

What is the Public Order Act?

The Public Order Act (the Act) was passed in Parliament and came into effect in 2009. The Act regulates assemblies and processions in public places, and provides powers necessary for preserving public order and safety at special event areas and public places.

Why do we need the Public Order Act?

The Public Order Act is part of a continuous review of how we manage the desire for public expression. It provides for the individual's rights for political expression, without compromising society's need for order and stability by:

- Distinguishing between activities with inherently higher public order risks from those with lower risks.
- Empowering the Police to effectively intervene and defuse dynamic situations on the ground with options to calibrate such interventions in an appropriate, measured and balanced manner.
- Making clearer as part of the application requirements the public order grounds by which Police may approve, reject or cancel an application, and the procedures for appeals.
- Allowing the Police to distinguish between cause-related activities and social, recreational or cultural activities so as to accord them different extent of regulatory oversight.
- Setting out a clear and transparent framework that can be evolved over time in tandem with societal changes.

Main Features of the Public Order Act

The Public Order Act comprises the following four main features:

- ❖ Enhanced regulatory regime for assemblies and processions
- ❖ Special Events Security
- ❖ Move-On Powers
- ❖ Filming of security operations

(A) Assemblies and processions

In the past, cause-based activities were regulated together with recreational, social and commercial activities under the Public Entertainment and Meetings Act (PEMA) and Miscellaneous Offences (Public Order and Nuisance) Act (MOA). The Public Order Act rationalises both the PEMA and MOA to provide a consistent legal framework for these activities. All cause-based activities are now regulated under the Public Order Act.

How Would It Affect Me?

Police Permits

Any individual or group who wishes to organise an assembly or procession to (a) demonstrate support for or opposition to the views or actions of any persons, group of persons or any government; (b) publicise a cause or campaign; or (c) mark or commemorate any event, must apply for a Police Permit at any Neighbourhood Police Centre or via Police's website at <http://www.spf.gov.sg>.

Exemptions

A number of activities are exempted from the Public Order Act¹. Those that have been exempted under the MOA and PEMA remain exempted. Additional activities that are exempted are commercial (fund-raising²) and sporting and recreational activities organised by Statutory Boards and charities with Institution of Public Character (or IPC) status³.

However, the exempted activities **shall not** deal with any matter that:

- relates (directly or indirectly) to any religious belief or any matter which may cause feelings of enmity, hatred, ill-will or hostility between different racial or religious groups in Singapore; and/or
- glorify the commission or preparation of acts of terrorism or any offence or have the effect of directly or indirectly encouraging or otherwise

¹ Following the liberalisation of Speakers' Corner on 1 Sep 08, Singapore citizens are exempted from permit requirements if they wish to organise or participate in demonstrations at the Speakers' Corner as long as they do not touch on race or religion, in addition to other minimal basic conditions. .

² While such events are exempted from a Police Permit for the assembly or procession under the Public Order Act, organisers will still have to apply for the necessary permits under the House to House and Street Collection Act.

³ Charities within the meaning of the Charities Act (Cap. 37) that are also approved as Institutions of Public Character under that Act.

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

The exempted organisations will also need to adhere to basic conditions relating to safety and security in respect of the activities they organise and minimise disruption to the public.

(B) Special Events Security

In the current security climate, all major international events are likely targets for terrorists. As Singapore plays host to more major international events, our priority must be to ensure the safety and security of delegates and the public during such events.

To do so effectively, our security forces cannot afford to be distracted by the public order challenges breaching the security of the event or diluting the level of security deployment through displacement of forces.

Under the Public Order Act, the Minister may make an order declaring an event as a special event which will then allow the Police to exercise the powers to preserve public order and safety of the event. Only major events that are of national importance will be declared as special events.

How Would It Affect Me?

If an event has been declared as a special event, Police will be able to exercise enhanced powers to preserve public order and safety. Within the special event area, Police will be allowed to prohibit certain items, stop and search, make arrests, carry out security screening, request reasons for entry and deny entry. Persons who refuse to comply with Police orders or interfere with the conduct of the event will be committing an offence.

The Commissioner of Police has the power to issue directions to event organisers of special events and owners or occupiers of premises within a special event area to take steps to facilitate the security of the area.

As an added security measure during special events, all public assemblies and processions within a special event area will require a Police permit.

(C) Move-On Powers

In dealing with public order incidents under previous laws, Police had two options:

- First, to observe and warn the person that he has committed an offence but follow up with post-event investigation if it is not a seizable offence; or
- Second, to arrest the person if his actions amount to a seizable offence.

The first option is unsatisfactory as it essentially allows an illegal situation to continue and presents very limited scope for our enforcement officers to stop an incident from escalating further and causing further damage. The second option is uniformly tough and gives no flexibility to the Police in cases where the person or group does not pose a threat and are amenable to counsel.

