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Public Order Bill

Bill No. 8/2009.

Read the first time on 23rd March 2009.

PUBLIC ORDER ACT 2009

(No. of 2009)

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A BILL

i n t i t u l e d

An Act to regulate assemblies and processions in public places, to provide powers necessary for preserving public order and the safety of individuals at special event areas, to supplement other laws relating to the preservation and maintenance of public order in public places, and to make consequential and related amendments to certain other written laws.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I

PRELIMINARY

Short title and commencement

- 5 **1.** This Act may be cited as the Public Order Act 2009 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

- 2.—(1)** In this Act, unless the context otherwise requires —

“act of terrorism” means any of the following:

- 10 (a) a terrorist bombing offence within the meaning of the Terrorism (Suppression of Bombings) Act (Cap. 324A);
 (b) a terrorist act within the meaning of the Terrorism (Suppression of Financing) Act (Cap. 325);

15 “assembly” means a gathering or meeting (whether or not comprising any lecture, talk, address, debate or discussion) of persons the purpose (or one of the purposes) of which is —

- (a) to demonstrate support for or opposition to the views or actions of any person, group of persons or any government;
 (b) to publicise a cause or campaign; or
20 (c) to mark or commemorate any event,

and includes a demonstration by a person alone for any such purpose referred to in paragraph (a), (b) or (c);

25 “authorised officer”, in relation to any provision in this Act or the regulations, means any police officer authorised in that behalf by the Commissioner for the purposes of that provision;

“Commissioner” means the Commissioner of Police appointed under the Police Force Act (Cap. 235);

“copy”, in relation to a film, means any article or thing in which the visual images or sounds comprising the film are embodied;

30 “declaration” means a declaration made under section 21;

“event” includes any rehearsal, sound and light testing and other ancillary activities necessary and incidental to an event;

“permit” means a permit granted under section 7 in respect of a public assembly or public procession;

5 “place” includes any motor vehicle, train, vessel, aircraft or other conveyance;

“procession” means a march, parade or other procession (whether or not involving the use of vehicles or other conveyances) —

10 (a) comprising 2 or more persons gathered at a place of assembly to move from that place substantially as a body of persons in succession proceeding by a common route or routes; and

(b) the purpose (or one of the purposes) of which is —

15 (i) to demonstrate support for or opposition to the views or actions of any person, group of persons or any government;

(ii) to publicise a cause or campaign; or

(iii) to mark or commemorate any event,

20 and includes any assembly held in conjunction with such procession, and a march by a person alone for any such purpose referred to in paragraph (b)(i), (ii) or (iii);

“prohibited area” means any area that is specified in an order made under section 12;

25 “public assembly” means an assembly held or to be held in a public place or to which members of the public in general are invited, induced or permitted to attend;

“public place” means —

30 (a) any place (open to the air or otherwise) to which members of the public have access as of right or by virtue of express or implied permission, whether or not on payment of a fee, whether or not access to the place may be restricted at particular times or for particular purposes, and whether or not it is an “approved place” within the meaning of the Public Entertainments and Meetings Act (Cap. 257); or

(b) a part of a place that the occupier of the place allows members of the public to enter, but only while the place is ordinarily open to members of the public;

“public procession” means a procession in, to or from a public place;

5 “regulated place” means any place to which Part IV applies;

“security officer” means an individual who is a licensed security officer within the meaning of the Private Security Industry Act (Cap. 250A);

10 “special event” means an event declared under section 21 to be a special event;

“special event area”, in relation to a special event, means, for the period the declaration under section 21 of the event is in force —

(a) the place or places stated in the declaration as the location or locations at which the event is or is to be; and

15 (b) any place reasonably incidental to the holding of the event;

“unrestricted area” means a public place specified in an order made under section 14.

20 (2) Any reference in this Act to an assembly or a procession that is unlawful under Part II shall be a reference to an assembly or a procession —

(a) in respect of which no permit has been granted under section 7 or no such permit is in force;

(b) which is held —

25 (i) on a date or at a time which differs from the date or time specified in relation to the assembly or procession in the notice given under section 6; or

(ii) in the case of a procession, along a route which differs from the route specified in relation to the procession in the notice given under section 6;

30 (c) which is not in compliance with any requirement imposed by section 8(1) or any condition imposed under section 8(2) on organisers or persons taking part in that assembly or procession;

(d) which is held within a prohibited area and the holding thereof is prohibited by an order under section 12(1);

- (e) the holding of which is prohibited by an order or a notification under section 13(1) or (2); or
- (f) which is held within an unrestricted area and the holding thereof is not in accordance with any condition that applies by virtue of section 14 to the organising or taking part in the assembly or procession.

Meanings of “organising” and “taking part in”

3.—(1) In this Act, a reference to a person organising an assembly or a procession shall be a reference to a person who is responsible for holding, convening, forming or collecting the assembly or procession, and includes —

- (a) any person who assists or promotes the holding, convening, forming or collecting of any assembly or procession; and
- (b) where any person will receive revenue from the sale (if any) of tickets to the assembly or procession, that person,

but does not include a person carrying on a demonstration by himself or marching alone.

(2) A reference to a person or persons taking part in an assembly or a procession shall include, as the case may be, a person carrying on a demonstration by himself, or a march by a person alone, for any such purpose referred to in the definitions of an assembly and a procession, respectively, in section 2(1).

Commissioner and authorised officers

4.—(1) The Commissioner shall, subject to any general or special directions of the Minister, be responsible for the administration of this Act and may perform such duties as are imposed and may exercise such powers as are conferred upon him by this Act.

(2) The Minister may from time to time give the Commissioner directions of a general character, and not inconsistent with the provisions of this Act, as to the exercise of the powers and discretions conferred on the Commissioner by, and the duties required to be discharged by the Commissioner under, this Act; and the Commissioner shall give effect to all such directions given.

(3) The Commissioner may delegate the exercise of all or any of the powers conferred or duties imposed upon him by this Act (except the power of delegation conferred by this subsection) to any authorised officer, subject to such conditions or limitations as set out in this Act or as the Commissioner may specify by directions; and any reference in this Act to the Commissioner shall include a reference to such an authorised officer.

(4) In exercising any powers or functions under a delegation under subsection (3), an authorised officer must comply with any direction of the Commissioner.

PART II

ASSEMBLIES AND PROCESSIONS

Regulation of public assemblies and public processions

5.—(1) Subject to the provisions of this Act, a public assembly and a public procession shall not take place unless —

(a) the Commissioner is notified under section 6 of the intention to hold the public assembly or public procession, and a permit is granted under section 7 in respect of that public assembly or public procession, as the case may be; and

(b) the holding of that public assembly or public procession is not prohibited under section 12 or 13.

(2) This section shall not apply to —

(a) an assembly or a procession exempted from this section under section 46; and

(b) an assembly or a procession within any part of an unrestricted area not falling within a special event area.

Advance notice of public assembly or public procession

6.—(1) Notice of intention to organise a public assembly or public procession shall be given in accordance with subsections (2) and (3) to the Commissioner in the prescribed manner accompanied by an application for a permit in respect of that assembly or procession, as the case may be.

(2) Notice under this section shall be given not less than the prescribed period before the date on which the assembly or procession, as the case may be, is to be held.

(3) Notice under this section shall —

- 5 (a) be given in writing in such form as may be prescribed;
- (b) be given —
 - (i) if it is a demonstration carried on by a person by himself or a march by a person alone, by that person; and
 - (ii) in any other case, by any of the organisers of the assembly or procession; and
- 10 (c) contain all the following particulars:
 - (i) the location, date and time where and when the assembly or procession, as the case may be, is to be held and the estimated time at which it will disband;
 - 15 (ii) in the case of a procession, the location, time of commencement and duration of any assembly to be held in conjunction with the procession and the route, the places (if any) at which the procession will halt and time for which it will remain stationary in each such place;
 - 20 (iii) the number of persons likely to take part in it;
 - (iv) the purpose of the assembly or procession;
 - (v) the name, address and telephone number of the organiser of the assembly or procession, and of a person able to act, if necessary, in place of the organiser for the purposes of
 - 25 section 8(1)(a);
 - (vi) the arrangements for its control being made by the person proposing to organise it;
 - (vii) such other particulars and information relating to the assembly or procession as may be prescribed;
 - 30 (viii) such other particulars and information relating to that particular assembly or procession, as the case may be, as the Commissioner may require.

(4) Notwithstanding subsection (2), the Commissioner may, and shall in any case where he is reasonably satisfied that earlier notice could not have been given, accept shorter notice than is as mentioned in that subsection.

5 (5) In cases where the Commissioner has decided not to accept shorter notice than is as mentioned in subsection (2), he shall as soon as practicable inform in writing the person purporting to give such notice of his decision.

Permit for public assembly or public procession

10 7.—(1) The Commissioner shall, upon receipt of any notice and application under section 6 for a permit in respect of a proposed public assembly or public procession, have regard to the information furnished in the notice and any other information available to him in relation to the proposed public assembly or public procession, as the case may be, and may thereafter either —

- 15 (a) grant a permit (with or without conditions) in respect of the proposed public assembly or public procession, as the case may be; or
- (b) refuse to grant a permit in respect of the proposed public assembly or public procession.

20 (2) The Commissioner may refuse to grant a permit for a public assembly or public procession in respect of which notice under section 6 has been given if he has reasonable ground for apprehending that the proposed assembly or procession may —

- 25 (a) occasion public disorder, or damage to public or private property;
- (b) create a public nuisance;
- (c) give rise to an obstruction in any public road;
- (d) place the safety of any person in jeopardy;
- 30 (e) cause feelings of enmity, hatred, ill-will or hostility between different groups in Singapore;
- (f) glorify the commission or preparation (whether in the past, in the future or generally) of acts of terrorism or any offence or otherwise have the effect of directly or indirectly encouraging or

otherwise inducing members of the public to commit, prepare or instigate acts of terrorism or such an offence; or

- (g) be held within or enter a prohibited area, or an area to which an order or a notification under section 13 applies.

5 **Conditions applying to public assembly or public procession**

8.—(1) At every public assembly or public procession —

- (a) there shall be present throughout the assembly or procession either the person who organised the assembly or procession or, if he is not present, a person nominated by him, in writing, to act in his place; and
- (b) good order and public safety shall be maintained throughout the assembly or procession, as the case may be.

15 (2) In granting a permit for a public assembly or public procession, the Commissioner may impose on the organisers of, and the persons taking part in, the assembly or procession such conditions specified in the permit and relating to the assembly or procession as in the Commissioner's opinion are necessary to prevent the assembly or procession, as the case may be, being carried out to result in anything referred to in section 7(2)(a) to (g).

20 (3) Without prejudice to the generality of subsection (2), the conditions may, in particular, impose requirements as to —

- (a) the number of persons who may take part in the public assembly or public procession;
- (b) the number and size of banners, placards, displays or other paraphernalia used;
- (c) the engagement of such number of marshals and security officers as may be necessary to ensure that good order and public safety shall be maintained throughout the assembly or procession, as the case may be; and
- (d) the place or places where the public assembly or public procession may, or may not, be carried on.

(4) The Commissioner may, if he reasonably believes that it is necessary in order to prevent anything referred to in section 7(2)(a) to (g) from happening —

(a) impose additional conditions on those organising or taking part in an assembly or a procession authorised by a permit; or

(b) amend any condition previously imposed under subsection (2) or paragraph (a),

5 and the senior police officer may give directions to those organising or taking part in the assembly or procession to ensure the due observance of any condition imposed under subsection (2).

(5) Any reference in this Act to a condition imposed under subsection (2) shall, except where the context otherwise requires, include reference to
10 an additional condition or amendment to such a condition imposed under subsection (4).

