

Public Order and Safety (Special Powers) Bill

Bill No. 11/2018.

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PUBLIC ORDER AND SAFETY (SPECIAL POWERS) ACT 2018

(No. of 2018)

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A BILL

intituled

An Act to extend police powers to better prevent and respond to any incident or likely incident involving serious violence or large-scale public disorder in Singapore, to repeal the Public Order (Preservation) Act (Chapter 258 of the 1985 Revised Edition), and to make consequential and related amendments to certain other Acts.

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

PART 1
PRELIMINARY

Short title and commencement

5 **1.** This Act is the Public Order and Safety (Special Powers) Act 2018 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

General interpretation

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

“activation order” means an order under section 8(1);

10 “autonomous system”, for a motor vehicle or vessel, means a system that enables the operation of the motor vehicle or vessel without the active physical control of, or monitoring by, a human operator;

15 “autonomous vehicle” means a motor vehicle equipped wholly or substantially with an autonomous system (also commonly known as a driverless vehicle), and includes a trailer drawn by such a motor vehicle;

20 “civilian assistant” means an individual who is not a serviceman, law enforcement officer or police officer, and who acts on the direction and in aid of a police officer granted a special authorisation;

25 “Commissioner” means a public officer who is appointed under section 6(1) of the Police Force Act (Cap. 235) as the Commissioner of Police, and includes a police officer who is for the time being appointed under that provision to execute the duties of that office;

30 “communicate”, for a film, text message, sound recording or picture, means to transmit by any means (whether over a path provided by a material substance or by wireless means or otherwise) the film, text message, sound recording or picture, whether or not it is sent in response to a request, and includes re-communicate;

“communications stop order” means an order made under section 30(1) because of a special authorisation;

“cordon”, in relation to any area, includes —

- (a) a physical barrier; or
- (b) a roadblock on any road in, or in the vicinity of, the area;

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“cordoned area” means an area on which a cordon is placed by or under a special authorisation;

“dangerous article” includes —

- (a) an article which has a blade or is sharply pointed but is not an offensive weapon;
- (b) an explosive or explosive precursor within the meaning of the Arms and Explosives Act (Cap. 13);
- (c) a corrosive substance within the meaning of the Corrosive and Explosive Substances and Offensive Weapons Act (Cap. 65);
- (d) a dangerous, hazardous, radioactive or harmful substance or toxic chemical;
- (e) a microbial or other biological agent, or toxin (with or without its container); or
- (f) an article or a vehicle used or about to be used in a serious incident to cause or threaten injury to, or otherwise intimidate, any person;

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“emergency service agency” means —

- (a) the Singapore Civil Defence Force;
- (b) a public authority empowered by or under a public Act to perform or discharge search and rescue, firefighting or environmental hazard control services, and which is prescribed to be an emergency service agency; or
- (c) any person supplying services under a contract with an emergency service agency in paragraph (a) or (b)

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in aid of or contributing to the performance of the functions or duties of that agency;

“exhibit” means —

- 5 (a) for a film, text message or picture, to display, screen or project the contents contained in the film, text message or picture in order that another individual may see it; or
- 10 (b) for a sound recording (which is not the soundtrack of a film), to play the contents contained in the sound recording in order that another individual may hear it;

“film” means —

- 15 (a) a cinematograph film;
- (b) a video recording, or a slide, disc, tape 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 form of recording from which a moving visual image, including a computer generated image, can be produced and viewed (together with its soundtrack),

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

25 “information” includes data, text, maps, images, sound, codes, computer programs, software and databases;

“law enforcement activity” means —

- 30 (a) the exercise by any police officer or law enforcement officer of —
- (i) any function of maintaining law and order, preserving public peace or preventing and detecting crimes and offences; or
- (ii) any power of investigation, search, seizure or arrest under any written law;

- (b) the exercise of a special power by any police officer or serviceman, or by any law enforcement officer or civilian assistant when acting on the direction and in aid of a police officer given a special authorisation; or
- (c) any activity carried out by an individual mentioned in paragraph (a) or (b) in preparation for or directly in support of any activity mentioned in paragraph (a) or (b);

“law enforcement officer” means —

- (a) an immigration officer appointed under section 3 of the Immigration Act (Cap. 133);
- (b) a public officer appointed to the Narcotics Service;
- (c) a public officer appointed to the Prisons Service;
- (d) a public officer appointed to the Civil Defence Service (but not an auxiliary member of the Civil Defence Force); or
- (e) a public officer (other than a serviceman) who is in a prescribed class of public officers;

“offensive weapon” means —

- (a) any firearm, air gun, air pistol, stun gun, electronic dart gun, automatic gun, automatic pistol or any other kind of gun from which any shot, bullet or other missile can be discharged or noxious fumes or noxious substance can be emitted, and any component part of any such arms;
- (b) a bayonet, sword, dagger, spear or spearhead;
- (c) a bomb or grenade, any apparatus, machine, implement or material used or intended to be used or adapted for causing or aiding in causing any explosion in or with any explosive substance, or a part of such bomb, grenade, apparatus, machine or implement; or

(d) an article or a vehicle which, if used as a weapon, is likely to cause hurt within the meaning of the Penal Code (Cap. 224);

5 “personal property”, in relation to an individual, means things carried by the individual or things apparently in the immediate possession or control of the individual, but does not include clothing being worn by the individual;

10 “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 of an image, whether digitally or in another way;

“picture” includes —

15 (a) a drawing, whether made by computer graphics or otherwise; or

(b) a photograph, photographic negative, photographic plate or photographic slide;

“police officer” includes —

20 (a) a member of the Special Constabulary established under the Police Force Act; and

(b) an auxiliary police officer appointed as such under Part IX of the Police Force Act;

25 “premises” includes a building or structure or place, whether built on or not and whether situated underground or underwater, and includes, in particular, any vehicle, vessel or aircraft;

“public” includes a section of the public;

“public authority” means —

30 (a) any ministry, department or Organ of State of the Government; or

(b) any body established by or under any public Act to perform a public function;

- “public road” means a road within the meaning given by section 2(1) of the Road Traffic Act (Cap. 276), and includes any path over which a member of the public has a right of way;
- “relevant film or picture”, in relation to a communications stop order made because of a special authorisation, means a film or picture which — 5
- (a) is made when a special authorisation is in effect; and
 - (b) is wholly, partly or incidentally about, or wholly, partly or incidentally relates to, the target area of the special authorisation; 10
- “relevant text or audio message”, in relation to a communications stop order made because of a special authorisation, means a text or audio message which —
- (a) is made when a special authorisation is in effect; and 15
 - (b) is wholly, partly or incidentally about, or wholly, partly or incidentally relates to, law enforcement activities in the target area of the special authorisation;
- “serviceman” means a serviceman within the meaning given by section 2(1) of the Singapore Armed Forces Act (Cap. 295), who is deployed for duty in accordance with any order made under section 201C of that Act; 20
- “special authorisation” means an authorisation that is granted under section 11 and in effect; 25
- “special power” means any power conferred under Part 4 or section 31, 35(4) or (5) or 48;
- “subversive document” means any document which contains any matter —
- (a) which is seditious within the meaning of the Sedition Act (Cap. 290); 30
 - (b) likely to be prejudicial to controlling public disorder or maintaining or restoring public order in Singapore;

(c) counselling or likely to lead to disobedience to the law of Singapore or to any lawful order therein;

(d) inciting or likely to cause unlawful violence or to promote feelings of ill-will or hostility between different races or classes of the population in Singapore; or

(e) likely to bring into hatred or contempt or to excite disaffection against any public servant in the execution of the public servant's duty or against any class of public servants, or against any armed force lawfully in Singapore or any member of such force in the execution of the member's duty,

and "document" in this definition includes any thing in which information of any description is recorded, whether in electronic or other form;

"target area" has the meaning given by section 5(1)(c);

"target person" has the meaning given by section 5(1)(a) and (2);

"target vehicle" has the meaning given by section 5(1)(b) and (3);

"temporary restraining order" means a temporary restraining order made under section 29, and includes any such order as varied and modified from time to time under sections 29 and 49, respectively;

"unmanned aircraft" and "unmanned aircraft system" have the respective meanings given by section 2(1) of the Air Navigation Act (Cap. 6);

"unmanned vessel" means a vessel equipped wholly or substantially with an autonomous system (such as an unmanned surface vehicle and a saildrone) and includes a barge drawn by an unmanned vessel;

"vehicle" means any means of transport used on land, whether self-propelled or not, such as a train, motor car, bicycle or personal mobility device;

"vessel" includes a floating facility.

(2) To avoid doubt, a reference in this Act to a police officer includes a reference to an intelligence officer within the meaning of section 65(1)(a) of the Police Force Act.

(3) In this Act, “controlling public disorder” includes containing or reducing the public disorder or bringing the public disorder to an end. 5

(4) If this Act requires a police officer to reasonably believe something before exercising a power, it is sufficient if the Commissioner or a more highly ranked police officer than that police officer reasonably believes it and directs that police officer to exercise the power. 10

Meaning of “serious incident”

3. In this Act, unless the context otherwise requires, “serious incident” means —

(a) the carrying out of an act constituting —

(i) a terrorist act within the meaning given by section 2(2) and (3) of the Terrorism (Suppression of Financing) Act (Cap. 325) affecting persons or property situated in Singapore; 15

(ii) a terrorist bombing offence within the meaning given by section 2 of the Terrorism (Suppression of Bombings) Act (Cap. 324A) committed in Singapore; 20

(iii) a nuclear terrorism offence within the meaning given by section 2 of the Terrorism (Suppression of Misuse of Radioactive Material) Act 2017 (Act 27 of 2017) committed in Singapore; 25

(iv) an abetment of or a conspiracy to commit an act or offence specified in sub-paragraph (i), (ii) or (iii); or

(v) an attempt to commit an act or offence specified in sub-paragraph (i), (ii) or (iii); 30

(b) the carrying out of an act of serious violence affecting the public; or

- (c) the carrying out of an act causing large-scale public disorder.

Illustrations

- 5 (a) An explosion of a bomb in a shopping area during business hours. The bomber is evading authorities in Singapore, and a manhunt is mounted to capture the bomber.
- (b) The threat of an unlawful taking control of a rapid transit system by a forcible intrusion on board a train or at a train station or depot that puts the safety of the train, or any passengers or crew on board or outside the train, at risk.
- 10 (c) Multiple coordinated attacks by gunmen shooting at a concert hall or cinema during a performance attended by a large audience and at other crowded locations.
- (d) A sit-down demonstration for a cause attracts a large group of sympathisers who voluntarily join the sit-in. For over a week, the group grows and the demonstrators start to occupy the publicly accessible paths and other open spaces in the central business district. Their presence starts to impede the flow of vehicular and pedestrian traffic and interfere with normal trade or business activities in the area.
- 15 (e) A group protesting in the street grows in size. The protestors start to destroy nearby vehicles and throw projectiles.
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Meaning of “act of serious violence”

4.—(1) In this Act, unless the context otherwise requires, “act of serious violence” means an act that —

- (a) involves serious violence to an individual;
- 25 (b) causes serious damage to property;
- (c) causes death;
- (d) endangers an individual’s life, including the life of the individual taking action;
- (e) causes a serious risk to the health or safety of the public; or
- 30 (f) involves releasing into the environment or any part thereof, or distributing or otherwise exposing the public to —
- (i) any toxic chemical;

(ii) any dangerous, hazardous, radioactive or harmful substance; or

(iii) any microbial or other biological agent, or toxin.

(2) A reference in this section to an individual or a property is a reference to an individual or a property situated within Singapore. 5

Meaning of target of special authorisation

5.—(1) In this Act, unless the context otherwise requires —

(a) the target person of a special authorisation is the particular individual or person in relation to whom the special authorisation authorises the exercise of special powers under this Act; 10

(b) the target vehicle of a special authorisation is the particular vehicle or particular kind of vehicle in relation to which the special authorisation authorises the exercise of special powers under this Act; and 15

(c) the target area of a special authorisation is the particular area in relation to which the special authorisation authorises the exercise of special powers under this Act.

(2) A reference in this Act to an individual in a target area of a special authorisation includes an individual who is about to enter the target area or who has recently left the target area. 20

(3) A reference in this Act to a vehicle in a target area of a special authorisation includes a vehicle that is about to enter the target area or that has recently left the target area.

(4) A description of an individual who, or an area or vehicle which, is the target person or target area or target vehicle of a special authorisation includes a description — 25

(a) by way of a picture of the individual;

(b) by way of a picture or map of the area; or

- (iii) controlling public disorder or restoring or maintaining public order in Singapore after the occurrence of the serious incident,

the Minister may, by order in writing given to the Commissioner, activate the use of powers under this Act. 5

(2) Once an activation order is made and given under subsection (1), the Minister must cause to be published a notice of the making and giving of the activation order as follows without delay:

- (a) in the *Gazette*;

- (b) in such other manner as will secure adequate publicity for the fact of making and giving of the activation order. 10

(3) However, failure to publish a notice under subsection (2) in respect of any activation order does not invalidate the order.

(4) An activation order may be revoked at any time by the Minister by instrument in writing; and the Minister must cause the giving of notice of the revocation in the same manner in which the notice of the making of the activation order was first given. 15

Contents of activation order

9.—(1) An activation order must —

- (a) describe the general nature of the serious incident or threatened serious incident to which it applies; 20

- (b) specify the period or periods during which the activation order has effect; and

- (c) authorise the Commissioner to exercise all or any of the special powers under any provision of this Act in relation to the serious incident or threatened serious incident, during the period the activation order is in effect. 25

(2) However, the period required by subsection (1)(b) to be specified in an activation order must not be longer than the period specified in section 10(2). 30

Duration of activation order

10.—(1) Subject to subsection (2) or a revocation under section 8(4) by the Minister, an activation order has effect during the period —

5 (a) starting when it is given to the Commissioner, or at the later time specified in the activation order where so specified; and

 (b) ending at the time specified in that activation order.

(2) The period an activation order has effect must not exceed one month.

10 (3) However, the cessation of an activation order having effect (whether or not by revocation) does not prevent a further activation order being made and given by the Minister if the Minister is satisfied that the circumstances warrant it under section 8.

