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FOREIGN INTERFERENCE
(COUNTERMEASURES) ACT 2021

FOREIGN INTERFERENCE
(COUNTERMEASURES) REGULATIONS 2023

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In exercise of the powers conferred by section 122 of the Foreign Interference (Countermeasures) Act 2021, the Minister for Home Affairs makes the following Regulations:

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

1. These Regulations are the Foreign Interference (Countermeasures) Regulations 2023 and come into operation on 29 December 2023.

Definitions

2. In these Regulations —

“identity particulars” means —

- (a) for an individual who is a citizen of Singapore —
 - (i) the full name of the individual; and
 - (ii) the NRIC number of the individual;
- (b) for an individual who is not a citizen of Singapore —
 - (i) the full name of the individual;
 - (ii) the number of the passport or other identity document of the individual; and
 - (iii) the nationality of the individual;

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- (c) for an entity that is constituted or registered under any written law —
 - (i) the registered name of the entity; and
 - (ii) the Unique Entity Number (UEN) of the entity; and
 - (d) for any other entity —
 - (i) the full name of the entity; and
 - (ii) the country under whose law the entity was constituted;

“mandatory message”, in relation to a must-carry direction, has the meaning given by section 32(3);

“section” means a section of the Act.

PART 2

DIRECTIONS AGAINST HARMFUL FOREIGN ONLINE COMMUNICATIONS ACTIVITY

Division 1 — Ministerial powers

Prescribed matters for reconsideration applications under section 23 or 26

3.—(1) This regulation applies to an application for reconsideration under section 23 or 26.

- (2) An application for reconsideration —
 - (a) must be in writing and in the relevant form that is set out at <https://www.mha.gov.sg/fica/resources>;
 - (b) must be made within the time delimited by section 23(2)(b) or 26(2)(b);
 - (c) must state —
 - (i) the identity particulars of the applicant;
 - (ii) the applicant’s authorised representative, if any; and

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- (iii) if the applicant is an entity — the address of its principal place of business or registered office;
 - (d) must state one or more of the following particulars for the service of documents on the applicant and the applicant's authorised representative (if any) in connection with the application:
 - (i) the applicant's residential address in Singapore;
 - (ii) the applicant's place of business in Singapore;
 - (iii) an email address;
 - (e) must —
 - (i) be accompanied by a copy of the authorisation, direction or declaration for which reconsideration is sought; or
 - (ii) if a copy is not available — identify the authorisation, direction or declaration for which reconsideration is sought;
 - (f) must —
 - (i) specify the relief sought;
 - (ii) contain a summary of the grounds of the application; and
 - (iii) state the arguments for each of those grounds;
 - (g) must be accompanied by any documents supporting those arguments; and
 - (h) must be signed and dated by the applicant, or on the applicant's behalf by the authorised representative of the applicant.
- (3) However, if strict compliance with a form mentioned in paragraph (2)(a) is not possible, the Minister may permit —
- (a) the necessary modifications to be made to that form; or
 - (b) the requirements of that form to be complied with in some other manner.

(4) An application for reconsideration may be withdrawn by the applicant at any time before the Minister makes a decision in respect of the application.

(5) In this regulation, “authorised representative”, in relation to an applicant, includes an advocate and solicitor or other legal representative of the applicant.

Division 2 — Part 3 directions
(mandatory message requirements under section 32)

Recipient must comply with requirements in this Division

4. The requirements imposed by or under this Division apply for the purposes of section 32(2)(b).

Class 1 must-carry direction

5.—(1) A Class 1 must-carry direction may impose one or more of the following requirements so as to cause a mandatory message in the direction to be published in Singapore:

- (a) a requirement to specially communicate or distribute the mandatory message in a way specified in the direction to a particular person or end-user specified in the direction;
- (b) a requirement to specially communicate or distribute the mandatory message in a way specified in the direction to a class or description of persons specified in the direction;
- (c) a requirement to generally communicate or distribute the mandatory message by publishing it on an online location specified in the direction in a way specified in the direction;
- (d) a requirement to generally communicate or distribute the mandatory message by publishing it in a newspaper or other printed publication of Singapore specified in the direction in a way specified in the direction.

