the entity, where available;

“parties”, in relation to any appeal against an appealable decision, means the appellant against the appealable decision and the competent authority, and “party” means either of them;

“working day” means any day except a Saturday, Sunday or public holiday.

(2) Where the time specified by these Regulations for doing any act expires on a Saturday, Sunday or public holiday, the act is in time if done on the next following working day.

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(3) An appeal is decided by the Minister without an in-person hearing if it is decided on written material and submissions without the parties to the appeal proceedings attending in person before the Minister.

## PART 2

### APPEAL PROCEEDINGS

#### *Division 1 — General*

#### **Appeals Secretary**

3.—(1) The Minister may appoint a public officer to be the Appeals Secretary for appeals under Part 5 of the Act for the purposes of these Regulations.

(2) The Appeals Secretary provides, in relation to every appeal, administrative and secretarial support to —

(a) the Minister; and

(b) any Appeals Advisory Committee appointed by the Minister under section 27(1) of the Act.

(3) The Appeals Secretary must act in accordance with any instructions that may be given by the Minister from time to time and is, in particular, responsible for —

(a) the answering of all correspondences and other communications addressed to the Minister in connection with appeals;

(b) the keeping of minutes of meetings and of all deliberations of the Minister on appeals; and

(c) the acceptance, transmission, service and custody of all notices and other documents in accordance with the Act and these Regulations in connection with appeals.

(4) The Appeals Secretary has to attend at every hearing by the Minister of an appeal.

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**Appropriate form, etc.**

4.—(1) In these Regulations, “appropriate form”, in relation to any purpose for which a specific form is required to be used, means the relevant form that is set out on the Internet website at “<https://go.gov.sg/ocha-appeal-to-minister>”.

(2) A requirement in these Regulations that a document be in an appropriate form includes a requirement that the document be completed in the English language and in accordance with any directions that may be specified in the appropriate form.

(3) However, where strict compliance with an appropriate form is not possible, the Appeals Secretary may allow for the necessary modifications to be made to that form, or for the requirements of that form to be complied with in any other manner that the Appeals Secretary thinks fit.

(4) Where a document filed or provided under these Regulations is signed by any person on behalf of another person, evidence must be provided to satisfy the Appeals Secretary that the person is duly authorised to sign the document on the other person’s behalf.

**Email address for filing document, etc.**

5. Any document to be filed or provided under these Regulations in connection with an appeal must be addressed to the “Appeals Secretary” and sent by email to [OCHASecretary@mha.gov.sg](mailto:OCHASecretary@mha.gov.sg).

*Division 2 — Starting appeal proceedings***How to start appeal**

6.—(1) An appellant who wishes to make an appeal must, within the time delimited by section 26(2) of the Act, file with the Appeals Secretary a notice of appeal in accordance with regulation 7.

(2) The Appeals Secretary must forward a copy of the notice of appeal and any accompanying documents to the Minister not later than 7 working days after the date on which the Appeals Secretary receives that notice of appeal.

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**Notice of appeal**

7.—(1) In addition to the requirements of section 26(3) and (4) of the Act, every notice of appeal must be —

- (a) in the appropriate form; and
- (b) signed and dated by the appellant, or on the appellant's behalf by a person duly authorised by the appellant.

(2) An appellant cannot raise or rely on any ground of appeal which is not stated in the notice of appeal, or on any evidence not submitted with the notice of appeal —

- (a) during any hearing of the appeal; or
- (b) for the Minister's consideration or determination of the appeal,

unless the appellant has permission from the Minister under regulation 10(1) to amend the appellant's notice of appeal to include that ground or to include that additional evidence, as the case may be.

**Defective notice of appeal**

8.—(1) If the Minister considers that a notice of appeal —

- (a) is not filed in accordance with regulation 7; or
- (b) is materially incomplete, unduly lengthy or unclear,

the Minister may give any directions to the appellant that are necessary to remedy the notice of appeal.

(2) The Minister may, if the Minister considers that the efficient conduct of the proceedings under this Part so requires, instruct the Appeals Secretary to defer forwarding a copy of the notice of appeal to the competent authority until after the directions given under paragraph (1) have been complied with.

**Appeal number, etc.**

9.—(1) The Appeals Secretary must, not later than 7 working days after the date on which the Appeals Secretary receives a notice of appeal —

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- (a) indicate on the notice of appeal the date on which it was received;
  - (b) assign a number to the notice of appeal and enter it in a list; and
  - (c) inform the appellant of the number assigned under sub-paragraph (b).

(2) Subject to paragraph (3) and regulation 8(2), the Appeals Secretary must forward a copy of the notice of appeal with the number assigned under paragraph (1)(b) to the competent authority.

