

FAQ:

Movement and Assembly during Circuit Breaker

On 7 April 2020, Singaporeans' lives changed dramatically when Singapore's government imposed a battery of containment measures that it referred to as a 'circuit breaker' in order to slow the spread of COVID-19. These measures will be in force until at least 4 May 2020, and as extended to 1 June 2020 per announcement on 22 April ('the Prescribed Period').

This sudden and unprecedented move has severely limited Singaporeans' freedom of movement and assembly and left many with questions as to what kind of activity is now newly illegal and what remains permissible.

Nadia Moynihan addresses below some of the most pressing questions about what movement outside the home is and is not now illegal.

1. Can I return to my workplace to collect documents, equipment or personal effects?

Strictly speaking, no, unless you are an essential worker, although the government had said that they will initially be a bit flexible in the enforcing of this requirement. If you intend to go anyway, you should first seek permission from your employer. If your employer asks you to come in to collect something even though you are not an essential worker, you should ask your employer to provide that request to you in writing and to state in that request that your attendance at the workplace is critical to the functioning of your company. It is a good idea to print out that email and carry it with you (or have it ready on your phone) on your way to the workplace in case you are stopped. If you

are subject to a Stay Home Notice, you definitely cannot go.

2. Can I go downstairs to collect my own mail?

Most likely, yes.

3. Can I go to the shops?

That depends on what you intend to buy. If you are buying essentials such as food or medicine, yes, you may do so. Non-essential shops will be closed.

4. Can I take a bus or train?

Legally, yes, but only if you are taking them to go somewhere for a legal purpose, such as buying food or seeking medical care. If you have your own vehicle, drive that instead. Electronic Road Pricing ('ERP') has been suspended during the Prescribed Period. If your destination is too far to walk to and you do not have your own vehicle, consider taking a taxi or private hire car rather than public transport if you can afford it, as maintaining safe distancing on public transport presents obvious challenges.

5. Can I visit my elderly parents/neighbours/friends?

You may leave your home to visit someone only if it is to help that person with their daily needs and only if:

- a) they are over 60 years old;

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- b) they are under 12 years old; or
- c) they have a physical or mental disability.

You do not necessarily need to be related to the person to assist them with their needs.

6. I do not currently live with my significant other. Am I allowed to visit them during the Prescribed Period?

No, you may not visit each other or spend time together in either of your homes. Apart from the few exceptions listed below, you cannot allow any person you do not already live with to enter your home. You and your significant other may choose to now reside in the same home, but if you do decide to do this, you must both continue to reside there for at least the next six months. Please also note that your friends cannot help you to move any personal effects into your new home – only someone you currently live with or someone you are moving in with may help with the move.

7. Can I meet my significant other in a mall, park or any other public space?

No. You are allowed to go to a park or a public path to exercise, but you may only do so alone or with someone you currently live with. You cannot go out to meet anyone you do not already reside with. However, if you and your significant other both have to go outside to access an essential service, such as buying groceries, in theory, you could legally arrange to do so at the same time and place. However, you must still observe social distancing guidelines, ie do not touch each other and remain no less than one metre away from each other at all times. This is a strategy that people in Europe have adopted to cope with the longer-term lockdown under which they have been operating for the last few months while separated from their loved ones. We do not know how the Singapore authorities will react to this yet, but as long as you observe social distancing requirements, it should be legally defensible.

8. Can my children play in the playground?

No. Shared recreational facilities like playgrounds and swimming pools are all closed.

9. I am an essential worker and still need to go out to work. Can I drop my children off with my parents to be looked after while I am at work?

Generally, your parents can only look after your children if they stay with them full-time throughout the entirety of the Prescribed Period. That means no more dropping them off and picking them up daily, and more importantly, you cannot visit your children until the end of the Prescribed Period. There are exceptions if both parents are essential workers, or at least one parent is specifically a healthcare worker or if at least one parent is an essential worker who cannot work from home and the child is below the age of three.

10. Can my cleaner still come to clean my home?

No.

11. Can I order things online and have them delivered to my home?

Yes! The postal service and other delivery services will operate as normal. You may also allow workmen to bring deliveries into your home and remain in your home as long as necessary to assemble, set up, install, repair or maintain items in your home or items that they are delivering.

12. Can I visit a park, void deck, common area of the condominium or other open space for relaxation and leisure?

No. You can go to a park or open space to exercise but not to 'loiter' or just relax.

13. If I get take away food from a restaurant, can I eat it on a park bench nearby or as I am walking home?

No. You have to bring the food home and eat it there unless you are an essential worker.

14. Can I take my vehicle to a mechanic for repairs?

If your vehicle breaks down or is in an accident, you can get it fixed, but you cannot send it for servicing or minor repairs at this time. If your vehicle is due for inspection, the Land Transport Authority has suspended inspections, so you do not have to worry about this for now.

15. Can I get my computer/handphone fixed?

Yes.

16. Can I get a haircut?

No. Businesses that provide skincare treatments, massages, nails and other beauty treatments will also be closed.

17. Can I buy 4D or go to the casino or turf club?

No. All these premises will be closed.

18. Can I walk my dog?

Yes, if your dog lives with you because walking is considered exercise.