PART 3

SPECIAL AUTHORISATIONS

Special authorisation by Commissioner

15 **11.**—(1) Where the Commissioner is given an activation order because of a serious incident or threatened serious incident in an area or place in Singapore, the Commissioner may, during the period the
20 activation order has effect, grant in accordance with this Part a special authorisation to a police officer or a serviceman, or both, for the exercise by the officer or serviceman (as the case may be) of special powers as will substantially assist in all or any of the following:

 (a) preventing the occurrence of the serious incident;

25 (b) reducing the impact of the serious incident, or the threatened serious incident, on the health or safety of the public or on property in the area or place;

 (c) controlling public disorder or restoring or maintaining public order after the occurrence of the serious incident;

30 (d) apprehending the persons responsible for the serious incident;

- (e) preserving the evidence of, or relating to, the serious incident;
- (f) supporting the necessary recovery process for the community in the aftermath of the serious incident;
- (g) facilitating the activities of emergency service agencies responding to the serious incident. 5

(2) In granting a special authorisation under this Part, it is not necessary for the Commissioner to give any person who may be affected by the special authorisation a chance to be heard before the authorisation is granted. 10

Contents of special authorisation

12.—(1) A special authorisation must —

- (a) describe the general nature of the serious incident or threatened serious incident to which it applies;
- (b) specify the period or periods during which the authorisation has effect; 15
- (c) specify which of the special powers may be exercised under the authorisation, but subject to section 15(4) and (6); and
- (d) authorise the exercise of the special powers specified under paragraph (c) in relation to all or any of the following: 20
 - (i) a particular individual or person named or described in the authorisation (called in this Act a target person of the special authorisation);
 - (ii) a particular vehicle, or a vehicle of a particular kind, described in the authorisation (called in this Act a target vehicle of the special authorisation); 25
 - (iii) a particular area described in the authorisation (called in this Act a target area of the special authorisation).

(2) A special authorisation granted to a police officer or serviceman may also confer power on the police officer or serviceman to direct another police officer or serviceman to exercise the special powers specified in the special authorisation under subsection (1)(c). 30

How special authorisation to be given

13.—(1) A special authorisation by the Commissioner must be in writing, or be confirmed in writing as soon as practicable after being given orally.

5 (2) The Commissioner must cause notice of every special authorisation the Commissioner grants to be given —

(a) to every police officer and serviceman authorised to exercise the special powers specified in that authorisation; and

10 (b) to any other person who, in the Commissioner's opinion, ought to have notice of the authorisation.

(3) Without limiting subsection (2)(b), notice to the public of the granting of a special authorisation may be given in all or any of the following ways:

15 (a) by causing it to be published in the daily newspapers circulating in Singapore in all the official languages;

(b) by causing it to be broadcast over the radio and television and in the manner prescribed, if any;

20 (c) by causing it to be published in such other manner as the Commissioner considers will secure adequate publicity for the granting of the special authorisation.

(4) A special authorisation may be revoked at any time by the Commissioner by instrument in writing; and the Commissioner must give notice, or cause the giving of notice, of the revocation in the same manner in which the special authorisation was first given.

(5) To avoid doubt, the non-publication of any notice of the granting of a special authorisation or its revocation in the manner described in subsection (3) or (4) does not affect the validity of the special authorisation or revocation, as the case may be.

How long does special authorisation have effect

14.—(1) Subject to subsection (2) or a revocation under section 13(4) by the Commissioner, a special authorisation has effect during the period —

(a) starting when it is granted, or at such later time as is specified in the authorisation; and

(b) ending at the time specified in that authorisation.

(2) The period that a special authorisation which is granted because an activation order has effect must not in any case exceed the period the activation order has effect. 5

(3) However, the cessation of a special authorisation having effect (whether or not by revocation) does not prevent a further special authorisation being granted by the Commissioner if the Commissioner is satisfied that the circumstances warrant it under section 11 and an activation order is in effect. 10

Who may exercise powers under special authorisation

15.—(1) A special power specified in a special authorisation may be exercised by any of the following who is granted the special authorisation: 15

(a) a police officer when he or she is in uniform;

(b) a police officer when not in uniform only after he or she produces a warrant identifying himself or herself as a police officer.

(2) To avoid doubt, a police officer may exercise a special power specified in a special authorisation whether or not he or she has received a hardcopy of the special authorisation. 20

(3) Subject to subsection (4), a special power specified in a special authorisation may also be exercised by —

(a) any law enforcement officer acting on the direction and in aid of the police officer granted the special authorisation; or 25

(b) an individual who is not a serviceman acting on the direction and in aid of the police officer granted the special authorisation (called in this Act a civilian assistant),

and a reference in Part 4 or 5 to a police officer acting pursuant to a special authorisation includes such a law enforcement officer or a civilian assistant acting under the police officer's direction.

(4) This section —

(a) only authorises a civilian assistant to exercise a special power specified in section 18, 19(1) or (2), 20(1) or (2), 24 or 27(1)(a) or (b) in aid of a police officer exercising that special power; and

(b) does not authorise a civilian assistant to use lethal force when exercising any special power in aid of a police officer.

(5) Despite sections 201E and 201F of the Singapore Armed Forces Act (Cap. 295), but subject to subsection (6), a special power specified in a special authorisation may also be exercised by any serviceman who is granted the special authorisation, and a reference in Part 4 or 5 or section 48 to a police officer acting pursuant to a special authorisation includes such a serviceman.

(6) This Act does not authorise a serviceman to do any of the following:

(a) exercise, pursuant to any special authorisation, a special power specified in —

(i) section 17, 24, 29 or 35(4) or (5);

(ii) section 19(1) before any police officer issues an order under that provision pursuant to that special authorisation;

(iii) section 21(1) before any police officer issues a direction under that provision pursuant to that special authorisation; or

(iv) section 22, 23 or 25 outside of a target area of that special authorisation;

- (b) exercise any special power after the order under section 201C of the Singapore Armed Forces Act and in accordance with which the serviceman is deployed for duty, ceases to be valid.

(7) To avoid doubt, a serviceman may exercise a special power specified in a special authorisation (to the extent permitted under this section) whether or not he or she has received a hardcopy of the special authorisation. 5

(8) An individual who is authorised under subsection (3)(a) or (b) to exercise a special power in aid of a police officer must obey all lawful directions (general or specific) of that police officer when exercising that power; but the individual — 10

- (a) does not cease to be acting on the direction of a police officer by reason only that that police officer is not present at all times when the individual exercises the special power; and 15

- (b) is not to be regarded as a member of the Police Force for the purposes of section 14 of the Government Proceedings Act (Cap. 121).

PART 4 20

SPECIAL POWERS

Power to stop and question

16.—(1) A police officer may, pursuant to a special authorisation, stop any individual in a target area of the special authorisation for so long as is necessary to question the individual to ascertain — 25

- (a) the individual's identity and movements; or
 (b) what the individual knows about a recent serious incident or a threatened serious incident.

(2) An individual commits an offence if he or she, without reasonable excuse — 30

- (a) fails to stop when required to do so under this section;

- (b) refuses to answer a question addressed to the individual under this section; or
- (c) fails to answer to the best of his or her knowledge or ability a question addressed to the individual under this section.

5 (3) An individual who is guilty of an offence under subsection (2) shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

Power to obtain disclosure of identity

10 17.—(1) A police officer may, pursuant to a special authorisation, request an individual whose identity is unknown to the police officer to disclose the individual's identity and residential address if —

- (a) the police officer suspects on reasonable grounds that —
 - (i) the individual is the target person of the special authorisation; or
 - 15 (ii) the individual is found in the company of the target person of the special authorisation; or
- (b) the individual is in, on or near a vehicle that the police officer suspects on reasonable grounds is the target vehicle of the special authorisation.

20 (2) A police officer may detain an individual mentioned in subsection (1) for so long as is reasonably necessary for the purposes of this section.

25 (3) A police officer may request an individual who is requested under this section to disclose his or her identity to provide proof of the individual's identity.

(4) An individual commits an offence if he or she, without reasonable excuse —

- (a) refuses or fails to comply with a request under this section; or
- 30 (b) in response to the request, gives a name that is false in a material particular, or gives an address other than the individual's full and correct residential address.

(5) An individual who is guilty of an offence under subsection (4) shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

Power to impose cordon

18.—(1) A police officer may, pursuant to a special authorisation, place a cordon around the target area of the special authorisation or any part of it, for the purpose of exercising a special power specified in the special authorisation.

(2) The area around which a cordon is placed (called in this Act a cordoned area) must, so far as is reasonably practicable, be indicated by means of any form of physical barrier as appears to the police officer responsible for carrying out the arrangements for applying the cordon to be appropriate.

(3) An individual who is in a cordoned area must immediately leave the area if ordered to do so by a police officer.

(4) An individual who is on any premises which abut or are wholly or partly within a cordoned area must immediately leave the premises if ordered to do so by a police officer.

(5) The driver, or the other individual or other person in charge of a vehicle or vessel which is in a cordoned area must immediately move the vehicle or vessel away from the area if ordered to do so by a police officer.

(6) An individual, or the driver or other person in charge of a vehicle or vessel, outside a cordoned area must not enter the cordoned area, and must immediately move the vehicle or vessel away from the vicinity of the cordoned area, if ordered to do so by a police officer.

(7) An order under this section may be given orally, and if an oral direction is given by a police officer to a group of individuals, it is deemed to have been given to each member of the group if the oral direction is made in a manner which is likely to be audible to all the members of the group or as many of them as reasonably practicable.

(8) A police officer may use such force as is reasonably necessary, including the use of lethal weapons —

(a) to prevent an individual, or a driver or other person in charge of a vehicle or vessel, from entering or attempting to enter a cordoned area contrary to an order given under this section; or

5 (b) to remove an individual or a vehicle or vessel from or away from a cordoned area, as the case may be.

(9) An individual, or a driver or other person in charge of a vehicle or vessel, commits an offence if he or she, without reasonable excuse, refuses or fails to comply with an order of a police officer under this section when required to do so.

(10) An individual, or a driver or person, who is guilty of an offence under subsection (9) shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

15 **Power to close roads, etc.**

19.—(1) Subject to subsection (3), a police officer may, pursuant to a special authorisation, by order —

(a) wholly or partly close any public road within, or leading to or from, the target area of the special authorisation;

20 (b) prohibit or restrict the use of a waterway within, or leading to or from, the target area of the special authorisation;

(c) divert or otherwise interfere with a public road or waterway mentioned in paragraph (a) or (b), as the case may be, or the use of such a road or waterway; or

25 (d) prohibit or restrict the exercise of a right of way within, or leading to or from, the target area of the special authorisation.

(2) Subject to subsection (3), a police officer may, pursuant to a special authorisation, by order prohibit or restrict access by vehicles, vessels or pedestrians to the target area of the special authorisation.

(3) The period that a public road, waterway or right of way may be closed, prohibited or restricted under this section must not exceed

24 hours unless the order under subsection (1) or (2) is confirmed by the Commissioner before the end of the initial or a prior 24 hours.

(4) An order under this section may be given orally, and if an oral direction is given by a police officer to a group of individuals, it is deemed to have been given to each member of the group if the oral direction is made in a manner which is likely to be audible to all the members of the group or as many of them as reasonably practicable.

(5) If an individual, or a driver or person in charge of a vehicle or vessel, fails to comply with an order given under this section by a police officer, the police officer may use such force as is reasonably necessary to ensure compliance with that order, including the use of lethal weapons.

(6) An individual, or a driver or person in charge of a vehicle or vessel, commits an offence if the individual, driver or person, without reasonable excuse, refuses or fails to comply with an order of a police officer under this section when required to do so.

(7) An individual, or a driver or person, who is guilty of an offence under subsection (6) shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

Power to control movement or conduct of individuals

20.—(1) A police officer may, pursuant to a special authorisation, direct any individual or group of individuals within the target area of the special authorisation —

- (a) to go to a particular premises or place which is outside of any cordoned area within the target area; or
- (b) not to enter a particular premises or place which is outside of any cordoned area within the target area.

(2) A police officer may, pursuant to a special authorisation, direct —

- (a) any individual or group of individuals within the target area of the special authorisation to conduct or not to conduct themselves in a particular way when in that area; or

(b) any assembly or procession of individuals within the target area of the special authorisation to disperse.

(3) A direction under this section may be given orally, and if an oral direction is given by a police officer to a group of individuals, it is deemed to have been given to each member of the group if the oral direction is made in a manner which is likely to be audible to all the members of the group or as many of them as reasonably practicable.

(4) If an individual fails to comply with a direction given under subsection (2)(b) by a police officer, the police officer may use such force as is reasonably necessary to ensure compliance with that order, including the use of lethal weapons.

(5) An individual commits an offence if he or she, without reasonable excuse, refuses or fails to comply with a direction of a police officer under this section when required to do so.

(6) An individual who is guilty of an offence under subsection (5) shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

Power to impose curfew

21.—(1) A police officer may, pursuant to a special authorisation, direct any individual or group of individuals within the target area of the special authorisation to stay at or in (during such times specified in the direction) a particular premises in that area.

(2) However, the period any individual or group of individuals may be directed under subsection (1) to stay in or at any particular premises must not be longer than 24 hours continuously unless the direction is confirmed by the Commissioner before the end of the initial 24 hours.

(3) A direction under this section may be given orally, and if an oral direction is given by a police officer to a group of individuals, it is deemed to have been given to each member of the group if the oral direction is made in a manner which is likely to be audible to all the members of the group or as many of them as reasonably practicable.

(4) An individual commits an offence if he or she, without reasonable excuse, refuses or fails to comply with a direction of a police officer under this section when required to do so.

(5) An individual who is guilty of an offence under subsection (4) shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

Power to search individuals

22.—(1) A police officer may, pursuant to a special authorisation, stop, detain, and search without a warrant, an individual and any personal property of the individual if — 5

- (a) the police officer suspects on reasonable grounds that —
 - (i) the individual is the target person of the special authorisation; or 10
 - (ii) the individual is found in the company of the target person of the special authorisation; or
- (b) the individual is in, on or near a vehicle that the police officer suspects on reasonable grounds is the target vehicle of the special authorisation. 15

(2) In addition, a police officer may, pursuant to a special authorisation, stop, detain, and search without a warrant, an individual who is in the target area of the special authorisation (and any personal property of the individual) —

- (a) with a view to ascertaining whether the individual is carrying a dangerous article, an offensive weapon or a subversive document, or part of a dangerous article, an offensive weapon or a subversive document; 20
- (b) if necessary to substantially assist in —
 - (i) preventing the occurrence of a serious incident to which the special authorisation applies; or 25
 - (ii) controlling public disorder or restoring or maintaining public order in Singapore after the occurrence of a serious incident to which the special authorisation applies; or 30
- (c) if there is reasonable suspicion that the individual is committing or about to commit an offence under this Act.

(3) Without limiting subsections (1) and (2), a police officer may, in conducting a search of any personal property of an individual mentioned in either subsection —

(a) require the individual —

5 (i) to produce or empty the contents of any bag, container or other receptacle;

(ii) to turn out the individual's pockets; or

(iii) to remove one or more garments worn by the individual;

10 (b) search through any bag, container or other receptacle or any garments removed in accordance with paragraph (a)(iii);

(c) search through and move the contents of any bag, container or other receptacle; or

15 (d) search through and move the contents of the individual's pockets turned out in accordance with paragraph (a)(ii).

(4) This section applies despite any licence or permit granted or issued, or any exemption made, under any other written law authorising the possession or use of such dangerous articles or offensive weapons.