(6) In this section —

“assembly” and “procession” include the period of first assembly of the assembly and procession, respectively, to the time it disbands;

15 “senior police officer” means the most senior in rank of the police officers present at the scene of the assembly or procession, or any one of them if there are more than one of the same rank.

Form and validity of permit

9. A permit granted under section 7 shall —

20 (a) be in such form as the Commissioner may determine;

(b) contain the conditions subject to which it is granted; and

(c) unless earlier cancelled by or under this Act, be valid —

(i) in respect of the holding of such particular public assembly or public procession specified in the permit; or

25 (ii) for such period (not exceeding one year) as may be specified therein.

When permit may be cancelled

30 **10.**—(1) The Commissioner may, by notice in writing to the person to whom the permit is granted, cancel the permit that has been granted thereto.

(2) Without prejudice to subsection (1), the Commissioner may, by notice in writing, cancel a permit that has been granted to any person if —

- (a) the permit has been reported lost or stolen;
- (b) there is reasonable cause to believe that the permit has been obtained by means of any false statement or any statement that is false in a material particular;
- 5 (c) the Commissioner becomes aware of a circumstance that would have required or permitted him to refuse the permit to the person had he been aware of the circumstance immediately before the grant thereof; or
- (d) there is reasonable cause to believe that any condition of the permit has been contravened.

10 (3) Every permit that is cancelled under subsection (1) shall thereupon be invalid and cease to be in force.

Appeal to Minister

15 **11.**—(1) If a person is aggrieved by the Commissioner's decision under this Part —

- (a) to refuse to grant a permit;
 - (b) to cancel a permit; or
 - (c) to impose any particular condition on a permit,
- 20 the person may, within 7 days after being notified of the decision (or such longer period as the Minister allows in exceptional circumstances, whether before or after the end of the 7 days), appeal to the Minister whose decision shall be final.

(2) An appeal must be in writing, and specify the grounds on which it is made.

25 (3) After receiving an appeal under subsection (1), the Minister shall consider the appeal and —

- (a) reject the appeal and confirm the Commissioner's decision;
- (b) allow the appeal in whole or in part and vary the Commissioner's decision;
- 30 (c) set aside the Commissioner's decision and make a decision in substitution for it; or

(d) direct the Commissioner to reconsider his decision,
and the appellant shall be notified in writing of the Minister's decision in
respect of his appeal accordingly.

(4) In this section, any reference to the Minister shall include a reference
5 to any Minister of State designated by the Minister to hear any appeal
under this section in place of the Minister.

Prohibited areas

12.—(1) If, in relation to any public place, the Minister is of the opinion
that, having regard to the extent of powers exercisable under section 13, it
10 is necessary in the public interest to do so, the Minister may, by order
published in the *Gazette*, prohibit the holding of all public assemblies or
public processions or both in the public place (referred to in this Act as a
prohibited area).

(2) An order made under subsection (1) may exclude any assembly or
15 procession, or any assembly or procession of any class or description,
specified in the order from the prohibition therein.

(3) An order made under subsection (1) shall have the effect of
cancelling any previous permit granted under section 7 in relation to any
public assembly or public procession, the holding of which is prohibited
20 by the order.

(4) All orders made under this section shall be presented to Parliament
as soon as possible after publication in the *Gazette*.

Power to prohibit assembly or procession in public interest

13.—(1) If, in the case of any proposed public assembly or public
25 procession, the Minister is of the opinion that it is necessary in the public
interest to do so, the Minister may, by order published in the *Gazette*,
prohibit the holding of that public assembly or public procession.

(2) If, in relation to any public place and any period of time not
exceeding 28 days, the Commissioner is of the opinion that, having regard
30 to —

(a) any serious public disorder or serious damage to public or private
property which may result from public assemblies or public
processions of a particular class or description in that public
place during that period;

- (b) any serious public nuisance or obstruction in any public road, or threat to the safety of persons in that public place, that may result from such public assemblies or public processions;
- 5 (c) any serious impact which such public assemblies or public processions may have on relations between different groups in Singapore;
- (d) any undue demands which such public assemblies or public processions may cause to be made on the police or military forces; and
- 10 (e) the extent of powers exercisable under subsection (1),

it is necessary in the public interest to do so, he may, with the concurrence of the Minister, by notification published in the *Gazette*, prohibit the holding of all public assemblies or public processions or both, or of that class or description, in that public place during that period.

- 15 (3) An order made under subsection (1) in relation to an assembly or a procession shall have the effect of cancelling any previous permit granted under section 7 in relation to that assembly or procession.

- (4) A notification made under subsection (2) shall have the effect of cancelling any previous permit granted under section 7 in relation to any assembly or procession, the holding of which is prohibited by the notification.
- 20

Unrestricted areas

- 25 **14.**—(1) If the Minister is of the opinion that, having regard to the natural environment of any public place and the likelihood of any serious disruption to the life of the community (such as but not limited to the rights of members of the public to enjoy the natural environment and the rights of persons to carry on business), it is appropriate to allow citizens and other persons to exercise the right to participate in assemblies and processions in that public place, the Minister may, by order published in
- 30 the *Gazette*, designate that public place (referred to in this Act as an unrestricted area) to be an area whereby no notice under section 6, and no permit under section 7, shall be required for the holding of all assemblies or processions or both therein.

(2) An order made under subsection (1) shall —

- (a) describe the unrestricted area, whether by means of a description, map or other document;
- (b) state any period for which the order is in force; and
- 5 (c) state the conditions (if any) that apply to the organising of, or taking part in, any assembly or procession within that unrestricted area.

(3) An order made under subsection (1) may —

- 10 (a) provide that any contravention of any condition therein that is applicable to the organising of or taking part in any assembly or procession within the unrestricted area subject to the order shall be an offence punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 6 months or with both; and
- 15 (b) provide for such transitional, savings and other consequential, incidental and supplemental provisions as the Minister considers necessary or expedient.

(4) All orders made under this section shall be presented to Parliament as soon as possible after publication in the *Gazette*.

20 (5) This section shall have effect subject to section 33.

Offences in prohibited areas, etc.

25 **15.**—(1) A person who organises an assembly or a procession the holding of which he knows or ought reasonably to know is prohibited by an order under section 12(1) or 13(1) or a notification under section 13(2), as the case may be, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

30 (2) A person who takes part in an assembly or a procession the holding of which he knows or ought reasonably to know is prohibited by an order under section 12(1) or 13(1) or a notification under section 13(2), as the case may be, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Other offences in relation to assemblies or processions

16.—(1) Each person who organises a public assembly or public procession —

- 5 (a) in respect of which no permit has been granted under section 7 or
no such permit is in force, where such permit is required by this
Act;
- (b) which is held —
 - 10 (i) on a date or at a time which differs from the date or time
specified in relation to the assembly or procession in the
notice given under section 6; or
 - (ii) in the case of a procession, along a route which differs from
the route specified in relation to the procession in the notice
given under section 6; or
- 15 (c) which is not in compliance with any condition imposed under
section 8(2) on persons taking part in that assembly or
procession,

shall be guilty of an offence and shall, subject to subsection (3), be liable on conviction to a fine not exceeding \$5,000.

20 (2) Each person who takes part in a public assembly or public
procession —

- (a) in respect of which no permit has been granted under section 7 or
no such permit is in force, where such permit is required by this
Act;
- (b) which is held —
 - 25 (i) on a date or at a time which differs from the date or time
specified in relation to the assembly or procession in the
notice given under section 6; or
 - (ii) in the case of a procession, along a route which differs from
the route specified in relation to the procession in the notice
30 given under section 6; or

- (c) which is not in compliance with any requirement imposed by section 8(1)(b) or any condition imposed under section 8(2) on persons taking part in that assembly or procession,

shall be guilty of an offence and shall, subject to subsection (3), be liable on conviction to a fine not exceeding \$3,000.

(3) Where a person who is convicted or found guilty of an offence under subsection (1) or (2) is a repeat offender, the person shall be liable on conviction —

- (a) if the person is one who organises an assembly or a procession — to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both; and

- (b) if the person is one who takes part in an assembly or a procession — to a fine not exceeding \$5,000.

(4) A person organising or taking part in an assembly or a procession who knowingly fails to comply with any direction of the senior police officer given under section 8(4) shall be guilty of an offence and shall be liable on conviction —

- (a) in the case of a person organising an assembly or a procession — to a fine not exceeding \$10,000; and

- (b) in the case of a person taking part in an assembly or a procession — to a fine not exceeding \$5,000.

(5) For the purposes of subsection (3), a person is a repeat offender in relation to an offence under subsection (1) or (2) if the person who is convicted, or found guilty, of an offence under subsection (1) or (2) (referred to as the current offence) has been convicted or found guilty of —

- (a) an offence under subsection (1) or (2);
- (b) an offence under section 5(4) of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184) as in force immediately before the commencement of this section; or
- (c) an offence under any rules made under section 5(1) of the Miscellaneous Offences (Public Order and Nuisance) Act as in force immediately before the commencement of this section, in relation to any assembly or procession in any public road, public place or place of public resort held without a permit under those

rules or in contravention of any term or condition of such a permit,

on at least one other occasion within the period of 5 years immediately before the date on which he is convicted or found guilty of the current offence.

(6) This section shall not apply to —

(a) an assembly or a procession exempted from this section under section 46; and

(b) an assembly or a procession within an unrestricted area not falling within a special event area.

Defences

17.—(1) In any proceedings for an offence under section 16(1)(a) or (2)(a), it shall be a defence for the person charged to prove that he did not know, and neither suspected nor had reason to suspect, that no permit had been granted under section 7 in respect of the assembly or procession or that no such permit is in force, as the case may be.

(2) In any proceedings for an offence under section 16(1)(b) or (2)(b), it shall be a defence for the person charged to prove that —

(a) he did not know, and neither suspected nor had reason to suspect, the difference in date, time or route; or

(b) the difference arose from —

(i) circumstances beyond his control;

(ii) something done in compliance with conditions imposed under section 8(2); or

(iii) something done with the agreement of a police officer not below the rank of sergeant or by the senior police officer's direction under section 8(4).

(3) In any proceedings for an offence under section 16(1)(c) or (2)(c), it shall be a defence for the person charged to prove that he did not know, and neither suspected nor had reason to suspect, that the assembly or procession was not in compliance with any of the conditions of the permit for the assembly or procession.

(4) In any proceedings for an offence under section 16(4), it shall be a defence for the person charged to prove that his failure to comply with a direction of the senior police officer given under section 8(4) arose from circumstances beyond his control.

5 **Obstructing free passage of any ambulance, etc.**

18. Where a person at, or in relation to, an assembly or a procession conducted pursuant to a permit —

- 10 (a) acts in a disorderly manner for the purpose of preventing the transaction of the business for which the assembly or procession assembled;
- (b) obstructs the free passage of any ambulance, fire engine or vehicle belonging to the Singapore Police Force or the Singapore Civil Defence Force or, otherwise than in the manner and to the extent authorised by the permit relating to that assembly or procession, impedes or disrupts the use by members of the public in general of any road; or
- 15 (c) incites other persons to do so,

the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Legal immunity for participant in lawful assembly or procession

19. If an assembly or a procession —

- (a) is the subject of a permit;
- (b) is peaceful; and
- 25 (c) is held in accordance with the conditions imposed on the permit,

a person who takes part in the assembly or procession, does not, merely because of his taking part, incur any civil or criminal liability because of the obstruction of a public place.