19. Can I go to the bank or post office?

Yes, although some bank branches will be closed or have shorter servicing hours, so you are advised to carry out transactions through online banking services and ATMs.

20. A loved one is sick and in hospital. Can I visit them at the hospital?

At the time of writing, hospitals are imposing very strict conditions on visitors. Most have yet to completely ban all visitors but are asking patients to nominate individuals who will then be given authorisation to visit them. Unless you have been notified that you are on this list, you will not be able to visit your loved one in the hospital. Separately, section 4 of the COVID-19 (Temporary Measures) (Control Order) Regulations 2020 does not seem to make an exception for the purpose of visiting a loved one in the hospital to the general rule that you must stay at home. It allows you to visit a hospital if you need urgent medical care yourself or need to accompany someone in your care to a hospital, but not to visit someone else. It would appear, for now at least, that you will not be able to visit your loved ones in the hospital.

21. A loved one has passed away. Can I go to the funeral?

Funerals services and wakes can continue to be carried out, but safe distancing requirements must be observed, and attendance must be restricted to no more than ten attendees at a time. Some columbaria and cemeteries will be closed but Choa Chu Kang Cemetery and Mandai Crematorium remain open. If you are subject to a Stay Home Notice, you will not be able to attend a funeral. Some funeral providers are now providing video-conference facilities of funerals to allow people to view the funerals or burials of their loved ones.

22. What will happen if I am non-compliant with any of these newly instated rules? Will I be arrested?

You will not be arrested, but you may be charged with an offence under the COVID-19 (Temporary Measures) Act 2020 and, if convicted, can be sentenced to a fine of up to SGD 10,000 and/or imprisonment of up to six months for a first offence. For a second or subsequent offence, you can be sentenced to a fine of up to SGD 20,000 and/or imprisonment of up to twelve months.

23. So, what can I legally do during this time?

The list of things you can do is much shorter than the list of things you cannot. You may leave your home only for one of the following reasons:

- a) to work for or with an essential service provider, a specified school or an early childhood development centre;
- b) to procure any goods or services from an essential service provider, an early childhood development centre or a specified school;
- c) to obtain—
 - I. medical treatment for a suspected COVID-19 infection at a hospital, medical clinic or any other place, designated by the Director of Medical Services for the treatment of COVID-19; or
 - II. medical treatment that is of a pressing nature;
- d) if any of the following circumstances exist, to bring the individual's child daily from the individual's place of residence to the place of residence of any of the child's grandparents, for the care of the child and back to the firstmentioned place of residence:
 - I. the individual and the other parent or guardian of the child each works for or with an essential worker;
 - II. the individual or the individual's spouse (if the spouse ordinarily resides in the same place of residence) is a healthcare worker;

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- III. the individual or the individual's spouse works for or with an essential worker and the child is below 3 years of age;
- e) if any of the following circumstances exist, to go daily to the place of residence of the individual's grandchild to care for the child:
 - I. the child's parents or guardian each works for or with an essential worker;
 - II. one of the child's parents or the child's guardian is a healthcare worker;
 - III. one of the child's parents or the child's guardian works for or with an essential worker and the child is below 3 years of age;
- f) where the circumstances in the above two paragraphs do not exist –
 - I. where the individual is a parent or guardian – to bring the individual's child to the place of residence of any of the child's grandparents for the care of the child; or
 - II. where the individual is a grandparent – to move to the place of residence of the individual's grandchild to care for the child;
- g) to engage in any recreational activity alone or with any other individual who lives with the first-mentioned individual on a public path, or in a green or an open space that is managed or maintained by the Government or a public body and is accessible to the general public without payment of any fee;
- h) to transfer temporary custody or care of a child pursuant to any agreement regarding the access rights of a parent of the child, or in the discharge of a legal obligation;
- i) to assist any individual who has a physical or mental disability, or is below 12 years of age or above 60 years of age, with his or her daily needs where there is no other assistance available to the individual;
- j) to report for enlistment or service under the Enlistment Act (Cap 93);
- k) to report to any law enforcement officer or to attend at any court in accordance with any warrant, summons or order made under any written law or order of a court;
- l) to comply with an order of a court or a direction given in exercise of a power under any written law;
- m) to attend a funeral or funeral wake;
- n) to seek or render help in an emergency;
- o) to move from the individual's ordinary place of residence to stay in another accommodation in substitution of the firstmentioned place of residence as the individual's ordinary place of residence;
- p) to leave Singapore;
- q) to do anything reasonably connected with and for the purposes of the matters above.

24. What can I do if I have a question that is not answered here?

You can contact the Ministry of Health COVID-19 Enquiry Hotline at 1800-333-9999, and they will be able to answer other questions you have relating to the new laws.

In light of the constantly changing circumstances, this is a general overview and should not be treated as legal advice.



Author -

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Nadia Moynihan is a Director of August Law Corporation. Nadia's practice represents a broad cross-section of the kind of legal services that most businesses and individuals typically need, regardless of industry sector or client profile, with a particular focus on dispute resolution. Her expertise includes matters relating to schemes of arrangement, bankruptcy proceedings, trade disputes, employment disputes and a wide array of other contractual and tortious claims from fraud to defamation. She also practices family law and deals with non-contentious matters including the drafting of commercial agreements and personal legal instruments including those related to estate planning.

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