(3) Paragraph (2) does not apply if, before the Appeals Secretary complies with that paragraph, the Minister grants permission under regulation 10(1) or 11(1) (as the case may be) in relation to the notice of appeal.

### **Amendment of notice of appeal**

**10.**—(1) The Minister may permit an appellant to amend the notice of appeal filed under regulation 7, or include any additional evidence to support the notice of appeal (called an amended notice of appeal).

(2) Where the Minister grants permission under paragraph (1), the Minister may do so —

- (a) on any terms or conditions that the Minister considers fit to impose; and
- (b) with any further or consequential directions as the Minister considers necessary, including directing the Appeals Secretary to forward a copy of the amended notice of appeal to the competent authority.

(3) The Minister may grant permission to amend a notice of appeal to add a new ground of appeal only if the Minister is satisfied that —

- (a) the ground is based on any matter of fact or law which came to light after the notice of appeal was filed;
- (b) it was not practicable to include the ground in the notice of appeal at the time the notice of appeal was filed; or
- (c) there are exceptional circumstances to do so.

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(4) The Minister may grant permission to include any additional evidence only if the Minister is satisfied that —

- (a) it could not have been obtained with reasonable diligence for use at the time the notice of appeal was filed;
- (b) it would likely have an important influence in determining the outcome of the appeal, though it need not be decisive; and
- (c) it is apparently credible.

(5) The Appeals Secretary must forward a copy of the amended notice of appeal to the competent authority concerned not later than 7 working days after the date on which the Appeals Secretary receives a direction from the Minister under paragraph (2) to do so.

### **Withdrawal of appeal**

**11.**—(1) An appellant may, with the Minister’s permission, withdraw the appellant’s appeal at any time before the Minister determines the appeal.

(2) Where the Minister grants permission under paragraph (1), the Minister may direct the Appeals Secretary to publish a notice of the withdrawal of the appeal in a manner that will secure adequate publicity to all persons involved in the appeal proceedings.

### *Division 3 — Response to notice of appeal*

#### **Response from competent authority**

**12.**—(1) The competent authority must file with the Appeals Secretary a response to a notice of appeal, not later than 14 working days after the date on which the competent authority receives a copy of that notice of appeal.

(2) Any response to the notice of appeal must —

- (a) cite the number assigned under regulation 9(1)(b) to the notice of appeal;
- (b) state a contact address for the service of documents on the competent authority in connection with any appeal proceedings relating to the notice of appeal;



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- (c) state concisely any facts and arguments in response to each ground of objection in the notice of appeal;
  - (d) be accompanied by any evidence supporting the response; and
  - (e) be signed and dated by the competent authority.

(3) Subject to paragraph (4) and regulation 13(2), the Appeals Secretary must forward a copy of the response from the competent authority to the appellant concerned not later than 7 working days after the date on which the Appeals Secretary receives that response.

(4) Paragraph (3) does not apply if, before the Appeals Secretary complies with that paragraph, the Minister grants permission under regulation 14(1) in relation to the response.

(5) In this regulation, a reference to a notice of appeal includes a reference to an amended notice of appeal that is forwarded by the Appeals Secretary to the competent authority under regulation 10(5).

### **Defective response**

**13.—**(1) If the Minister considers that a response —

- (a) is not filed in accordance with regulation 12; or
- (b) is materially incomplete, unduly lengthy or unclear,

the Minister may give any directions to the competent authority that are necessary to remedy the response.

(2) The Minister may, if the Minister considers that the efficient conduct of the appeal proceedings so requires, instruct the Appeals Secretary to defer forwarding a copy of the competent authority's response to the appellant until after the directions given under paragraph (1) have been complied with.

### **Amendment of response**

**14.—**(1) The Minister may permit the competent authority to amend the response filed under regulation 12, or include any additional evidence to support the response (called an amended response).

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(2) Where the Minister grants permission under paragraph (1), the Minister may do so —

- (a) on any terms or conditions that the Minister considers fit to impose; and
- (b) with any further or consequential directions as the Minister considers necessary, including directing the Appeals Secretary to forward a copy of the amended response to the appellant.

(3) The Minister may grant permission to include any additional evidence only if the Minister is satisfied that —

- (a) it could not have been obtained with reasonable diligence for use at the time the response was filed;
- (b) it would likely have an important influence in determining the outcome of the appeal, though it need not be decisive; and
- (c) it is apparently credible.

(4) The Appeals Secretary must forward a copy of the amended response to the appellant concerned not later than 7 working days after the date on which the Appeals Secretary receives a direction from the Minister under paragraph (2) to do so.