PART III

SPECIAL EVENTS SECURITY

Interpretation of this Part

20. In this Part, unless the context otherwise requires —

5 “approved person”, in relation to any power under section 22, 24, 27, 28 or 29, means any of the following persons approved by the Commissioner in writing to exercise such power under that provision at or in relation to a special event area specified in that approval:

10 (a) any member of an auxiliary police force; or

(b) any security officer who is employed by, or whose services are supplied to, the occupier of the special event area;

“entrant”, in relation to a special event area, means a person who is about to enter or is in the area;

15 “event organiser”, in relation to an event, means a person who is responsible (whether fully or substantially) for the organisation and holding of the event and the receipt of revenue from the event (if any);

“garment” includes a cloak, coat or shirt;

20 “hand-held scanner” means a device that may be passed over or around a person or a person’s personal property to detect metal, objects or other substances;

“occupier”, in relation to a special event area, includes the event organiser of the special event at that special event area;

25 “personal property”, in relation to a person, means things carried by the person or things apparently in the immediate control of the person, but does not include clothing being worn by the person;

“place” includes an area;

30 “prohibited item”, in relation to a special event, means such thing or animal that is stated to be a prohibited item in the notification in respect of the event under section 22;

“search” includes —

- (a) a search of a person conducted by quickly running the hands over the person’s outer garments; and
- (b) an examination of anything worn or carried by the person;

5 “statutory condition of entry”, in relation to a special event, means a condition that is stated in the notification concerning the event under section 22 to be a statutory condition of entry to the special event area;

“vehicle” includes an aircraft and a boat;

10 “X-ray machine” means a device through which a person’s belongings are passed and X-rayed.

Declaration of special event

21.—(1) Subject to subsections (2) and (3), the Minister may declare an event to be a special event for the purposes of this Part.

15 (2) In deciding whether to make a declaration, the Minister shall have regard to —

- (a) the nature of the event;
- (b) the number and kind of people expected to attend the event;
- (c) Singapore’s obligations for holding the event; and
- 20 (d) any other relevant matter.

(3) The Minister may make a declaration only if he is satisfied —

- (a) that the declaration is necessary for preserving public order and the safety of individuals involved in the event and other individuals and for the avoidance of disruptions to the event; and
- 25 (b) that either —
 - (i) there is a reasonable likelihood that the event may be disrupted if the powers in sections 24 to 30 are not exercised;
 - (ii) the exercise of the powers is necessary because of the need to protect persons involved in or at the event;
 - 30 (iii) the exercise of the powers is required as a condition of holding the event in Singapore; or

(iv) there is a reasonable likelihood that the event because of its nature might be at risk of an act of terrorism.

(4) A declaration under subsection (1) must —

- 5 (a) contain a brief description of the event to which it applies, whether by means of a description, map or other document;
- (b) state the proposed time and date of the event or the proposed period in which the event is to take place, and the location of the special event area for the event;
- 10 (c) state the period (not exceeding 3 years) for which the declaration is in force; and
- (d) be published in the *Gazette*.

15 (5) Once such a declaration is made, the Minister shall, within 7 days thereafter and before the date the declaration comes into force, cause to be published a notice of the making of the declaration, describing briefly the event and the special event area in such manner as will secure adequate publicity for the declaration.

 (6) Failure to comply with subsection (5) in respect of any declaration shall not invalidate the declaration.

20 (7) Unless sooner revoked, a declaration shall expire on the date, and at the time (if any) stated in, or worked out in accordance with the declaration.

25 (8) At any time before a declaration comes into force, the Minister may amend the description of the location of the special event area to which the declaration applies by publishing the amendment in the *Gazette*; and notice of the amendment describing briefly the changes therein shall be published as soon as practicable in such manner as will secure adequate publicity for the amended declaration.

Statutory conditions of entry

30 **22.**—(1) At any time after a declaration is made in respect of a special event and the special event area for that event, the Commissioner may, with the approval of the Minister, determine that any or all of the following conditions apply to the special event area:

- (a) that a person seeking to enter or in the special event area must, if asked by a police officer or an approved person, permit an inspection to be made of his personal property;
 - 5 (b) that a person seeking to enter or in the special event area must, if asked by a police officer, permit a search to be made of the person;
 - (c) that a person must not take into or possess in the special event area a prohibited item;
 - 10 (d) that a person seeking to enter or in the special event area must comply with any lawful order of a police officer or an approved person regarding the entrant's entry into and remaining in that area.
- (2) Once any such determination is made in respect of a special event and its special event area, the Commissioner shall, by notification published in the *Gazette*, specify —
- 15 (a) the places, if any, at which a police officer or an approved person may exercise specified powers under sections 24 to 29;
 - (b) if the determination includes the statutory condition of entry that a person shall not take into or possess in the special event area a prohibited item, the thing or animal a person is prohibited from bringing into the special event area; and
 - 20 (c) any other conditions that apply to entry to the special event area or any part of it.
- (3) Any notification under subsection (2) in respect of a special event and its special event area shall be made and published at least 7 days before the proposed date of the special event or, in the case where the special event is to take place during a proposed period, the beginning of that proposed period.
- 25 (4) Once such a notification under subsection (2) is published, the Commissioner shall, within 7 days thereafter and before the proposed date of the special event or, in the case where the special event is to take place during a proposed period, the beginning of that proposed period, cause to be published a copy of the notification in such manner as will secure adequate publicity for it.
- 30 (5) The Commissioner may at any time amend the notification under subsection (2) relating to a special event and special event area; and notice
- 35

of the amendment describing briefly the changes therein shall be published as soon as practicable in such manner as will secure adequate publicity for the amended declaration.

Tickets sellers to inform of statutory conditions of entry

- 5 **23.**—(1) If any person who sells tickets to an event has reasonable grounds for believing that the event may be declared a special event, the person shall take reasonable steps to tell a person, before the person buys tickets to the event, that statutory conditions of entry may apply to the event.
- 10 (2) If an event has been declared a special event under section 21, the person who sells tickets to the event must take reasonable steps to tell a person, before the person buys tickets to the event, the statutory conditions of entry that apply to the event.

Inspection of personal property, etc., as condition of entry

- 15 **24.**—(1) This section shall apply only if the notification under section 22(2) relating to the special event to be held at a special event area states that it is a condition of entry to the special event area that an entrant to the area must, if asked by a police officer or an approved person, permit an inspection to be made of the entrant's personal property.
- 20 (2) Subject to subsection (3), a police officer or an approved person may ask the entrant to do one or more of the following:
- (a) allow the police officer or approved person to inspect the entrant's personal property;
 - (b) remove one or more garments worn by the entrant as specified by the police officer or approved person and allow the police officer or approved person to inspect the garments;
 - (c) remove all articles from the entrant's clothing and allow the police officer or approved person to inspect them;
 - (d) open an article for inspection and allow the police officer or approved person to inspect it;
 - (e) open a vehicle or a part of it for inspection and allow the police officer or approved person to inspect it;

- (f) remove an article from the vehicle as specified by the police officer or approved person and allow the police officer or approved person, as the case may be, to inspect it.

5 (3) A police officer or an approved person may make a request under subsection (2) if the police officer or approved person reasonably considers it necessary to make a request under subsection (2) in relation to an entrant or the entrant's personal property, whether or not the entrant or his personal property have been subjected to screening.

10 (4) Any person who fails to comply with the request of a police officer or an approved person under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

(5) In this section, inspecting an article includes handling the article, opening it and examining its contents.

15 **Search of person**

20 **25.**—(1) This section shall apply only if the notification under section 22(2) relating to the special event to be held at a special event area states that it is a condition of entry to the special event area that an entrant to the area must, if asked by a police officer, permit a search to be made of the person.

(2) A police officer may ask a person to permit a search of the person where —

- (a) the person is entering or about to enter a special event area; or
- (b) the person is in a special event area.

25 (3) Any person who fails to comply with the request of a police officer under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Prohibited items

30 **26.**—(1) This section shall apply only if the notification under section 22(2) relating to the special event to be held at a special event area states that it is a condition of entry to the special event area that an entrant must not take into or possess in the special event area a prohibited item.

(2) A person shall not take a prohibited item into, or possess a prohibited item in, a special event area, unless the person has the express permission of a police officer to do so.

5 (3) Any person who fails to comply with subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

(4) It shall not be an offence under this section if the person disposes of the prohibited item before entering the special event area.

10 **Security screening at special event area**

27.—(1) This section shall apply if the security system for a special event area involves the use of screening devices, such as (but not limited to) the following:

- (a) a walk-through detector;
- 15 (b) an X-ray machine;
- (c) a hand-held scanner.

(2) A police officer or an approved person may ask an entrant to a special event area to undergo any form of security screening, including doing one or more of the following:

- 20 (a) to walk through a walk-through detector;
- (b) to pass the entrant's personal property through an X-ray machine;
- (c) to allow the police officer or approved person to pass a hand-held scanner in close proximity to the entrant;
- 25 (d) to allow the police officer or approved person to pass a hand-held scanner in close proximity to the entrant's personal property.

30 (3) Any person who fails to comply with the request of a police officer or an approved person under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Power to require reasons for entry to special event area

28.—(1) A police officer or an approved person may ask an entrant to a special event area to state the person's name and residence and his reason for being in, or about to enter, the area.

5 (2) If the person fails to comply with the request of a police officer or an approved person under subsection (1), the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(3) In this section, "residence", in relation to a person, means the address of the place where the person usually lives in Singapore.

Refusal of entry and removal from special event area

29.—(1) This section shall apply if —

- (a) the entrant fails to comply with a request of a police officer or an approved person made under this Part;
- 15 (b) the entrant fails to satisfy a police officer or an approved person that the entrant has a good and lawful reason to be at the special event area or a particular part of it; or
- (c) a police officer or an approved person reasonably suspects that the entrant is about to commit, has committed or is committing an offence under section 26(3), 31 or 32.

20 (2) Unless the entrant is arrested —

- (a) if the entrant has entered the special event area — a police officer or an approved person may direct the entrant to leave and not re-enter the special event area; and
- 25 (b) if the entrant is about to enter the special event area — a police officer or an approved person may by direction refuse him entry to the special event area.

30 (3) If a person contravenes any direction given by a police officer or an approved person under subsection (2)(a) or (b) to leave a special event area, or attempts to enter or re-enter the special event area contrary to such a direction, a police officer may use such force as is reasonable and necessary to arrest and detain the person for the purpose of removing the person from or preventing his entry or re-entry to the special event area, or to remove the person from the area, as the case may be.

Directions to event organiser

30.—(1) The Commissioner may, if he reasonably believes that it is necessary for preserving public order and the safety of individuals involved in the special event and other individuals and for the avoidance of disruptions to the special event, at any time during the period the declaration relating to that special event is in force, give written directions to the event organiser of the special event requiring the event organiser concerned (according to the circumstances of the case) to do, or not to do, such things as are specified in the direction or are of a description as specified therein as are necessary for preserving public order and the safety of individuals involved in the special event and other individuals and for the avoidance of disruptions to the special event.

(2) Without prejudice to the generality of subsection (1), a written direction under that subsection may require the event organiser concerned —

- (a) to alter, demolish or remove any gate, door, fence, platform, staging, hoarding or other structure which is wholly within the special event area;
- (b) to keep unblocked any stairs, steps, aisle, gangway, overpass, underpass, bridge, passage, entry, exit or other thoroughfare wholly or partly within the special event area;
- (c) to arrange for the removal of a vehicle from, or the movement of a vehicle within, the special event area;
- (d) to give access or priority of access to the public to specified kinds of facilities, amenities or services provided by the event organiser; or
- (e) to cease, either wholly or to the extent specified in the direction, any activity on the special event area or part thereof.

(3) The manner in which that access, or priority of access, is to be given shall be set out in the direction under subsection (1).

(4) The terms and conditions on which that access, or priority of access, is to be given shall be set out in the direction under subsection (1).

