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No. S 273

PUBLIC ORDER ACT (CHAPTER 257A)

PUBLIC ORDER (ELECTION MEETINGS AND PROCESSIONS IN PRESIDENTIAL ELECTIONS) REGULATIONS 2017

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In exercise of the powers conferred by section 47 of the Public Order Act, the Minister for Home Affairs makes the following Regulations:

Citation and commencement

1. These Regulations are the Public Order (Election Meetings and Processions in Presidential Elections) Regulations 2017 and come into operation on 1 June 2017.

[S 492/2020 wef 26/06/2020]

Application to election meetings and processions in presidential elections

2. These Regulations apply only to the following public assemblies (called in these Regulations election meetings) and public processions (called in these Regulations election processions):

- (a) a public assembly (whether held wholly inside a building or enclosed premises or outdoors) organised by or on behalf of a candidate, and held at any time on or after nomination day but before the eve of polling day of a presidential election, to promote or procure the electoral success at the presidential election for one or more identifiable candidates or to otherwise enhance the standing of any such candidates with the electorate in connection with the election;

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- (b) a public assembly (whether held wholly inside a building or enclosed premises or outdoors) organised by or on behalf of a candidate in any presidential election to show support for the candidate at or about the time the results of any presidential election may be declared under section 32(8) or (8D) or 32A(5) of the Presidential Elections Act (Cap. 240A);

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- (c) a public procession (whether or not involving the use of vehicles or other conveyances) organised by or on behalf of a candidate, and held at any time on or after nomination day but before the eve of polling day of a presidential election —

(i) to promote or procure the electoral success at the presidential election for one or more identifiable candidates; or

(ii) to otherwise enhance the standing of any such candidates with the electorate in connection with the election.

[S 492/2020 wef 26/06/2020]

Definitions

3. In these Regulations, unless the context otherwise requires —

“advance notice”, in relation to an election meeting or election procession, means notice of intention to organise the election meeting or election procession (as the case may be) required by section 6 of the Act, and includes the accompanying application for a permit for that meeting or procession, as the case may be;

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“appropriate form”, in relation to any purpose for which a specific form is required by these Regulations to be used, means the relevant form that —

(a) is provided by the Commissioner; or

(b) is set out on the Commissioner’s Internet website at <http://www.police.gov.sg/e-services> in relation to an advance notice; and any reference in these Regulations to a numbered form is a reference to the current version of the form bearing the corresponding number which is displayed at the website;

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“candidate” means the individual who is nominated in accordance with the provisions of the Presidential Elections Act (Cap. 240A) for election as President;

“election agent”, in relation to a candidate, means the person named as the candidate’s election agent under section 43(1) of the Presidential Elections Act;

“nomination day” means the day of nomination at a presidential election under the Presidential Elections Act;

“polling day” means the polling day at a presidential election under the Presidential Elections Act;

[S 535/2017 wef 01/10/2017]

“presidential election” means an election under the Presidential Elections Act;

[S 492/2020 wef 26/06/2020]

“special notice” means the special notice of intention to organise an event, required by section 6A of the Act.

[S 535/2017 wef 01/10/2017]

Forms

4.—(1) All forms used for the purposes of these Regulations must be completed in the English language and in accordance with such directions as may be specified in the form or by the Commissioner.

(2) The Commissioner may refuse to accept any form if it is not completed or lodged in accordance with this regulation.

(3) Where strict compliance with any form is not possible, the Commissioner may allow for the necessary modifications to be made to that form, or for the requirements of that form to be complied with in such other manner as the Commissioner thinks fit.

Advance notice

5.—(1) For the purposes of section 6(1) of the Act, advance notice of an election meeting or election procession must be given to the Commissioner —

(a) by delivering the advance notice in person at the offices of any of the following police officers:

(i) a Deputy Commissioner of Police;

(ii) the officer-in-charge of the Police Division in which the election meeting or election procession is intended to be held;

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(iii) the Police Liaison Officer (Elections); or

(b) by completing and submitting the appropriate web-based form on the Commissioner’s Internet website at <http://www.spf.gov.sg>, in accordance with the instructions on the website or the form, so that the

Commissioner receives it not later than the applicable deadline specified in paragraph (2).

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(2) For the purposes of section 6(2) of the Act, advance notice of an election meeting or election procession must be given as follows:

(a) subject to sub-paragraph (b), not later than 4 p.m. on the second calendar day before the day on which the election meeting or election procession is to be held;

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(b) if the election meeting or election procession is to be held on the third day after nomination day or on any day after that day — not later than 11 a.m. on the second calendar day before the day on which the election meeting or election procession is to be held.