(2) Without limiting paragraph (1), a mandatory message about any covered information or material identified in a Class 1 must-carry direction must be communicated or distributed directly in connection

with any message that is or has been posted or provided by the recipient —

- (a) on a social media service or relevant electronic service; or
 - (b) using an internet access service.
- (3) In paragraph (2), “message” means information —
- (a) whether in the form of text;
 - (b) whether in the form of data;
 - (c) whether in the form of speech, music or other sounds;
 - (d) whether in the form of visual images (animated or otherwise);
 - (e) whether in any other form; or
 - (f) whether in any combination of forms.

Class 2 must-carry direction and remedial must-carry direction

6.—(1) A Class 2 must-carry direction given to a provider of a social media service or relevant electronic service may require a mandatory message about the covered information or material identified in the direction to be generally communicated or distributed —

- (a) by using the social media service or relevant electronic service in a way specified in the direction; and
- (b) to one or both of the following classes of persons:
 - (i) all end-users in Singapore who access the covered information or material by means of that service at any time after a time specified in the Class 2 must-carry direction;
 - (ii) all end-users in Singapore that the provider knows had accessed the covered information or material by means of that social media service or relevant electronic service at any time before the specified time mentioned in sub-paragraph (i).

(2) Paragraph (1) applies, with the necessary modifications, to a remedial must-carry direction for a failure to comply with a Class 2 must-carry direction.

Class 3 must-carry direction and remedial must-carry direction

7.—(1) A Class 3 must-carry direction may impose the following requirements on the recipient so as to cause a mandatory message in the direction to be published in Singapore:

- (a) if the recipient is a provider of a social media service or relevant electronic service — a requirement to communicate or distribute the mandatory message in a way specified in the direction —
 - (i) to all end-users who use that service at any time after a time specified in the direction; or
 - (ii) to a description of end-users in sub-paragraph (i) as specified in the must-carry direction;
- (b) if the recipient is a provider of a telecommunication service who holds a licence under section 5 of the Telecommunications Act 1999 — a requirement to transmit the mandatory message by means of the telecommunication service —
 - (i) to all end-users who use that service at any time after a time specified in the direction; or
 - (ii) to a description of end-users in sub-paragraph (i) as specified in the direction;
- (c) if the recipient is a person who is authorised by a permit under section 21 of the Newspaper and Printing Presses Act 1974 to publish (for sale or otherwise) a newspaper in Singapore — a requirement to publish the mandatory message in a newspaper or printed publication specified in the direction by a time specified in the direction;
- (d) if the recipient is a person who is authorised by a licence under section 8 of the Broadcasting Act 1994 to provide a licensable broadcasting service in or from Singapore — a

requirement to broadcast the mandatory message by a time specified in the direction.

(2) Paragraph (1) applies, with the necessary modifications, to a remedial must-carry direction for a failure to comply with a Class 3 must-carry direction.

Class 4 must-carry direction

8. A Class 4 must-carry direction may require the proprietor of a proscribed online location to communicate or distribute a mandatory message in the direction —

- (a) on the proscribed online location; and
- (b) in a way specified in the direction to all end-users in Singapore who access the proscribed online location at any time after a time specified in the Class 4 must-carry direction.

How to publish, post, display or include a mandatory message

9.—(1) This regulation applies to the following must-carry directions:

- (a) a Class 1 must-carry direction;
- (b) a Class 2 must-carry direction;
- (c) a remedial must-carry direction for a failure to comply with a Class 2 must-carry direction;
- (d) a Class 4 must-carry direction.

(2) Each mandatory message that is specified in the must-carry direction must be communicated or distributed as near as is reasonably practicable to the covered information or material identified in the direction as will secure adequate publicity for the fact that the must-carry direction is made in respect of that information or material.

Language, etc., of mandatory message

10.—(1) A must-carry direction may require a mandatory message about the covered information or material identified in the direction to be in one or more of the following languages:

- (a) English;
- (b) Malay;
- (c) Mandarin;
- (d) Tamil;
- (e) the language, or one or more of the languages, used in the covered information or material.

(2) A mandatory message must —

- (a) if the mandatory message is not an image without text and does not consist wholly of sounds — be in a font size that can be read by an adult with 20/20 vision without the use of any visual aid;
- (b) if the mandatory message is an image without text — be clearly legible, prominent and easily distinguishable from any other material with which the mandatory message is displayed; or
- (c) if the mandatory message consists wholly of sounds — be a clearly audible announcement, prominent and easily distinguishable from any other material with which the mandatory message is communicated.

