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NATIONAL SYMBOLS ACT 2022

NATIONAL SYMBOLS REGULATIONS 2023

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In exercise of the powers conferred by section 14 of the National Symbols Act 2022, the President makes the following Regulations:

PART 1

PRELIMINARY

Citation and commencement

1. These Regulations are the National Symbols Regulations 2023 and come into operation on 1 August 2023.

Definitions

2. In these Regulations —

“authorised officer” means a public officer appointed as an authorised officer under regulation 3;

“display” —

(a) in relation to the National Flag, includes exhibiting, flying or hanging the National Flag; and

(b) in relation to an image of the National Flag, includes printing, painting or placing the image of the National Flag on any surface;

“Government department” means any department or office of the Government, and includes Parliament, the courts and other Organs of State;

“image” —

(a) in relation to the National Flag, means —

- (i) a picture or visual image (whether electronically generated or otherwise) of the National Flag; or
- (ii) any other such picture or visual image that is capable of being mistaken for an image of the National Flag; and

(b) in relation to the Presidential Standard, means a picture or visual image (whether electronically generated or otherwise) of the Presidential Standard;

“National Anthem” means the National Anthem of Singapore as set out in Part 2 of the First Schedule to the Act;

“National Coat of Arms” means the National Coat of Arms of Singapore as set out in Part 4 of the First Schedule to the Act;

“National Day period” means the period beginning 1 July and ending 30 September (both dates inclusive) of each year;

“National Flag” means the National Flag of Singapore as set out in Part 1 of the First Schedule to the Act;

“National Pledge” means the National Pledge of Singapore in any of the 4 official languages as set out in Part 3 of the First Schedule to the Act;

“perform”, in relation to the National Anthem, includes playing a recording of the National Anthem;

“Presidential Coat of Arms” means the Presidential Coat of Arms as set out in Part 2 of the Second Schedule to the Act;

“Presidential Standard” means the Presidential Standard as set out in Part 1 of the Second Schedule to the Act;

“public seal” means the public seal of Singapore as set out in Part 5 of the First Schedule to the Act;

“seal of the President” means the seal of the President as set out in Part 3 of the Second Schedule to the Act.

Authorised officers

3. The Minister may appoint one or more public officers to be authorised officers for the purposes of these Regulations.

Exercise of Minister's functions by Second Minister, etc.

4. The functions of the Minister in these Regulations may be exercised by a Second Minister, Minister of State or Parliamentary Secretary assisting the Minister.

PART 2**NATIONAL FLAG****Disrespecting National Flag**

5.—(1) A person commits an offence if —

(a) the person knowingly does an act in relation to the National Flag; and

(b) the act is disrespectful to the National Flag.

(2) A person in possession of the National Flag must not, without reasonable excuse, allow or cause the National Flag to touch the floor or ground, even when lowering the National Flag from a staff or flagpole.

(3) A person who contravenes paragraph (2) commits an offence.

(4) A person who is guilty of an offence under paragraph (1) or (3) shall be liable on conviction to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 6 months or to both.

Display of National Flag outside buildings

6.—(1) If the National Flag is displayed outside a building, the National Flag must be displayed on or in front of the building.

(2) If the National Flag is displayed outside a building or in an open space, the National Flag —

(a) must be flown from a flagpole; and

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- (b) must not be flown at night unless the National Flag is properly illuminated.
- (3) Paragraph (2) does not apply during —
- (a) the National Day period; and
 - (b) any other period that the Minister may specify (which period must be published in the *Gazette*).
- (4) A person who knowingly contravenes paragraph (1) or (2) commits an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Display of National Flag on vehicles, vessels and aircrafts

7.—(1) The National Flag must not be displayed on a motor vehicle unless —

- (a) the President is travelling in the motor vehicle;
 - (b) a Minister is travelling in the motor vehicle on official business;
 - (c) the display is during the National Day period and the motor vehicle is not a hearse; or
 - (d) the Minister approves the display.
- (2) The National Flag must not be displayed on a vessel or aircraft unless —
- (a) the vessel or aircraft is a Government vessel or aircraft;
 - (b) the vessel or aircraft is authorised to do so under written law;
 - (c) the display is during the National Day period; or
 - (d) the Minister approves the display.
- (3) The Minister must not give approval under paragraph (1)(d) or (2)(d) unless the Minister is satisfied that the display of the National Flag will not give rise to disrespect to the National Flag.