20 **Power to search vehicles**

23.—(1) A police officer may, pursuant to a special authorisation, stop, board and search without a warrant, a vehicle, and anything in or on a vehicle, if —

25 (a) the police officer suspects on reasonable grounds that the vehicle is the target vehicle of the special authorisation; or

(b) the police officer suspects on reasonable grounds that an individual in, on or near the vehicle is a target person of the special authorisation.

30 (2) In addition, a police officer may, pursuant to a special authorisation, stop, board and search without a warrant, a vehicle in the target area of a special authorisation (and anything in or on the vehicle) —

- (a) with a view to ascertaining whether the vehicle is conveying a dangerous article or an offensive weapon or a subversive document, or part of a dangerous article or an offensive weapon or a subversive document;
- (b) if necessary to substantially assist in — 5
- (i) preventing the occurrence of a serious incident to which the special authorisation applies; or
- (ii) controlling public disorder or restoring or maintaining public order in Singapore after the occurrence of a serious incident to which the special authorisation applies; or 10
- (c) if there is reasonable suspicion that the vehicle is used or is about to be used to commit an offence under this Act.
- (3) Without limiting subsections (1) and (2), a police officer may, in conducting a search of a vehicle — 15
- (a) require the individual in charge of the vehicle —
- (i) to open the vehicle or any part of it for inspection by the police officer; or
- (ii) to remove any article, bag, container or other receptacle from the vehicle as specified by the police officer; 20
- (b) inspect any article removed in accordance with paragraph (a)(ii);
- (c) search through any bag, container or other receptacle removed in accordance with paragraph (a)(ii); or 25
- (d) search through and move the contents of any bag, container or other receptacle removed in accordance with paragraph (a)(ii).
- (4) A police officer may detain a vehicle for so long as is reasonably necessary for the purposes of this section. 30
- (5) A police officer may direct the individual in charge of a vehicle searched under this section to remove the vehicle from, or keep the vehicle in, the target area of the special authorisation.

(6) This section applies despite any licence or permit granted or issued, or any exemption made, under any other written law authorising the possession or use of such dangerous articles or offensive weapons.

5 (7) This section applies, with the necessary modifications, to any vessel, and any aircraft on the ground, as the section applies to vehicles.

Power to remove vehicles, etc.

10 **24.**—(1) A police officer may, pursuant to a special authorisation, move or cause to be moved a vehicle which is parked or left standing in the target area of the special authorisation if, in the opinion of the police officer, the vehicle is —

- (a) a danger to individuals, property or other vehicles in that target area;
- 15 (b) causing or likely to cause traffic congestion in that target area; or
- (c) hindering the exercise of special powers under the special authorisation.

(2) A police officer acting in accordance with this section may —

- 20 (a) enter a vehicle using, if necessary, reasonable force, for the purpose of conveniently or expeditiously moving it; and
- (b) move the vehicle, or cause it to be moved, to the nearest convenient place.

25 (3) This section applies, with the necessary modifications, to any vessel, and any aircraft on the ground, as the section applies to vehicles.

Power to enter and search premises

30 **25.**—(1) A police officer may, pursuant to a special authorisation, enter and search, without a warrant, any premises in the target area of the special authorisation —

- (a) if the police officer suspects on reasonable grounds that —
 - (i) an individual who is a target person of the special authorisation may be on the premises; or
 - (ii) a vehicle that is a target vehicle of the special authorisation may be on the premises; 5
- (b) with a view to ascertaining whether a dangerous article or an offensive weapon or a subversive document, or part of a dangerous article or an offensive weapon or a subversive document, is on the premises;
- (c) if necessary to — 10
 - (i) prevent the occurrence of a serious incident to which the special authorisation applies; or
 - (ii) control, restore or maintain public order in Singapore after the occurrence of a serious incident to which the special authorisation applies; or 15
- (d) if there is reasonable suspicion that the premises are used or are about to be used to commit an offence under this Act.

(2) A police officer may direct an individual or group of individuals to leave, or not to leave, any premises entered and searched under this section. 20

(3) An individual commits an offence if he or she, without reasonable excuse, refuses or fails to comply with a direction of a police officer under this section when required to do so.

(4) An individual who is guilty of an offence under subsection (3) shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both. 25

Power to seize and detain things

26.—(1) A police officer may, in connection with a search under this Part pursuant to a special authorisation, seize and detain —

- (a) all or part of a thing that the police officer suspects on reasonable grounds to be, or to be part of, a dangerous article or an offensive weapon or a subversive document, 30

whether or not it was used or may have been used in a serious incident to which the special authorisation applies; and

5 (b) all or part of a thing (including a vehicle, vessel or aircraft) that the police officer suspects on reasonable grounds —

(i) may be used, or was used or may have been used, in the serious incident or threatened serious incident to which the special authorisation applies; or

10 (ii) may provide evidence of the commission of an offence (whether or not related to the serious incident or threatened serious incident to which the special authorisation applies).

(2) A power conferred by this section includes a power to remove a thing from the place where it is found, and a power to guard the thing
15 in or at the place where it is found.

(3) Sections 370, 371 and 372 of the Criminal Procedure Code (Cap. 68) relating to the handling of property seized by a police officer apply, with the necessary modifications, to any thing coming into the possession of a police officer under this section.

20 **Power to direct premises owners, etc.**

27.—(1) A police officer may, pursuant to a special authorisation, direct an owner or occupier of any premises within the target area of the special authorisation to do one or more of the following:

25 (a) close the premises for such time as specified in the direction;

(b) restrict the entry or egress (or both) of vehicles and individuals to or from the premises;

(c) provide the police officer with information and documents relating to the premises.

30 (2) A person directed by a police officer under this section commits an offence if the person, without reasonable excuse, refuses or fails to comply with the direction of the police officer when required to do so.

(3) A person who is guilty of an offence under subsection (2) shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

(4) In this section, “premises” includes —

- (a) any premises used as a private dwelling or private residence; and 5
- (b) any premises used or occupied or managed and maintained by any public authority, including boarding premises solely for employees of a public authority.

(5) This section applies, with the necessary modifications, to any vessel and aircraft on the ground as the section applies to vehicles. 10

Power to intercept unmanned aircraft, etc.

28.—(1) A police officer may, pursuant to a special authorisation, exercise all or any of the powers in subsection (2) in relation to an unmanned aircraft, or in subsection (3) in relation to an autonomous vehicle or unmanned vessel, if, in the opinion of the police officer, the unmanned aircraft, autonomous vehicle or unmanned vessel, as the case may be, is — 15

- (a) a danger, or poses a serious and imminent risk, to the safety of individuals or property in a target area of a special authorisation; 20
- (b) being operated to make any picture or film of a target area of a special authorisation without the permission of the Commissioner; or
- (c) otherwise hindering the exercise of other special powers in relation to a target area under a special authorisation. 25

(2) For the purposes of subsection (1), the powers that may be exercised in relation to an unmanned aircraft are as follows:

- (a) to direct any person whom the police officer reasonably believes to be involved in operating the unmanned aircraft — 30
 - (i) to end the flight of the unmanned aircraft, or land it, safely in the fastest practicable way; or

- (ii) to fly the unmanned aircraft in the manner specified by the police officer;
- (b) without warrant and with such assistance and by such force as is necessary —
 - 5 (i) to assume control of the unmanned aircraft to fly the aircraft, or to end the flight of the aircraft, or land it, safely in the fastest practicable way; or
 - (ii) to end the flight of the unmanned aircraft, or land it, in the fastest and safest practicable way;
- 10 (c) without warrant, to seize the unmanned aircraft and any component of the unmanned aircraft system for that aircraft or other thing within the target area of a special authorisation that the police officer believes on reasonable grounds —
 - 15 (i) to be evidential material relevant to an offence under this Act; or
 - (ii) needs to be seized to prevent its concealment, loss or destruction, or its use in committing, continuing or repeating an offence under this Act.
- 20 (3) For the purposes of subsection (1), the powers that may be exercised in relation to an autonomous vehicle or unmanned vessel are as follows:
 - (a) to direct any person whom the police officer reasonably believes to be involved in operating the autonomous
 - 25 vehicle or unmanned vessel —
 - (i) to stop the vehicle or vessel safely in the fastest practicable way; or
 - (ii) to operate the vehicle or vessel in the manner specified by the police officer;
 - 30 (b) without warrant and with such assistance and by such force as is necessary —
 - (i) to assume control of the autonomous vehicle or unmanned vessel to steer the vehicle or vessel, or to

stop the vehicle or vessel, as the case may be, safely in the fastest practicable way; or

- (ii) to stop the autonomous vehicle or unmanned vessel in the fastest and safest practicable way;
- (c) without warrant, to seize the autonomous vehicle or unmanned vessel and any component of the autonomous system for that vehicle or vessel or other thing within the target area of a special authorisation that the police officer believes on reasonable grounds —
 - (i) to be evidential material relevant to an offence under this Act; or
 - (ii) needs to be seized to prevent its concealment, loss or destruction, or its use in committing, continuing or repeating an offence under this Act.

(4) Any person who, without reasonable excuse, contravenes any direction under subsection (2)(a) or (3)(a) 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 2 years or to both.

PART 5

OTHER COUNTER-MEASURES

Division 1 — Temporary restraining orders

Power to control individuals temporarily

29.—(1) Where the Commissioner is of the opinion —

- (a) that an individual has been recently concerned in acts (whether in or outside of a target area of a special authorisation) —
 - (i) involving or likely to cause or provoke a breach of the peace in the target area of the special authorisation;
 - (ii) likely to hinder the exercise of special powers under a special authorisation in the target area of the special authorisation; or

(iii) in the preparation or instigation of acts mentioned in sub-paragraph (i) or (ii); or

5 (b) that, by reason of the individual's associations with any persons concerned in any acts mentioned in paragraph (a)(i), (ii) or (iii) or by reason of the individual's words or conduct, the individual is likely to be concerned in such acts,

10 and that it is necessary to exercise temporary control over such an individual when the special authorisation is in effect, the Commissioner may make a temporary restraining order against the individual.

(2) A temporary restraining order against an individual and any variation of it —

15 (a) must be in writing and given to the individual concerned; and

(b) takes effect when the order or variation of it is given to that individual, except as otherwise provided in section 49.

(3) A temporary restraining order against an individual which is made when a special authorisation is in effect —

20 (a) may be revoked or varied at any time by the Commissioner in writing; and

(b) lapses when the special authorisation expires,

25 and the Commissioner must give notice, or cause the giving of notice, of the revocation, variation or lapse in the same manner in which the temporary restraining order was first given to the individual concerned.

(4) A temporary restraining order against an individual which is made when a special authorisation is in effect may require the individual to do all or any of the following:

30 (a) not to enter the target area of the special authorisation;

(b) to immediately leave the target area of the special authorisation;

- (c) to stay at or in (during such times specified in the order) a particular premises in or outside of the target area and to leave the premises only with the permission of a police officer;
- (d) to notify a police officer at the place and in the manner specified in the order of the individual's place of residence and any change to it; 5
- (e) to report to a police officer at the times and dates and in the manner specified in the order;
- (f) to enter into a bond for such amount with such sureties as may be specified for the individual's good behaviour or for due compliance with the requirements of the order. 10

(5) An individual commits an offence if he or she, without reasonable excuse, refuses or fails to comply with any requirement of a temporary restraining order. 15

(6) An individual who is guilty of an offence under subsection (5) shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

(7) To avoid doubt, it is not necessary for the Commissioner to give any person who may be affected by a temporary restraining order, or a variation of such an order, a chance to be heard before the order or variation is made. 20

Division 2 — Stopping communications

Communications stop orders

30.—(1) Subject to subsection (2), the Commissioner may, after granting a special authorisation, make a communications stop order which bans one or both of the following during the period specified in the order: 25

- (a) the making by any person (except an excluded person) of a relevant film or picture; 30
- (b) the exhibiting and communicating by any person (except an excluded person) of a relevant film or picture or a relevant text or audio message.

(2) The Commissioner may make a communications stop order only —

5 (a) during the period a special authorisation (which is granted in relation to a serious incident or threatened serious incident) is in effect; and

(b) if, in the Commissioner's opinion, exhibiting or communicating (whether or not to the public) a relevant film or picture or a relevant text or audio message during the period the special authorisation is in effect —

10 (i) prejudices the effective conduct of an ongoing law enforcement activity relating to the serious incident or threatened serious incident; or

15 (ii) endangers the safety of the public or any law enforcement officer during an ongoing law enforcement activity relating to the serious incident or threatened serious incident.

(3) A communications stop order must —

(a) describe the ban on —

20 (i) the making or exhibiting and communicating of a relevant film or picture by any person; or

(ii) the exhibiting and communicating of a relevant text or audio message by any person;

(b) state the period the ban under the order starts; and

25 (c) the target area of the special authorisation to which the order relates.

(4) The Commissioner must cause notice of every communications stop order made to be given to persons who, in the Commissioner's opinion, ought to have notice of the order.

30 (5) Without limiting subsection (4), notice of the making of a communications stop order to the public may be given in all or any of the following ways:

(a) by causing it to be published in the daily newspapers circulating in Singapore in all the official languages;

- (b) by causing it to be broadcast over the radio and television and in the manner prescribed, if any;
- (c) by causing it to be published electronically;
- (d) by causing it to be published in such other manner as the Commissioner considers will secure adequate publicity for the granting of the order.

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(6) A communications stop order may be revoked at any time by the Commissioner; and the Commissioner must give notice, or cause the giving of notice, of the revocation in the same manner in which the communications stop order was first given.

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(7) Despite subsection (6), a communications stop order ceases to have effect when the special authorisation in relation to which the order was made ceases to have effect; and the Commissioner must give notice, or cause the giving of notice, of the cessation in the same manner in which the communications stop order was first given.

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(8) In subsection (1) and sections 31 and 44, “excluded person” means —

- (a) a police officer;
- (b) a law enforcement officer authorised by the Commissioner for the purpose of this section; or
- (c) any other person who is specified in a communications stop order to be an excluded person for the purpose of this section.

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Power to stop communications, etc.

31.—(1) Upon the giving of a notice under section 30(4) of a communications stop order made because of a special authorisation, a police officer may exercise all or any of the powers in subsection (2) in relation to any person or group of persons (none of whom are excluded persons), whether in or outside the target area of the special authorisation if, in the opinion of the police officer the person or group of persons —

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- (a) is making, has made or is about to make a relevant film or picture; or

(b) is exhibiting or communicating, or is about to exhibit or communicate a relevant film or picture or a relevant text or audio message.

(2) A police officer may direct a person or group of persons mentioned in subsection (1) to do one or more of the following:

(a) to immediately stop making, exhibiting or communicating the relevant film or picture or relevant text or audio message;

(b) to immediately delete, erase or otherwise destroy the relevant film or picture or relevant text or audio message;

(c) to immediately surrender the relevant film or picture or the relevant text or audio message, or any equipment or device on which it is recorded, to the police officer;

(d) to provide the police officer with information about the person or persons to whom the relevant film or picture or the relevant text or audio message has been communicated or how or from whom the relevant film or picture or the relevant text or audio message was acquired or received.