(5) An event organiser who, without reasonable excuse, fails to comply with any written direction given under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both and, in

the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

(6) Notwithstanding subsection (5), no event organiser shall, by virtue of this section, be guilty of an offence of failing to comply with a written direction containing requirements mentioned in subsection (2)(a) or (b) if the event organiser —

(a) is not the owner of the gate, door, fence, platform, staging, hoarding or other structure, or the stairs, steps, aisle, gangway, overpass, underpass, bridge, passage, entry, exit or other thoroughfare, mentioned in the direction at the relevant time relating to the offence concerned; and

(b) within 7 days after service on him of a notice alleging that he has been guilty of the offence, furnishes by declaration to the Commissioner, the name and address of the person who is the owner of the gate, door, fence, platform, staging, hoarding or other structure, or the stairs, steps, aisle, gangway, overpass, underpass, bridge, passage, entry, exit or other thoroughfare, as the case may be.

(7) Upon receipt of a declaration under subsection (6), the Commissioner may, with the approval of the Minister, during the period a declaration relating to that special event is in force, give another written direction in writing requiring the person named in the declaration under subsection (6) as the owner of —

(a) the gate, door, fence, platform, staging, hoarding or other structure; or

(b) the stairs, steps, aisle, gangway, overpass, underpass, bridge, passage, entry, exit or other thoroughfare,

specified in the written direction to the event organiser (referred to as the original direction) requiring that owner to do, or not to do, such things as are specified in the original direction or are of a description as specified therein as necessary for preserving public order and the safety of individuals involved in the special event and other individuals and for the avoidance of disruptions to the special event.

(8) If, after the expiration of 7 days from the date of the written direction under subsection (7), the owner to whom the written direction is

given fails, without reasonable excuse, to comply with the written direction, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

(9) In subsections (6), (7) and (8), “owner”, in relation to any gate, door, fence, platform, staging, hoarding or other structure, or stairs, steps, aisle, gangway, overpass, underpass, bridge, passage, entry, exit or other thoroughfare, in any premises means —

(a) except as otherwise provided in paragraph (b) or (c) — the person for the time being receiving the rent of the premises, whether on his own account or as agent or trustee or as receiver, or who would receive the same if the premises were let to a tenant and includes a mortgagee in possession;

(b) where the gate, door fence, platform, staging, hoarding or structure, or the stairs, steps, aisle, gangway, overpass, underpass, bridge, passage, entry, exit or other thoroughfare, is part of any common property or limited common property within the meaning of the Building Maintenance and Strata Management Act (Cap. 30C) —

(i) the management corporation established under that Act having control of the common property if comprised in a strata title plan, or the person receiving any rent or charge for the maintenance of that common property;

(ii) the subsidiary management corporation established under that Act having control of the limited common property if comprised in a strata title plan, or the person receiving any rent or charge for the maintenance of that limited common property; or

(iii) the person receiving any rent or charge for the maintenance and management of the common property not comprised in a strata title plan; and

(c) where the gate, door fence, platform, staging, hoarding or structure, or the stairs, steps, aisle, gangway, overpass, underpass, bridge, passage, entry, exit or other thoroughfare, is part of the common property of any housing estate of the

Housing and Development Board — that Board or the Town Council established under the Town Councils Act (Cap. 329A) for that housing estate.

Unauthorised entry to special event area, etc.

5 **31.**—(1) A person shall not enter or remain in a special event area unless the person —

- (a) has the consent of the event organiser; and
- (b) is otherwise authorised to enter or remain at the area under this Act.

10 (2) A person who —

- (a) contravenes subsection (1); or
- (b) contravenes any direction given by a police officer or an approved person under section 29(2) to leave a special event area, or attempts to enter or re-enter the special event area

15 contrary to such a direction,
shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

Interference with special event, etc.

20 **32.** If a person in a special event area —

- (a) engages in violent behaviour;
- (b) disrupts, interferes with, delays or obstructs the conduct of a special event, or any activity associated with the special event, by throwing anything or in any other way; or
- 25 (c) in any other way interferes with the reasonable enjoyment of a special event, or an activity associated with the special event, by someone else,

he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding
30 6 months or to both.

Saving of operation of Part II

5 **33.** Notwithstanding anything in Part II, no public assembly and no public procession of any class or description (whether or not exempted from section 5 under section 46, and whether or not excluded from any prohibition under section 12(2)) shall take place within any special event area for such period as the declaration relating to the special event area is in force unless the Commissioner is notified under section 6 of the intention to hold the public assembly or public procession, and a permit is granted under section 7 in respect of that public assembly or public procession, as the case may be; and the provisions of Part II shall apply to
10 such a public assembly and public procession.

PART IV

POWERS TO PRESERVE AND MAINTAIN PUBLIC ORDER

Application of this Part

15 **34.—**(1) This Part shall apply in relation to the following places (referred to in this Act as regulated places):

- (a) all public places; and
- (b) such other places that are prescribed,

and in this section, “place” includes an area.

20 (2) This Part shall not apply to any assembly or procession that is not unlawful under Part II.

When power applies to behaviour

25 **35.—**(1) Subject to this section, a police officer may exercise a power under section 36 in relation to any person at or near a regulated place if a police officer reasonably suspects the person’s behaviour —

- (a) is or has been interfering with trade or business at the place by obstructing, hindering or impeding someone entering, at or leaving the place;
- (b) is or has been disorderly, indecent, offensive, or threatening to
30 someone entering, at or leaving the place;
- (c) is or has been disrupting the peaceable and orderly conduct of any event, entertainment or gathering at the place; or

(d) shows that he is just about to commit an offence or has just committed or is committing an offence.

(2) If the regulated place is a public place, subsection (1) shall apply in relation to a person at or near the public place only if the person's
5 behaviour has or had the effect mentioned in subsection (1)(a), (b), (c) or (d) in the part of the public place at or near where the person then is.

(3) Subsection (1)(a) shall apply to premises used for trade or business only if the occupier of the premises complains about the person's behaviour.

10 (4) For the avoidance of doubt, subsections (1)(a) and (3) do not limit subsection (1)(b), (c) and (d).

Direction to move on

36.—(1) Subject to this section, a police officer of or above the rank of sergeant may give to a person or group of persons whose behaviour is of a
15 kind mentioned in section 35 any direction in writing that is reasonable in the circumstances.

(2) A police officer shall not give a direction under subsection (1) that interferes with a person's right of peaceful assembly unless it is reasonably necessary in the interests of —

20 (a) public safety;

(b) public order; or

(c) the protection of the rights and freedoms of other persons.

(3) The rights and freedoms referred to in subsection (2)(c) includes a reference to the rights and freedoms of the public to enjoy the place and
25 the rights of persons to carry on lawful business in or in association with the place.

(4) Without prejudice to the generality of subsection (1), a direction may require a person to do one of the following:

30 (a) leave the regulated place and not return or be within the regulated place within a stated reasonable time of not more than 24 hours;

(b) leave a stated part of the regulated place and not return or be within the stated part of the regulated place within a stated reasonable time of not more than 24 hours;

- (c) move from a particular location at or near the regulated place for a stated reasonable distance, in a stated direction, and not return or be within the stated distance from the place within a stated reasonable time of not more than 24 hours.

5 **Contravening direction to move on**

37. Any person who, without reasonable excuse, contravenes any direction under section 36 to him shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

10 **Seizure of films of law enforcement activities**

38.—(1) Any police officer of or above the rank of sergeant, or any CPIB officer, narcotics officer, intelligence officer or immigration officer, if satisfied upon information and after such further inquiry as he thinks necessary, that any person —

- 15 (a) is making, has made or is about to make;
- (b) is exhibiting or communicating or is about to exhibit or communicate; or
- (c) has in his possession,

any film or picture containing a record of any law enforcement activities,
20 and he reasonably believes that the film or picture, if exhibited or communicated (whether to the public or any section thereof or otherwise) —

- (i) prejudices the effective conduct of an ongoing law enforcement operation or investigation, or any intelligence operation; or
- 25 (ii) endangers or will endanger the safety of any law enforcement officer in an ongoing law enforcement operation or investigation, or any intelligence operation,

he may exercise any of the powers specified in subsection (2).

(2) A police officer of or above the rank of sergeant, a CPIB officer, a
30 narcotics officer, an intelligence officer or an immigration officer may —

- (a) direct the person reasonably believed to be making, exhibiting or communicating a film or picture or about to do so to immediately cease making, exhibiting or communicating the film, and either to immediately delete, erase or otherwise destroy the film or

picture or to surrender the film or picture to the police officer, CPIB officer, narcotics officer, intelligence officer or immigration officer, as the case may be;

5 (b) without warrant, search any person whom he has reason to believe is in possession of a film or picture referred to in subsection (1);

(c) without warrant, and with such assistance and by such force as is necessary, by night or by day, enter and search any place where he has reason to believe any film or picture referred to in
10 subsection (1) is kept; or

(d) without warrant, and with such assistance and by such force as is necessary, seize any film or picture referred to in subsection (1) and any copy thereof, and any equipment (including a
15 handphoned) used or about to be used in the making, exhibition or communication of the film or picture,

and take into custody any person reasonably believed to be in possession thereof.

(3) Any film, picture and any equipment (including a handphoned) used in the making, exhibition or communication of the film or picture may be
20 forfeited and shall be destroyed or otherwise disposed of in such manner as the Commissioner may direct.

(4) Where a person to whom a direction under subsection (2)(a) is given fails to comply with the direction, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to
25 imprisonment for a term not exceeding 12 months or to both.

(5) In this section —

“cinematograph film” means the aggregate of visual images embodied in an article or a thing so as to be capable by the use of that article or thing —

30 (a) of being shown as a moving picture; or

(b) of being embodied in another article or thing by the use of which it can be so shown,

and includes the aggregate of the sounds embodied in a sound-track associated with such visual images;

“communicate” means to transmit by electronic means (whether over a path, or a combination of paths, provided by a material substance or by wireless means or otherwise) a film or picture, whether or not it is sent in response to a request, and includes —

- 5 (a) the broadcasting of the film or picture;
- (b) the inclusion of the film or picture in a cable programme; and
- (c) the making available of a film or picture on a network or otherwise in such a way that the film or picture may be accessed by any person from a place and at a time chosen by him,
- 10 him,

and “communicating” and “communication” shall be construed accordingly;

“CPIB officer” has the same meaning as in the Prevention of Corruption Act (Cap. 241);

15 “film” means —

- (a) any cinematograph film;
- (b) any video recording, or any disc or solid state recording device containing information by the use of which one or more series of visual images may be produced electronically and shown as a moving picture; or
- 20 (c) any other material, record or thing on which is recorded or stored for immediate or future retrieval any information that, by the use of any computer or electronic device, is capable of being reproduced or displayed as wholly or partly visual
- 25 moving pictures,

and includes any part of a film, and any copy or part of a copy of the whole or any part of a film;

“immigration officer” means an immigration officer appointed under section 3 of the Immigration Act (Cap. 133);

30 “intelligence officer” means a public officer appointed to such Scheme of Service as the Minister designates;

“law enforcement” means —

- (a) activities carried on by any police officer, CPIB officer, narcotics officer, intelligence officer or immigration officer in

the exercise of any function, power or duty of such an officer in accordance with law;

(b) activities carried on by any police officer, CPIB officer, narcotics officer, intelligence officer or immigration officer for the purpose of dealing with terrorism, civil unrest or public disorder; or

(c) activities carried on by any police officer, CPIB officer, narcotics officer, intelligence officer or immigration officer, as the case may be, in preparation for or directly in support of any activity referred to in paragraph (a) or (b);

“narcotics officer” means a public officer appointed to the Narcotics Service;

“picture” includes —

(a) any drawing, whether made by computer-graphics or otherwise; and

(b) any photograph, photographic negative, photographic plate or photographic slide,

and includes any part of a picture;

“photograph” means a product of photography or of a process similar to photography, other than an article or thing in which visual images forming part of a cinematograph film have been embodied, and includes a product of xerography, photocopy, and record an image, whether digitally or in another way.

