



THE STATUTES OF THE REPUBLIC OF SINGAPORE

SEDITION ACT

(CHAPTER 290)

(Original Enactment: M Ordinance 14 of 1948)

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Sedition Act

ARRANGEMENT OF SECTIONS

Section

1. Short title
 2. Interpretation
 3. Seditious tendency
 4. Offences
 5. Legal proceedings
 6. Evidence
 7. Innocent receiver of seditious publication
 8. Issue of search warrant
 9. Suspension of newspaper containing seditious matter
 10. Power of Court to prohibit circulation of seditious publications
 11. Arrest without warrant
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An Act for the punishment of sedition.

[28th May 1964]

Short title

1. This Act may be cited as the Sedition Act.

Interpretation

2. In this Act —

“publication” includes all written or printed matter and everything whether of a nature similar to written or printed matter or not containing any visible representation or by its form, shape or in any other manner capable of suggesting words or ideas, and every copy and reproduction or substantial reproduction of any publication;

“seditious” when applied to or used in respect of any act, speech, words, publication or other thing qualifies such act, speech, words, publication or other thing as one having a seditious tendency;

“words” includes any phrase, sentence or other consecutive number or combination of words, oral or written.

Seditious tendency

3.—(1) A seditious tendency is a tendency —

- (a) to bring into hatred or contempt or to excite disaffection against the Government;
- (b) to excite the citizens of Singapore or the residents in Singapore to attempt to procure in Singapore, the alteration, otherwise than by lawful means, of any matter as by law established;
- (c) to bring into hatred or contempt or to excite disaffection against the administration of justice in Singapore;
- (d) to raise discontent or disaffection amongst the citizens of Singapore or the residents in Singapore;
- (e) to promote feelings of ill-will and hostility between different races or classes of the population of Singapore.

(2) Notwithstanding subsection (1), any act, speech, words, publication or other thing shall not be deemed to be seditious by reason only that it has a tendency —

- (a) to show that the Government has been misled or mistaken in any of its measures;
- (b) to point out errors or defects in the Government or the Constitution as by law established or in legislation or in the administration of justice with a view to the remedying of such errors or defects;
- (c) to persuade the citizens of Singapore or the residents in Singapore to attempt to procure by lawful means the alteration of any matter in Singapore; or
- (d) to point out, with a view to their removal, any matters producing or having a tendency to produce feelings of ill-will and enmity between different races or classes of the population of Singapore,

if such act, speech, words, publication or other thing has not otherwise in fact a seditious tendency.

(3) For the purpose of proving the commission of any offence under this Act, the intention of the person charged at the time he did or attempted to do or made any preparation to do or conspired with any person to do any act or uttered any seditious words or printed, published, sold, offered for sale, distributed, reproduced or imported any publication or did any other thing shall be deemed to be irrelevant if in fact such act had, or would, if done, have had, or such words, publication or thing had a seditious tendency.

Offences

4.—(1) Any person who —

- (a) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act which has or which would, if done, have a seditious tendency;
- (b) utters any seditious words;
- (c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication; or
- (d) imports any seditious publication,

shall be guilty of an offence and shall be liable on conviction for a first offence to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both, and, for a subsequent offence, to imprisonment for a term not exceeding 5 years; and any seditious publication found in the possession of that person or used in evidence at his trial shall be forfeited and may be destroyed or otherwise disposed of as the court directs.

(2) Any person who without lawful excuse has in his possession any seditious publication shall be guilty of an offence and shall be liable on conviction for a first offence to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 18 months or to both, and, for a subsequent offence, to imprisonment for a term not exceeding 3 years, and such publication shall be forfeited and may be destroyed or otherwise disposed of as the court directs.

Legal proceedings

5.—(1) No prosecution for an offence under section 4 shall be begun except within 6 months after the offence is committed:

Provided that for the purposes of this subsection a prosecution shall be deemed to be begun against any person when a warrant or summons has been issued in respect of any charge made against that person and based on the facts or incident in respect of which the prosecution afterwards proceeds.

(2) No person shall be prosecuted for an offence under section 4 without the written consent of the Public Prosecutor. In such written consent the Public Prosecutor may designate any court to be the court of trial.

Evidence

6.—(1) Notwithstanding anything to the contrary in the Evidence Act (Cap. 97), no person shall be convicted of an offence under section 4 on the uncorroborated testimony of one witness.

(2) No person shall be convicted of any offence referred to in section 4(1)(c) or (d) if such person proves that the publication in respect of which he is charged was printed, published, sold, offered for sale, distributed, reproduced or imported (as the case may be) without his authority, consent and knowledge and without any want of due care or caution on his part or that he did not know and had no reason to believe that the publication had a seditious tendency.

Innocent receiver of seditious publication

7. Any person to whom any seditious publication is sent without his knowledge or privity shall forthwith as soon as the nature of its contents has become known to him deliver the publication to the officer in charge of a police division and any person who complies with this section shall not be liable to be convicted for having in his possession that publication:

Provided that in any proceedings against such person the court shall presume until the contrary is shown that that person knew the contents of the publication at the time it first came into his possession.

Issue of search warrant

8.—(1) A Magistrate may issue a warrant empowering any police officer, not below the rank of sergeant, to enter upon any premises where any seditious publication is known or is reasonably suspected to be and to search therein for any seditious publication.

[21/73]

(2) Whenever it appears to any police officer, not below the rank of sergeant, that there is reasonable cause to believe that in any premises there is concealed or deposited any seditious publication, and he has reasonable grounds for believing that, by reason of the delay which would be entailed by obtaining a search warrant, the object of the search is likely to be frustrated, he may enter and search the premises as if he were empowered to do so by a warrant issued under subsection (1).