#### *Division 4 — Reply and rejoinder*

### **Reply by appellant**

**15.**—(1) An appellant may file with the Appeals Secretary a reply to the competent authority's response, not later than 14 working days after the date on which the appellant receives a copy of that response.

(2) An appellant's reply must —

- (a) state concisely any facts and arguments in reply to the competent authority's response;
- (b) be accompanied by any evidence supporting the reply; and
- (c) be signed and dated by the appellant, or on the appellant's behalf by a person duly authorised by the appellant.

(3) The Appeals Secretary must forward a copy of the appellant's reply to the competent authority not later than 7 working days after the date on which the Appeals Secretary receives that reply.

(4) In this regulation, a reference to a response from the competent authority includes a reference to an amended response that is forwarded by the Appeals Secretary to the appellant under regulation 14(4).

### **Rejoinder by competent authority**

**16.**—(1) The Minister may permit the competent authority to file with the Appeals Secretary a rejoinder to the appellant's reply not later than 14 working days after the date on which the Minister grants that permission.

(2) The competent authority's rejoinder must —

(a) state concisely any facts and arguments in response to the appellant's reply; and

(b) be accompanied by any evidence supporting the rejoinder.

(3) The Appeals Secretary must forward a copy of the competent authority's rejoinder to the appellant not later than 7 working days after the date on which the Appeals Secretary receives that rejoinder.

### **New matter in reply or rejoinder prohibited**

**17.**—(1) Any reply by an appellant to a response from the competent authority must only address matters raised in that response, and any rejoinder by the competent authority to the reply must only address matters raised in that reply.

(2) The Minister may disregard any new matter in a reply or rejoinder that was included in contravention of paragraph (1).

### *Division 5 — Conduct of appeal proceedings*

### **Powers of Minister to deal with appeal, etc.**

**18.**—(1) The Minister is under no duty to hold in-person hearings, and may decide on an appeal without an in-person hearing.

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(2) There must be no hearing of an appeal through a live video link, a live television link, a live audio link or any other electronic means of communication.

(3) For the purposes of hearing, considering or determining an appeal, the Minister may do all or any of the following:

(a) require any party to the appeal, any witness of the party or any other person who is not such a party, in Singapore to do all or any of the following:

(i) provide evidence to the Minister;

(ii) provide to the Minister any document, record or other thing in the custody or under the control of that party, witness or other person;

(b) require any of the following to answer the Minister's questions, whether by attendance before the Minister or in writing:

(i) any party to the appeal, any witness of the party or any other person who is not such a party;

(ii) any individual duly authorised under regulation 19 to represent that party, witness or other person, as the case may be;

(c) procure and receive all such evidence, written or oral, as the Minister may think it necessary or desirable to procure.

(4) The Minister is not bound by the provisions of the Evidence Act 1893 or by any other written law relating to evidence.

(5) The Minister may appoint any individual, whether in the service of the Government or not, to act as an interpreter in any matter brought before the Minister, and to translate any documents produced to the Minister, in any appeal proceedings.

## **Representation**

**19.**—(1) Every party, witness or other person mentioned in regulation 18(3) may be represented by an individual duly authorised by that party, witness or other person, as the case may be.

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(2) The Minister's permission is required for an individual (called *R*) to represent the party, witness or other person mentioned in paragraph (1) (called *P*) as an authorised representative in connection with the appeal proceedings, unless all of the following are first provided to the Appeals Secretary or provided within the time directed by the Minister:

- (a) the identity particulars, a contact address and a contact number of *R*;
- (b) evidence of a valid authorisation by *P* for *R* to act as an authorised representative of *P* in connection with the appeal proceedings.

### **Place and time of in-person hearing**

**20.**—(1) Where the Minister decides to hold an in-person hearing, the in-person hearing is to be held at the place and time appointed by the Minister.

(2) The Appeals Secretary must cause adequate notice of each in-person hearing to be given to every person required to attend the in-person hearing.

### **Consolidation of appeal proceedings**

**21.**—(1) Where 2 or more appeal proceedings are pending in relation to any appealable decision in respect of the same appellant, the Minister may, on the request of a party or on the Minister's own initiative, direct that those appeal proceedings be consolidated and dealt with together.

(2) All the parties to the relevant appeal proceedings are entitled to make their submissions on a proposed consolidation before a direction under paragraph (1) is made.

### **Adjournment**

**22.**—(1) The Minister may adjourn any hearing of an appeal on any ground and may fix a date for a further hearing.

(2) The Appeals Secretary must cause adequate notice of the further hearing to be given to every person required to attend the further hearing.

(3) The Minister may, on the conclusion of a hearing of an appeal, adjourn for any period of time for the purpose of deliberating and considering his or her decision.