Obstruction of police officers under section 29 or 38

39. Any person who wilfully obstructs any police officer in the exercise of any power conferred by or under section 29(3) or 38(2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

PART V

MISCELLANEOUS

Power of arrest

5 **40.** Any police officer may arrest without warrant any person offending in his view against any of the provisions of this Act, and take him before a Magistrate's Court to be dealt with according to law.

Composition of offences

10 **41.**—(1) The Commissioner or any police officer authorised in writing by the Commissioner may, in his discretion, compound any offence under this Act which is prescribed as an offence which may be compounded by the Commissioner or such police officer by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of either of the following amounts:

- 15 (a) one half of the amount of the maximum fine that is prescribed for the offence; or
- (b) \$5,000.

(2) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

Owner or occupier of premises where unlawful assembly, etc., takes place

20 **42.** Where the owner or occupier of any premises upon which an assembly or a procession is about to take place is given notice by any police officer that the assembly or procession is unlawful under Part II, and such assembly or procession does take place on those premises, the owner or occupier of those premises shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000, unless he took all reasonable measures and exercised all due diligence to prevent the assembly or procession from taking place.

Onus of proof

30 **43.** In any proceedings under this Act, the onus of proving that the public or any class of the public did not have access to any public place shall lie on the person alleging the fact.

Offences by bodies corporate, etc.

44.—(1) Where an offence under this Act committed by a body corporate is proved —

5 (a) to have been committed with the consent or connivance of an officer; or

 (b) to be attributable to any act or default on his part,
the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

10 (2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection.

 (3) Where an offence under this Act committed by a partnership is proved —

15 (a) to have been committed with the consent or connivance of a partner; or

 (b) to be attributable to any act or default on his part,
the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

20 (4) Where an offence under this Act committed by a limited liability partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner or manager of the limited liability partnership, the partner or manager (as the case may be) as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

25 (5) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

 (a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or

30 (b) to be attributable to any act or default on the part of such an officer or a member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(6) In this section —

“body corporate” and “partnership” exclude a limited liability partnership within the meaning of the Limited Liability Partnerships Act (Cap. 163A);

5 “officer” —

(a) in relation to a body corporate, means any director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; and

(b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of the president, secretary or member of the committee and includes

“partner” includes a person purporting to act as a partner.

(7) The regulations may provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate or unincorporated association formed or recognised under the law of a territory outside Singapore.

Service of documents, etc.

45.—(1) Any document required or authorised to be given or served under this Act may be served —

25 (a) in the case of an individual —

- (i) by delivering it to the individual personally;
- (ii) by leaving it with an adult person apparently resident at, or by sending it by pre-paid registered post to, the usual or last known address of the place of residence of the individual;
- 30 (iii) by leaving it with an adult person apparently employed at, or by sending it by pre-paid registered post to, the usual or last known address of the place of business of the individual;

- (iv) by affixing a copy of the notice in a conspicuous place at the usual or last known address of residence or business of the individual;
- (v) by sending it by facsimile transmission to the fax transmission number operated at the usual or last known address of the place of residence or business of the individual, or the last fax number given to the Commissioner or an authorised officer by the individual as the facsimile transmission number for the service of documents on the individual; or
- (vi) by electronic communication, by sending an electronic communication of the document to the last email address given to the Commissioner or an authorised officer by the individual as the email address for the service of documents on the individual;
- (b) in the case of a partnership other than a limited liability partnership —
- (i) by delivering it to any one of the partners or the secretary or other like officer of the partnership;
- (ii) by leaving it at, or by sending it by pre-paid registered post to, the principal or last known place of business of the partnership in Singapore;
- (iii) by sending it by facsimile transmission to the fax transmission number operated at the principal or last known place of business of the partnership in Singapore; or
- (iv) by electronic communication, by sending an electronic communication of the document to the last email address given to the Commissioner or an authorised officer by the partnership as the email address for the service of documents on the partnership; and
- (c) in the case of any limited liability partnership or any other body corporate —
- (i) by delivering it to the secretary or other like officer of the body corporate or, in the case of a limited liability partnership, the manager thereof;

- (ii) by leaving it at, or by sending it by pre-paid registered post to, the registered office or principal office of the limited liability partnership or body corporate in Singapore;
- 5 (iii) by sending it by facsimile transmission to the fax transmission number operated at the registered office or principal office of the limited liability partnership or body corporate in Singapore; or
- 10 (iv) by electronic communication, by sending an electronic communication of the document to the last email address given to the Commissioner or an authorised officer by the limited liability partnership or body corporate as the email address for the service of documents on the limited liability partnership or body corporate.

(2) In addition to the modes of service prescribed in subsection (1), any
 15 document required or authorised to be given or served under Part II in connection with an advance notice of or an application for a permit in respect of a public assembly or public procession, the grant or cancellation of such a permit, or an appeal under section 11, may, subject to subsection (4), be served by electronic communication, by sending an electronic
 20 communication of the document —

- (a) in the case of an individual — to the last email address given to the Commissioner or an authorised officer by the individual as the email address for the service of documents on the individual;
- 25 (b) in the case of a partnership other than a limited liability partnership — to the last email address given to the Commissioner or an authorised officer by the partnership as the email address for the service of documents on the partnership; and
- 30 (c) in the case of any limited liability partnership or any other body corporate — to the last email address given to the Commissioner or an authorised officer by the limited liability partnership or body corporate as the email address for the service of documents on the limited liability partnership or body corporate.

(3) Where any notice or other document to be served by the
 35 Commissioner or the Minister is —

- 5 (a) sent by a facsimile transmission to the fax transmission number operated at the last known place of residence or business or registered office or principal office in accordance with subsection (1), it shall be deemed to have been duly served on the person to whom it is addressed on the day of transmission, subject to receipt on the sending facsimile machine of a notification (by electronic or other means) of a successful transmission to the place of residence or business or registered office or principal office, as the case may be;
- 10 (b) sent by electronic communication to an email address in accordance with subsection (1), it shall be deemed to have been duly served on the person to whom it is addressed at the time of entering the information system addressed to the email address; and
- 15 (c) sent by pre-paid registered post, it shall be deemed to have been duly served on the person to whom it is addressed 2 days after the day the notice or document was posted, whether or not it is returned undelivered.

20 (4) Service of any document under subsection (2) on a person by electronic communication may be effected only if the person gives as part of his or its address for service an email address.

(5) This section shall not apply to notices and documents to be served in proceedings in court.

Power to exempt

25 **46.** The Minister may, by order published in the *Gazette*, with or without conditions, exempt any person or class of persons, or any assembly or procession or class of assemblies or processions, from any of the provisions of this Act.

Regulations

30 **47.—**(1) The Minister may make regulations necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

35 (2) Without prejudice to the generality of subsection (1), the Minister may make regulations for or with respect to all or any of the following matters:

- (a) the form or particulars of application for the issue of a permit;
 - (b) the conditions subject to which such a permit may be issued;
 - (c) the procedure as regards the lodging of an appeal under section 11 and the practice and procedure upon the hearing of such an appeal;
 - (d) the fees to be paid in respect of any matter or anything done, or any services rendered, by the Commissioner under or by virtue of this Act;
 - (e) the waiver or refund, in whole or in part, by authorised officers of any such fees in the circumstances of any particular case;
 - (f) the offences which may be compounded under section 41 and the manner in which such offences may be compounded;
 - (g) the prescribing of anything that is required or permitted to be prescribed under this Act.
- (3) The regulations may —
- (a) provide that any contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$5,000 or with imprisonment for a term not exceeding 6 months or with both;
 - (b) prescribe different fees for different classes of permits; and
 - (c) provide for such transitional, savings and other consequential, incidental and supplemental provisions as the Minister considers necessary or expedient.
- (4) All regulations made under this section shall be presented to Parliament as soon as possible after publication in the *Gazette*.

Application of other laws

48.—(1) This Act shall have effect notwithstanding any other law relating to the movement of traffic or pedestrians on roads or the use or obstruction of a public place, to public entertainment or to undesirable publications.

(2) Notwithstanding subsection (1), nothing in this Act shall affect the common law of trespass and, in particular, the right of a person in, or entitled to, possession of land to request a trespasser to leave the land, and

if the trespasser refuses to leave on being requested, to remove the trespasser from the land.

Consequential and related amendments to other written laws

5 **49.**—(1) Section 5 of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184) is repealed.

(2) Section 18(1) of the Police Force Act (Cap. 235) is amended by deleting the words “licences under the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184)” in paragraph (a) and substituting the words “permits under the Public Order Act 2009”.

10 (3) The Schedule to the Public Entertainments and Meetings Act (Cap. 257) is amended —

(a) by deleting sub-paragraph (m) of paragraph 2;

(b) by deleting the word “and” at the end of paragraph 3(d); and

15 (c) by deleting the full-stop at the end of sub-paragraph (e) of paragraph 3 and substituting the word “; and”, and by inserting immediately thereafter the following sub-paragraph:

“(f) any lecture, talk, address, debate or discussion in any place to which the public or any class of the public has access whether gratuitously or otherwise.”.

20 Saving and transitional provisions

50.—(1) Any —

25 (a) permit granted before the commencement of section 49(1) under any rules made under section 5 of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184) in respect of any assembly or procession; or

(b) licence granted before the commencement of section 49(3) for a licence under the Public Entertainments and Meetings Act (Cap. 257) in respect of any lecture, talk, address, debate or discussion,

30 shall, so far as it is not inconsistent with the provisions of this Act, continue and be deemed to be a permit granted under Part II of this Act.

(2) Any notice, order or other document prepared, issued or made under —

(a) any rules made under section 5 of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184) in respect of any assembly or procession; or

5 (b) the Public Entertainments and Meetings Act (Cap. 257) in respect of any lecture, talk, address, debate or discussion by the Licensing Officer under that Act,

shall, so far as it is not inconsistent with the provisions of this Act, continue and be deemed to have been prepared, issued or made by the Commissioner under the corresponding provisions of Part II of this Act.

10 (3) Any —

(a) application before the commencement of section 49(1) for a permit under any rules made under section 5 of the Miscellaneous Offences (Public Order and Nuisance) Act in respect of any assembly or procession; or

15 (b) application before the commencement of section 49(3) for a licence under the Public Entertainments and Meetings Act in respect of any lecture, talk, address, debate or discussion,

whose application was not granted before that commencement shall, where applicable, be deemed to be an application for a permit under
20 Part II of this Act.

(4) Where —

(a) an appeal has been made to the Minister under section 10(5), 11(6), 13(3) or 14(5) of the Public Entertainments and Meetings Act as in force immediately before the commencement of
25 section 49(3); and

(b) the appeal has not been dealt with or disposed of immediately before that commencement,

the appeal may continue to be dealt with in accordance with that Act as if section 49(3) had not been enacted.

