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PROTECTION FROM HARASSMENT ACT (CHAPTER 256A)

PROTECTION FROM HARASSMENT (REFERRAL FOR CRIMINAL INVESTIGATION) ORDER 2021

ARRANGEMENT OF PARAGRAPHS

Paragraph

1. Citation and commencement
 2. Definitions
 3. Factors to take into account in considering if criminal investigation is warranted
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In exercise of the powers conferred by section 13A(4) of the Protection from Harassment Act, the Minister for Law makes the following Order:

Citation and commencement

1. This Order is the Protection from Harassment (Referral for Criminal Investigation) Order 2021 and comes into operation on 1 June 2021.

Definitions

2. In this Order —

“grievous”, in relation to hurt, has the meaning given by section 320 of the Penal Code (Cap. 224);

“hurt” has the meaning given by section 319 of the Penal Code;

“vulnerable person” has the meaning given by section 8A(3) of the Act.

Factors to take into account in considering if criminal investigation is warranted

3.—(1) This paragraph applies where a court, being satisfied of the matters in section 13(1) of the Act, including that there is prima facie evidence that the respondent (*A*) has contravened section 3, 4, 5, 6 or 7 of the Act in respect of a victim (*B*), makes an expedited protection order under that provision against *A*.

(2) In considering under section 13A(1)(a) of the Act whether a criminal investigation is warranted, the court is to take into account whether the prima facie evidence of *A*'s contravention discloses any of the following facts:

- (a) *A* caused or threatened to cause —
 - (i) hurt to *B*, if *B* is a vulnerable person or was or is in an intimate relationship with *A*; or
 - (ii) grievous hurt to *B*;
- (b) *A* caused a substantial adverse effect on *B* or *B*'s day-to-day activities;
- (c) *A* repeatedly contravened section 3, 4, 5 or 6 of the Act in respect of *B*;
- (d) *A* contravened section 7 of the Act in respect of *B* by committing acts or omissions associated with stalking frequently or over a long duration.

(3) In sub-paragraph (2)(a)(i), the court may determine whether *B* was or is in an intimate relationship with *A* having regard to all the circumstances of the case, including the circumstances mentioned in section 8B(3) of the Act.

Made on 28 May 2021.

LAI WEI LIN
*Permanent Secretary,
Ministry of Law,
Singapore.*

[LAW 06/008/031; AG/LEGIS/SL/256A/2015/3 Vol. 1]

(To be presented to Parliament under section 20A of the Protection from Harassment Act).