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MAINTENANCE OF RELIGIOUS HARMONY ACT 1990

MAINTENANCE OF RELIGIOUS HARMONY (RESTRAINING ORDERS) REGULATIONS 2022

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In exercise of the powers conferred by section 19 of the Maintenance of Religious Harmony Act 1990, the Minister for Home Affairs makes the following Regulations:

PART 1

PRELIMINARY

Citation and commencement

1. These Regulations are the Maintenance of Religious Harmony (Restraining Orders) Regulations 2022 and come into operation on 1 November 2022.

Definitions

2. In these Regulations, unless the context otherwise requires —
- “authorised officer”, in relation to any provision in these Regulations, means a public officer who is authorised by the Minister for the purposes of that provision;
- “chairperson” means the chairperson of the Presidential Council for Religious Harmony appointed by the President under section 3(3) of the Act;
- “Council member” means a member of the Council;
- “parties”, in relation to any representation proceedings about a restraining order, means the representor and the Minister, and “party” in Part 3 means either of them;
- “quorum”, in relation to the Council, means the quorum specified in section 4(4) of the Act;
- “representation proceedings” means proceedings conducted by the Council under Part 3 for the purposes of making recommendations to the President under section 11(4) of the Act regarding any restraining order referred to the Council;
- “representor”, in relation to a representation made under section 11(1A) of the Act against a restraining order, means —
- (a) the person against whom the restraining order is made; or
 - (b) the head or governing body of the religious group or religious institution named in the restraining order;
- “restraining order” means an order made under section 8 or 9 of the Act, and includes a direction to extend given to the Council by the Minister under section 11 or 13 of the Act;
- “Secretary” means the Secretary to the Council appointed by the Council under section 4(2) of the Act;
- “working day” means any day except a Saturday, Sunday or public holiday.

Address for service on Council

3. Any document to be lodged with, given to or served on the Council under these Regulations must be addressed to the “Secretary, Presidential Council for Religious Harmony” and sent —

- (a) by email to PCRH_Secretariat@mha.gov.sg; or
- (b) by registered post addressed to the PCRH Secretariat, Ministry of Home Affairs, New Phoenix Park, 28 Irrawaddy Road, Singapore 329560.

PART 2**PROCEEDINGS OF COUNCIL****Place and time of meetings of Council**

4. The chairperson must appoint the times and places of the meetings of the Council, and the Secretary must cause notice of those meetings to be given to each Council member not present when the appointment is made.

Agenda

5.—(1) The agenda for each meeting of the Council must be drawn up by the Secretary and approved by the chairperson.

(2) The agenda for a meeting of the Council has to be given by the Secretary to every Council member —

- (a) at least 7 days before the day of the meeting; or
- (b) such shorter time as the chairperson may approve, being at least 24 hours before the time appointed for the meeting under regulation 4.

Meetings

6.—(1) A meeting of the Council may be held —

- (a) by a quorum of the Council members, being assembled together at the time and place appointed for the meeting under regulation 4; or

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- (b) by means of audio, audio and visual, or electronic communication provided that —
- (i) the Council resolves that the meeting, or that all its meetings, may be held by such means;
 - (ii) all of the Council members who wish to participate at the meeting have access to the technology needed to participate in the meeting; and
 - (iii) a quorum of Council members can simultaneously communicate with each other throughout the meeting.

(2) For the purposes of this Part, a Council member participating in a meeting as permitted under paragraph (1)(b)(i) is taken to be present at the meeting of the Council.

Voting at meetings

7.—(1) Each Council member has one vote.

(2) In addition to his or her general vote, the Council member presiding at a meeting has, in the case of an equality of votes, a casting vote.

(3) A resolution of the Council is passed if it is agreed by all Council members present without dissent, or if a majority of the Council members who are entitled to vote on the matter casts votes in favour of it.

Presence of persons at deliberations

8. An individual who is not a Council member or the Secretary cannot be present at a meeting of the Council except as allowed by section 11(3A) of the Act.

Inability of member to attend any meeting

9. A Council member who is unable to attend any meeting must as soon as possible give notice thereof to the Secretary who must then inform the chairperson.

Duties of Secretary

10.—(1) The duties of the Secretary consist of providing administrative and secretarial support to the chairperson and, with the approval of the chairperson, to the Council, in relation to —

- (a) every matter affecting the maintenance of religious harmony in Singapore which is referred to the Council by the Minister or by Parliament; and
- (b) every restraining order and direction to extend given to the Council by the Minister under section 11 or 13 of the Act.