30 (5) Except as otherwise expressly provided in an order made under subsection (7) or in this section, where any period of time specified in —

(a) any rules made under section 5 of the Miscellaneous Offences (Public Order and Nuisance) Act as in force immediately before the commencement of section 49(1); or

- (b) the Public Entertainments and Meetings Act (Cap. 257) as in force immediately before the commencement of section 49(3) in relation to any lecture, talk, address, debate or discussion,

is current immediately before the relevant commencement, this Act shall
 5 have effect as if the corresponding provision in this Act had been in force when the period began to run; and (without prejudice to the foregoing) any period of time so specified and current shall be deemed for the purposes of this Act —

10 (i) to run from the date or event from which it was running immediately before that day; and

(ii) to expire (subject to any provision of this Act for its extension) whenever it would have expired if this Act had not been enacted,

and any rights, priorities, liabilities, reliefs, obligations, requirements, powers, duties or exemptions dependent on the beginning, duration or end
 15 of such a period as above mentioned shall be under this Act as they were or would have been under that former provision.

(6) Except as otherwise expressly provided, nothing in this section shall affect any saving provided by the Interpretation Act (Cap. 1).

20 (7) For a period of 2 years after the commencement of section 49(1), (2) or (3), as the case may be, the Minister may, by order published in the *Gazette*, prescribe such provisions of a savings or transitional nature consequent on the enactment of section 49(1), (2) or (3) as he may consider necessary or expedient.

EXPLANATORY STATEMENT

This Bill has the following objects:

- (a) to regulate assemblies and processions in public places and rationalise the controls over lectures, talks, addresses, debates or discussions in public places;
- (b) to support the staging and management of major events in Singapore by including provisions that may be required to control and protect an event, and to provide powers necessary for preserving public order and safety for individuals involved in these events and the safety of other individuals at special event areas; and

- (c) to supplement other laws relating to the preservation and maintenance of public order in public places.

The Bill also makes consequential and related amendments to certain other written laws.

PART I

PRELIMINARY

Part I contains the preliminary provisions of the Bill.

Clause 1 relates to the short title and commencement.

Clause 2 defines a range of standard terms used throughout the Bill.

An “assembly” is defined to mean a gathering or meeting of persons the purpose or purposes of which may be to demonstrate support for or opposition to the views or actions of any person, group of persons or any government (be it the Singapore government or a foreign government), to publicise a cause or campaign, or to mark or commemorate any event. It is no longer limited to a gathering of 5 or more individuals. The term “assembly” also includes a demonstration by a person alone for any of those purposes. The gathering or meeting may be indoor or outdoor. The meeting or gathering may or may not comprise a lecture, a talk, an address, a debate or a discussion.

A “procession” is defined to mean a march, parade or other procession (whether or not involving the use of vehicles or other conveyances) comprising 2 or more persons gathered at a place of assembly to move from that place substantially as a body of persons in succession proceeding by a common route or routes, and the purpose or purposes of which may be to demonstrate support for or opposition to the views or actions of any person, group of persons or any government (be it the Singapore government or a foreign government), to publicise a cause or campaign, or to mark or commemorate any event. The term “procession” also includes a lone person walking in a stately or deliberate manner for any of those purposes. An assembly that is held in conjunction with such procession will be regarded as a procession.

A “public assembly” is defined to mean an assembly held or to be held in a public place or to which members of the public in general are invited, induced or permitted to attend, whereas a “public procession” is defined to mean a procession in, to or from a public place.

In connection with these definitions, “public place” has been defined to mean any place (open to the air or otherwise) to which members of the public have access as of right or by virtue of express or implied permission, whether or not on payment of a fee and whether or not access to the place may be restricted at particular times or for particular purposes. The expression is also extended to include private premises that the occupier of the place allows members of the public to enter, but only while the place is ordinarily open to members of the public.

There are also definitions of “event”, “special event” and “special event area” largely for the purposes of Part III of the Bill. An “event” has been defined to include

any rehearsal, sound and light testing and other ancillary activities necessary and incidental to an event. A “special event” will be an event declared by the Minister under clause 21, and the “special event area” means, for the period the declaration under clause 21 of the event is in force, the place stated in the declaration as the location for the event, and any place reasonably incidental to the holding of the event.

Finally, clause 2(2) defines what is meant by an assembly or a procession that is unlawful under Part II of the Bill.

Clause 3 defines the expressions “organising” and “taking part in” an assembly or a procession. In the Bill, different penalties and obligations attach to a person who is an organiser from a person who just takes part in an assembly or a procession.

A person who is responsible for holding, convening, forming or collecting any assembly or procession is the person organising the assembly or procession. Also included as an organiser is any person who assists or promotes the holding, convening, forming or collecting of any assembly or procession, and where any person will receive revenue from the sale (if any) of tickets to the assembly or procession, that person.

However, a person carrying on a demonstration by himself or marching alone will not be regarded as an organiser. Such a person carrying on a demonstration by himself, or a march by a person alone will be regarded as a person taking part in an assembly or a procession.

Clause 4 provides that the Commissioner of Police (the Commissioner) is to be responsible for the administration of the Bill, subject to any general or special directions of the Minister. The Commissioner may delegate the exercise of all or any of his powers or duties under the Bill (except the power of delegation) to any authorised police officer, who must then exercise those delegated powers subject to the Commissioner’s directions.

PART II

ASSEMBLIES AND PROCESSIONS

Part II regulates the holding of public assemblies and public processions, with a view to allowing the exercise of the right to participate in assemblies and processions subject to such restrictions as are necessary and reasonable in the interests of public safety, public order and the protection of the rights and freedoms of other persons.

Clause 5 states the general rule that a public assembly and a public procession may take place if, and only if, 2 conditions are satisfied. First, the Commissioner must be notified under clause 6 of the intention to hold the public assembly or public procession, and a permit is granted under clause 7 in respect of that public assembly or public procession. Secondly, the holding of that public assembly or public procession must also not be prohibited under clause 12 or 13.

However, these conditions do not apply to an assembly or a procession exempted from this clause under clause 46, and an assembly or a procession within any part of an unrestricted area not falling within a special event area.

Clause 6 deals with the giving of advance notice of a public assembly or public procession. Notice of intention to organise a public assembly or public procession must be given to the Commissioner, accompanied by an application for a permit in respect of that assembly or procession. The notice must be given before the date on which the assembly or procession, as the case may be, is to be held and not less than the period to be prescribed by regulations. However, the Commissioner may, and will in any case where he is reasonably satisfied that earlier notice could not have been given, accept shorter notice than is as mentioned. There is no right of appeal against refusal to accept shorter notice.

Clause 7 deals with the granting of a permit for a public assembly or public procession. Before granting a permit (with or without conditions) in respect of the proposed public assembly or public procession, the Commissioner must not have reasonable ground for apprehending that the proposed assembly or procession may occasion public disorder, or damage to public or private property, create a public nuisance, give rise to an obstruction in any public road, place the safety of any person in jeopardy, cause feelings of enmity, hatred, ill-will or hostility between different groups in Singapore, glorify the commission or preparation (whether in the past, in the future or generally) of acts of terrorism or any offence or otherwise have the effect of directly or indirectly encouraging or otherwise inducing members of the public to commit, prepare or instigate acts of terrorism or such an offence, or be held within or enter a prohibited area, or an area to which an order or a notification under clause 13 applies.

Under clause 8, a permit may be granted subject to conditions as in the Commissioner's opinion are necessary to prevent the assembly or procession, as the case may be, being carried out to result in anything referred to in clause 7(2)(a) to (g), which would have afforded a basis for him to refuse the permit. The conditions may be imposed on persons organising and on persons taking part in that assembly or procession. This may include conditions on the number of persons who may take part in the public assembly or public procession, the number and size of banners, placards, displays or other paraphernalia used, the engagement of such number of marshals and security officers as may be necessary to ensure that good order and public safety will be maintained throughout the assembly or procession, as the case may be, and the place or places where the public assembly or public procession may, or may not, be carried on. A standard condition that applies to every public assembly or public procession is that there must be present throughout the assembly or procession either the person who organised the assembly or procession or, if he is not present, a person nominated by him to act in his place, and that good order and public safety must be maintained throughout the assembly or procession.

Clause 9 deals with the form and lifespan of a permit. Unless earlier cancelled by or under the Bill, a permit will be valid in respect of the holding of such particular public assembly or public procession specified in the permit, in the case of permits granted for a term, for such period (not exceeding one year) as may be specified in the permit.

Clause 10 empowers the Commissioner to cancel permits that have been granted in certain circumstances. These circumstances are where the permit has been reported lost or stolen, there is reasonable cause to believe that the permit has been obtained by

means of any false statement or any statement that is false in a material particular, the Commissioner becomes aware of a circumstance that would have required or permitted him to refuse the permit to the person had he been aware of the circumstance immediately before the grant thereof, or there is reasonable cause to believe that any condition of the permit has been contravened.

Clause 11 confers a right of appeal to the Minister against certain of the Commissioner's decisions under Part II. These are his refusal to grant a permit, his decision to cancel a permit, and his decision to impose any particular condition on a permit. The person who is aggrieved by any of these decisions has up to 7 days after being notified of the decision to appeal. A longer period may be allowed by the Minister in exceptional circumstances. The Minister's decision on appeal is final. Power is also conferred on any Minister of State designated by the Minister to hear any appeal in his place.

Clause 12 deals with prohibited areas, in which the holding of all public assemblies or public processions or both in the public place is prohibited. The area has to be designated by the Minister by way of an order published in the *Gazette*. Such an order may be made where the powers under clause 13 to issue ad-hoc prohibitions or restrictions on public assemblies and processions may not be adequate and it is necessary in the public interest to impose a permanent ban in the area. These could be areas which are in vicinity of vital public institutions, like the areas surrounding the Istana, the Parliament House and the Supreme Court. However, such an order may also contain exclusions, thereby allowing certain assemblies and processions to still take place within the prohibited area, such as indoor meetings and the annual Chingay procession. An order made under the clause will have the effect of cancelling any previous permit granted under clause 7 in relation to any public assembly or public procession, the holding of which is prohibited by the order.

Clause 13 empowers the Minister and Commissioner to prohibit public assemblies and public processions in direct response to specific public order and security developments. The Minister may prohibit any specific proposed public assembly or public procession from taking place if he is of the opinion that it is necessary in the public interest to do so. The Minister exercises his power by way of an order in the *Gazette*.

The Commissioner may, with the concurrence of the Minister, prohibit the holding of all public assemblies or public processions or both for a period of up to 28 days in a particular public place if the Commissioner is of the opinion that it is necessary in the public interest to do so. Before arriving at his opinion, the Commissioner must take into account certain factors viz. any serious public disorder or serious damage to public or private property which may result from public assemblies or public processions of a particular class or description in that public place during that period, any serious public nuisance or obstruction in any public road, or threat to the safety of persons in that public place, that may result from such public assemblies or public processions, any serious impact which such public assemblies or public processions may have on relations between different groups in Singapore, any undue demands which such public assemblies or public processions may cause to be made on the police or military forces,

and the adequacy of a specific ban by the Minister under sub-clause (1). The Commissioner effects his decision by a notification published in the *Gazette*.

Both the Minister's order and the Commissioner's notification in the *Gazette* will have the effect of cancelling any previous permit granted under clause 7 in relation to an assembly or a procession, the holding of which is prohibited by the order and notification, respectively.

Clause 14 provides for unrestricted areas, whereby no advance notice under clause 6, and no permit under clause 7, will be required for the holding of all assemblies or processions or both in such areas. The unrestricted areas, like Speakers' Corner, will be described in an order published in the *Gazette*. The order may be made by the Minister where he is of the opinion that, having regard to the natural environment of any public place and the likelihood of any serious disruption to the life of the community (such as but not limited to the rights of members of the public to enjoy the natural environment and the rights of persons to carry on business), it is appropriate to allow citizens and other persons to exercise the right to participate in assemblies and processions in that public place. The order for any unrestricted area will be in force for such period as may be stated therein and will state the conditions (if any) that apply to the organising of or taking part in any assembly or procession within that unrestricted area. The order may provide that any contravention of any condition therein that is applicable to the organising of or taking part in any assembly or procession within the unrestricted area will be an offence punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 6 months or with both. However, this lifting of the advance notice and permit requirements for the holding of public assemblies and public processions in the clause in an unrestricted area will be displaced if and for the duration that the unrestricted area comes within a special event area (see clause 33).