(4) A person who knowingly contravenes paragraph (1) or (2) commits an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Display of National Flag in relation to other flags, objects, etc.

8.—(1) Subject to international practice, the National Flag must take precedence over all other flags when displayed in Singapore.

(2) When the National Flag is displayed with any other flag or flags, the National Flag must be displayed prominently, in the position of honour and, where practicable, above the other flag or flags.

(3) When raised or carried in a procession with any other flag or flags, the National Flag must be raised or carried —

- (a) high on the right shoulder of the standard bearer;
- (b) if in a single file, in front of the other flag or flags; and
- (c) if carried side-by-side with the other flag or flags, in the position of honour.

(4) The National Flag must not be displayed below any other flag, emblem or object.

(5) When the National Flag is displayed on a platform or stage, the National Flag must —

- (a) be above all decorations;
- (b) subject to sub-paragraph (c), be behind and above any person speaking from the platform or stage; and
- (c) if displayed from a staff standing on the platform or stage, be on the right side of any person speaking from the platform or stage.

(6) When the National Flag is hung —

- (a) the National Flag must be hung against a vertical wall or other vertical flat surface; and
- (b) the crescent and stars must be on the top left position as seen by a spectator facing the National Flag and the wall or surface, as the case may be.

(7) The National Flag must not be dipped in salute to any person or thing.

(8) A person who knowingly contravenes paragraph (1), (2), (3), (4), (5), (6) or (7) commits an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(9) In this regulation —

“flag” means any flag that is not the national flag of another State;

“position of honour”, in relation to the display of the National Flag side-by-side with, and at the same level as, any other flag or flags, means —

(a) the left as seen by any spectator facing —

(i) the National Flag and the other flag or flags; or

(ii) the front of the building on which, or in front of which, the National Flag and the other flag or flags are flown; or

(b) where the National Flag and the other flag or flags are carried in a procession, the right as seen by the standard bearers.

Lowering to half-mast

9.—(1) The National Flag must be flown at full mast.

(2) However, during a period of national mourning declared by the Government, the National Flag may be lowered to half-mast.

(3) The declaration of a period of national mourning must be published in the *Gazette* or in some other way that will secure adequate publicity for the declaration.

(4) A person who knowingly contravenes paragraph (1) commits an offence and shall be liable on conviction to a fine not exceeding \$5,000.

National Flag not to be displayed if damaged, etc.

10.—(1) A person must not knowingly display, or cause to be displayed, a National Flag that is damaged or not in a proper and clean condition.

(2) A person who contravenes paragraph (1) commits an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Use of National Flag or image thereof for private funeral, etc.

11.—(1) A person must not knowingly use or display the National Flag or an image of the National Flag at a private funeral, wake, memorial service or other funerary rite, ceremony or procession unless the Minister approves the use or display.

(2) The Minister must not give approval under paragraph (1) unless the Minister is satisfied that the use or display of the National Flag or an image of the National Flag will not give rise to disrespect to the National Flag.

(3) A person who contravenes paragraph (1) commits an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Commercial use of National Flag or image thereof

12.—(1) A person must not knowingly use or apply the National Flag or an image of the National Flag —

(a) for a commercial purpose; or

(b) as a means of advertisement or for the purpose of any advertisement.

(2) However, a person may use or apply the National Flag or an image of the National Flag if —

(a) the use or application is during the National Day period and does not give rise to disrespect to the National Flag; or

(b) the use or application is approved by the Minister.

(3) The Minister must not give approval under paragraph (2)(b) unless the Minister is satisfied that the use or application of the National Flag or an image of the National Flag will not give rise to disrespect to the National Flag.

(4) A person must not knowingly use or apply the National Flag or an image of the National Flag as or as part of a trademark.

(5) A person who contravenes paragraph (1) or (4) commits an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Use of National Flag or image thereof as decoration, etc.