(3) A direction under this section may be given orally, and if an oral direction is given by a police officer to a group of individuals, it is deemed to have been given to each member of the group if the oral direction is made in a manner which is likely to be audible to all the members of the group or as many of them as reasonably practicable.

(4) A person directed by a police officer under this section commits an offence if the person, without reasonable excuse, refuses or fails to comply with the direction of the police officer when required to do so.

(5) A person who is guilty of an offence under subsection (4) shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

Division 3 — Discontinuing telecommunication service

Directions to discontinue telecommunication services

32.—(1) The Minister may, at any time upon or after making an activation order and when the activation order is in effect, give a

direction in writing under this section, individually or as a class, to any telecommunication licensee within the meaning of the Telecommunications Act (Cap. 323) (called in this Part a telecommunication licensee).

(2) A direction under this section may require the telecommunication licensee to whom the direction is given to take a specific action, or stop taking a specific action, during the period an activation order relating to a serious incident or threatened serious incident is in effect — 5

(a) to prevent or avoid prejudicing the effective conduct of an ongoing law enforcement activity relating to the serious incident or threatened serious incident; or 10

(b) to avoid or prevent endangering the safety of the public, or any law enforcement officer during an ongoing law enforcement activity relating to the serious incident or threatened serious incident, by the provision of a telecommunication service about the serious incident or threatened serious incident. 15

(3) Without limiting subsection (2), a direction under this section to a telecommunication licensee may include — 20

(a) stopping messages carried by a telecommunication service provided by the telecommunication licensee;

(b) prohibiting or restricting the provision, by the telecommunication licensee, of all or any telecommunication services and in such circumstances as specified in the direction; or 25

(c) prohibiting or restricting the use of telecommunications by the telecommunication licensee in all cases or of such cases as may be considered necessary.

(4) However, nothing in this section authorises the giving of any direction prohibiting the use of any telecommunications for the purpose of making or answering signals of distress. 30

(5) In making a direction under this section, it is not necessary for the Minister to give any person who may be affected by the direction a chance to be heard before the direction is given.

General provisions about section 32 direction

5 **33.**—(1) A direction under section 32 is binding on the telecommunication licensee it is given to.

(2) A direction under section 32 which is made upon or after the making of an activation order takes effect when it is given, and continues in force until the earliest of the following occurs:

- 10 (a) the expiry date (if any) stated in the direction is reached;
- (b) the Minister revokes the direction;
- (c) the activation order ceases to have effect.

(3) A direction under section 32 which is made upon or after the making of an activation order may —

- 15 (a) be amended or revoked at any time; and
- (b) be extended or renewed, if the Minister is satisfied that the circumstances warrant it, but not beyond the time the activation order ceases to have effect.

20 (4) If satisfied that a direction under section 32 has been complied with, the Minister must revoke the direction and give written notice of the revocation in the same manner in which the direction was given or served.

(5) Subsection (4) does not prevent a further direction being made under section 32 in the same terms as a direction that has expired.

25 (6) A direction under section 32 is sufficiently served as follows:

- (a) for a direction that is addressed to a telecommunication licensee, if it is given in the manner prescribed in section 52;
- 30 (b) for a direction that is addressed to a class of telecommunication licensees if it is served on each of the licensees in the class in accordance with paragraph (a).

- (7) A direction under section 32 that is served —
- (a) in accordance with subsection (6)(a) takes effect when it is served; or
 - (b) in accordance with subsection (6)(b) takes effect when it is served on all the persons in the class in question.

5

Obligations of addressee, etc., of section 32 direction

34.—(1) A telecommunication licensee to whom the direction under section 32 is given must give effect to the direction despite any other duty imposed on the licensee by or under any other written law.

(2) Any telecommunication licensee who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both.

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(3) A telecommunication licensee to whom the direction under section 32 is given, and an employee or a contractor of such a telecommunication licensee, must not, without reasonable excuse, disclose the receipt by the telecommunication licensee of the direction or the contents of any such direction if the Minister notifies the telecommunication licensee that the Minister is of the opinion that the disclosure of the direction is against the public interest.

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(4) Any telecommunication licensee, or any employee or contractor of a telecommunication licensee, who contravenes subsection (3) 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 2 years or to both.

25

(5) Where a telecommunication licensee is given a direction under section 32, a person must not —

- (a) without reasonable excuse, refuse the telecommunication licensee, or an employee or a contractor of such a telecommunication licensee, entry to any premises in the execution of the duty imposed on subsection (1) on that licensee; or

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(b) intentionally in any way obstruct or hinder the telecommunication licensee, or an employee or a contractor of such a telecommunication licensee, in the execution of the duty imposed on subsection (1) on that licensee.

(6) A person who contravenes subsection (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both.

Division 4 — Requisition powers

Powers of requisition

35.—(1) Subject to subsections (2) and (8), the Commissioner may, at any time after granting a special authorisation and during the period the special authorisation has effect, by requisition order —

(a) authorise any police officer given the requisition order to do one or both of the following:

(i) to take possession of any land or premises in the target area of the special authorisation;

(ii) to requisition any movable property in the target area of the special authorisation; and

(b) give such directions to the police officer as appear to the Commissioner to be necessary or expedient for the taking and maintaining possession of the land or premises or the requisitioning of the movable property (as the case may be) for the purpose of the exercise by the police officer of any special power.

(2) The Commissioner may make a requisition order only —

(a) during the period a special authorisation (which is granted in relation to a serious incident or threatened serious incident) is in effect; and

(b) if, in the Commissioner's opinion, a requisition order is necessary to substantially assist in —

- (i) the exercise of any special power in the target area of the special authorisation;
 - (ii) preventing the occurrence of the serious incident;
 - (iii) reducing the impact of the serious incident, or the threatened serious incident, on the health or safety of the public or on property in the target area; or
 - (iv) controlling public disorder or restoring or maintaining public order in the target area.
- (3) A requisition order —
- (a) may be revoked at any time by the Commissioner; and
 - (b) ceases to have effect when the special authorisation which the order was made in relation to ceases to have effect.
- (4) A police officer may, pursuant to a requisition order, take such steps and use such force as appears to the police officer to be reasonably necessary for securing compliance with the order and any direction given under subsection (1).
- (5) Without limiting subsection (4), a police officer may, pursuant to a requisition order, do all or any of the following:
- (a) break open, enter forcibly and remain on any land or premises the taking of possession of which has been authorised under the requisition order;
 - (b) evict forcibly from that land or premises mentioned in paragraph (a) any individual that the Commissioner specifies in the requisition order;
 - (c) use any equipment, electricity, water or other utilities on the land or premises, for the purpose of the exercise by the police officer of any other special power;
 - (d) require any movable property requisitioned, or any space or accommodation in any land or premises mentioned in paragraph (a), to be placed at the officer's disposal;
 - (e) prohibit the disposal by a person given the requisition order of any movable property requisitioned under the requisition order.

(6) A person commits an offence if the person —

(a) intentionally in any way obstructs or hinders a police officer in the exercise of any power or execution of the duty under subsection (4) or (5)(a), (b) or (c); or

5 (b) without reasonable excuse, refuses or fails to comply with a requirement or prohibition under subsection (5)(d) or (e).

(7) A person who is guilty of an offence under subsection (6) shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

10 (8) However, this section does not authorise the making of a requisition order in respect of any of the following without the prior approval of the Minister:

(a) any vessel of more than 100 tons gross tonnage;

(b) any aircraft which is not an unmanned aircraft;

15 (c) any rolling stock of a railway administration within the meaning of the Railways Act (Cap. 263).

Compensation for requisition

20 **36.**—(1) Where, in the exercise of the powers conferred by section 35, possession is taken of any land or premises or any movable property is requisitioned, compensation in respect of the taking of such possession or requisition is payable in accordance with the Requisition of Resources Act (Cap. 273) as if the competent authority under that Act took possession of or requisitioned that land, premises or movable property, as the case may be.

25 (2) No action, claim or proceedings shall lie or be brought against the Government or a police officer —

(a) to restrain the doing of anything which is authorised by or under section 35 or to compel the doing of anything which may be omitted to be done under section 35; or

30 (b) to recover damages, compensation or costs for any damage or injury to a person or property, any disturbance to or loss of or in the value of any property, trade or business, or personal disturbance or inconvenience, caused by or

consequent upon any act authorised by section 35, except according to the compensation provided for by this section.

PART 6 OFFENCES

Provoking breach of peace

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37.—(1) A person commits an offence if the person, within the area which is the target of a special authorisation —

- (a) uses any threatening, abusive or insulting words; or
- (b) engages in any conduct or behaviour,

with intent to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned.

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(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction to imprisonment for a term not exceeding 3 years.

Publishing matter prejudicial to public order

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38.—(1) A person commits an offence if the person, during the period a special authorisation has effect, prints, publishes, sells, offers for sale, distributes or reproduces for distribution or imports, or have in the person's possession, any document containing any matter which —

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- (a) is likely to be prejudicial to controlling public disorder or restoring or maintaining public order in a target area of a special authorisation or in any other part of Singapore;
- (b) advocates or is likely to lead to disobedience to any written law or to any lawful order made under such written law or to the obstruction of public officers in the execution of their duty to restore or maintain public order;
- (c) incites or is likely to cause unlawful violence or to promote feelings of ill-will or hostility between different races or classes of the population of Singapore; or

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(d) is likely to bring into hatred or contempt or to excite disaffection against any public servant in the execution of the public servant's duty or against any class of public servants, or against any armed force lawfully in Singapore or any member of such force in the execution of the member's duty.

(2) In proceedings for an offence under subsection (1), it is not necessary for the prosecution to prove that an accused knew or had reason to believe that the document contained any matter described in subsection (1)(a), (b), (c) or (d).

(3) A person who is guilty of an offence under subsection (1) shall be liable on conviction to imprisonment for a term not exceeding 3 years.

(4) In this section, "document" includes any thing in which information of any description is recorded, whether in electronic or other form.

Using offensive weapons, etc.

39.—(1) A person commits an offence if the person, within a target area of a special authorisation —

(a) uses any offensive weapon for or in furtherance of an unlawful purpose;

(b) causes by any explosive substance an explosion of a nature likely to endanger life or cause serious injury to the person or any other person or damage to property, for or in furtherance of an unlawful purpose; or

(c) uses any corrosive or inflammable substance in a manner likely to endanger life or cause serious injury to the person or any other person or damage to property, for or in furtherance of an unlawful purpose.

(2) In proceedings for an offence under subsection (1), it is irrelevant whether any injury or damage to property is actually caused or not.

(3) A person who is guilty of an offence under subsection (1) shall be liable on conviction to imprisonment for a term not exceeding 10 years and shall also be liable to caning.

Consorting with section 39 offender

40.—(1) A person commits an offence if the person — 5

- (a) is within the target area of a special authorisation;
- (b) is consorting with or is found in the company of another person who —

- (i) is committing or attempting to commit or is doing any act preparatory to the commission of an offence under section 39; or 10

- (ii) has recently committed or attempted to commit that offence or done that act; and

- (c) is found in circumstances which raise a reasonable presumption that the person intends or is about to act, or has recently acted with the other person in paragraph (b), in any manner prejudicial to controlling public disorder or restoring or maintaining of public order in the target area of a special authorisation. 15

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction to imprisonment for a term not exceeding 7 years and shall also be liable to caning. 20

Carrying, etc., offensive weapon in target area

41.—(1) A person commits an offence if the person —

- (a) is carrying or has in the person's possession or under the person's control any offensive weapon, other than for a lawful purpose; and 25

- (b) is within the target area of a special authorisation.

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction to imprisonment for a term not exceeding 5 years and shall also be liable to caning. 30

(3) A person commits an offence if the person —

(a) is carrying or has in the person's possession or under the person's control any offensive weapon; and

(b) is found within the target area of a special authorisation in circumstances which raise a reasonable presumption that the offensive weapon is intended to be used for a purpose prejudicial to controlling public disorder or restoring or maintaining of public order.

(4) A person who is guilty of an offence under subsection (3) shall be liable on conviction to imprisonment for a term not exceeding 3 years and shall also be liable to caning.

(5) In proceedings for an offence under subsection (3), it is a defence if the accused proves on a balance of probabilities that the accused possessed the offensive weapon solely for a lawful purpose.

(6) Where any offensive weapon is found in or on any premises, the occupier of the premises is taken to be in possession of the offensive weapon unless the occupier proves —

(a) that some other person was in possession of the offensive weapon; or

(b) that the occupier —

(i) had no knowledge or reasonable means of knowledge that the offensive weapon was in or on the premises; and

(ii) had taken all reasonable precautions against the offensive weapon being kept in or on the premises.

(7) In any prosecution for an offence under subsection (3), it shall be presumed, until the contrary is proved, that any offensive weapon was intended to be used for a purpose prejudicial to controlling public disorder or restoring or maintaining public order if —

(a) the quantity of offensive weapons found exceeded the quantity reasonably required to be kept by the accused for ordinary use in the accused's household or establishment and (in the case of a person carrying on business) exceeded

the quantity reasonably required to be kept in the ordinary course of such business;

- (b) the offensive weapons were kept concealed or in a place other than that in which they might reasonably be expected to be kept for domestic or, in the case of a person carrying on business, for business purposes; or
- (c) the offensive weapons were kept in containers other than containers of a kind in which such weapons are ordinarily kept for domestic or, in the case of a person carrying on business, for business purposes.

Enhanced penalty for certain offences committed in target area

42.—(1) A person who —

- (a) when within the target area of a special authorisation, commits or attempts to commit; or
- (b) when in any place in Singapore, abets the commission, within the target area of a special authorisation, of,

any relevant offence shall be liable on conviction to such fine as is provided for that offence, attempt or abetment, as the case may be, or to imprisonment for a term which may extend to twice the longest term provided therefor or to both.

(2) In this section, “relevant offence” means an offence under sections 143, 144, 145, 147, 148, 151, 152, 153, 157, 158, 267B, 379, 380, 381 and 382 of the Penal Code (Cap. 224).

Unauthorised photography, etc., of target area

43.—(1) If a picture or film of an area that is or part of the target area of a special authorisation is made —

- (a) when the special authorisation is in effect;
- (b) using any equipment on board —
 - (i) an unmanned aircraft while the unmanned aircraft is in flight or otherwise in operation; or
 - (ii) an autonomous vehicle or unmanned vessel when is in motion or otherwise in operation; and

(c) without the permission of the Commissioner,

the operator of the unmanned aircraft, autonomous vehicle or unmanned vessel (as the case may be) and the individual making the picture or film if the individual is not the operator, shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) In proceedings for an offence under subsection (1) —

(a) it is not necessary for the prosecution to prove that an accused knew or had reason to believe that —

(i) the premises concerned is the target area of a special authorisation; or

(ii) the unmanned aircraft, autonomous vehicle or unmanned vessel (as the case may be) had on board equipment for making pictures or films when flying, moving or otherwise in operation; but

(b) it is a defence to the charge for the accused to prove, on a balance of probabilities, that the picture or film was not taken intentionally but was taken because of weather conditions or other unavoidable cause.