(2) The Secretary has to act in accordance with such instructions as may be given by the chairperson from time to time and is, in particular, responsible for —

- (a) the answering of all correspondence and other communications addressed to the Council;
- (b) the convening of all meetings of the Council;
- (c) the keeping of minutes of meetings and of all deliberations of the Council, which must include a record of the subject under discussion, of any decision taken by the Council and the number of votes taken for and against any such decisions;
- (d) keeping and maintaining the secrecy of the minutes of meetings and other records of the proceedings of the Council, and the reports and recommendations of the Council; and
- (e) the acceptance, transmission, service and custody of all notices and other documents in accordance with the Act and these Regulations.

(3) The Secretary has to attend every meeting of the Council but has no right to vote at proceedings of the Council.

PART 3
RESTRAINING ORDERS AND
REPRESENTATION PROCEEDINGS

Division 1 — Starting representation proceedings

Referral number

11. Upon the Council receiving a copy of a restraining order and the grounds, facts and documents supporting the restraining order in accordance with section 11(1) of the Act, the Secretary must —

- (a) affix to the restraining order an official stamp showing the date on which the restraining order was received; and
- (b) assign a number to the restraining order and enter it in a list.

Start of representation proceedings by representor

12.—(1) A representation against a restraining order made under section 11(1A) of the Act by —

- (a) the person against whom the restraining order is made; or
- (b) the head or governing body of the religious group or religious institution named in the restraining order,

must be made to the Council by lodging, within 14 days after the restraining order is given to the person against whom the restraining order is made, a notice of representation in accordance with regulation 13.

(2) On receiving the notice of representation, the Secretary must forward a copy of it to the Minister.

Notice of representation

13.—(1) Every notice of representation —

- (a) must state —
 - (i) the name and address of the representor making the representation;

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- (ii) the name and address of the representor's authorised representative, if any; and
 - (iii) a contact address in Singapore for the service of documents on the representor in connection with representation proceedings under this Part;
- (b) must contain —
- (i) a concise statement of the circumstances under which the representation arises, the facts and the issues in the representation;
 - (ii) a summary of the grounds for objecting to the making of the restraining order, identifying, in particular —
 - (A) the statutory provision under which the restraining order was made;
 - (B) the extent (if any) to which the representor contends that the restraining order was based on an error of fact or was wrong in law; and
 - (C) the extent (if any) to which the representor is appealing against the Minister's exercise of discretion in making the restraining order; and
 - (iii) a succinct presentation of the arguments supporting each ground of objection;
- (c) must be signed and dated by the representor, or on the representor's behalf by the authorised representative; and
- (d) must be accompanied by —
- (i) a copy of the restraining order; and
 - (ii) any documents supporting the arguments.

(2) Unless the Council otherwise directs, if the representor is lodging the duly signed original of the notice of representation and its accompanying documents in hardcopy form, the representor must also lodge with the Council 2 copies of the notice of representation and those accompanying documents, each certified by the

representor, or by the authorised representative, to be in conformity with the original.

(3) A representor cannot raise or rely on any ground of objection which is not stated in the notice of representation during any hearing of the representation by the Council unless the representor has permission under regulation 16 to amend the representor's notice of representation to include that ground.

Defective notices of representation

14.—(1) If the Council considers that a notice of representation against a restraining order —

- (a) is not lodged in accordance with regulation 13; or
- (b) is materially incomplete, unduly prolix or lacking in clarity,

the Council may give any directions to the representor that are necessary to remedy the notice.

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

Representation number, etc.

15. On receiving a notice of representation against a restraining order, the Secretary must —

- (a) affix to the notice of representation an official stamp showing the date on which the notice of representation was received;
- (b) enter the notice of representation in a list and assign a number to it, which must have either as a prefix or suffix the number of the restraining order assigned under regulation 11(b);
- (c) inform the representor of the number assigned under paragraph (b); and

- (d) subject to regulations 16, 17 and 18, without delay send a copy of the notice of representation to the Minister.

Amendment of notice of representation

16.—(1) A representor may, with the permission of the Council, amend the representor's notice of representation against a restraining order.

(2) Where the Council grants permission under paragraph (1), the Council may do so on such terms or conditions as the Council considers fit to impose and with such further or consequential directions as the Council may consider necessary; and regulation 15(d) applies to the amended notice of representation accordingly.