*Division 3 — Part 3 directions
(other matters)*

Class 2 access blocking direction: prescribed period under section 33(4)(c)(i)

11. For the purposes of section 33(4)(c), the prescribed period is 10 days (not counting any Saturday, Sunday and public holiday).

Additional service methods for Part 3 directions, etc.

12.—(1) This regulation authorises additional methods of serving any of the following documents on a person:

- (a) a document containing any Part 3 direction addressed to the person;
- (b) a document for the purposes of proceedings under Part 3 in connection with the Part 3 direction mentioned in sub-paragraph (a);
- (c) a document for the purposes of an appeal by the person under section 92 in connection with the Part 3 direction mentioned in sub-paragraph (a).

(2) A document may be served on a person in accordance with a method described in paragraph (3), (4) or (5), but only if the person has consented (expressly or impliedly) to the service of the document by that method.

(3) If the person is represented by a solicitor in connection with the relevant Part 3 direction (including in proceedings under Part 3 of the Act or an appeal under section 92), a document may be served on the person —

- (a) by giving the document personally to the solicitor;
- (b) by leaving the document with, or giving it to, someone who —
 - (i) is present at the solicitor's business address in Singapore; and
 - (ii) is apparently an adult and apparently employed there;
- (c) by posting the document to the solicitor's business address in Singapore;
- (d) if the solicitor has a fax number for the service of documents — by faxing the document to that number; or
- (e) if the solicitor has an email address for the service of documents — by sending the document to that email address.

(4) A document may be served on a person by sending the document to the person's —

- (a) instant messaging account;
- (b) telephone account;
- (c) social media account; or
- (d) other account on a relevant electronic service.

Illustration

A document addressed to a person may be sent to the person by SMS or by mobile chat application to the person's telephone account.

(5) If —

- (a) the person is the proprietor of an online location; and
- (b) that online location provides a means —

- (i) for corresponding with the person (which may include a feedback function) on that online location; or

- (ii) for the posting of comments on that online location,

a document may be served on the person by posting an electronic notice of that document on that online location through those means.

PART 3

COUNTERMEASURES FOR DONOR ACTIVITIES

Prescribed expenses for definition of “provision of sponsorship” in section 55(1)

13. For the purposes of paragraph (b)(i) of the definition of “provision of sponsorship” in section 55(1), all expenses incurred or to be incurred by or on behalf of a candidate, political party, Member of Parliament or political officer holder are prescribed.

Prescribed matters relating to donation report under section 62(2)

14.—(1) For the purposes of section 62(2)(b), a donation report must be given to the competent authority using the Internet website <https://eservices2.mha.gov.sg/rds>.

(2) For the purposes of section 62(2)(c), a donation report must contain the following details for each reported political donation:

- (a) the date on which the political donation was received;
- (b) the date on which the political donation was accepted;
- (c) the value of the political donation (as defined in section 15).

(3) For the purposes of section 62(2)(c), a donation report must contain the following particulars of each reported donor:

- (a) the identity particulars of the donor;
- (b) if the donor is an individual who is not a citizen of Singapore — his or her date of birth.

Prescribed matters for major political donor's donation report under section 70

15.—(1) For the purposes of section 70(2)(b)(ii), a major political donor's donation report must be given to the competent authority using the Internet website <https://eservices2.mha.gov.sg/rds>.

(2) For the purposes of section 70(2)(c)(iii), a major political donor's donation report must contain the following other details in respect of the donor (in addition to the details required by section 70(2)(c)(iii)):

- (a) the identity particulars of the major political donor;
- (b) an email address for the purposes of correspondence with the major political donor in connection with the donation report;
- (c) if the major political donor is an individual who is not a citizen of Singapore — the date of birth of the major political donor.

PART 4

COUNTERMEASURES FOR OTHER ACTIVITIES

Prescribed matters for foreign affiliations report under section 76

16.—(1) For the purposes of section 76(2)(b), a foreign affiliations report must be given to the competent authority using the Internet website <https://eservices2.mha.gov.sg/rds>.