(3) In this section —

“operator”, for an unmanned aircraft, autonomous vehicle or unmanned vessel, means a person who is engaged in the operation of the unmanned aircraft, autonomous vehicle or unmanned vessel, and where the unmanned aircraft is a remotely piloted aircraft, includes —

(a) the person who causes the remotely piloted aircraft to fly; and

(b) the remote pilot of the aircraft with duties essential to the operation of the remotely piloted aircraft, such as manipulating the flight controls as appropriate during flight time, if the remote pilot is not the operator;

“remotely piloted aircraft” has the meaning given by section 2(1) of the Air Navigation Act (Cap. 6).

Breach of communications stop order

44.—(1) A person commits an offence if —

- (a) the person (if not an excluded person) makes a relevant film or picture; or
- (b) the person (if not an excluded person) exhibits or communicates a relevant film or picture or a relevant text or audio message,

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when a communications stop order (which is made because of a special authorisation) is in force.

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

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(3) In proceedings for an offence under subsection (1) —

- (a) it is not necessary for the prosecution to prove that an accused knew or had reason to believe that the film, picture, text or audio message is a relevant film or picture or a relevant text or audio message; but
- (b) it is a defence to the charge for the accused to prove, on a balance of probabilities, that the relevant film or picture was made, communicated or exhibited, or the relevant text or audio message was communicated or exhibited, by the accused with the prior approval of the Commissioner.

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Offences by corporations

45.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

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- (a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his or her actual or apparent authority; and

(b) the officer, employee or agent had that state of mind,
is evidence that the corporation had that state of mind.

(2) Where a corporation commits an offence under this Act, a
person —

5 (a) who is —

(i) an officer of the corporation, or a member of a
corporation whose affairs are managed by its
members; or

10 (ii) an individual involved in the management of the
corporation and in a position to influence the conduct
of the corporation in relation to the commission of the
offence; and

(b) who —

15 (i) consented or connived, or conspired with others, to
effect the commission of the offence;

(ii) is in any other way, whether by act or omission,
knowingly concerned in, or is party to, the
commission of the offence by the corporation; or

20 (iii) knew or ought reasonably to have known that the
offence by the corporation (or an offence of the same
type) would be or is being committed, and failed to
take all reasonable steps to prevent or stop the
commission of that offence,

25 shall be guilty of that same offence as is the corporation, and shall be
liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that
would be available to the corporation if it were charged with the
offence with which the person is charged and, in doing so, the person
bears the same burden of proof that the corporation would bear.

30 (4) To avoid doubt, this section does not affect the application of —

(a) Chapters V and VA of the Penal Code (Cap. 224); or

(b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence. 5

(6) In this section —

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes — 10

(a) any person purporting to act in any such capacity; and

(b) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation; 15

“reasonable steps”, in relation to the commission of an offence, includes, but is not limited to, such action (if any) of the following kinds as is reasonable in all the circumstances:

(a) action towards — 20

(i) assessing the corporation’s compliance with the provision creating the offence; and

(ii) ensuring that the corporation arranged regular professional assessments of its compliance with the provision; 25

(b) action towards ensuring that the corporation’s employees, agents and contractors are provided with information, training, instruction and supervision appropriate to them to enable them to comply with the provision creating the offence so far as the provision is relevant to them; 30

(c) action towards ensuring that —

(i) the plant, equipment and other resources; and

(ii) the structures, work systems and other processes,

relevant to compliance with the provision creating the offence are appropriate in all the circumstances;

5 (d) action towards creating and maintaining a corporate culture that does not direct, encourage, tolerate or lead to non-compliance with the provision creating the offence;

“state of mind” of a person includes —

10 (a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person’s reasons for the intention, opinion, belief or purpose.

Offences by unincorporated associations or partnerships

15 **46.**—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

(a) an employee or agent of the unincorporated association of the partnership engaged in that conduct within the scope of his or her actual or apparent authority; and

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(b) the employee or agent had that state of mind,

is evidence that the unincorporated association or partnership had that state of mind.

(2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

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(a) who is —

(i) an officer of the unincorporated association or a member of its governing body;

(ii) a partner in the partnership; or

30 (iii) an individual who is involved in the management of the unincorporated association or partnership and in a position to influence the conduct of the

unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and

(b) who —

- (i) consented or connived, or conspired with others, to effect the commission of the offence; 5
- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or 10
- (iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence, 15

shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be), and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear. 20

(4) To avoid doubt, this section does not affect the application of — 25

- (a) Chapters V and VA of the Penal Code (Cap. 224); or
- (b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence. 30

(6) In this section —

“officer”, 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, and includes —

(a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and

(b) any person purporting to act in any such capacity;

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

“reasonable steps” has the same meaning as in section 45(6);

“state of mind” of a person includes —

(a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person’s reasons for the intention, opinion, belief or purpose.

Jurisdiction of courts

47. Despite the Criminal Procedure Code (Cap. 68), a District Court or a Magistrate’s Court has jurisdiction to try any offence under this Act and has power to impose the full punishment for any such offence.

PART 7

MISCELLANEOUS

Arrest and bail

48.—(1) Every offence as follows is arrestable for the purposes of the Criminal Procedure Code (Cap. 68):

(a) an offence under this Act;

(b) an offence under section 143, 144, 145, 147, 148, 151, 152, 153, 157, 158, 267B, 379, 380, 381 or 382 of the Penal Code (Cap. 224) which is committed in the target area of a special authorisation.

(2) A police officer may use such force as is reasonably necessary to arrest any individual whom the officer reasonably suspects is committing or has committed —

(a) an offence under this Act; or

(b) in the target area of a special authorisation, an offence under section 143, 144, 145, 147, 148, 151, 152, 153, 157, 158, 267B, 379, 380, 381, 382, 430, 430A, 431, 431A, 435 or 436 of the Penal Code,

including the use of lethal weapons to effect the arrest and to prevent escape from the arrest.

(3) A police officer making an arrest without warrant under this section must, without unnecessary delay, take or send the individual arrested before a Magistrate's Court.

(4) A police officer must not detain in custody an individual arrested under this section without warrant for longer than is reasonable in the circumstances, and such period must not exceed 48 hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

(5) A police officer making any arrest under this Act may take from the individual arrested any offensive weapon, or dangerous article, or a thing which the police officer has reasonable grounds for suspecting to be a dangerous article or an offensive weapon or part of a dangerous article or an offensive weapon, that is found on the individual.

(6) Every —

(a) offence under this Act; and

(b) offence mentioned in subsection (2)(b) which is committed in the target area of a special authorisation,

is non-bailable for the purposes of the Criminal Procedure Code.

(7) In this section, a reference to an offence under this Act includes a reference to an abetment of, or a conspiracy or an attempt to commit, the offence.

(8) Parliament may, from time to time, by resolution add to, delete or replace any offence specified in subsection (2)(b).

Appeal to Minister against temporary restraining order

49.—(1) Any individual against whom a temporary restraining order, or a variation of such an order, is made under section 29 may, if aggrieved by that decision, appeal to the Minister against the making of the temporary restraining order or the variation, as the case may be.

(2) Every appeal under this section must be made within the time and in the manner prescribed.

(3) A temporary restraining order made under section 29 against an individual, or a variation under that section of such an order, takes effect despite any appeal against the order, and remains in effect until the order is modified or reversed on appeal.

(4) The Minister may determine an appeal against a temporary restraining order or a variation of a temporary restraining order —

(a) by confirming the order or variation (as the case may be) in whole or modifying it in part; or

(b) by reversing the order or variation (as the case may be) in question.

(5) The Minister's decision on an appeal under this section is final.

Interface with other laws

50.—(1) The powers under this Act are in addition to, and not in derogation of, any power otherwise conferred.

(2) To avoid doubt, nothing in this Act —

(a) affects a police officer's powers or duties under any provision of the Criminal Procedure Code (Cap. 68) or other written law;

(b) affects a serviceman's powers or duties under Part XIIIA of the Singapore Armed Forces Act (Cap. 295) when an activation order is not in effect; or

(c) derogates from any requirement imposed by or under —

(i) the Broadcasting Act (Cap. 28);

(ii) the Civil Defence Act (Cap. 42);

- (iii) the Infrastructure Protection Act 2017 (Act 41 of 2017);
- (iv) the Public Order Act (Cap. 257A);
- (v) the Road Vehicles (Special Powers) Act (Cap. 277);
- (vi) Part XII of the Singapore Armed Forces Act; 5
- (vii) the Telecommunications Act (Cap. 323); or
- (viii) section 21B of the Town Councils Act (Cap. 329A).

Protection from personal liability

51.—(1) No liability shall lie personally against a person who, acting in good faith and with reasonable care, does or omits to do anything — 10

- (a) in the execution or purported execution of this Act;
- (b) in complying with an order or a direction given under this Act; or
- (c) when assisting a police officer. 15

(2) To avoid doubt, this section does not affect section 25 of the Police Force Act (Cap. 235).

Service of documents

52.—(1) Without limiting sections 13(2) and 30(4), a document that is permitted or required by this Act to be served on a person may be served as described in this section. 20

(2) A document permitted or required by this Act to be served on an individual may be served —

- (a) by giving it to the individual personally;
- (b) by sending it by prepaid registered post to the address specified by the individual for the service of documents or, if no address is so specified, the individual's residential address or business address; 25

- (c) by leaving it at the individual's residential address with an adult apparently resident there, or at the individual's business address with an adult apparently employed there;
- (d) by affixing a copy of the document in a conspicuous place at the individual's residential address or business address;
- (e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or
- (f) by sending it by email to the individual's last email address.

(3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —

- (a) by giving it to any partner or other like officer of the partnership;
- (b) by leaving it at, or by sending it by prepaid registered post to, the partnership's business address;
- (c) by sending it by fax to the fax number used at the partnership's business address; or
- (d) by sending it by email to the partnership's last email address.

(4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) may be served —

- (a) by giving it to the body corporate's secretary or other like officer, or the limited liability partnership's manager;
- (b) by leaving it at, or by sending it by prepaid registered post to, the body corporate's registered office or principal office in Singapore;
- (c) by sending it by fax to the fax number used at the body corporate's registered office or principal office in Singapore; or
- (d) by sending it by email to the body corporate's last email address.

(5) Service of a document under subsection (1) takes effect —

- (a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;
- (b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person; and
- (c) if the document is sent by prepaid registered post, 2 days after the day the document was posted (even if it is returned undelivered).

(6) This section does not apply to documents to be served in proceedings in court.

(7) In this section —

“business address” means —

- (a) in the case of an individual, the individual’s usual or last known place of business in Singapore; or
- (b) in the case of a partnership (other than a limited liability partnership), the partnership’s principal or last known place of business in Singapore;

“document” includes a notice or order permitted or required by this Act to be served;

“last email address” means —

- (a) the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act; or
- (b) the last email address of the addressee concerned known to the person giving or serving the document;

“residential address” means an individual’s usual or last known place of residence in Singapore.

Regulations

53.—(1) The Minister may make regulations necessary or convenient to be prescribed for carrying out or giving effect to this

Act, including transitional and saving provisions as the Minister considers necessary or expedient.

(2) All regulations made under this section must be presented to Parliament as soon as possible after publication in the *Gazette*.

5 **Repeal**

54. The Public Order (Preservation) Act (Cap. 258) is repealed.

PART 8

CONSEQUENTIAL AND RELATED
AMENDMENTS TO OTHER ACTS

10 **Amendment of Criminal Procedure Code**

55. The Second Schedule to the Criminal Procedure Code (Cap. 68, 2012 Ed.) is amended by deleting item 20 and substituting the following item:

“20. Public Order and Safety (Special Powers) Act 2018”.

15 **Amendment of Police Force Act**

56. Section 17(1) of the Police Force Act (Cap. 235, 2006 Ed.) is amended by inserting, immediately after the words “specially provided in section 18 or 110A”, the words “and the Public Order and Safety (Special Powers) Act 2018”.

20 **Amendment of Public Order Act**

57. The Public Order Act (Cap. 257A, 2012 Ed.) is amended —

(a) by inserting, immediately after subsection (2) of section 7, the following subsection:

25 “(2A) During the period an activation order has effect under the Public Order and Safety (Special Powers) Act 2018, the Commissioner may refuse to issue any permit for or in respect of a public assembly or public procession to be held within or enter an area which is the target of a special authorisation granted
30 under that Act as a result of the activation order.”;

- (b) by inserting, immediately after subsection (2) of section 10, the following subsection:

“(2A) A permit which is granted for or in respect of a public assembly or public procession is treated as cancelled immediately if —

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(a) a special authorisation is granted under section 11 of the Public Order and Safety (Special Powers) Act 2018 pursuant to the giving of an activation order under that Act; and

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(b) the public assembly or public procession is being or is to be held within, or enter or is to enter, an area which is the target area of that special authorisation.”;

- (c) by inserting, immediately after the words “subsection (1)” in section 10(3), the words “or (2A)”;

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- (d) by inserting, immediately after subsection (3) of section 11, the following subsection:

“(3A) This section does not apply to or in relation to any cancellation of a permit in the circumstances mentioned in section 10(2A).”; and

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- (e) by inserting, immediately after subsection (3) of section 14, the following subsection:

“(3A) However, an order under subsection (1) designating a public place as an unrestricted area immediately expires if —

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(a) a special authorisation is granted under section 11 of the Public Order and Safety (Special Powers) Act 2018 pursuant to the giving of an activation order under that Act; and

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(b) the public place, or any part of the public place, falls within the target area of the special authorisation.”.

Amendment of Registration of Criminals Act

58. Part II of the First Schedule to the Registration of Criminals Act (Cap. 268, 1985 Ed.) is amended by inserting, immediately after the item relating to “Public Order (Preservation) Act”, the following item:

5 “Public Order and Safety (Special Powers) Act 2018 The whole.”.

