

Annex D – Process of Issuing and Reviewing Restraining Orders

The process of issuing Restraining Orders (“ROs”) under the Maintenance of Racial Harmony Bill will be identical to the existing process for the issuance of ROs under the Maintenance of Religious Harmony Act. The steps are as follows:

1. The Minister for Home Affairs decides to issue an RO against a person (individual or entity) for conduct that causes feelings of enmity, hatred, ill will or hostility between different races in Singapore. This RO will indicate the specific activities that the person is prohibited from doing, and the duration of the RO (up to a maximum period of two years).
2. A copy of the RO, as well as the grounds, facts, and documents supporting the RO, is given to the person, at which point it takes immediate effect. At the same time, a copy of the same documents is given to the Presidential Council for Racial and Religious Harmony (“PCRRH”), for their review.
3. The restrained person may make written representations to the PCRRH within 14 days of being issued with the RO. The PCRRH may invite any person, including the restrained person, to be examined orally.
4. The PCRRH must, within 44 days after the RO is issued against the person, make its recommendation on whether the RO should be cancelled, confirmed, or varied. This recommendation is sent to the President, and the Cabinet.
5. After the President receives PCRRH’s recommendation, the Cabinet must advise President to cancel, confirm, or vary the RO.
6. The President must make his decision on the RO within 30 days of receiving the recommendation of the PCRRH:
 - a. If the Cabinet’s advice is not contrary to the PCRRH’s recommendation, the President must act in accordance with the Cabinet’s advice.
 - b. If the Cabinet’s advice is contrary to the PCRRH’s recommendation, the President may act in his own discretion under Article 22I of the Constitution, to cancel, confirm, or vary the RO.

The RO will lapse if it is not confirmed by the President.

7. At any time while the RO is in effect, the Minister may issue a direction to extend the duration of the RO, for a period of not more than 2 years. The process for issuing the extension direction follows the same process as detailed in paragraphs 2 to 6, except that the President may only cancel or confirm such a direction, and the PCRRH and Cabinet shall give their recommendation and advice accordingly.