(3) Permission to amend a notice of representation against a restraining order in order to add a new ground of objection must not be granted unless the Council is satisfied that —

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

Withdrawal of representation

17.—(1) A representor may, at any time and with the permission of the Council, withdraw the representor's notice of representation.

(2) Where the Council grants permission under paragraph (1), the Council may require the Secretary to publish a notice of the withdrawal of the representation in such manner as will secure adequate publicity for the fact of the withdrawal.

(3) Despite a withdrawal in accordance with paragraph (1) of a notice of representation against a restraining order, the Secretary must without delay, and within the time delimited by section 11(4) of the Act, send a copy of the report of the Council about the restraining

order to the President, containing the Council's recommendations as to whether the President should —

- (a) cancel the restraining order; or
- (b) confirm the restraining order and whether any variations are appropriate and what those variations are.

Summary disposal of representation

18. Where the only parties to a representation proceedings about a restraining order are a single representor and the Minister, the Council may, after giving the parties an opportunity to be heard, at any stage in the representation proceedings and without calling for a response from the Minister, determine the representation proceedings by recommending to the President that the restraining order be confirmed if —

- (a) the Council considers that the notice of representation is made by a person who is not a person entitled under section 11(1A) of the Act to make a representation against the restraining order; or
- (b) the representor has, without reasonable excuse, failed to comply with the time delimited by any provision of the Act or these Regulations for the submission of any notice, document or other information in the representation proceedings, or with any direction of the Council under these Regulations, in relation to those proceedings.

Division 2 — Response to representation

Response

19.—(1) Subject to regulation 21, the Minister may serve on the Council a response after receiving a copy of the notice of representation from the Secretary forwarded under regulation 15(d), except that any such response must be served on the Council no later than 5 working days after that receipt.

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- (2) Any response to a notice of representation —
- (a) must cite the number assigned under regulation 15(b) to the notice of representation;
 - (b) must state an address in Singapore for the service of documents on the Minister in connection with representation proceedings relating to the notice of representation;
 - (c) must contain a succinct presentation of the arguments upon which the Minister will rely in responding to each ground of objection in the notice of representation; and
 - (d) must be signed and dated by an authorised officer or the Minister.
- (3) To file a response, the Minister must send or cause to be sent to the Secretary —
- (a) the duly signed original of the response and its accompanying documents; and
 - (b) if the Minister is sending or causing to be sent the response and its accompanying documents in hardcopy form, 2 copies each of the response and its accompanying documents, each certified by an authorised officer to be in conformity with the original.
- (4) On receiving the response of the Minister, the Secretary must without delay forward a copy of the response to the representor concerned.

Defective response

- 20.**—(1) If the Council considers that a response —
- (a) is not sent to it in accordance with regulation 19; or
 - (b) is materially incomplete, unduly prolix or lacking in clarity,

the Council may give any directions to the authorised officer who signed the response that are necessary to remedy the response.

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

No new grounds to be raised

21.—(1) Any response of the Minister under regulation 19 must not raise any new ground, fact or document supporting the making of the restraining order which is the subject of the representation, that was not contained in the grounds, facts and documents supporting the restraining order given by the Minister to the Council according to section 11(1) of the Act.

(2) Where any new ground, fact or document supporting the making of the restraining order which is the subject of the representation is raised, the Council may disregard it in its consideration of the representation.

Division 3 — Reply from representor

Right of reply to response

22.—(1) A representor may file with the Council a reply to the Minister's response (if made), not later than 5 working days after the date on which the copy of the reply was sent by the Secretary to the representor.

(2) A representor's reply —

- (a) must contain a succinct presentation of the arguments in reply to the Minister's response;
- (b) must be signed and dated by the representor, or on the representor's behalf by the authorised representative; and
- (c) must be accompanied by any documents supporting those arguments in reply.

(3) To file a reply, the representor must send to the Secretary —

- (a) the duly signed original of the reply and any accompanying documents; and

- (b) if the representor is sending the reply and its accompanying documents in hardcopy form, 2 copies each of the reply and its accompanying documents, each certified by the representor, or by the authorised representative, to be in conformity with the original.

(4) On receiving the reply of a representor, the Secretary must without delay forward a copy of that reply to the Minister.

No new grounds to be raised in reply

23.—(1) Any reply of a representor under regulation 22 must not raise any new ground of objection against the restraining order in question.

(2) Where any new ground of objection is raised, the Council may disregard it in its consideration of the representation.

Division 4 — Conduct of representation proceedings

Council's powers after receiving restraining order or representation, etc.