(2) For the purposes of section 76(2)(c), a foreign affiliations report must contain the following information for each reportable arrangement (not being a migration benefit) the politically significant person has with a foreign principal:

- (a) the nature or a description of the arrangement;
- (b) the date on which the arrangement was entered into;
- (c) if the arrangement ended during the reporting period — the duration of the arrangement;
- (d) a description of the circumstances under which the arrangement was entered into;
- (e) a description of any activities undertaken by the politically significant person on behalf of the foreign principal during the reporting period;
- (f) the identity particulars of the foreign principal;
- (g) if the foreign principal is an individual — his or her date of birth.

(3) For the purposes of section 76(2)(c), a foreign affiliations report must contain the following information for each reportable arrangement (being a migration benefit):

- (a) the name of the foreign government that granted the migration benefit or on whose behalf the migration benefit was granted;
- (b) a description of the migration benefit;
- (c) the date on which the migration benefit was granted;
- (d) the period for which the migration benefit has effect.

Prescribed migration benefit for purposes of reportable arrangement under section 78

17. For the purposes of section 78(4)(c), the following entitlements, privileges and statuses are prescribed:

- (a) an entitlement, privilege or status in order to work or reside on a permanent basis in a foreign country;
- (b) an entitlement, privilege or status in order to work or reside for a period of one year or longer in a foreign country.

Prescribed matters for reporting involvement in foreign political organisation, etc., under section 79

18.—(1) For the purposes of section 79(1), a written declaration must be given to the competent authority using the Internet website <https://eservices2.mha.gov.sg/rds>.

(2) For the purposes of section 79(2)(c), a written declaration by an individual must contain the following other particulars about the individual:

- (a) the identity particulars of the individual;
- (b) an email address for the purposes of correspondence with the individual in connection with the declaration;
- (c) the date on which the individual became a member of the foreign legislature or the foreign political organisation;
- (d) the period during which the individual was a member of the foreign legislature or foreign political organisation.

(3) For the purposes of section 79(3) —

- (a) the prescribed period is one month; but
- (b) a declaration of the following memberships in a foreign legislature or a foreign political organisation may be given to the competent authority at any time before 1 March 2024:

- (i) a membership held on 29 December 2023;

- (ii) a membership starting at any time between 29 December 2023 and 31 January 2024 (both dates inclusive).

Prescribed manner for making disclosure in political matters with foreign link under section 81

19.—(1) This regulation prescribes the manner in which a disclosure about political matter is to be included under section 81(2).

(2) A disclosure about political matter in the form of an article, essay or commentary —

- (a) must be in writing;
- (b) must use at least the same font size as the font size used in the main body of the article, essay or commentary; and
- (c) must be displayed prominently at the start of the article, essay or commentary.

(3) A disclosure about political matter in the form of a talk, performance or programme must —

- (a) if the transparency directive so requires — be in written form;
- (b) if the transparency directive so requires — be in oral or audio form; and
- (c) in any other case — be in written, oral or audio form.

(4) A disclosure in written form under paragraph (3) must be displayed prominently for at least one minute during or immediately before the talk, performance or programme.

(5) A disclosure in oral or audio form under paragraph (3) —

- (a) must be given during or immediately before the talk, performance or programme; and
- (b) must be clearly audible and distinguishable from any other sounds that are part of the talk, performance or programme.

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- (6) A transparency directive may —
- (a) require a disclosure about any political matter to be in one or more of the following languages:
 - (i) English;
 - (ii) Malay;
 - (iii) Mandarin;
 - (iv) Tamil;
 - (v) the language, or one or more of the languages, used in the political matter; and
 - (b) for the purposes of sub-paragraph (a), impose different requirements for different cases.

Prescribed matters for foreign volunteers report under section 85

20.—(1) For the purposes of section 85(3)(a), a foreign volunteers report must be given to the competent authority using the Internet website <https://eservices2.mha.gov.sg/rds>.

(2) For the purposes of section 85(3)(c), a foreign volunteers report must contain the following details of each reported voluntary labour or voluntary professional service:

- (a) a description of the labour or professional service;
- (b) the date on which, or the period during which, the labour or professional service was provided.

(3) For the purposes of section 85(3)(c), a foreign volunteers report must contain the following particulars of each reported volunteer:

- (a) the identity particulars of the volunteer;
- (b) the date of birth of the volunteer.

(4) For the purposes of section 85(3)(d) —

- (a) if a Part 4 politically significant person is an entity, every responsible officer of the entity is responsible for making a foreign volunteers report; and

- (b) if a Part 4 politically significant person is an individual, that individual is responsible for making a foreign volunteers report.