13.—(1) A person must not knowingly use or apply the National Flag or an image of the National Flag as part of any furnishing, covering or receptacle unless the Minister approves the use or application.

(2) A person must not knowingly use or apply the National Flag or an image of the National Flag as a decoration unless —

(a) the use or application —

(i) is during the National Day period; and

(ii) does not give rise to disrespect to the National Flag;
or

(b) the use or application is approved by the Minister.

(3) The Minister must not give approval under paragraph (1) or (2)(b) unless the Minister is satisfied that the use or application of the National Flag or an image of the National Flag will not give rise to disrespect to the National Flag.

(4) A person who contravenes paragraph (1) or (2) commits an offence and shall be liable on conviction —

(a) in a case involving disrespect to the National Flag — to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 6 months or to both; or

(b) in any other case — to a fine not exceeding \$5,000.

(5) In this regulation, “receptacle” includes a paper, plastic and refuse bag.

Use of National Flag or image thereof on attire

14.—(1) A person must not knowingly use or apply the National Flag or an image of the National Flag as part of any costume or attire unless —

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- (a) the use or application —
 - (i) is not for a commercial purpose; and
 - (ii) does not give rise to disrespect to the National Flag;
 - (b) the use or application —
 - (i) is during the National Day period; and
 - (ii) does not give rise to disrespect to the National Flag;or
 - (c) the use or application is approved by the Minister.

(2) The Minister must not give approval under paragraph (1)(c) unless the Minister is satisfied that the use or application of the National Flag or an image of the National Flag will not give rise to disrespect to the National Flag.

(3) A person who contravenes paragraph (1) commits an offence and shall be liable on conviction —

- (a) in a case where the National Flag is used or applied in a manner that gives rise to disrespect to the National Flag — to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 6 months or to both;
- (b) in any other case — to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Flags that distort or modify National Flag, etc.

15.—(1) A person must not knowingly produce or display a flag that distorts or otherwise modifies the design of the National Flag.

Example

A flag with words or graphics superimposed on the design of the National Flag, or vice versa, is a modification of the design of the National Flag.

(2) Paragraph (1) does not apply in relation to the flag of a Government department.

(3) A person who contravenes paragraph (1) commits an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Stop order against disrespectful acts

16.—(1) If —

- (a) a person has done or is doing an act in relation to the National Flag; and
- (b) an authorised officer is of the opinion that the act causes disrespect to the National Flag,

the authorised officer may order the person to do one or both of the following:

- (c) cease doing the act;
- (d) take any specified action to remedy the disrespect caused.

(2) For the purposes of paragraph (1), an act in relation to the National Flag includes —

- (a) an act in relation to an image of the National Flag; and
- (b) an act in relation to distorted, or otherwise modified, but still recognisable elements of the National Flag.

(3) Part 10 applies to and in relation to an order under paragraph (1).

PART 3

NATIONAL ANTHEM

Occasions for performing National Anthem

17.—(1) The National Anthem is to be performed when the President receives a general salute.

(2) The National Anthem may be performed or sung on any appropriate occasion.

Respect for National Anthem

18.—(1) When the National Anthem is performed or sung, every person present must stand up as a mark of respect.

(2) A person who contravenes paragraph (1) without reasonable excuse commits an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Musical arrangements of National Anthem

19.—(1) A person performing or singing the National Anthem must do so according to the arrangement in Part 2 of the First Schedule to the Act or any other arrangement permitted under paragraph (2).

(2) The National Anthem may be rearranged subject to the following conditions:

- (a) the National Anthem must not be incorporated into any other composition or medley;
- (b) every arrangement of the National Anthem must accurately reflect the complete tune and, if lyrics are included, the complete lyrics of the National Anthem;
- (c) the rearrangement must be in keeping with the dignity due to the National Anthem.

(3) A person must not make a musical record that includes a rearrangement of the National Anthem that contravenes paragraph (2).

(4) A person who sings the National Anthem —

- (a) must follow the lyrics in Part 2 of the First Schedule to the Act; and
- (b) must not sing any translation of those lyrics.

