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ADMINISTRATION OF JUSTICE (PROTECTION) ACT 2016 (ACT 19 OF 2016)

ADMINISTRATION OF JUSTICE (PROTECTION) (NON-PUBLICATION DIRECTIONS) RULES 2017

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In exercise of the powers conferred by section 13(15) of the Administration of Justice (Protection) Act 2016, the Minister for Law makes the following Rules:

Citation and commencement

1. These Rules are the Administration of Justice (Protection) (Non-Publication Directions) Rules 2017 and come into operation on 1 October 2017.

Definitions

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

“Form” means a Form in the Schedule;

“non-publication direction” means a direction under section 13(1);

“publisher” has, subject to rule 3, the same meaning as defined in the Act;

“section” means a section of the Act.

Excluded publishers

3.—(1) A person who publishes any matter is excluded from the definition of “publisher” in section 13(17) in relation to that matter if the person —

- (a) is in the business of providing network services;
- (b) publishes that matter electronically in the course of providing those network services;
- (c) is not the originator of that matter;
- (d) does not select any person who may hear, see or otherwise perceive that matter; and
- (e) provides those network services in an automatic manner (with technical input only) without modifying the whole or any part of the content of that matter.

(2) In paragraph (1), “providing network services” means making available or operating any facility for network access.

Form of non-publication direction

4. A non-publication direction must be made in Form 1.

Identification of publisher in non-publication direction when name unknown

5. Where a non-publication direction is intended to apply to a publisher whose name is unknown, the direction may identify the publisher by —

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- (a) an Internet location address or a website associated with the publisher; or
 - (b) a username, an account, an electronic mail address or any unique identifier used by or associated with the publisher.

Description of subject matter of non-publication direction

6.—(1) The matter that is the subject of a non-publication direction must be described with sufficient detail for the matter to be identified.

(2) Without limiting paragraph (1), the following information about the matter must be provided:

- (a) the content, or a summary of the content, of the matter;
- (b) the location where the matter is published;
- (c) the author of the matter (unless the author is unknown).

Service of non-publication direction

7.—(1) A non-publication direction may not be served on a publisher unless the court grants leave to give the non-publication direction.

(2) A non-publication direction must be served together with —

- (a) the Attorney-General's application for leave to give the direction (including the affidavit supporting the application); and
- (b) the order of court granting leave to give the direction.

Form of suspension or cancellation of non-publication direction

8.—(1) The suspension of a non-publication direction by the Attorney-General under section 13(6) must be made in Form 2.

(2) The cancellation of a non-publication direction by the Attorney-General under section 13(6) must be made in Form 3.

Service of suspension or cancellation of non-publication direction

9. The suspension or cancellation of a non-publication direction by the Attorney-General under section 13(6) must be served on the publisher to whom the direction applies.

Cessation and suspension of non-publication direction

10.—(1) A non-publication direction ceases to have effect —

- (a) if the Attorney-General cancels the direction under section 13(6) — on the date specified by the Attorney-General in Form 3, even if Form 3 has not been served;
- (b) if the direction is specified to have effect until a certain date — on that date;
- (c) if the direction is specified to have effect for a period — on the expiry of that period; or
- (d) if the direction is specified to have effect until the occurrence of an event — on the occurrence of that event.

(2) If the Attorney-General suspends a non-publication direction under section 13(6) —

(a) the suspension takes effect —

- (i) if the suspension is specified to take effect on a certain date — on that date;
- (ii) if the suspension is specified to take effect for a period — at the start of that period; or
- (iii) if the direction is specified to take effect on the occurrence of an event — on the occurrence of that event,

even if Form 2 is not served on the publisher to whom the direction applies; and

(b) the suspension ceases to have effect —

- (i) if the suspension is specified to cease to have effect on a certain date — on that date;

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- (ii) if the suspension is specified to cease to have effect at the end of a period — at the end of that period;
 - (iii) if the suspension is specified to cease to have effect on the occurrence of an event — on the occurrence of that event; or
 - (iv) on the date on which a notice of resumption in Form 4 is served on the publisher to whom the direction applies.

(3) To avoid doubt, nothing in this rule affects the effect of an order of court that sets aside or varies a non-publication direction.

Modes of service

11.—(1) Any document required or allowed to be served on a person under these Rules must be served in accordance with this rule.

(2) The document may be served on a person —

- (a) by leaving with the person a copy of that document;
- (b) by registered post to the usual or last known address of the person in Singapore; or
- (c) in the case of Forms 2 and 3, by ordinary post to the usual or last known address of the person in Singapore.