Clause 15 prescribes offences in relation to prohibited assemblies and processions. A person who organises an assembly or a procession the holding of which he knows or ought reasonably to know is prohibited by an order under clause 12(1) (prohibited area) or clause 13(1) (specific prohibition by the Minister) or a notification by the Commissioner under clause 13(2), as the case may be, will be guilty of an offence and will be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

A person who takes part in such an assembly or a procession the holding of which he knows or ought reasonably to know is so prohibited will be guilty of an offence and will be liable on conviction to a fine not exceeding \$5,000.

Clause 16 covers other offences in relation to assemblies or processions. Where a public assembly or public procession in respect of which no permit has been granted under clause 7 or no such permit is in force, where such permit is required by the Bill, takes place, each person who organises a public assembly or public procession is guilty of an offence. Similarly where the public assembly or public procession takes place on a date or at a time which differs from the date or time specified in relation to the assembly or procession in the advance notice given under clause 6, or in the case of a procession, along a route which differs from the route specified in relation to the procession in the advance notice given under clause 6, or the public assembly or public

procession that takes place is not in compliance with any condition imposed under clause 8(2) on persons taking part in that assembly or procession, the penalty for such organisers is a fine not exceeding \$5,000. For a person who takes part in such a public assembly or public procession, the penalty is a fine of up to \$3,000.

However, where the person accused of the offence is a repeat offender, the person will be liable on conviction to, in the case of one who organises an assembly or a procession — a fine not exceeding \$10,000 or imprisonment for a term not exceeding 6 months or both. If the person is a person who takes part in an assembly or a procession, the penalty is enhanced to a fine not exceeding \$5,000. A repeat offender is defined to mean a person who has been convicted or found guilty of any of the following offences on at least one other occasion within the period of 5 years immediately before the date on which he is convicted or found guilty of the current offence:

- (a) an offence under clause 16(1) or (2);
- (b) an offence under section 5(4) of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184) as in force immediately before the commencement of clause 16; or
- (c) an offence under any rules made under section 5(1) of the Miscellaneous Offences (Public Order and Nuisance) Act as in force immediately before the commencement of clause 16, in relation to any assembly or procession in any public road, public place or place of public resort held without a permit or in contravention of any term or condition of a permit.

A person organising or taking part in an assembly or a procession who knowingly fails to comply with any direction of the senior police officer given under clause 8(4) will also be guilty of an offence. The penalty is, in the case of a person organising an assembly — a fine not exceeding \$10,000, and in the case of a person taking part in an assembly — a fine not exceeding \$5,000.

Clause 17 prescribes certain defences to the offences in clause 16. For an organiser or a participant accused of contravening clause 16(1)(a) or (2)(a), it will be a defence for the person charged to prove that he did not know, and neither suspected nor had reason to suspect, that no permit had been granted under clause 7 in respect of the assembly or procession or that no such permit is in force, as the case may be. For example, an organiser of a public assembly or public procession cannot ordinarily claim ignorance and escape criminal responsibility for the default of any of its employees in not obtaining a permit for the assembly or procession.

In any proceedings for an offence under clause 16(1)(b) or (2)(b), it will be a defence for the organiser or participant charged to prove that he did not know, and neither suspected nor had reason to suspect, the difference in date, time or route, or that the difference arose from circumstances beyond his control, something done in compliance with conditions imposed under clause 8(2), or something done with the agreement of a police officer not below the rank of sergeant or by the senior police officer's direction under clause 8(4).

In any proceedings for an offence under clause 16(1)(c) or (2)(c), it will be a defence for the person charged to prove that he did not know, and neither suspected nor had reason to suspect, that the assembly or procession was not in compliance with any of the conditions of the permit for the assembly or procession.

Finally, in any proceedings for an offence under clause 16(4), it will be a defence for the person charged to prove that his failure to comply with a direction of the senior police officer given under clause 8(4) arose from circumstances beyond his control.

Clause 18 prescribes the specific offence of obstructing the free passage of any ambulance, fire engine or vehicle belonging to the Singapore Police Force or the Singapore Civil Defence Force, or inciting others to do so. It is also an offence under the clause for a person at, or in relation to, an assembly or a procession conducted pursuant to a permit, to act in a disorderly manner for the purpose of preventing the transaction of the business for which the assembly or procession assembled, or to incite others to do so. The penalty is a fine not exceeding \$10,000 or imprisonment for a term not exceeding 6 months or both.

Clause 19 confers immunity for a participant in lawful assembly or procession. If an assembly or a procession is the subject of a permit, is peaceful, and is held in accordance with the conditions imposed on the permit, a person who takes part in the assembly or procession, does not, merely because of his taking part, incur any civil or criminal liability because of the obstruction of a public place.

PART III

SPECIAL EVENTS SECURITY

Part III establishes the mechanisms by which the various protections available in the Bill are applied to major events (known as special events in the Bill).

Clause 20 defines key terms in Part III of the Bill. An “approved person”, being those persons who, in addition to police officers, are conferred the powers under clause 22, 24, 27, 28 or 29, means any member of an auxiliary police force, or any licensed security officer, employed or engaged by the occupier of the special event area, and who is approved by the Commissioner in writing to exercise such power at or in relation to a special event area specified in that approval.

Clause 21 provides that the Minister may declare an event to be a special event and sets out the matters to be included in such a declaration. The declaration must state the event and venue (known as the special event area) to be the subject of that declaration, and the period (not exceeding 3 years) for which the special event declaration is in force. The declaration may identify the special event area by reference to a map, plan or such other means to identify land.

The declaration must be published in the *Gazette*. There is also a requirement that, within 7 days after such declaration is made and before the date it comes into force, notice of its making, describing briefly the event and the special event area so declared, must be published in such manner as will secure adequate publicity for the declaration. This will include publishing the notice in newspapers widely circulating in Singapore.

However, clause 21 provides that the Minister must consider certain criteria before making a declaration declaring an event to be a special event. The Minister must be satisfied that it is necessary for preserving public order and the safety of individuals involved in the event and other individuals and for the avoidance of disruptions to the event. Additionally, the Minister is to be satisfied that either there is a reasonable likelihood that the event may be disrupted if the powers in this Part are not exercised, there is a need to protect persons involved in or at the event, there is a reasonable likelihood that the event because of its nature might be at risk of an act of terrorism or the exercise of the powers is required as a condition of holding the event in Singapore. The Minister may therefore have to take into account certain features of an event before declaring the event a special event, such as the size, the likely number of spectators, the likely media coverage, the projected economic impact, the contribution to Singapore's international profile, the commercial arrangements, the event management experience and expertise of the event organiser, factors affecting the operational organisation such as traffic and transport management plans, emergency management plans and security plans and consultation with police and emergency services.

Clause 22 provides that once a declaration is made in respect of a special event and the special event area for that event under clause 21, the Commissioner may, with the approval of the Minister, determine that certain statutory conditions of entry apply to the special event area. These statutory conditions of entry are any or all of the following:

- (a) that a person seeking to enter or in the special event area must, if asked by a police officer or an approved person, permit an inspection to be made of his personal property;
- (b) that a person seeking to enter or in the special event area must, if asked by a police officer, permit a search to be made of the person;
- (c) that a person must not take into or possess in the special event area a prohibited item;
- (d) that a person seeking to enter or in the special event area must comply with any lawful order of a police officer or an approved person regarding the entrant's entry into and remaining in that area.

Every such notification in respect of a special event and its special event area must be published at least 7 days before the proposed date of the special event or, in the case where the special event is to take place during a proposed period, before the beginning of that proposed period.

On making such a determination in respect of a special event and its special event area, the Commissioner must give notice thereof by notification published in the *Gazette*. The notification must specify the places at which a police officer may exercise powers to conduct searches, security screening, etc.

If the determination includes the statutory condition of entry that a person cannot take into or possess in the special event area a prohibited item, the notification must specify the prohibited item, the thing or animal which is prohibited from being brought into the special event area. Prohibited items may include certain animals (but not guide

or police dogs or animals competing in the event), laser pointers, dangerous goods, whistles or loud hailer, bicycles (but not a competition bicycle), scooters, skateboards, roller skates or roller blades, horns or bugles, large flags or banners, and electronic equipment, broadcast equipment or similar devices which may interfere with equipment being used to run an event.

Clause 23 requires any person who sells tickets to an event to tell a person, before the person buys tickets to the event, that statutory conditions of entry may apply to the event, if the ticket seller has reasonable grounds for believing that the event may be declared a special event. If an event has been declared a special event under clause 21, the person who sells tickets to the event must then take reasonable steps to tell a person, before the person buys tickets to the event, the statutory conditions of entry that apply to the event.

Clause 24 provides for powers of inspection by police officers (whether or not in uniform) and approved persons. These powers can be exercised where the notification relating to a special event includes as a statutory condition of entry to the special event area that an entrant to the area must, if asked by a police officer or an approved person, permit an inspection to be made of the entrant's personal property. A police officer or an approved person may ask a person who is about to enter or is in a special event area —

- (a) to allow the police officer or approved person to inspect the person's personal property. For example, the request may be to the person to produce and empty of its contents any bag, basket or other receptacle that the person intends to take into or has in a special event area;
- (b) to remove one or more garments worn by the person and allow the police officer or approved person to inspect the garments;
- (c) to remove all articles from the person's clothing and allow the police officer or approved person to inspect them. For example, the request may be to a person who intends to enter or has entered a special event area to turn out his or her pockets;
- (d) to open an article for inspection and allow the police officer or approved person to inspect it. For example, the request may be to a person to produce and open for inspection, and permit search by a police officer or an approved person of any bag, basket or other receptacle that the person intends to take into or has in a special event area; and
- (e) to allow the police officer or approved person to conduct a vehicle search, including to remove an article from the vehicle as specified by the police officer or approved person and allow the police officer or approved person, as the case may be, to inspect it.

These requests can be made to a person who intends to enter or has entered a special event area so long as a police officer or an approved person reasonably considers it necessary, notwithstanding that the person has been subjected to security screening already under clause 27.

Clause 25 empowers a police officer (whether or not in uniform) to ask a person entering or about to enter or in a special event area to permit a search of his person. Any person who fails to comply with the request of a police officer is guilty of an offence. The penalty is a fine not exceeding \$10,000 or imprisonment for a term not exceeding 6 months or both. The power to search a person is not conferred on an approved person.

Clause 26 provides for the offences of unauthorised taking into a special event area of a prohibited item, and unauthorised possession of a prohibited item in the special event area. A person can do so only with the express permission of a police officer. The penalty is a fine not exceeding \$20,000 or imprisonment for a term not exceeding 12 months or both.

Clause 27 allows a police officer or an approved person to request a person who intends to enter a special event area to walk through screening equipment, to allow hand-held screening equipment to be passed over or around the person or around things in the person's possession, and to allow things in his or her possession to pass through screening equipment.

Clause 28 provides that a police officer (whether or not in uniform) or an approved person may require a person entering or about to enter or in a special event area to provide his or her name and local residential address. Non-compliance with the police officer's or approved person's request is an offence, and the punishment is a fine not exceeding \$5,000.