(5) A person who knowingly contravenes paragraph (1), (2), (3) or (4) commits an offence and shall be liable on conviction to a fine not exceeding \$5,000.

No unauthorised commercial use of National Anthem

20.—(1) The tune or lyrics of the National Anthem must not be used for any commercial purpose unless the Minister approves the use.

(2) The Minister must not give approval under paragraph (1) unless the Minister is satisfied that the use of the National Anthem will not give rise to disrespect to the National Anthem.

(3) A person who knowingly contravenes paragraph (1) commits an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Stop order against disrespectful acts

21.—(1) If —

- (a) a person has done or is doing an act in relation to the National Anthem; and
- (b) an authorised officer is of the opinion that the act causes disrespect to the National Anthem,

the authorised officer may order the person to do one or both of the following:

- (c) cease doing the act;
- (d) take any specified action to remedy the disrespect caused.

(2) For the purposes of paragraph (1), an act in relation to the National Anthem includes an act in relation to a distorted, or otherwise modified, but still recognisable version of the National Anthem.

(3) Part 10 applies to and in relation to an order under paragraph (1).

PART 4
NATIONAL PLEDGE

Taking National Pledge

22.—(1) The National Pledge may be taken on any appropriate occasion.

(2) A person taking the National Pledge must recite the complete National Pledge.

(3) A person who contravenes paragraph (2) without reasonable excuse commits an offence and shall be liable on conviction to a fine not exceeding \$5,000.

No unauthorised commercial use of National Pledge

23.—(1) A person must not knowingly use the National Pledge —

(a) for a commercial purpose; or

(b) as a means of advertisement or for the purpose of any advertisement,

unless the Minister approves the use.

(2) The Minister must not give approval under paragraph (1) unless the Minister is satisfied that the use of the National Pledge will not give rise to disrespect to the National Pledge.

(3) A person who contravenes paragraph (1) commits an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Stop order against disrespectful acts

24.—(1) If —

(a) a person has done or is doing an act in relation to the National Pledge; and

(b) an authorised officer is of the opinion that the act causes disrespect to the National Pledge,

the authorised officer may order the person to do one or both of the following:

(c) cease doing the act;

(d) take any specified action to remedy the disrespect caused.

(2) For the purposes of paragraph (1), an act relates to the National Pledge only if the act relates to the whole or substantially the whole of the National Pledge in any of the 4 official languages.

(3) Part 10 applies to and in relation to an order under paragraph (1).

PART 5

NATIONAL COAT OF ARMS

Making or dealing in copies of National Coat of Arms

25.—(1) In this regulation, “copy of the National Coat of Arms” —

(a) means a copy of the National Coat of Arms in 2 or 3 dimensions; and

(b) includes an image or object that is capable of being mistaken for the National Coat of Arms.

(2) Subject to this regulation, a person must not knowingly —

(a) make or deal in a copy of the National Coat of Arms; or

(b) cause a copy of the National Coat of Arms to be made or dealt in.

Examples

(a) Examples of ways in which copies may be made include printing, drawing, sculpting, tattooing and manufacturing.

(b) Examples of dealings include serving, sending, distributing, publishing, selling, offering for sale and exhibiting.

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- (3) Paragraph (2) does not apply to —
- (a) anything done by or with the authority of a Government department;
 - (b) anything done with the approval of the Minister;
 - (c) anything done in good faith and for the purposes of reporting a disrespectful or unlawful use of the National Coat of Arms to a public officer;
 - (d) anything done for the purposes of reporting news; or
 - (e) anything done —
 - (i) incidentally to an act that is otherwise lawful; and
 - (ii) without causing disrespect to the National Coat of Arms.

Examples

- (a) A replica of the National Coat of Arms is installed on a Government building. A person takes a photograph of the building, and the photograph includes the replica. The person has made a copy of the National Coat of Arms, but the reproduction would come within the exception in paragraph (3)(e) if the taking of the photograph is otherwise lawful and does not cause disrespect to the National Coat of Arms.
- (b) A person copies a Government letter bearing the National Coat of Arms for the purpose of committing fraud. The person has made a copy of the National Coat of Arms, and paragraph (3)(e) would not apply because the reproduction was done incidentally to an unlawful act.