Amendment of Road Vehicles (Special Powers) Act

59. The Road Vehicles (Special Powers) Act (Cap. 277, 2007 Ed.) is amended —

10 (a) by deleting the words “has reasonable grounds for suspecting that there is to be found in the vehicle any article in respect of which a scheduled offence has been or is being committed, he may search the vehicle and any person found in such vehicle” in section 3(2) and substituting the words “may search the vehicle and any person found in such vehicle if the police officer suspects on reasonable grounds that there is to be found in the vehicle any article in respect of which a scheduled offence has been or is being committed, or that the vehicle, or a person in, on or near the vehicle, is the target of a special authorisation given under the Public Order and Safety (Special Powers) Act 2018 or that the vehicle is in an area that is the target of the special authorisation”;

20 (b) by inserting, immediately after subsection (1) of section 5, the following subsection:

25 “(1A) When a special authorisation under the Public Order and Safety (Special Powers) Act 2018 has effect and it is reasonably suspected by a police officer that a road vehicle, or a person in, on or near the vehicle, is the target of the special authorisation or that any dangerous article, offensive weapon or subversive document (within the meaning of that Act) may be found in any road vehicle or on any person found in, on or near the vehicle —

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- (a) the owner of the road vehicle must give such information as may be required by the police officer as to the identity and the address, driving licence number and identity card number of the person who was in control of or driving the road vehicle on any specified occasion; and 5
- (b) any other person who was or should have been in control of that road vehicle must, if required by the police officer, give any information which is in the person's power to give and which may lead to the identification of the driver.”; 10
- (c) by inserting, immediately after the words “subsection (1)” in section 5(2), the words “or (1A)”; 15
- (d) by inserting, immediately after the words “the provisions of this Act” in section 6, the words “(except section 5(1A))”; and
- (e) by renumbering section 6 as subsection (1) of that section, and by inserting immediately thereafter the following subsection: 20
- “(2) Any person who contravenes or fails to comply with section 5(1A) 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 2 years or to both.”. 25

Amendment of Telecommunications Act

60. Section 58 of the Telecommunications Act (Cap. 323, 2000 Ed.) is amended by inserting, immediately after subsection (9), the following subsection: 30

“(10) This section does not authorise the Minister to give any directions when an activation order (within the meaning of the Public Order and Safety (Special Powers) Act 2018) is in force,

and for any of the purposes for which a direction under section 32 of that Act is or may be given.”.

EXPLANATORY STATEMENT

This Bill seeks to extend police powers to better prevent and respond to any incident or likely incident involving serious violence or large-scale public disorder in Singapore, and to repeal the Public Order (Preservation) Act (Cap. 258).

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

Part 1 introduces the fundamental concepts used in and for the purposes of the Bill.

Part 2 deals with activation orders, which are to be made by the Minister and the circumstances when such orders may be made for the purposes of triggering the use of the special powers in the Bill.

Part 3 empowers the Commissioner of Police (the Commissioner) to grant special authorisations to police officers or servicemen after an activation order is made, which specify the special powers and the target persons, target vehicles or target areas in relation to which the special powers may be exercised.

Part 4 sets out the special powers which may be exercised pursuant to a special authorisation.

Part 5 deals with temporary restraining orders and with measures which the Commissioner and the Minister may take as regards communications, and telecommunication licensees when an activation order is in effect.

Part 6 sets out various offences.

Part 7 contains miscellaneous provisions necessary for the implementation of the Bill.

Part 8 seeks to make various consequential and related amendments to the Criminal Procedure Code (Cap. 68), the Police Force Act (Cap. 235), the Public Order Act (Cap. 257A), the Registration of Criminals Act (Cap. 268), the Road Vehicles (Special Powers) Act (Cap. 277) and the Telecommunications Act (Cap. 323).

PART 1

PRELIMINARY

Clause 1 relates to the short title and commencement.

Clause 2 is a general definition provision. It contains definitions of terms used in the different provisions of the Bill.

The expression “Commissioner” is defined to mean the public officer who is appointed under section 6(1) of the Police Force Act as the Commissioner of Police, and includes a police officer who is for the time being appointed under that provision to execute the duties of that office.

The definition, together with the amendments in clause 56 to the Police Force Act, excludes other police officers acting on delegation by the Commissioner.

The word “activation order” is defined to mean such an order under clause 8.

A “cordon” is defined to include a physical barrier or a roadblock on any road in, or in the vicinity of, an area. The definition is non-exhaustive so other forms of cordons, such as water tanks or a line of police officers, are possible.

The expressions “dangerous article” and “offensive weapon” are used in a number of clauses in the Bill. These terms are mutually exclusive in their scope.

A “dangerous article” is defined to include an article which has a blade or is sharply pointed (such as a knife or switchblade), an explosive or explosive precursor within the meaning of the Arms and Explosives Act (Cap. 13), a corrosive substance within the meaning of the Corrosive and Explosive Substances and Offensive Weapons Act (Cap. 65), a dangerous, hazardous, radioactive or harmful substance or toxic chemical, a microbial or other biological agent, or toxin (with or without its container), and an article or a vehicle used or about to be used in a serious incident to cause or threaten injury to, or otherwise intimidate, any person.

An “offensive weapon” is defined to mean any firearm, air gun, air pistol, stun gun, electronic dart gun, automatic gun, automatic pistol or any other kind of gun from which any shot, bullet or other missile can be discharged or noxious fumes or noxious substance can be emitted, and any component part of any such arms, a bayonet, sword, dagger, spear or spearhead, a bomb or grenade, any apparatus, machine, implement or material used or intended to be used or adapted for causing or aiding in causing any explosion in or with any explosive substance, or a part of such bomb, grenade, apparatus, machine or implement, and an article or a vehicle which, if used as a weapon, is likely to cause hurt within the meaning of the Penal Code (Cap. 224).

The term “police officer” is defined to extend to cover a member of the Special Constabulary established under the Police Force Act and an auxiliary police officer appointed as such under Part IX of that Act.

Clause 3 contains the definition of the fundamental term “serious incident”, the happening or threat of which provides a reason for the powers in the Bill to be applied.

A serious incident means circumstances arising from one of 3 activities. The first is the carrying out of an act constituting a terrorist act (within the meaning given by section 2(2) and (3) of the Terrorism (Suppression of Financing) Act (Cap. 325)) affecting persons or property in Singapore, a terrorist bombing offence (within the meaning given by section 2 of the Terrorism (Suppression of Bombings) Act (Cap. 324A)) committed in Singapore, or a nuclear terrorism offence (within the meaning given by section 2 of the Terrorism (Suppression of Misuse of Radioactive Material) Act 2017 (Act 27 of 2017)) committed in Singapore, or an abetment of or a conspiracy to commit such a terrorist act or a terrorist bombing offence, or an attempt to commit such a terrorist act or terrorist bombing offence.

The second activity is the carrying out of an act of serious violence affecting the public. Clause 4 defines an “act of serious violence”.

The third activity is the carrying out of an act causing large-scale public disorder.

Clause 3 also sets out some illustrations (which are non-exhaustive) of serious incidents.

Clause 4 defines what amounts to an act of serious violence. An act of serious violence is defined to mean an act that —

- (a) involves serious violence to an individual in Singapore;
- (b) causes serious damage to property in Singapore;
- (c) causes death in Singapore;
- (d) endangers the life of an individual in Singapore, including the life of the individual taking action;
- (e) causes a serious risk to the health or safety of the public or a section of the public in Singapore; or
- (f) involves releasing into the environment or any part thereof, or distributing or otherwise exposing the public or a section of the public in Singapore to —
 - (i) any toxic chemical;
 - (ii) any dangerous, hazardous, radioactive or harmful substance; or
 - (iii) any microbial or other biological agent, or toxin.

Clause 5 defines who and what are targets of special authorisation, which is an expression used throughout the Bill.

A target person of a special authorisation is the particular individual or person in relation to whom the special authorisation authorises the exercise of special powers under the Bill.

A target vehicle of a special authorisation is the particular vehicle or particular kind of vehicle in relation to which the special authorisation authorises the exercise of special powers under the Bill.

A target area of a special authorisation is the particular area in relation to which the special authorisation authorises the exercise of special powers under the Bill.

There is an expanded meaning given to a reference to an individual in a target area. The reference includes an individual who is about to enter the target area or who has recently left the target area. A similar treatment is given to vehicles in a target area.

Clause 6 describes the purposes of the Bill. These are to provide additional powers to the police, and to impose new obligations on other persons, relating to the prevention of, and the response to, serious incidents occurring or likely to occur in Singapore.

Clause 7 makes it clear that the functions, powers or duties conferred by the Bill in relation to a serious incident may be exercised or performed only where an act of serious violence or act causing large-scale public disorder has been, or is being, or is likely to be, committed in Singapore. Hence, the powers in the Bill may still be applied where acts of serious violence simultaneously take place partly in Singapore and partly elsewhere. For example, a coordinated terror attack on more than one city in South-east Asia, one of which is Singapore, may form a basis for invoking powers under the Bill.

PART 2

ACTIVATION ORDER

Part 2 deals with activation orders, which are to be made by the Minister and the circumstances when such orders may be made for the purposes of triggering the use of the special powers in the Bill.

Clause 8 empowers the Minister to make an activation order to activate the use of powers under the Bill.

An activation order may be given only where, in the opinion of the Minister, there is a serious incident occurring or which has occurred in any area or place in Singapore, or a threat of such an incident occurring in any area or place in Singapore, and the exercise of any power under the Bill is necessary to substantially assist in preventing that occurrence of the serious incident, reducing the impact of the serious incident, or the threatened serious incident, on the health or safety of the public or on property in that area or place, or

controlling public disorder or restoring or maintaining public order in Singapore after the occurrence of that serious incident.

An activation order must be in writing and given to the Commissioner. Reading this with the Electronic Transactions Act (Cap. 88), “writing” will extend to include an electronic record where the information contained in the record is accessible so as to be usable for subsequent reference. For example, an email or an SMS message could satisfy the requirement for an activation order to be in writing.

Once an activation order is made and given, the Minister must publish, or cause to be published, without delay notice of the fact that the Minister has done so. This is not a requirement for the activation order to be published.

Notice that an activation order has been made and given must be published in the *Gazette*, and in such other manner as will secure adequate publicity for the fact that the activation order is made and given. However, failure to publish such a notice in respect of any activation order does not invalidate the order.

Clause 9 prescribes the contents of an activation order. Such an order must describe the general nature of the serious incident or threatened serious incident to which it applies, specify the period or periods during which the activation order has effect, and authorise the Commissioner to exercise all or any of the special powers under any provision of the Bill in relation to the serious incident or threatened serious incident, during the period the activation order is in effect.

However, the period an activation order can be in effect must not be longer than that allowed by clause 10.

Clause 10 sets a limit of one month for how long any activation order can be in effect. Otherwise, an activation order has effect during the period starting when it is given to the Commissioner, or at the later time specified in the activation order where so specified, and ending at the time specified in that activation order.

The Minister may also revoke an activation order at any time.

However, the cessation of an activation order having effect (whether or not by revocation) does not prevent a further activation order being made and given by the Minister if the Minister is satisfied that the circumstances warrant it under clause 8.

PART 3

SPECIAL AUTHORISATIONS

Part 3 empowers the Commissioner to grant special authorisations to police officers or servicemen after an activation order is made, which specify the special powers and the target persons, target vehicles or target areas in relation to which the special powers may be exercisable.

Clause 11 empowers the Commissioner who is given an activation order because of a serious incident or threatened serious incident in an area or place to grant one or more special authorisations during the period the activation order is in force.

In granting a special authorisation, it is not necessary for the Commissioner to give any person who may be affected by the special authorisation a chance to be heard before the authorisation is granted.

A special authorisation is to be granted to one or more police officers or servicemen to enable the police officer or serviceman special powers as will substantially assist in all or any of the following:

- (a) preventing the occurrence of the serious incident;
- (b) reducing the impact of the serious incident, or threatened serious incident, on the health or safety of the public or on property in the area or place;
- (c) controlling public disorder or restoring or maintaining public order after the occurrence of the serious incident;
- (d) apprehending the persons responsible for the serious incident;
- (e) preserving the evidence of, or relating to, the serious incident;
- (f) supporting the necessary recovery process for the community in the aftermath of the serious incident;
- (g) facilitating the activities of emergency service agencies responding to the serious incident.

Clause 12 deals with the contents of special authorisations. Every special authorisation must describe the general nature of the serious incident or threatened serious incident to which it applies, specify the period or periods during which the authorisation has effect, and specify which of the special powers may be exercised under the authorisation.

Every special authorisation must also authorise the exercise of the special powers specified in relation to a particular individual or person named or described in the authorisation (called a target person of the special authorisation), a particular vehicle or a vehicle of a particular kind described in the authorisation (called a target vehicle of the special authorisation), or a particular area described in the authorisation (called a target area of the special authorisation), or all of them.

A special authorisation granted to a police officer or serviceman may also confer power on the police officer or serviceman to direct another police officer or serviceman to exercise the special powers specified in the special authorisation. This enables a delegation to meet operational needs.

Clause 13 sets out how a special authorisation is to be given.

A special authorisation by the Commissioner may be in writing, or be given orally. However, a special authorisation must be confirmed in writing as soon as practicable after being given orally.

The Commissioner has to cause notice of every special authorisation the Commissioner grants to be given to every police officer or serviceman authorised to exercise the special powers specified in that authorisation, and to any other person who, in the Commissioner's opinion, ought to have notice of the authorisation. Examples of these other persons may be the individuals authorised in clause 15 to assist police officers.

Clause 13(3) sets out examples of how the notice of the granting of a special authorisation is to be given if the Commissioner is of the opinion that notice of the authorisation needs to be given to the public at large.

If a special authorisation is revoked by the Commissioner (which must be in writing), the Commissioner must also give notice, or cause the giving of notice, of the revocation in the same manner in which the special authorisation was first or previously given.

Clause 14 provides that a special authorisation has effect during the period starting when it is granted, or at such later time as is specified in the authorisation, and ending at the time specified in that authorisation. A special authorisation which is granted because an activation order has effect must not in any case exceed the period the activation order has effect.

The cessation of a special authorisation having effect (whether or not by revocation) does not prevent a further special authorisation from being granted by the Commissioner if the Commissioner is satisfied that the circumstances warrant it under clause 11 and an activation order is still in effect.

Clause 15 specifies who may exercise the special powers specified in a special authorisation.

A special power specified in a special authorisation may be exercised by a police officer when he or she is in uniform, or a police officer when not in uniform only after he or she produces a warrant identifying himself or herself as a police officer, provided that the officer is given the special authorisation.

In addition, a special power specified in a special authorisation may also be exercised by 3 other groups of individuals. The first group is made up of law enforcement officers. They have to be acting on the direction and in aid of the police officer given the special authorisation.

A "law enforcement officer" is defined in clause 2(1) to mean an immigration officer, a narcotics officer, a prisons officer, or a Civil Defence Service officer (but not an auxiliary member of the Civil Defence Force). The class may be expanded by the Minister by regulations made under clause 53.

The second group is made up of servicemen deployed for duty in accordance with an order made under section 201C(1) of the Singapore Armed Forces Act (Cap. 295) and granted a special authorisation. They do not act on the direction and in aid of the police officer given the special authorisation.

The last group is made of any civilian (called a civilian assistant). They have to be acting on the direction and in aid of the police officer given the special authorisation, and are confined to exercising certain special powers.

Furthermore, the clause does not authorise a civilian assistant to use lethal force (such as a lethal weapon) when exercising a special power in aid of a police officer.

Clause 15 also places limits on what a serviceman deployed under section 201C of the Singapore Armed Forces Act can do under the Bill.