24.—(1) For the purposes of making recommendations to the President under section 11(4) of the Act regarding any restraining order referred to the Council, the Council may do all or any of the following, whether or not any representation against the restraining order is made under the Act:

- (a) summon any party in relation to any representation against a restraining order or their representatives, or any person who is not such a party, in Singapore to do all or any of the following, within 5 working days after the summons is given:
- (i) give evidence to the Council;
 - (ii) produce to the Council any document, record or other thing in the custody or under the control of that party or person;

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- (b) put questions to the parties, their representatives and their witnesses or other person summoned under sub-paragraph (a);
 - (c) procure and receive all such evidence, written or oral, as the Council may think it necessary or desirable to procure.

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

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

(4) However, the Council must not exercise any power under paragraph (1)(a) or (b) in relation to a restraining order at any time starting the 20th day after the restraining order was received by the Council from the Minister.

No legal representation allowed

25. In representation proceedings before the Council, a party may be represented by any individual allowed by the Council to appear on behalf of that party, being neither a legal officer nor an advocate and solicitor under the Legal Profession Act 1966.

Consolidation of representation proceedings

26.—(1) Where 2 or more representation proceedings are pending in relation to the same restraining order of the Minister, the Council may, on the request of a party or on its own initiative, direct that the representation proceedings be consolidated and dealt with by the Council together.

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

Requests for confidential treatment

27.—(1) A request for the confidential treatment of a document or part of a document filed or provided in connection with any representation proceedings started by a representor —

- (a) must be made in writing by the person who submitted the document or provided such a document, no later than 2 working days after the submission or provision of such a 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 thereof.

(2) The person making the request for the confidential treatment of a document or part of a document filed or provided in connection with any representation proceedings, must also file with the Council, 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 those representation proceedings.

(3) No request for confidential treatment will be considered by the Council if the request does not comply with paragraphs (1) and (2).

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

- (a) information the disclosure of which would, in its opinion, be contrary to the public interest;
- (b) information relating to the private affairs of an individual the disclosure of which, in the Council’s opinion, would or may significantly harm the interests of the individual; or
- (c) commercial information the disclosure of which, in the Council’s opinion, would or may significantly harm the

legitimate business interests of the undertaking to which it relates.

(5) When the Council grants confidential treatment in relation to any document or part thereof under this regulation in connection with any representation proceedings, the party making the request for the confidential treatment must, no later than 5 working days after the Council's decision —

- (a) in the case where the grant is subject to changes to the summary or redacting of material in any non-confidential version of that document filed under paragraph (2) —
 - (i) accordingly revise the non-confidential version of that document filed;
 - (ii) file the revised non-confidential version with the Council; and
 - (iii) send to the other party to the representation proceedings the revised non-confidential version, notifying the other party that it has been redacted or summarised; or
- (b) in any other case, send to the other party to the representation proceedings the non-confidential version filed under paragraph (2) (if any), notifying the other party that it has been redacted or summarised.

(6) The Council must not rely on any document or part thereof to which confidential treatment has been granted, for the purposes of considering the notice of representation against a restraining order or a restraining order referred to the Council and making a recommendation under section 11(4) of the Act in relation to the restraining order, but may rely on the non-confidential version filed (if any) under paragraph (2) or (5)(a), as the case may be.

Failure to comply with directions or time limits

28. In considering any representation against a restraining order, the Council may disregard any notice, response or other submission or document served on the Council after the expiry of the time limit

for the service of the notice, response, submission or document imposed by any provision of this Part or any direction of the Council.

Non-attendance of parties

29. If, at the time appointed for the in-person hearing of persons at a meeting of the Council with regard to a restraining order, any party to the representation proceedings connected with the restraining order does not appear, the Council may, if satisfied that the party has been duly notified of the in-person hearing, proceed with the hearing and make such recommendation as it thinks fit for the purposes of section 11(4) of the Act.

Recommendation of Council to be notified, etc.

30. When the Council has made a recommendation regarding a restraining order referred to it, whether or not any representation against the restraining order is made under the Act, the Secretary must —

- (a) without delay, and within the time delimited by section 11(4) of the Act, send a copy of the report of the Council about the restraining order to the President, containing the Council's recommendations as to whether the President should —
 - (i) cancel the restraining order; or
 - (ii) confirm the restraining order and whether any variations are appropriate and what those variations are; and
- (b) without delay notify the parties of the Council's recommendation in respect of the representation against the restraining order.

Revocation

31. The Maintenance of Religious Harmony Rules (R 1) are revoked.

Made on 28 October 2022.

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

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