(4) A person who contravenes paragraph (2) commits an offence and shall be liable on conviction to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 6 months or to both.

No distortion of National Coat of Arms

26.—(1) A person must not knowingly make, use or display an image or object that is or includes a distorted or otherwise modified design of the National Coat of Arms.

(2) Paragraph (1) does not apply in relation to the symbol of a Government department.

(3) A person who contravenes paragraph (1) commits an offence and shall be liable on conviction to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 6 months or to both.

PART 6

PUBLIC SEAL

Affixing of public seal

27.—(1) The public seal may only be affixed —

- (a) by or with the authority of the President; or
- (b) as required or permitted by law.

(2) A person who knowingly contravenes paragraph (1) commits an offence and shall be liable on conviction to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 6 months or to both.

PART 7

PRESIDENTIAL STANDARD

No unauthorised use of Presidential Standard or its image

28.—(1) The Presidential Standard may only be flown, displayed or otherwise used by or with the authority of the President.

(2) An image of the Presidential Standard may only be applied on a surface or otherwise used by or with the authority of the President.

(3) A person who knowingly contravenes paragraph (1) or (2) commits an offence and shall be liable on conviction to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 6 months or to both.

PART 8

PRESIDENTIAL COAT OF ARMS

Making or dealing in copies of Presidential Coat of Arms

29.—(1) In this regulation, “copy of the Presidential Coat of Arms” —

- (a) means a copy of the Presidential Coat of Arms in 2 or 3 dimensions; and
 - (b) includes an image or object that is capable of being mistaken for the Presidential Coat of Arms.
- (2) Subject to this regulation, a person must not knowingly —
- (a) make or deal in a copy of the Presidential Coat of Arms; or
 - (b) cause a copy of the Presidential Coat of Arms to be made or dealt in.

Examples

- (a) Examples of ways in which copies may be made include printing, drawing, sculpting, tattooing and manufacturing.
 - (b) Examples of dealings include serving, sending, distributing, publishing, selling, offering for sale and exhibiting.
- (3) Paragraph (2) does not apply to —
- (a) anything done by or with the authority of the President;
 - (b) anything done in good faith and for the purposes of reporting a disrespectful or unlawful use of the Presidential Coat of Arms to a public officer;
 - (c) anything done for the purposes of reporting news; or
 - (d) anything done —
 - (i) incidentally to an act that is otherwise lawful; and

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- (ii) without causing disrespect to the Presidential Coat of Arms.

Example

A person copies a letter bearing the Presidential Coat of Arms for the purpose of committing fraud. The person has made a copy of the Presidential Coat of Arms, and paragraph (3)(d) would not apply because the reproduction was done incidentally to an unlawful act.

(4) A person who contravenes paragraph (2) commits an offence and shall be liable on conviction to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 6 months or to both.

No distortion of Presidential Coat of Arms

30.—(1) A person must not knowingly make, use or display an image or object that is or includes a distorted or otherwise modified design of the Presidential Coat of Arms.

(2) A person who contravenes paragraph (1) commits an offence and shall be liable on conviction to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 6 months or to both.

PART 9

SEAL OF PRESIDENT

Affixing of seal of President

31.—(1) The seal of the President may only be affixed by or with the authority of the President.

(2) A person who knowingly contravenes paragraph (1) commits an offence and shall be liable on conviction to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 6 months or to both.

PART 10
SUPPLEMENTARY PROVISIONS
FOR STOP ORDERS

Application of this Part

32. This Part applies to and in relation to an order made under regulation 16, 21 or 24 (called in this Part a stop order).

Form and contents of stop order

33.—(1) A stop order must be in writing.

(2) A stop order must —

- (a) describe the disrespectful act against which the order is made;
- (b) explain why that act is disrespectful;
- (c) specify what is required of the person against whom the order is made; and
- (d) state that a contravention of the order is an offence.

Service of stop order

34.—(1) A stop order must be served on the person against whom the order is made.

(2) A stop order has effect from the date on which it is served or any later date specified in the order.