A serviceman is not authorised to exercise a special power specified in clause 17 (obtaining disclosure of identity), 24 (removing vehicles), 29 (relating to temporary restraining orders) or 35(4) and (5) (relating to requisition), or to exercise a special power specified in clause 22 (search of individuals), 23 (search of vehicles) or 25 (search of premises) outside of a target area of a special authorisation.

A serviceman is also not authorised to close any public road within, or leading to or from, the target area of the special authorisation under clause 19(1), or place a curfew under clause 21(1), ahead of any police officer; the serviceman will be in a supporting role in enforcing roadblocks and implementing curfews.

Finally, a serviceman also cannot exercise any special power once the order made under section 201C of the Singapore Armed Forces Act ceases to be valid.

PART 4

SPECIAL POWERS

Part 4 describes the special powers that may be specified in a special authorisation granted to a police officer or a serviceman to exercise.

Clause 16 provides that a police officer may, pursuant to a special authorisation, stop any individual in a target area of the special authorisation for so long as it is necessary to question the individual to ascertain the individual's identity and movements or what the individual knows about a recent serious incident or threatened serious incident.

An individual commits an offence if he or she, without reasonable excuse, fails to stop when required to do so under the clause, refuses to answer a question addressed to the individual under the clause, or fails to answer to the best of his or her knowledge or ability a question addressed to the individual under the clause. The penalty is a fine not exceeding \$20,000 or imprisonment for a term not exceeding 2 years or both.

Clause 17 provides that a police officer may, pursuant to a special authorisation, request an individual whose identity is unknown to the police officer to disclose the individual's identity and residential address if the police officer suspects on reasonable grounds that the individual is the target person of the special authorisation or the individual is found in the company of the target person of the special authorisation.

Clause 17 also provides that a police officer may, pursuant to a special authorisation, request an individual whose identity is unknown to the police officer to disclose the individual's identity and residential address if the individual is in, on or near a vehicle that the police officer suspects on reasonable grounds is the target vehicle of the special authorisation.

An individual commits an offence if he or she, without reasonable excuse, refuses or fails to comply with a request under the clause or, in response to the request, gives a name that is false in a material particular, or gives an address other than the individual's full and correct residential address. The penalty is a fine not exceeding \$20,000 or imprisonment for a term not exceeding 2 years or both.

Clause 18 deals with cordons. It provides that a police officer may, pursuant to a special authorisation, place a cordon around the target area of the special authorisation or any part of it, for the purpose of exercising a power specified in the special authorisation.

An individual who is in a cordoned area must immediately leave the area if ordered to do so by a police officer. An individual who is on any premises which abut or are wholly or partly within a cordoned area must immediately leave the premises if ordered to do so by a police officer. The driver, or the other individual or other person in charge of a vehicle or vessel which is in a cordoned area must immediately move the vehicle or vessel from the area if ordered to do so by a police officer.

If the individual, or the driver or other person in charge of a vehicle or vessel, is outside the cordoned area, the individual, driver or person must not enter the cordoned area, and must immediately move the vehicle or vessel away from the vicinity of the cordoned area, if ordered to do so by a police officer.

Clause 18(8) provides that a police officer may use such force as is reasonably necessary, including the use of lethal weapons, to prevent an individual, or a driver or other person in charge of a vehicle or vessel, from entering or attempting to enter a cordoned area contrary to an order given under clause 18, or to remove an individual or a vehicle or vessel from or away from a cordoned area, as the case may be.

An individual, or a driver or other person in charge of a vehicle or vessel, commits an offence if he or she, without reasonable excuse, refuses or fails to comply with an order of a police officer under clause 18 when required to do so.

The penalty is a fine not exceeding \$20,000 or imprisonment for a term not exceeding 2 years or both.

Clause 19 empowers a police officer, pursuant to a special authorisation, to issue an order to wholly or partly close any public road within, or leading to or from, the target area of the special authorisation, to prohibit or restrict the use of a waterway within, or leading to or from, the target area of the special authorisation, to divert or otherwise interfere with such a public road or waterway or the use of such a road or waterway, or to prohibit or restrict the exercise of a right of way within, or leading to or from, the target area of the special authorisation.

In addition, a police officer may, pursuant to a special authorisation, by order prohibit or restrict access by vehicles, vessels or pedestrians to the target area of the special authorisation.

However, the period that a public road, waterway or right of way may be closed, prohibited or restricted under clause 19 must not exceed 24 hours unless the order is confirmed by the Commissioner before the end of the initial or a prior 24 hours.

Clause 19 provides that if an individual, or a driver or other person in charge of a vehicle or vessel, fails to comply with an order given under the clause by a police officer, the police officer may use such force as is reasonably necessary to ensure compliance with that order, including the use of lethal weapons.

An individual, or a driver or person in charge of a vehicle or vessel, commits an offence if he or she, without reasonable excuse, refuses or fails to comply with an order of a police officer given in the exercise of a power under the clause. The penalty is a fine not exceeding \$20,000 or imprisonment for a term not exceeding 2 years or both.

Clause 20 confers power to control the movement or conduct of individuals in a target area of a special authorisation. This will be through directions which may set out the extent of control and the individuals or class of individuals affected.

Clause 20 also provides that a police officer may, pursuant to a special authorisation, direct any individual or group of individuals within the target area of the special authorisation to go to a particular premises or place which is outside of any cordoned area within the target area, or not to enter a particular premises or place which is outside of any cordoned area within the target area.

Under clause 20, a police officer may also, pursuant to a special authorisation, direct any individual or group of individuals within the target area of the special authorisation to conduct or not to conduct themselves in a particular way when in that area, or any assembly or procession of individuals within the target area of the special authorisation to disperse. The assembly or procession need not be one that requires a permit under the Public Order Act.

If an individual who is part of an assembly or a procession of individuals within the target area of the special authorisation fails to comply with a police officer's

direction to disperse, the police officer may use such force as is reasonably necessary to ensure compliance with that order, including the use of lethal weapons.

An individual commits an offence if he or she, without reasonable excuse, refuses or fails to comply with a direction of a police officer under clause 20 when required to do so. The penalty is a fine not exceeding \$20,000 or imprisonment for a term not exceeding 2 years or both.

Clause 21 deals with curfews. The clause empowers a police officer, pursuant to a special authorisation, to direct any individual or group of individuals within the target area of the special authorisation to stay at or in a particular premises or place in that area. The directions may set out more particularly the individuals or class of individuals affected.

The direction to stay at or in a particular premises or place may be for such times specified in the direction but not longer than 24 hours continuously unless the direction is confirmed by the Commissioner before the end of the initial 24 hours.

An individual commits an offence if he or she, without reasonable excuse, refuses or fails to comply with a direction of a police officer under clause 21 when required to do so. The penalty is a fine not exceeding \$20,000 or imprisonment for a term not exceeding 2 years or both.

Clause 22 provides that a police officer may, pursuant to a special authorisation, stop, detain, and search without a warrant, an individual and any personal property of the individual if the police officer suspects on reasonable grounds that the individual is the target person of the special authorisation, or the individual is found in the company of the target person of the special authorisation.

A police officer may, pursuant to a special authorisation, stop, detain, and search without a warrant, an individual and any personal property of the individual if the police officer suspects on reasonable grounds that the individual is in, on or near a vehicle that the police officer suspects on reasonable grounds is the target vehicle of the special authorisation.

In addition, a police officer may, pursuant to a special authorisation, stop, detain, and search without a warrant, an individual who is in the target area of the special authorisation (and any personal property of the individual) with a view to ascertaining whether the individual is carrying a dangerous article, an offensive weapon or a subversive document, or part of a dangerous article, an offensive weapon or a subversive document, or if necessary to substantially assist in preventing that occurrence of a serious incident to which the special authorisation applies, or controlling public disorder or restoring or maintaining public order in Singapore after the occurrence of a serious incident to which the special authorisation applies.

A police officer may also stop, detain, and search without a warrant, an individual who is in the target area of the special authorisation (and any personal property of the individual) if there is reasonable suspicion that the individual is committing or about to commit an offence under the Bill.

Clause 23 deals with search of vehicles. Under the clause, a police officer may, pursuant to a special authorisation, stop, board and search without a warrant, a vehicle, and anything in or on a vehicle, if the police officer suspects on reasonable grounds that the vehicle is the target vehicle of the special authorisation, or the police officer suspects on reasonable grounds that an individual in, on or near the vehicle is a target person of the special authorisation.

In addition, a police officer may, pursuant to a special authorisation, stop, board and search without a warrant, a vehicle in the target area of a special authorisation (and anything in or on the vehicle) with a view to ascertaining whether the vehicle is conveying a dangerous article, an offensive weapon or a subversive document, or part of a dangerous article, an offensive weapon or a subversive document, or if necessary to substantially assist in preventing the occurrence of a serious incident to which the special authorisation applies, or controlling public disorder or restoring or maintaining public order in Singapore after the occurrence of a serious incident to which the special authorisation applies, or if there is reasonable suspicion that the vehicle is used or is about to be used to commit an offence under the Bill.

Clause 23 is capable of application to any vessel, and any aircraft on the ground, as the section applies to vehicles, but with the necessary modifications.

Clause 24 provides that a police officer may, pursuant to a special authorisation, move or cause to be moved a vehicle which is parked or left standing in the target area of the special authorisation if, in the opinion of the police officer, the vehicle is a danger to individuals, property or other vehicles in that target area, is causing or likely to cause traffic congestion in that target area, or is hindering the exercise of special powers under the special authorisation.

A police officer acting in accordance with this clause may enter a vehicle using, if necessary, reasonable force, for the purpose of conveniently or expeditiously moving it, and move the vehicle, or cause it to be moved, to the nearest convenient place.

Clause 24 is capable of application to any vessel, and any aircraft on the ground, as the section applies to vehicles, but with the necessary modifications.

Clause 25 provides that a police officer may, pursuant to a special authorisation, enter and search, without a warrant, any premises in the target area of the special authorisation if the police officer suspects on reasonable grounds that an individual who is a target person of the special authorisation may be on the premises, or a vehicle that is a target vehicle of the special authorisation may be on the premises.

A police officer may, pursuant to a special authorisation, enter and search, without a warrant, any premises in the target area of the special authorisation with a view to ascertaining whether a dangerous article, an offensive weapon or a subversive document, or part of a dangerous article, an offensive weapon or a subversive document, is on the premises, or if necessary to prevent the occurrence of a serious incident to which the special authorisation applies, or to control, restore or maintain public order in Singapore after the occurrence of a serious incident to which the special authorisation applies.

The power to enter and search, without a warrant, any premises in the target area of the special authorisation may also be exercised by a police officer granted the special authorisation if there is reasonable suspicion that the premises are used or are about to be used to commit an offence under the Bill.

Clause 26 empowers a police officer, in connection with a search pursuant to a special authorisation, to seize and detain all or part of a thing that the police officer suspects on reasonable grounds to be a dangerous article, an offensive weapon or a subversive document, whether or not it was used or may have been used in a serious incident to which the special authorisation applies.

A police officer may also seize and detain all or part of a thing (including a vehicle, vessel or aircraft) that the police officer suspects on reasonable grounds may be used, or was used or may have been used, in the serious incident or threatened serious incident to which the special authorisation applies, or may provide evidence of the commission of an offence (whether or not related to the serious incident or threatened serious incident to which the special authorisation applies).

Clause 27 supplements the powers available under the Infrastructure Protection Act 2017 (Act 41 of 2017). It provides that a police officer may, pursuant to a special authorisation, direct an owner or occupier of any premises (residential or non-residential) within the target area of the special authorisation to do one or more of the following:

- (a) close the premises for such time as specified in the direction;
- (b) restrict the entry or egress (or both) of vehicles, vessels and aircraft on the ground, and individuals to or from the premises;
- (c) provide the police officer with information and documents relating to the premises.

The expression “premises” is defined to include any premises used for any purpose, and includes a private dwelling or private residence, and any premises used or occupied or managed and maintained by any public authority, including boarding premises solely for employees of a public authority. Examples of the latter are Town Council offices and military barracks.

A person directed by a police officer under the clause commits an offence if the person, without reasonable excuse, refuses or fails to comply with the direction of the police officer when required to do so. The penalty is a fine not exceeding \$20,000 or imprisonment for a term not exceeding 2 years or both.

Clause 28 deals with the threat posed by an unmanned aircraft, autonomous vehicle or unmanned vessel. Under the clause, a police officer may, pursuant to a special authorisation, exercise certain powers in relation to an unmanned aircraft, autonomous vehicle or unmanned vessel, if, in the opinion of the police officer, the unmanned aircraft, autonomous vehicle or unmanned vessel is —

- (a) a danger, or poses a serious and imminent risk, to the safety of individuals or property in the target area of the special authorisation;
- (b) being operated to make any picture or film of the target area of the special authorisation without the permission of the Commissioner; or
- (c) otherwise hindering the exercise of other special powers in relation to the target area under the special authorisation.

The powers that may be exercised in relation to an unmanned aircraft are similar to those found in section 32A of the Public Order Act. Similar powers are conferred by the clause in relation to autonomous vehicles and unmanned vessels.

Any person who, without reasonable excuse, contravenes any direction under the clause 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 2 years or to both.

PART 5

OTHER COUNTER-MEASURES

Part 5 is divided into 4 Divisions. Division 1 provides the Commissioner with power to temporarily restrain the movement of certain individuals. Division 2 deals with communications stop orders by the Commissioner. Division 3 covers the Minister's directions to telecommunication licensee. Division 4 provides powers of requisition.

Clause 29 confers power on the Commissioner to make a temporary restraining order against an individual where the Commissioner is of the opinion that the individual has been recently concerned in acts (whether in or outside of a target area of a special authorisation) —

- (a) involving or likely to cause or provoke a breach of the peace in the target area of the special authorisation;
- (b) likely to hinder the exercise of special powers under a special authorisation in the target area of the special authorisation; or

- (c) in the preparation or instigation of acts mentioned in paragraph (a) or (b),

and that it is necessary to exercise temporary control over such an individual.

The Commissioner may also make a temporary restraining order against an individual that, by reason of the individual's associations with any persons concerned in any acts mentioned above or by reason of the individual's words or conduct, the Commissioner is of the opinion that the individual is likely to be concerned in such acts, and that it is necessary to exercise temporary control over such an individual.

A temporary restraining order against an individual lapses when the special authorisation expires. The making of a temporary restraining order or a variation of the order may be appealed against in the manner set out in clause 49.

A temporary restraining order against an individual which is made when a special authorisation is in effect may require the individual to do all or any of the following:

- (a) not to enter the target area of the special authorisation;
- (b) to immediately leave the target area of the special authorisation;
- (c) to stay at or in (during such times specified in the order) a particular premises in or outside of the target area and to leave the premises only with the permission of a police officer;
- (d) to notify a police officer at the place and in the manner specified in the order of the individual's place of residence and any change to it;
- (e) to report to a police officer at the times and dates and in the manner specified in the order;
- (f) to enter into a bond for such amount with such sureties as may be specified for the individual's good behaviour or for due compliance with the requirements of the order.