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(3) For the purposes of section 6(3)(a) of the Act, advance notice of an election meeting or election procession organised by or on behalf of a candidate must be made by the candidate or the candidate's election agent.

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(4) For the purposes of section 6(3)(c)(vii) of the Act, advance notice of an election meeting or election procession which is to be held on State land, within a national park, public park or public car park, along a public road or on any land vested in or under the control of a Town Council or other statutory board, must contain evidence of the prior written consent of the following persons for the holding of the election meeting or election procession on their respective premises:

(a) the Commissioner of Lands if the election meeting or election procession is to be held on State land;

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(b) the National Parks Board if the election meeting or election procession is to be held in a national park or public park;

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- (c) the Superintendent of Car Parks appointed under the Parking Places Act (Cap. 214) if the election meeting or election procession is to be held in a public car park;
[S 492/2020 wef 26/06/2020]
- (d) the Chief Executive of the Land Transport Authority of Singapore if the election meeting or election procession is to be held on or along a road;
[S 492/2020 wef 26/06/2020]
- (e) a Town Council or other statutory board, as the case may be, if the election is to be held on any land vested in or under the control of that Town Council or statutory board.
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Permit conditions for election meeting

6. Every permit for an election meeting is subject to the following conditions, which are deemed to be imposed under section 8(2) of the Act:

- (a) the election meeting must not be held in any place other than the place specified in the permit;
- (b) the election meeting must be held —
- (i) in the case of an election meeting mentioned in regulation 2(a) — only at such place as may be specified in the permit and between the hours of 7 a.m. and 10 p.m. (both times inclusive); or
 - (ii) in the case of an election meeting mentioned in regulation 2(b) — only at such place and between such times as may be specified in the permit;
- (c) there must be no procession to or from the place of the election meeting;
- (d) there must be no provision of any public entertainment within the meaning of the Public Entertainments and Meetings Act (Cap. 257) and no live-streaming of any event (including the election meeting itself) before, during or after the election meeting;

- (e) the conduct of the election meeting must not obstruct the free passage of persons or vehicular traffic on any public road;
- (f) before, during and after the election meeting, no organiser and no speaker at the election meeting must display or exhibit any banner, flag, poster, placard, photograph, film, sign, writing or other visible representation or paraphernalia, or use indecent, threatening or abusive words or otherwise behave, with intent to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned whether immediately or at any time after the election meeting.

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Permit conditions for election procession

6A. Every permit for an election procession organised by or on behalf of a candidate is subject to the following conditions, which are deemed to be imposed under section 8(2) of the Act:

- (a) only a vehicle that is specified in the permit may be used for the election procession;
- (b) the election procession must be held on the date and within the time specified in the permit;
- (c) the election procession must not do any of the following:
 - (i) travel into any prohibited area under section 12 of the Act;
 - (ii) deviate from the route specified in the permit;
- (d) the election procession must not, between the following times, travel to any place within 100 metres of the place where an election meeting is held:
 - (i) a time that is one hour before the scheduled time specified in a permit for the election meeting to start;
 - (ii) a time that is one hour after the scheduled time specified in that permit for the election meeting to end;

- (e) all participants in the election procession must not, during the election procession, do any of the following:
- (i) use a loudspeaker or public address system to give a speech;
 - (ii) sing or play any gong, drum, musical instrument or music-producing equipment, without the authorisation of the police officer granting the permit;
 - (iii) live-stream or broadcast a film of any person or event, or project any image of any participant of the election procession;
- (f) no participants may be carried at the back of an open deck of any vehicle used during the election procession.

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Production of permit on demand

7. Every organiser of an election meeting or election procession must on demand produce to any police officer the permit granted in respect of the election meeting or election procession, as the case may be.

[S 492/2020 wef 26/06/2020]

Restriction on transfer of permit

8.—(1) A permit for an election meeting or election procession must not be transferred to any person.

[S 492/2020 wef 26/06/2020]

(2) Any purported transfer of a permit for an election meeting or election procession in contravention of this regulation is void and of no effect.

[S 492/2020 wef 26/06/2020]

Crowd control and security measures

9.—(1) Police officers may be present at any election meeting to maintain order and may record the proceedings of an election meeting by means of tape recorders or video recorders or both.

(2) Police officers may also take —

- (a) such crowd control measures as are necessary for the safety and wellbeing of persons attending an election meeting; and
- (b) such security measures as are necessary for the protection of any person or persons attending an election meeting from any imminent threat to his or their safety,

which may include cordoning off an area that is or is around the site at which an election meeting is to be held.