(3) A stop order may be served on a person by any of the following means:

- (a) by giving a copy of the order —
 - (i) in the case of an individual, to the individual;
 - (ii) in the case of a body corporate (including a limited liability partnership) or an unincorporated association, to the secretary or other like officer of the body corporate or unincorporated association, or the limited liability partnership's manager; or

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- (iii) in the case of a partnership (other than a limited liability partnership), to any partner or other like officer of the partnership;
- (b) by leaving a copy of the order —
 - (i) in the case of an individual, at the individual’s usual or last known place of residence with an adult apparently resident there, or at the individual’s business address with an adult apparently employed there; or
 - (ii) in the case of a person other than an individual, at the person’s business address;
 - (c) if the person is an individual, by affixing a copy of the order in a conspicuous place at the individual’s usual or last known place of residence or at the individual’s business address;
 - (d) by ordinary or registered post to the business address, or usual or last known address in Singapore, of the person.
- (4) If —
- (a) a stop order is made against an act done by a person on an online location; and
 - (b) the online location provides a mechanism by which —
 - (i) the person may receive electronic communications; or
 - (ii) comments may be posted in response to the act,
- the stop order may be served on the person by sending an electronic copy of the stop order to the person through that mechanism.

Illustration

A stop order requires a person to remove an image that the person posted on the Instagram application. The stop order may be served on the person by sending the person a copy of the order through the direct message function of the Instagram application or through a comment on the Instagram post.

(5) In this regulation, “online location” means any website, webpage, chatroom or forum, or any other thing that is hosted on a computer (as defined in the Computer Misuse Act 1993) and can be seen, heard or otherwise perceived by means of the internet.

Variation or revocation of stop order

35.—(1) An authorised officer may at any time vary or revoke a stop order by written notice.

(2) A notice under paragraph (1) must be served on the person against whom the stop order is made.

(3) A notice under paragraph (1) has effect from the date on which it is served or any later date specified in the notice.

(4) A notice under paragraph (1) may be served in the same manner as a stop order.

Appeal against stop order

36.—(1) A person against whom a stop order is made may appeal in writing to the Minister against the making of the order and against any variation of the order.

(2) An appeal must be made within 14 days, or any longer time that the Minister may allow, after the stop order or the notice of variation (as the case may be) is served.

(3) An appellant —

(a) may submit any information or document in support of the appeal; and

(b) must submit any information or document required by the Minister in relation to the appeal.

(4) The Minister may reject an appeal without considering its merits if the appeal is not made in accordance with this regulation.

(5) After considering an appeal, the Minister may confirm, vary or revoke the stop order that is the subject of the appeal.

(6) Unless the Minister or an authorised officer otherwise directs, a stop order or a variation of a stop order continues to have effect pending the determination of an appeal against the order or variation.

Offence

37. A person who, without reasonable excuse, fails to comply with a stop order commits an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 6 months or to both.

PART 11**MISCELLANEOUS****Offences by corporations**

38.—(1) Where a corporation commits an offence under these Regulations, a person —

(a) who is —

- (i) an officer of the corporation; or
- (ii) an individual involved in the management of the corporation and in a position to influence the conduct of the corporation in relation to the commission of the offence; and

(b) who —

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

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

(2) A person mentioned in paragraph (1) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

(3) To avoid doubt, this regulation does not affect the application of Chapters 5 and 5A of the Penal Code 1871.

(4) To avoid doubt, paragraph (1) does not affect the liability of a corporation for an offence under these Regulations, and applies whether or not the corporation is convicted of the offence.

(5) In this regulation —

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act 2005;

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

- (a) any person purporting to act in any such capacity; and
- (b) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation;

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

Composition of offences

39.—(1) An offence under these Regulations may be compounded by an authorised officer in accordance with section 243 of the Criminal Procedure Code 2010.

(2) An authorised officer may compound an offence under these Regulations by collecting from a person who is reasonably suspected of having committed the offence a sum of money not exceeding \$2,000.

Made on 28 July 2023.

By Command,

TAN KEE YONG
*Secretary to the Cabinet,
Singapore.*

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