The Move-on Powers thus bridge the gap between doing nothing and outright arrest, by giving the person a chance to cooperate with the authorities.

How Would It Affect Me?

Move-On Powers are used to deal with public order incidents. A Police Officer of the rank of Sergeant or above can direct a person or groups of persons to move out of a designated area for a period of up to 24 hours for offences in the Public Order Act.

The Move-On Order can be used when an offence under the POA is about to be committed or when an offence under the POA has been committed but there is no imminent danger or threat that requires an outright arrest.

A Move-On Order may remain in force for up to a maximum of 24 hours, and it can include a distance and direction a person must move, or a distance from a place which the person must not enter for a maximum period of 24 hours.

An offence occurs when a person, without reasonable excuse, fails to comply with any direction of a Police Officer.

Sample of Move-on Order

The Move-On Order will be in the form of a written order and it will be accompanied with a map demarcating the area for the person to move out of.

Original Copy



**SINGAPORE POLICE FORCE
MOVE-ON ORDER
UNDER SECTION 36 OF THE PUBLIC ORDER ACT 2009**

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YOU, _____, NRIC/PP/FIN No: _____,
ARE HEREBY ISSUED with this Move-On Order under Section 36 of the Public Order Act 2009 on ____ (day) _____ (month) ____ (year).

2 YOU ARE HEREBY REQUIRED to move on from the area as demarcated in Annex A, and shall not return to the aforesaid area for a period of ____ hours commencing from _____ am/pm on ____ (day) _____ (month) ____ (year).

3 AND YOU ARE HEREBY WARNED that you shall be liable to an offence under Section 37 of the Public Order Act 2009, if you, without any reasonable excuse, neglect or refuse to comply with the Order.

ISSUING OFFICER

Name: _____

Rank/No: _____

Date: _____

Section 5 of the Public Order Act 2009:
(1) Subject to the provisions of this Act, a public assembly and public procession shall not take place unless –
a. the Commissioner is notified ... of the intention to hold the public assembly or public procession, and a permit is granted ... in respect of that public assembly or public procession ... ; and
b. the holding of that public assembly or public procession is not prohibited ...

Section 2 of the Public Order Act 2009:
"Assembly" or "procession" ... purpose of which is
a. to demonstrate support for or opposition to the views or actions of any person, group or government;
b. to publicise a cause or campaign; or
c. to commemorate any event

NP 729 - [Serial Number]

(D) Filming of Security Operations

There are specific situations where recording an on-going incident can potentially jeopardise the success of security operations or the safety of officers. For instance, in a counter-terrorism operation, real time coverage of a “storming operation” can expose security officers and hostages to greater danger as it can undermine the element of surprise critical to such missions. Other situations include instances where the identity of an officer carrying out sensitive covert operations can be compromised by the dissemination of photo or video-capture of the operation.

The Public Order Act empowers a law enforcement officer to direct any person to stop filming or take photographs or exhibit or communicate any film or picture which may prejudice the effective conduct of an ongoing law enforcement operation or investigation of any intelligence operation, or endanger the safety of officers in these operations.

The officers who can give these directions are any Police Officer of or above the rank of a sergeant, CPIB officers, Narcotics Officers, Intelligence Officers and Immigration Officers. Any person who fails to comply with such a direction will be guilty of an offence and liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

How Would It Affect me?

With the enactment of the Public Order Act, we have drawn up some guidelines to serve as a guide in filming security operations, such as terrorist-related incidents and other sensitive police operations, so as not to endanger the lives of victims, journalists and that of the security forces.

General Public

For security operations, filming prohibition orders will be given to stop filming and transmitting images. If the person has already recorded sensitive material, he will be asked to surrender the camera, phone or equipment used to record the images. No further action will be taken if he complies.

Accredited Media (verified by MICA press pass)

For security operations under the same scenario, accredited media may be allowed to film with the authorisation of the Police. However, the sensitive footages that may compromise or endanger the operation or officers cannot be broadcast until further notice from the Police.

Avenues of Recourse

Advisory Committee for Move-on and Filming Orders

While we remain confident of the professionalism and objectivity of our law enforcement officers in exercising move-on and filming powers, we have taken in feedback and set up an Advisory Committee for Move-On & Filming Orders (ACMOF) to provide an independent view on any appeal on the issuance of move-on and filming orders. The Committee consists of a Chairman, an Alternate Chairman and three members. This arrangement is similar to other Committees, Councils or Boards that currently assist the Ministry in its overarching responsibility of preserving social order and cohesion.

All appeals should be made in writing to the Police within 7 days of the issuance of the order. The Commissioner of Police may then direct the ACMOF to review the case.

Contact Us

Questions and clarifications on the Public Order Act can be sent to the following address at MHA:

Feedback/MHA/SINGOV@SINGOV.

The Act can be found at: <http://statutes.agc.gov.sg/>