Clause 29 applies if a person entering or about to enter or in a special event area fails to comply with a request of a police officer or an approved person made under the Part, or fails to satisfy a police officer or an approved person that the entrant has a good and lawful reason to be at the special event area or a particular part of it, or when a police officer or an approved person reasonably suspects that the entrant is about to commit, has committed or is committing an offence under clause 26(3), 31 or 32. In any of these circumstances, a police officer may direct the entrant to leave and not re-enter the special event area, or may by direction refuse him entry to the special event area, if no arrest is effected. If the person contravenes any such direction given by a police officer to leave a special event area, or attempts to enter or re-enter the special event area contrary to such a direction, the police officer may use such force as is reasonable and necessary to arrest and detain the person for the purpose of removing the person from or preventing his entry or re-entry to the special event area, or to remove the person from the area, as the case may be.

Clause 30 empowers the Commissioner to issue directions to event organisers of special events and owners or occupiers of premises within a special event area to do, or not to do, such things if he reasonably believes that it is necessary for preserving public order and the safety of individuals involved in the special event and other individuals and for the avoidance of disruptions to the special event. The directions may be issued only during the period the declaration relating to that special event is in force. The type of directions include requiring the event organiser concerned to alter, demolish or remove any gate, door, fence, platform, staging, hoarding or other structure which is wholly within the special event area, to keep unblocked any stairs, steps, aisle, gangway, overpass, underpass, bridge, passage, entry, exit or other thoroughfare wholly

or partly within the special event area, to arrange for the removal of a vehicle from, or the movement of a vehicle within, the special event area, to give access or priority of access to the public to specified kinds of facilities, amenities or services provided by the event organiser, or to cease, either wholly or to the extent specified in the direction, any activity on the special event area or part thereof. An event organiser who, without reasonable excuse, fails to comply with any such written direction will be guilty of an offence and will be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

However, an event organiser may escape liability for failing to comply with a written direction requiring him to alter, demolish or remove any gate, door, fence, platform, staging, hoarding or other structure, or to keep unblocked any stairs, steps, aisle, gangway, overpass, underpass, bridge, passage, entry, exit or other thoroughfare, if he is not the owner thereof, and within 7 days after he is given notice alleging that he has been guilty of the offence, he furnishes by declaration to the Commissioner, the name and address of the person who is the owner of the gate, door, fence, platform, staging, hoarding or other structure, or the stairs, steps, aisle, gangway, overpass, underpass, bridge, passage, entry, exit or other thoroughfare, as the case may be.

The Commissioner then may, with the approval of the Minister and during the period the declaration relating to that special event is in force, give another written direction in writing requiring the person named in the declaration as the owner of the gate, door, fence, platform, staging, hoarding or other structure, or the stairs, steps, aisle, gangway, overpass, underpass, bridge, passage, entry, exit or other thoroughfare, to do or not do such action as was specified in the original written direction to the event organiser. If the owner fails, without reasonable excuse, to comply with this other direction to him within 7 days from the date of the written direction, the owner will be guilty of an offence. The maximum penalty is the same as that prescribed for the event organiser who fails, without reasonable excuse, to comply with the Commissioner's written directions under the clause.

Clause 31 deals with unauthorised entry to a special event area. It provides that a person must not enter or remain in a special event area unless the person has the consent of the event organiser, and is otherwise authorised to enter or remain at the area under the Bill. A person who contravenes this provision, or contravenes any direction given by a police officer or an approved person under clause 29(2) to leave a special event area, or attempts to enter or re-enter the special event area contrary to such a direction, will be guilty of an offence and will be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

Clause 32 prescribes the offence of interfering with a special event. This encompasses a person in a special event area engaging in violent behaviour, or disrupting, interfering with, delaying or obstructing the conduct of a special event, or any activity associated with the special event, by throwing anything or in any other way, or in any other way interfering with the reasonable enjoyment of a special event, or an activity associated with the special event, by someone else. The penalty is a fine not exceeding \$10,000 or imprisonment for a term not exceeding 6 months or both.

Clause 33 makes it clear that Part II will continue to apply to public assemblies and public processions within a special event area. Even a public assembly or public procession that is exempted from clause 5 from advance notice and permit requirements, or one taking place in an unrestricted area, or one that is excluded from any prohibition in a prohibited area, must still have a permit if the place of the public assembly or public procession is within any special event area during such period as the declaration relating to the special event area is in force.

PART IV

POWERS TO PRESERVE AND MAINTAIN PUBLIC ORDER

Part IV confers powers on police officers (whether or not in uniform) which are necessary for effective modern policing and law enforcement.

Clause 34 provides that Part IV applies to all public places, and such other areas as may be prescribed by regulations. These are called regulated places. It includes shops, child-care centres, schools, malls, and even ATMs.

However, the powers conferred in Part IV cannot apply to any assembly or procession that is not unlawful under Part II.

Clause 35 provides that a police officer may exercise move-on powers under clause 36 in relation to any person at or near a regulated place if a police officer reasonably suspects the person's behaviour has certain undesirable effects.

First, the behaviour is or has been interfering with trade or business at the place by obstructing, hindering or impeding someone entering, at or leaving the place. For example, a group of persons may be deliberately stepping in front of someone who is attempting to enter or leave a late night store. However, this only applies if the complaint about behaviour is made by the occupier of the place.

Secondly, the behaviour is or has been disorderly, indecent, offensive, or threatening to someone entering, at or leaving the place. They may be persons fighting in front of a place in such a manner that a reasonable person may feel threatened if they were to enter or leave. A person may be staging a sit-in outside someone's premises holding a placard containing words that are insulting to the owner or occupier of those premises. It may also be situation where youths gather around the entrance to an MRT station and threaten, or by menace demand something from, a person who wants to catch a train or wants to leave the station.

Alternatively, the behaviour is or has been disrupting the peaceable and orderly conduct of any event, entertainment or gathering at the place. For example, an intoxicated person or a group of intoxicated persons may be disrupting a school fair. A person or persons may also be interrupting or disrupting entertainment held at a shopping complex.

Finally, the behaviour may be such that it shows that the person is just about to commit an offence or has just committed or is committing an offence.

Clause 36 provides that a police officer of or above the rank of sergeant has power to give a person or group of persons referred to in clause 35 any direction reasonable in the circumstances.

For example, if a person is sitting in the entrance of a shop is stopping people entering or leaving the shop when it is open for business and the occupier complains, such a police officer may give to the person a direction to move away from the entrance. If a group of people have been fighting in a night club car park, the police officer may give the people involved in the fight a direction to leave the area in opposite directions and not to return for a specified number of hours in order to separate the aggressors.

There are restrictions on giving a move-on direction, as it interferes with a person's right of peaceful assembly. No such direction may be given unless it is in the interests of public safety, public order or the protection of the rights and freedoms of other persons. A direction under clause 36 may remain in force for a maximum of 24 hours, and it can include a distance and direction a person must move, or a distance from a place which the person must not enter for a maximum period of 24 hours.

Clause 37 makes it an offence if a person, without reasonable excuse, contravenes any direction under clause 36 to him. The penalty is a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

Clause 38 confers special powers on a law enforcement officer to direct any person to stop filming, making pictures (like photographs) or exhibiting or communicating (such as broadcasting) any film or picture which he reasonably believes may prejudice the effective conduct of an ongoing law enforcement operation or investigation or any intelligence operation, or may endanger or will endanger the safety of any law enforcement officer in such an ongoing operation or investigation, or any intelligence operation. Such law enforcement officers are any police officer of or above the rank of sergeant, CPIB officer, narcotics officer, intelligence officer or immigration officer. Any person to whom a direction is given who fails to comply with the direction will be guilty of an offence and will be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

The law enforcement officer may also without warrant, search any person whom he has reason to believe is in possession of such a film or picture, with such assistance and by such force as is necessary, enter and search any place where he has reason to believe the film or picture is kept, and with such assistance and by such force as is necessary, seize such film or picture and any copy thereof, and any equipment (including a handphone) used in the making, exhibition or communication of the film or picture. The law enforcement officer can also take into custody any person reasonably believed to be in possession of such a film or picture. Any such film or picture, and any equipment (including a handphone) used in the making, exhibition, communication or reproduction of the film or picture may be forfeited and destroyed or otherwise disposed of in such manner as the Commissioner may direct.

Clause 39 makes it an offence for a person to obstruct a police officer in the exercise of any of his powers under clause 29(3) or 38(2). The penalty is a fine not exceeding \$20,000 or imprisonment for a term not exceeding 12 months or both.

PART V

MISCELLANEOUS

Part V contains general provisions.

Clause 40 empowers any police officer (whether or not in uniform) to arrest without warrant any person offending in his view against any of the provisions of the Bill, and take him before a Magistrate's Court to be dealt with according to law. This mirrors section 40 of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184).

Clause 41 empowers the Commissioner or a duly authorised police officer to compound certain offences by collecting from a person reasonably suspected of having committed the offence one half of the amount of the maximum fine that is prescribed for the offence or \$5,000, whichever is the lower.

Clause 42 makes it an offence for an owner or occupier of any premises upon which an unlawful assembly or a procession takes place. If such owner or occupier is given notice by any police officer that the assembly or procession is unlawful under Part II before the assembly or procession takes place, and such assembly or procession does take place on his premises, the owner or occupier of those premises will be guilty of an offence and will be liable on conviction to a fine not exceeding \$5,000, unless he can show that he took all reasonable measures and exercised all due diligence to prevent the assembly or procession from taking place.

Clause 43 provides that in any proceedings under the Bill, the onus of proving that the public or any class of the public did not have access to any public place will lie on the person alleging the fact.

Clause 44 deals with offenders which are corporations or unincorporated associations.

Clause 45 relates to the service and sending of any document required or authorised to be served under the Bill, but not documents to be served in court proceedings. In addition to the usual modes of service, such as personal delivery, post and facsimile transmission, service of documents by electronic communication by email is also allowed in connection with advance notice or application for a permit in respect of a public assembly or public procession, the grant or cancellation of a permit or appeals under clause 11. For documents sent by electronic communication to an email address, these will be deemed to have been duly served on the person to whom it is addressed at the time of entering the information system addressed to the email address.

Clause 46 enables the Minister to exempt any person or class or description of persons, or any assembly or procession or class of assemblies or processions, from the operation of any of the provisions of the Bill. The exemption will be by way of an order published in the *Gazette*. Assemblies and processions which are currently exempt from the Miscellaneous Offences (Public Order and Nuisance) Act and the Public Entertainments and Meetings Act (Cap. 257) may retain their status under the Bill.

Clause 47 empowers the Minister to make regulations for the purposes of the Bill.

Clause 48 deals with the relationship of the Bill with other laws. It provides that the Bill will have effect notwithstanding any other law relating to the movement of traffic or pedestrians on roads or the use or obstruction of a public place, to public entertainment or to undesirable publications. However, the Bill will not affect the common law of trespass and, in particular, the right of a person in, or entitled to, possession of land to request a trespasser to leave the land, and if the trespasser refuses to leave on being requested, to remove the trespasser from the land.

Clause 49 effects consequential and related amendments to other written laws. Clause 49(1) repeals section 5 of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184), which regulates public assemblies and public processions. The subsisting subsidiary legislation under the repealed provisions will be re-enacted under the Bill. Clause 49(2) makes a minor change to section 18 of the Police Force Act (Cap. 235) as a consequence of the repeal of section 5 of the Miscellaneous Offences (Public Order and Nuisance) Act. Finally, clause 49(3) amends the definition of “public entertainment” in the Public Entertainments and Meetings Act (Cap. 257) by removing the reference to lectures, talks, addresses, debates or discussions in public places. Such lectures, talks, addresses, debates or discussions in public places no longer require a separate permit under the Public Entertainments and Meetings Act.

Clause 50 provides various savings and transitional provisions consequential on the amendments in clause 49, and allows the Minister, within 2 years, to prescribe by order such other transitional or savings provisions as he may consider necessary or expedient.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