[21/73]

Suspension of newspaper containing seditious matter

9.—(1) Whenever any person is convicted of publishing in any newspaper matter having a seditious tendency, the court may, if it thinks fit, either in lieu of or in addition to any other punishment, make orders as to all or any of the following matters:

- (a) prohibiting, either absolutely or except on conditions to be specified in the order, for any period not exceeding one year from the date of the order, the future publication of that newspaper;
- (b) prohibiting, either absolutely or except on conditions to be specified in the order, for the period aforesaid, the publisher, proprietor or editor of that newspaper from publishing, editing or writing for any newspaper or from assisting, whether with money or money's worth, material, personal service or otherwise in the publication, editing or production of any newspaper;
- (c) that for the period aforesaid any printing press used in the production of the newspaper be used only on conditions to be specified in the order or that it be seized by the police and detained by them for the period aforesaid.

(2) Any person who contravenes an order made under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both.

(3) Nothing in this Act shall affect the power of the court to punish any person contravening an order made under this section for contempt of court:

Provided that no person shall be punished twice for the same offence.

Power of Court to prohibit circulation of seditious publications

10.—(1) Whenever on the application of the Public Prosecutor it is shown to the satisfaction of the Court that the issue or circulation of a seditious publication is or if commenced or continued would be likely to lead to unlawful violence or appears to have the object of promoting feelings of hostility between different classes or races of the community, the Court shall make an order (referred to in this section as a prohibition order) prohibiting the issuing and circulation of that publication (referred to in this section as a prohibited publication) and requiring every person having any copy of the prohibited publication in his possession, power or control forthwith to deliver every such copy into the custody of the police.

(2) An order under this section may be made *ex parte* on the application of the Public Prosecutor in chambers.

(3) It shall be sufficient if the order so describes the prohibited publication that it can be identified by a reasonable person who compares the prohibited publication with the description in the prohibition order.

(4) Every person on whom a copy of a prohibition order is served by any police officer shall forthwith deliver to that police officer every prohibited publication in his possession, power or control, and, if he fails to do so, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding one year or to both.

(5) Every person to whose knowledge it comes that a prohibited publication is in his possession, power or control shall forthwith

deliver every such publication into the custody of the police, and, if he fails to do so, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding one year or to both.

(6) The Court may, if it thinks fit, either before or after or without service of the prohibition order on any person, issue a warrant authorising any police officer not below the rank of sergeant to enter and search any premises specified in the order, and to seize and carry away every prohibited publication there found, and to use such force as may be necessary for the purpose. A copy of the prohibition order and of the search warrant shall be left in a conspicuous position at every building or place so entered.

[21/73]

(7) The owner of any prohibited publication delivered or seized under this section may, at any time within 14 days after the delivery or seizure, apply to the Court by originating summons for the discharge of the prohibition order, and if the Court, on the hearing of the application, decides that the prohibition order ought not to have been made, it shall discharge the order and shall order the prohibited publication delivered by or seized from the applicant to be returned to him.

[42/2005]

(8) Every prohibited publication delivered or seized under this section with respect to which an application under subsection (7) is not filed within the time aforesaid or which is not ordered to be returned to the owner shall be deemed to be forfeited to the Government.

[42/2005]

(9) For the purposes of this section, “Court” means the High Court.

Arrest without warrant

11. Any police officer may arrest without warrant any person found committing or reasonably suspected of committing or of having committed or of attempting to commit or of procuring or abetting any person to commit any offence under this Act or reasonably suspected of the unlawful possession of any thing liable to forfeiture thereunder.

[21/73]

LEGISLATIVE HISTORY

SEDITION ACT (CHAPTER 290)

This Legislative History is provided for the convenience of users of the Sedition Act. It is not part of the Act.

1. M Ordinance 14 of 1948 — Sedition Ordinance 1948

Dates of First, Second and Third Readings : Dates unavailable

Date of commencement : 28 May 1964

2. L.N. 332/58 — Federal Constitution (Modification of Laws) (Ordinances and Proclamations) Ordinance 1958

Date of commencement : 13 November 1958

3. L.N. 149/64 — Malaysia Act, Modification of Laws (Sedition) (Extension and Modification) Order 1964

Date of commencement : 28 May 1964

4. G.N. No. S 15/66 — The Modification of Laws (Sedition) Order 1966

Date of commencement : 6 January 1966

5. 1966 Reprint — Sedition Ordinance 1948

Date of operation : 14 January 1966

6. 1970 Revised Edition — Sedition Act (Chapter 106)

Date of operation : 15 April 1971

7. Act 21 of 1973 — Statutes of the Republic of Singapore (Miscellaneous Amendments) Act 1973

Date of First Reading : 7 March 1973
(Bill No. 16/73 published on
9 March 1973)

Date of Second and Third Readings : 20 March 1973

Date of commencement : 6 April 1973

8. 1985 Revised Edition — Sedition Act (Chapter 290)

Date of operation : 30 March 1987

9. Act 42 of 2005 — Statutes (Miscellaneous Amendments) (No. 2) Act 2005

- Date of First Reading : 17 October 2005
(Bill No. 30/2005 published on
16 December 2005)
- Date of Second and Third Readings : 21 November 2005
- Date of commencement : 1 January 2006 (item (32) of the
First Schedule — amendment of
Sedition Act)

10. 2013 Revised Edition — Sedition Act (Chapter 290)

- Date of operation : 31 August 2013