### **Failure to comply with directions or time limits**

**23.** In considering any appeal, the Minister may disregard any notice, response, reply, rejoinder or other submission or document filed with or provided to the Appeals Secretary or the Minister after the expiry of the time limit for the service of the notice, response, reply, rejoinder, submission or document imposed under the Act or these Regulations, or by a direction of the Minister under these Regulations.

### **Non-attendance of parties**

**24.** If, at the time appointed for any hearing of persons at an appeal, any party to the appeal proceedings does not appear, the Minister may, if satisfied that the party has been duly notified of the hearing, proceed with the hearing and make any decision that the Minister thinks fit for the purposes of the Act.

### **Decision of Minister to be notified, etc.**

**25.** When the Minister has made a decision regarding an appeal, the Appeals Secretary must notify the parties of the Minister's decision not later than 7 working days after the date of the Minister's decision.

## **PART 3**

### **CONFIDENTIAL MATTERS**

#### **Requests for confidential treatment**

**26.—(1)** A request for the confidential treatment of a document, or part of a document, filed or provided in connection with any appeal proceedings —

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- (a) must be made in writing by the person who filed or provided the document, not later than 2 working days after the filing or provision of the document;
  - (b) must, where the request relates to part of a document, state the relevant words, figures or passages for which confidentiality is claimed; and
  - (c) must contain the reasons for the request and, where the request relates to part of a document, the reasons specific to each part of the document.

(2) The person making the request for the confidential treatment of a document or part of a document under paragraph (1) must also file with the Minister, if the person considers it possible to summarise or redact the material in the document, a non-confidential version of the document in a form which can be served on any party to the appeal proceedings concerned.

(3) A request for confidential treatment must not be considered by the Minister if the request does not comply with paragraphs (1) and (2).

(4) The Minister may grant confidential treatment in relation to a document or part of a document, on any terms and conditions that the Minister considers fit (including changes to the summary or redacting of material in any non-confidential version filed under paragraph (2)), if the Minister is satisfied that the document or part of the document contains —

- (a) information the disclosure of which would, in the Minister's opinion, be prejudicial to —
  - (i) Singapore's national security;
  - (ii) the prevention or detection of serious crime;
  - (iii) the economic wellbeing of Singapore; or
  - (iv) the continued discharge of the functions of any of the intelligence services of Singapore;
- (b) information the disclosure of which would, in the Minister's opinion, be contrary to the public interest;

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- (c) information relating to the private affairs of an individual the disclosure of which, in the Minister's opinion, would or may significantly harm the interests of the individual; or
  - (d) commercial information the disclosure of which, in the Minister's opinion, would or may significantly harm the legitimate business interests of the undertaking to which it relates.

(5) Where the Minister makes a decision to grant confidential treatment in relation to a document or part of a document under paragraph (4) in connection with any appeal proceedings and the person who made the request under paragraph (1) for that confidential treatment is a party to the appeal proceedings —

- (a) in the case where the grant of confidential treatment is subject to changes to the summary or redacting of material in any non-confidential version of that document filed under paragraph (2) —
  - (i) the party making the request for the confidential treatment must, not later than 5 working days after the Minister's decision —
    - (A) accordingly revise the non-confidential version of that document filed; and
    - (B) file the revised non-confidential version with the Minister; and
  - (ii) the Appeals Secretary must, not later than 7 working days after the revised non-confidential version is filed under sub-paragraph (a)(i)(B), forward a copy of that revised non-confidential version to the other party to the appeal proceedings, notifying the other party that it has been summarised or redacted; or
- (b) in any other case — the Appeals Secretary must, not later than 7 working days after the Minister's decision, forward a copy of the non-confidential version filed under paragraph (2) (if any) to the other party to the appeal proceedings, notifying the other party that it has been summarised or redacted.



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(6) The document or part of the document for which confidential treatment has been granted under paragraph (4), and the existence of that document or part of that document, must not be disclosed to any person except to —

- (a) the Minister; or
- (b) if the Minister considers necessary, any Appeals Advisory Committee appointed by the Minister under section 27(1) of the Act in relation to the appeal.

### **Reliance on confidential material**

27. The Minister may rely on a document or part of a document for which confidential treatment has been granted under regulation 26, for the purposes of —

- (a) considering a notice of appeal against an appealable decision; and
- (b) making a decision under section 26(7) of the Act in relation to the appealable decision.

Made on 18 June 2024.

PANG KIN KEONG  
*Permanent Secretary,  
Ministry of Home Affairs,  
Singapore.*

[MHA/112/2/025; AG/LEGIS/SL/213C/2020/6]

(To be presented to Parliament under section 60(3) of the Online Criminal Harms Act 2023).