(3) If the document is a non-publication direction in respect of any matter that is published on an Internet website, or if the document relates to such a direction, the document may be served on the publisher to whom the direction applies in the following manner:

- (a) if the publisher has an electronic mail address — by sending an electronic communication of the direction to that electronic mail address;
- (b) if the publisher has an account on any social media or social networking Internet website, and that social media or social networking Internet website provides a mechanism for that person to receive electronic communications in that account — by sending an electronic communication of the document to that account;

(c) if the publisher maintains an Internet website, a blog or a page on any social media or social networking Internet website, and that Internet website, blog or page on that social media or social networking Internet website provides a mechanism for the posting of comments on that Internet website, blog or page on that social media or social networking Internet website — by posting an electronic communication of that document on that Internet website, blog or page on that social media or social networking Internet website.

(4) If the person on whom a document is to be served —

- (a) does not appear to have a usual or last known address; and
- (b) does not appear to have any electronic mail address, account or page on any social media or social networking Internet website, Internet website, or blog through which service can be effected under paragraph (3),

the document may be served by causing a notification containing the following information to be published in the *Gazette*:

- (i) a statement identifying that document;
- (ii) a statement that the person to be served may obtain that document from the Attorney-General by writing to the address or electronic mail address specified in the notification, or by any other way that may be specified in the notification.

THE SCHEDULE

FORMS

FORM 1

Rule 4

**ADMINISTRATION OF JUSTICE
(PROTECTION) ACT 2016**

(ACT 19 OF 2016)

NON-PUBLICATION DIRECTION

To: *[State the name of publisher or identify the publisher in accordance with rule 5.]*

This is a non-publication direction under the Administration of Justice (Protection) Act 2016. The Attorney-General is giving this direction to you because you published the matter described in Section B below. If you fail to comply with this direction without reasonable excuse, you are committing an offence and the maximum punishment is a fine of \$20,000 or 12 months' imprisonment or both.

A. Direction

[State the direction given.]

B. Matter

[Describe the offending matter in accordance with rule 6.]

C. Start date

This direction takes effect from **[date]* / the date it is served on you.

* Delete whichever is not applicable.

THE SCHEDULE — *continued*

D. Conditions / Exceptions

[Specify any exceptions or conditions, including any end date. Put “N/A” if no conditions or exceptions are specified.]

E. Leave of court

This direction is made with the leave of court (copy attached).

F. Setting aside or variation

You can apply to court to set aside or vary this direction within 14 days (or such longer period as the court may allow) after this direction is served on you.

An application to set aside or vary this direction can be made on the grounds set out in section 13(10) of the Act.

An application to set aside or vary this direction does not operate as a stay of this direction.

[Signature]

Name:

Designation:

Date:

THE SCHEDULE — *continued*

FORM 2

Rules 8(1),
10(2)(a)
and 11(2)(c)

**ADMINISTRATION OF JUSTICE
(PROTECTION) ACT 2016**

(ACT 19 OF 2016)

**SUSPENSION OF NON-PUBLICATION
DIRECTION**

To: *[State the name of publisher or identify the publisher in accordance with rule 5.]*

A. Suspension of non-publication direction

This is to inform you that the Attorney-General has suspended the non-publication direction dated *[date]* (copy attached). *[Give details of the suspension]*

***B. End of suspension**

Upon the end of the suspension in Section A, you must continue to comply with the non-publication direction.

* Delete this section if the suspension is indefinite.

[Signature]

Name:

Designation:

Date:

THE SCHEDULE — *continued*

FORM 3

Rules 8(2),
10(1)(a)
and 11(2)(c)

**ADMINISTRATION OF JUSTICE
(PROTECTION) ACT 2016**

(ACT 19 OF 2016)

**CANCELLATION OF
NON-PUBLICATION DIRECTION**

To: *[State the name of publisher or identify the publisher in accordance with rule 5.]*

This is to inform you that the Attorney-General has cancelled the non-publication direction dated *[date]* (copy attached) with effect from *[date]*.

[Signature]

Name:

Designation:

Date:

THE SCHEDULE — *continued*

FORM 4

Rule 10(2)(b)(iv)

**ADMINISTRATION OF JUSTICE
(PROTECTION) ACT 2016
(ACT 19 OF 2016)**

NOTICE OF RESUMPTION OF
NON-PUBLICATION DIRECTION

To: *[State the name of publisher or identify the publisher in accordance with rule 5.]*

This is to inform you that the Attorney-General has terminated the suspension of the non-publication direction that was served on you on [*date*] (copy attached).

You must continue to comply with the non-publication direction once this notice is served on you.

[Signature]

Name:

Designation:

Date:

Made on 26 September 2017.

NG HOW YUE
*Permanent Secretary,
Ministry of Law,
Singapore.*

[Law 06/021/028; AG/LEGIS/SL/3A/2015/1 Vol. 1]

(To be presented to Parliament under section 13(16) of the
Administration of Justice (Protection) Act 2016).