

**Protection from Harassment Act
(CHAPTER 256A)**

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PROTECTION FROM HARASSMENT ACT

(CHAPTER 256A)

(Original Enactment: Act 17 of 2014)

REVISED EDITION 2015

(31st May 2015)

An Act to protect persons against harassment and unlawful stalking and to create offences, and provide civil remedies related thereto or in relation to false statements of fact.

PART 1

PRELIMINARY

Short title

1. This Act may be cited as the Protection from Harassment Act.

Interpretation

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

“communication” means any words, image, message, expression, symbol or other representation, that can be heard, seen or otherwise perceived by any person;

“offending communication”, in relation to any contravention of a provision under this Act, means any communication or statement made in contravention of that provision;

“publish”, in relation to a communication or statement, means to make the communication or statement available in any form such that the communication or statement is or can be heard, seen or otherwise perceived by the public in Singapore or any section of the public in Singapore, and includes cause to be published;

“respondent”, in relation to an action under section 11 or an application for an order under section 12 or 13, in respect of a contravention of a provision of this Act, means the person alleged to have contravened that provision for the purposes of that action or application.

PART 2

OFFENCES

Intentionally causing harassment, alarm or distress

3.—(1) No person shall, with intent to cause harassment, alarm or distress to another person, by any means —

- (a) use any threatening, abusive or insulting words or behaviour; or
- (b) make any threatening, abusive or insulting communication,

thereby causing that other person or any other person (each referred to for the purposes of this section as the victim) harassment, alarm or distress.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and, subject to section 8, shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) In any proceedings for an offence under subsection (2), it is a defence for the accused person to prove that his conduct was reasonable.

Illustrations

(a) X and Y are co-workers. At the workplace, X loudly and graphically describes to the other co-workers X's desire for a sexual relationship with Y in an insulting manner. X knows that Y is within earshot and intends to cause Y distress. Y is distressed. X is guilty of an offence under this section.

(b) X writes a letter containing threatening words towards Y intending to send the letter to Y to cause him alarm. X decides not to send the letter and throws it away. Y finds the letter and is alarmed. X is not guilty of an offence under this section as he had no reason to believe that the letter would be seen by Y.

Harassment, alarm or distress

4.—(1) No person shall by any means —

- (a) use any threatening, abusive or insulting words or behaviour; or
- (b) make any threatening, abusive or insulting communication,

which is heard, seen or otherwise perceived by any person (referred to for the purposes of this section as the victim) likely to be caused harassment, alarm or distress.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and, subject to section 8, shall be liable on conviction to a fine not exceeding \$5,000.

(3) In any proceedings for an offence under subsection (2), it is a defence for the accused person to prove —

- (a) that he had no reason to believe that the words or behaviour used, or the communication made, by him would be heard, seen or otherwise perceived by the victim; or
- (b) that his conduct was reasonable.

Illustration

X and Y are classmates. X posts a vulgar tirade against Y on a website

accessible to all of their classmates. One of Y's classmates shows the message on the website to Y, and Y is distressed. X is guilty of an offence under this section.

Fear or provocation of violence

5.—(1) No person shall by any means use towards another person (referred to for the purposes of this section as the victim) any threatening, abusive or insulting words or behaviour, or make any threatening, abusive or insulting communication to another person (referred to also for the purposes of this section as the victim), either —

(a) with the intent —

- (i) to cause the victim to believe that unlawful violence will be used by any person against the victim or any other person; or
- (ii) to provoke the use of unlawful violence by the victim or another person against any other person; or

(b) whereby —

- (i) the victim is likely to believe that such violence referred to in paragraph (a)(i) will be used; or
- (ii) it is likely that such violence referred to in paragraph (a)(ii) will be provoked.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and, subject to section 8, shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

(3) In any proceedings for an offence under subsection (2), it is a defence for the accused person to prove —

- (a) in respect of a contravention of subsection (1)(b), that he had no reason to believe that the words or behaviour used, or the communication made, by him would be heard, seen or otherwise perceived by the victim; or
- (b) that his conduct was reasonable.

Threatening, abusing or insulting public servant or public service worker

6.—(1) No person shall by any means —