PART 5

OVERSIGHT ARRANGEMENTS

Prescribed fee for appeal to Reviewing Tribunal under section 92

21. For the purposes of section 92(1), a fee of \$200 is prescribed for an appeal to a Reviewing Tribunal.

Matters prescribed under section 100(2) for appeals to Minister under section 93

22. For the purposes of section 100(2), an appeal under section 93 must be —

- (a) addressed to the Appeals Secretary; and
- (b) sent —
- (i) by email to MHA_PDD_RRP@mha.gov.sg; or
 - (ii) by registered post to the Minister for Home Affairs, New Phoenix Park, 28 Irrawaddy Road, Singapore 329560.

PART 6

ADMINISTRATION AND ENFORCEMENT

Compoundable offences

23.—(1) Subject to paragraph (2), an offence under any of the provisions of the Act specified in the first column of the Schedule is a compoundable offence.

- (2) A continuing offence is not a compoundable offence.

PART 7

REVOCATION AND TRANSITIONAL

Revocation

24. Revoke the Foreign Interference (Countermeasures) (Harmful Online Communications Activity) Regulations 2022 (G.N. No. S 583/2022).

Disclosure of reportable political donations mentioned in section 63(1)(c) and (d) — extended deadline for initial reporting period

25. For the purposes of section 63(1)(c) and (d), a disclosure of reportable political donations for the period from 29 December 2023 to 31 December 2023 (both dates inclusive) —

- (a) must be given to the competent authority no later than 31 January 2025; and
- (b) may be given together with a disclosure of reportable political donations for the year 2024.

Disclosure of reportable arrangements mentioned in section 77(1)(c) — extended deadline for initial reporting period

26. For the purposes of section 77(1)(c), a disclosure of reportable arrangements for the period from 29 December 2023 to 31 December 2023 (both dates inclusive) —

- (a) must be given to the competent authority no later than 31 January 2025; and
- (b) may be given together with a disclosure of reportable arrangements for the year 2024.

Application of repealed Act to certain political associations

27.—(1) This regulation applies —

- (a) despite anything in Part 5 of the Act; and
- (b) in addition to section 127(3) of the Act.

(2) If —

- (a) the financial year of a political association is not a calendar year; and
- (b) Part 5 of the Act applies to the political association but not because of section 127(1) of the Act,

sections 12 and 13 of the repealed Act continue to apply with respect to the donation report and declarations required by the repealed Act for that financial year as if section 123 of the Act were not enacted.

(3) In this regulation, “political association” has the meaning given by section 127(6) of the Act.

THE SCHEDULE

Regulation 23(1)

COMPOUNDABLE OFFENCES

<i>Provision of Act</i>	<i>Description of offence</i>
Section 66(6)	Failure to maintain separate accounts for political donations
Section 69(1) read with section 91(1)	Contravention of political donations fund directive
Section 70(5)(a)	Giving non-compliant major political donor’s donation report
Section 70(5)(b)	Late major political donor’s donation report, etc.
Section 72(4)	Failure to comply with duties when donating on behalf of others, etc.
Section 73(1)	Failure to give section 62 donation report or section 65 declaration on time
Section 73(2)	Giving non-compliant section 62 donation report
Section 74(1)	False or misleading section 62 donation report or section 65 declaration
Section 81(1) read with section 91(1)	Contravention of transparency directive
Section 86(1)	Late foreign affiliations report or declaration

THE SCHEDULE — *continued*

<i>Provision of Act</i>	<i>Description of offence</i>
Section 86(2)	Late declaration of involvement in foreign political organisations, etc.
Section 86(3)	Late foreign volunteers report or declaration
Section 86(4)	Non-compliant foreign affiliations report or foreign volunteers report
Section 87(1)	False or misleading foreign affiliations report, foreign volunteers report, etc.
Section 87(4)	False or misleading declaration of involvement in foreign political organisations, etc.
Section 108(5)	Failure to provide information, etc., required by competent authority
Section 109(3)	Providing false or misleading information in response to notice by competent authority, etc.

Note: The description of offences in this Schedule is for ease of reference only.

Made on 20 December 2023.

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

[MHA 112/2/00121; AG/LEGIS/SL/111C/2020/5 Vol. 1]

(To be presented to Parliament under section 122(4) of the Foreign Interference (Countermeasures) Act 2021).