(3) If any police officer present at an election meeting believes on reasonable grounds that it is necessary in the interest of security to do so, the police officer may require a person who is present at or about to attend the election meeting, or is about to enter any area cordoned off under paragraph (2), to be subject to either or all of the following for the purposes of finding out whether any offensive weapon is hidden in the person's clothing or personal effects:

- (a) a screening search or a frisk search of the person or both;
- (b) a search of the person's personal effects that are reasonably capable of concealing an offensive weapon;
- (c) to deposit with a police officer any personal effects that are reasonably capable of concealing an offensive weapon or being used to cause injury to, or incapacitate, a person.

(4) Where any person of whom a requirement is made under paragraph (3), without reasonable excuse, refuses or fails to comply with the requirement, the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding one month or to both.

(5) If the most senior police officer present at an election meeting considers that a breach of the peace is likely to occur at the election meeting, the police officer may order the election meeting to immediately stop and the person to whom the permit is granted must then immediately declare the election meeting closed and ensure that those attending the election meeting leave quietly and peacefully.

(6) If the person to whom the permit is granted fails to comply with any order given under paragraph (5), the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding one month or to both.

(7) Any person to whom a permit is granted under these Regulations for an election meeting, or any organiser of an election meeting, who, without reasonable excuse, tampers with or removes a tape or other barrier used to cordon off under paragraph (2) an area that is or is around the site of that election meeting, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding one month or to both.

(8) Nothing in paragraph (3) authorises any police officer conducting a screening search or frisk search of a person to remove, or require a person to remove, any of the person's clothing, and a frisk search of a person must be conducted by a police officer of the same sex as the person.

(9) In this regulation —

- (a) a cordon around the site at which an election meeting is to be held may include a roadblock and any appropriate form of physical barrier or obstruction preventing or limiting the passage of persons or vehicles to and from that site;
- (b) “offensive weapon” means any article made or adapted to cause damage to property or to cause injury or fear of injury to a person, or by which the person having it intends to cause damage to property or to cause injury or fear of injury to a person;
- (c) a screening search of a person means a search by equipment that is designed to carry out the search without touching the person.

Evacuation in emergency situations

10.—(1) If the most senior police officer present at an election meeting or election procession considers that an emergency situation

is, or is likely to pose, a threat to the safety or health of persons present at that election meeting or during that election procession (as the case may be) or that there are reasonable grounds for doing so for the purpose of protecting those persons from injury or death threatened by an emergency situation, the police officer may order the election meeting or election procession (as the case may be) to immediately stop and direct the evacuation and exclusion of all persons from the place at which the election meeting or election procession (as the case may be) is held.

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(2) For the purposes of paragraph (1), any police officer may remove or cause to be removed (using such force as is necessary for that purpose) any person who does not comply with a direction to evacuate made under that paragraph or any person who enters, attempts to enter or is found in or on any place in respect of which a direction has been given under that paragraph for the exclusion of persons.

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(3) Any person who, without reasonable excuse, fails to comply with any order or direction under paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding one month or to both.

(4) In this regulation, “emergency situation” includes an emergency due to an actual or imminent occurrence (such as fire, flood, storm, earthquake, explosion, terrorist act, accident or epidemic) which endangers, or threatens to endanger, the safety or health of persons, or destroys or damages or threatens to destroy or damage property.

Special notice of election meeting or election procession

11.—(1) For the purposes of section 6A(1) of the Act, special notice of an election meeting or election procession must be given to the Commissioner —

- (a) together with the advance notice in the same manner mentioned in regulation 5(1)(a); or

(b) by using the electronic system provided by the Government for this purpose, by completing and submitting a web-based form made available at <https://www.spf.gov.sg>, in accordance with the instructions accompanying the form or of the electronic system.

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(2) Special notice of an election meeting or election procession must be in the form approved by the Commissioner.

[S 492/2020 wef 26/06/2020]

(3) For the purposes of section 6A(1) of the Act, special notice of an election meeting or election procession must contain the following information:

(a) the name, address, telephone number of the organiser of the election meeting or election procession, and the identity card number of the individual who is the organiser or representing the organiser;

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(b) the name of the election meeting or election procession;

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(c) an estimate of the maximum number of participants at any time during the election meeting or election procession;

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(d) the location of the election meeting or the route of the election procession, whichever being applicable;

[S 492/2020 wef 26/06/2020]

(e) the date and time when the election meeting or election procession will start and end;

[S 492/2020 wef 26/06/2020]

(f) a brief description of the election meeting or election procession programme.

[S 535/2017 wef 01/10/2017]

[S 492/2020 wef 26/06/2020]

Made on 25 May 2017.

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