An individual commits an offence if he or she, without reasonable excuse, refuses or fails to comply with any requirement of a temporary restraining order under the clause.

It is not necessary for the Commissioner to give any person who may be affected by a temporary restraining order, or a variation of such an order, a chance to be heard before the order or variation is made.

Clause 30 empowers the Commissioner to make a communications stop order, which orders a ban on the making, exhibiting and communicating (which includes re-communicating) during the period of a special authorisation by any person of a relevant film or picture, or a ban on the exhibiting and communicating (which includes re-communicating) by any person of a relevant text or audio message.

A “relevant film or picture” is defined in clause 2(1), in relation to a communications stop order made because of a special authorisation, to mean a film or picture which is made when a special authorisation is in effect, and is wholly, partly or incidentally about, or wholly, partly or incidentally relates to, the target area of the special authorisation.

For example, a selfie taken with the target area in the background and during the period the special authorisation is in effect would be a relevant photograph. It does not matter that the photograph is made by an individual outside the target area of the special authorisation.

A “relevant text or audio message” is further defined in clause 2(1), in relation to a communications stop order made because of a special authorisation. It refers to a text or audio message which is made when a special authorisation is in effect, and is wholly, partly or incidentally about, or wholly, partly or incidentally relates to, law enforcement activities in the target area of the special authorisation. As defined, the law enforcement activities need not be related to the special authorisation.

The Commissioner may make a communications stop order only during the period a special authorisation is in effect, and if, in the Commissioner’s opinion, exhibiting or communicating (whether or not to the public) a relevant film or picture or a relevant text or audio message during the period the special authorisation is in effect prejudices the effective conduct of an ongoing law enforcement activity relating to the serious incident or threatened serious incident, or endangers the safety of the public or any law enforcement officer during an ongoing law enforcement activity relating to the serious incident or threatened serious incident.

These grounds for making a communications stop order are materially similar to the grounds in section 38(1)(i) and (ii) of the Public Order Act.

However, the ban in a communications stop order i.e., a ban on the making or exhibiting and communicating (which includes re-communicating) during the period a special authorisation by any person of a relevant film or picture, or a ban on the exhibiting and communicating (which includes re-communicating) by any person of a relevant text or audio message, will not extend to excluded persons. These are defined to mean a police officer, a law enforcement officer authorised by the Commissioner for the purpose of clause 30, and any other person who is specified in a communications stop order to be an excluded person for the purpose of clause 30. For example, police officers and law enforcement officers may be required to wear body cameras for effective operations.

The fact of the making of the communications stop order must also be notified. A notice to the public may be in the form of being published in the daily newspapers circulating in Singapore in all the official languages, by a radio or

television broadcast or electronically, such as on social media pages and websites maintained by the Singapore Police Force.

Under clause 30, a communications stop order must describe the ban on the making, exhibiting and communicating of a relevant film or picture, or the ban on exhibiting and communicating a relevant text or audio message, state the period the ban under the order starts and the target area of the special authorisation to which the order relates.

In order not to jeopardise the effectiveness of the order, the expiry date or time of the order need not be specified in a communications stop order. However, a communications stop order ceases to have effect when the special authorisation in relation to which the order was made ceases to have effect.

A communications stop order may be revoked at any time by the Commissioner; and the Commissioner must give notice, or cause the giving of notice, of the revocation in the same manner in which the communications stop order was first given.

Clause 31 provides that once notice is given about a communications stop order being made because of a special authorisation, a police officer may exercise certain powers in relation to any person or group of persons, none of whom are excluded persons, whether in or outside the target area of the special authorisation if, in the opinion of the police officer the person or group of persons is making, has made or is about to make, or is exhibiting or communicating, or is about to exhibit or communicate, a relevant film or picture or a relevant text or audio message.

A police officer may direct a person or group of persons to do one or more of the following:

- (a) to immediately stop making, exhibiting or communicating the relevant film or picture or relevant text or audio message;
- (b) to immediately delete, erase or otherwise destroy the relevant film or picture or relevant text or audio message;
- (c) to immediately surrender the relevant film or picture or relevant text or audio message, or any equipment or device on which it is recorded, to the police officer;
- (d) to provide the police officer with information about the person or persons to whom the relevant film or picture or the relevant text or audio message has been communicated or how or from whom the relevant film or picture or the relevant text or audio message was acquired or received. For example, the person may have received an image or may himself or herself have downloaded a video of the target area and the law enforcement activity that is taking place within. The police may require the person to disclose how and where or from whom the image or video was acquired.

A person directed by a police officer under the clause commits an offence if the person, without reasonable excuse, refuses or fails to comply with the direction of the police officer when required to do so. The penalty is a fine not exceeding \$20,000 or imprisonment for a term not exceeding 2 years or both.

Clause 32 empowers the Minister to give directions to any telecommunication licensee at any time upon or after making an activation order and when the activation order is in effect.

Such a direction may require the telecommunication licensee to whom the direction is given to take specific action, or stop taking a specific action, during the period an activation order is in effect —

- (a) to prevent or avoid prejudicing the effective conduct of an ongoing law enforcement activity relating to the serious incident or threatened serious incident; or
- (b) to avoid or prevent endangering the safety of the public, or any law enforcement officer during an ongoing law enforcement activity relating to the serious incident or threatened serious incident, by the provision of a telecommunication service about the serious incident or threatened serious incident.

Such a direction may include stopping messages carried by a telecommunication service provided by the telecommunication licensee, prohibiting or restricting the provision, by the telecommunication licensee, of all or any telecommunication service and in such circumstances as specified in the direction, or prohibiting or restricting the use of telecommunications by the telecommunication licensee in all cases or of such cases as may be considered necessary.

However, the clause does not authorise the Minister to give any direction prohibiting the use of any telecommunications for the purpose of making or answering signals of distress.

Clause 32(5) makes it clear that in making a clause 32 direction, it is not necessary for the Minister to give any person who may be affected by the direction a chance to be heard before the direction is given.

Clause 33 contains general provisions about a clause 32 direction, which is binding on the telecommunication licensee it is given. A clause 32 direction may be amended or revoked at any time, and may be extended or renewed, if the Minister is satisfied that the circumstances warrant it, but not beyond the time the activation order ceases to have effect.

Clause 34 describes the obligations of the telecommunication licensee given a clause 32 direction. Notably, a telecommunication licensee to whom a clause 32 direction is given must give effect to the direction despite any other duty imposed on the licensee by or under any other written law.

A telecommunication licensee to whom the direction under clause 32 is given, and an employee or a contractor of such a telecommunication licensee, must not, without reasonable excuse, disclose the receipt by the telecommunication licensee of the direction or the contents of any such direction if the Minister notifies the telecommunication licensee that the Minister is of the opinion that the disclosure of the direction is against the public interest.

Clause 35 confers on the Commissioner, after granting a special authorisation, by requisition order, to authorise any police officer given the requisition order to take possession of any land or premises in the target area of the special authorisation and to requisition any movable property in the target area of the special authorisation.

Clause 36 provides that where, in the exercise of the powers conferred by clause 35, possession is taken of any land or premises or any movable property is requisitioned, compensation in respect of the taking of such possession or requisition is payable in accordance with the Requisition of Resources Act (Cap. 273) as if the competent authority under that Act took possession of or requisitioned that land, premises or movable property, as the case may be.

Clause 36 also provides a barrier to claims against the Government or any police officer to restrain the doing of anything which is authorised by or under clause 35 or to compel the doing of anything which may be omitted to be done under clause 35, or to recover damages, compensation or costs for any damage or injury to a person or property, any disturbance to or loss of or in the value of any property, trade or business, or personal disturbance or inconvenience, caused by or consequent upon any act authorised by clause 35, except according to the compensation provided for by the clause.

PART 6

OFFENCES

Clause 37 sets out an offence of provoking a breach of peace.

Clause 38 makes it an offence if a person, during the period a special authorisation has effect, prints, publishes, sells, offers for sale, distributes or reproduces for distribution or imports, or have in the person's possession, any document containing any matter which is prejudicial to public order.

A person who is guilty of an offence under the clause will be liable on conviction to imprisonment for a term not exceeding 3 years.

Clause 39 makes it an offence if a person, within a target area of a special authorisation uses any offensive weapon, causes by any explosive substance an explosion of a nature likely to endanger life or cause serious injury to the person or any other person or damage to property, or uses any corrosive or inflammable substance in a manner likely to endanger life or cause serious injury to the person

or any other person or damage to property, for or in furtherance of an unlawful purpose.

For example, the holder of a permit to deal in explosives may carry on an activity that is not authorised by the permit, and if the activity results or may lead to serious injury to others, that is an offence under the clause. However, the mere possession of several knives by a professional chef for the purpose of food preparation at the restaurant he or she works at is not an unlawful purpose.

A person who is guilty of an offence under the clause will be liable on conviction to imprisonment for a term not exceeding 10 years and will also be liable to caning.

Clause 40 makes it an offence if a person is within the target area of a special authorisation, is consorting with or is found in the company of another person who is committing or attempting to commit or is doing any act preparatory to the commission of an offence under clause 39 or has recently committed or attempted to commit that offence or done that act, and is found in circumstances which raise a reasonable presumption that the person intends or is about to act, or has recently acted with the other person, in any manner prejudicial to controlling public disorder or restoring or maintaining of public order in the target area of a special authorisation.

Clause 41 makes it an offence if a person is carrying or has in the person's possession or under the person's control any offensive weapon, other than for a lawful purpose, and is within the target area of a special authorisation. A person who is guilty of this offence will be liable to imprisonment for a term not exceeding 5 years and will also be liable to caning.

Clause 41 also makes it an offence if a person is carrying or has in the person's possession or under the person's control any offensive weapon, and is found within the target area of a special authorisation in circumstances which raise a reasonable presumption that the offensive weapon is intended to be used for a purpose prejudicial to controlling public disorder or restoring or maintaining of public order. A person who is guilty of this offence will be liable on conviction to imprisonment for a term not exceeding 3 years and will also be liable to caning.

Certain presumptions are also provided for in connection with these offences.

Clause 42 provides an enhanced penalty for certain offences where these are committed by a person when within the target area of a special authorisation.

Clause 43 makes it an offence if a photograph or film of an area that is or part of the target area of a special authorisation is taken without the permission of the Commissioner when the special authorisation is in effect, using any equipment on board an unmanned aircraft while the unmanned aircraft is in flight or otherwise in operation, or an autonomous vehicle or unmanned vessel when moving or otherwise in operation. For example, a drone with a mounted camera which has

landed on a high building may take photographs of a target area without actually being in flight.

The operator of the unmanned aircraft, autonomous vehicle or unmanned vessel (as the case may be) and the individual taking the photograph or film if the individual is not the operator, will each be guilty of an offence and will each be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

Clause 44 deals with breaches of a communications stop order. A person who is not an excluded person as defined in clause 30 commits an offence if the person makes a relevant film or picture, or exhibits or communicates a relevant film or picture or a relevant text or audio message, when a communications stop order (which is made because of a special authorisation) is in effect.

The penalty is a fine not exceeding \$20,000 or imprisonment for a term not exceeding 2 years or both.

Clauses 45 and 46 are standard provisions for the liability of officers of offenders who are corporations or unincorporated bodies.

Clause 45 deals with corporate offenders and for attributing criminal liability to officers of corporate entities for offences committed by their entities. Corporations like companies can be held directly liable for the conduct and can be found guilty of, and punished for, the commission of an offence. As a separate legal entity, liability for the offence is imposed on the corporation itself and is not generally attributed to its officers and employees unless there is a provision like the clause. This standard provision in many laws has been redrafted here consistent with the modern Singapore drafting style to make it easier to read and understand. The substance and meaning of the provision is unchanged.

Clause 46 deals with unincorporated entities like partnerships and associations and for attributing criminal liability to officers of unincorporated entities for offences committed by their bodies. The clause also provides clarity where the offence by the unincorporated entity requires a mental element and is not a strict liability offence.

Clause 47 provides that a District Court or a Magistrate's Court has jurisdiction to try any offence under the Bill, and has power to impose the full punishment for any such offence, despite the Criminal Procedure Code.

PART 7

MISCELLANEOUS

Clause 48 provides that every offence under the Bill is an arrestable, non-bailable and seizable offence, and that certain offences under the Penal

Code committed within the target area of a special authorisation are non-bailable and seizable offences.

Clause 48 also provides that a police officer is empowered to use such force as is reasonably necessary to arrest any individual suspected of the commission of an offence under the Bill, or the abetting of the commission of such an offence, including the use of lethal weapons to effect the arrest and to prevent escape from the arrest.

Clause 49 provides for an appeal to the Minister against the making by the Commissioner of a temporary restraining order or a variation of that order.

Clause 50 clarifies the interface the Bill has with other written laws. In particular, it makes clear that a serviceman who is deployed under section 201C of the Singapore Armed Forces Act will not be able to exercise powers under that Act during the period an activation order is in effect.

Clause 51 confers immunity from civil and criminal liability for any person who, acting in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of the Bill (such as police officers or servicemen) or when assisting a police officer (such as law enforcement officers or civilians), or as a result of complying with an order or a direction given under the Bill. The provision does not affect the immunity conferred on police officers under section 25 of the Police Force Act.

Clause 52 provides non-exhaustively for the manner of service of documents under the Bill.

Clause 53 empowers the Minister to make regulations for the purposes of the Bill.

Clause 54 repeals the Public Order (Preservation) Act.

PART 8

CONSEQUENTIAL AND RELATED AMENDMENTS TO OTHER ACTS

Clause 55 makes a technical amendment to the Second Schedule to the Criminal Procedure Code to replace the reference to the Public Order (Preservation) Act with a reference to the Bill.

Clause 56 amends section 17(1) of the Police Force Act to ensure that there is no delegation of the Commissioner's powers under the Bill.

Clause 57 amends sections 7, 10 and 11 of the Public Order Act to enable the Commissioner to refuse granting any permit for an assembly or procession to be held in or to enter a public place, and for the automatic cancellation of any existing

such permit, where the public place lies within a special authorisation under the Bill, and to remove any right of appeal against automatic cancellation.

Clause 57 also amends section 14 of the Public Order Act to provide for the automatic lapsing of unrestricted area orders (made under that section) should the area or any part of the area comes within the target area of a special authorisation.

Clause 58 makes a technical amendment to Part II of the First Schedule to the Registration of Criminals Act to update it by including a reference to the Bill.

Clause 59 amends the Road Vehicles (Special Powers) Act to extend the powers to block and seize road vehicles under that Act to serious incidents.

Clause 60 amends section 58 of the Telecommunications Act to displace the Minister's powers under that provision when an activation order under the Bill is in effect and for the purposes for which a direction under clause 32 is or may be given.

EXPENDITURE OF PUBLIC MONEY

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