

# PART I PRELIMINARY

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### 1 Short title

Short title

1.

This Act may be cited as the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act.

[25/99]

### 2 Interpretation

Interpretation

2.

— (1) In this Act, unless the context otherwise requires —

"authorised officer" means —

(a) any officer of the Bureau;

(b) any special investigator of the Corrupt Practices Investigation Bureau appointed under section 3 (2) of the Prevention of Corruption Act (Cap. 241);

(c) any Commercial Affairs Officer appointed under section 64 of the Police Force Act 2004;

(d) any police officer; and

(e) any other person authorised in writing by the Minister for the purposes of this Act;

"bank" means a bank licensed under the Banking Act (Cap. 19);

"charging order" means an order made under section 17 (1);

"confiscation order" means an order made under section 4 or 5;

"corresponding law" means a law stated in a certificate purporting to be issued by or on behalf of the government of a foreign country to be a law providing for the control and regulation in that country of —

(a) the production, supply, use, export and import of drugs and other substances in accordance with the provisions of the Single Convention on Narcotic Drugs signed at New York on 30th March 1961;

(b) the production, supply, use, export and import of dangerous or otherwise harmful drugs in pursuance of any treaty, convention or other agreement or arrangement to which the government of that country and the Government of Singapore are for the time being parties; or

(c) the benefits of trafficking in the drugs or substances referred to in paragraph (a) or (b);

"criminal conduct" means —

(a) doing or being concerned in, whether in Singapore or elsewhere, any act constituting —

(i) a serious offence (other than an offence under section 44 or 47); or

(ii) a foreign serious offence;

(b) entering into or being otherwise concerned in, whether in Singapore or elsewhere, an arrangement whereby —

(i) the retention or control by or on behalf of another person of that other person's benefits from an act referred to in paragraph (a) is facilitated; or

(ii) the benefits from an act referred to in paragraph (a) by another person are used to secure funds that are placed at that other person's disposal, directly or indirectly, or are used for that other person's benefit to acquire property by way of investment or otherwise;

(c) the acquisition, possession, use, concealing or disguising by a person of any property which is, or in part, directly or indirectly, represents, his benefits from an act referred to in paragraph (a); or

(d) the conversion or transfer, by a person, of any property referred to in

paragraph (c) or the removal of such property from the jurisdiction;

"dealing with property" is to be construed in accordance with section 16 (7);

"defendant" means a person against whom proceedings have been instituted for a drug trafficking offence or a serious offence, as the case may be, or offences whether or not he has been convicted thereof;

"drug trafficking" means —

(a) doing or being concerned in, whether in Singapore or elsewhere, any act constituting —

(i) a drug trafficking offence (other than an offence under section 43 or 46); or

(ii) a foreign drug trafficking offence;

(b) entering into or being otherwise concerned in, whether in Singapore or elsewhere, an arrangement whereby —

(i) the retention or control by or on behalf of another person of that other person's benefits from an act referred to in paragraph (a) is facilitated; or

(ii) the benefits from an act referred to in paragraph (a) by another person are used to secure funds that are placed at that other person's disposal, directly or indirectly, or are used for that other person's benefit to acquire property by way of investment or otherwise;

(c) the acquisition, possession, use, concealing or disguising by a person of any property which is, or in part, directly or indirectly, represents, his benefits from an act referred to in paragraph (a); or

(d) the conversion or transfer by a person of any property referred to in paragraph (c) or the removal of such property from the jurisdiction;

"drug trafficking offence" means —

(a) any of the offences specified in the First Schedule;

(b) conspiracy to commit any of those offences;

(c) inciting another to commit any of those offences;

(d) attempting to commit any of those offences; or

(e) aiding, abetting, counselling or procuring the commission of any of those offences;

"financial institution" means —

- (a) a bank licensed under the Banking Act (Cap. 19);
  - (b) a merchant bank that is approved as a financial institution under section 28 of the Monetary Authority of Singapore Act (Cap. 186);
  - (c) a finance company licensed under the Finance Companies Act (Cap. 108);
  - (d) the holder of a capital markets services licence under the Securities and Futures Act 2001;
  - (e) a licensed financial adviser under the Financial Advisers Act 2001;
  - (f) a company or society registered under the Insurance Act (Cap. 142) as a direct insurer carrying on life business;
  - (g) an insurance intermediary licensed under any written law relating to insurance intermediaries if the intermediary arranges contracts of insurance in respect of life business; and
  - (h) such other persons or class of persons as the Minister may by order prescribe,
- but excludes a money-changer licensed to conduct money-changing business and a remitter licensed to conduct remittance business under the Money-changing and Remittance Businesses Act (Cap. 187);

"foreign country" means any country or territory outside Singapore;

"foreign court" means a court of competent jurisdiction in a foreign country which is a party to any treaty, memorandum of understanding or agreement for the control of narcotic drugs or for assistance in criminal matters to which Singapore is also a party;

"foreign drug trafficking offence" means a drug trafficking offence punishable under a corresponding law;

"foreign serious offence" means an offence (other than a foreign drug trafficking offence) against the laws of, or of a part of, a foreign country

stated in a certificate purporting to be issued by or on behalf of the government of that country and the act or omission constituting the offence or the equivalent act or omission would, if it had occurred in Singapore, have constituted a serious offence;

"gift caught by this Act" is to be construed in accordance with section 12 (7) or (8);

"interest" , in relation to property, includes any right;

"making a gift" is to be construed in accordance with section 12 (9);

"material" includes any book, document or other record in any form, and any container or article relating thereto;

"Monetary Authority of Singapore" means the Monetary Authority of Singapore established under section 3 of the Monetary Authority of Singapore Act (Cap. 186);

"officer of customs" has the same meaning as in the Customs Act (Cap. 70);

"officer of the Bureau" means the Director or any officer of the Central Narcotics Bureau appointed under section 3 of the Misuse of Drugs Act (Cap. 185);

"property" means money and all other property, movable or immovable, including things in action and other intangible or incorporeal property;

"realisable property" means —

(a) any property held by the defendant; and

(b) any property held by a person to whom the defendant has, directly or indirectly, made a gift caught by this Act;

"Registrar" means, in relation to proceedings in —

(a) the High Court — the Registrar, Deputy Registrar or Assistant Registrar of the Supreme Court;

(b) a District Court or a Magistrate' s Court — the Registrar or Deputy Registrar of the Subordinate Courts;

"restraint order" means an order made under section 16 (1);

"serious offence" means —

- (a) any of the offences specified in the Second Schedule;
- (b) conspiracy to commit any of those offences;
- (c) inciting others to commit any of those offences;
- (d) attempting to commit any of those offences; or
- (e) aiding, abetting, counselling or procuring the commission of any of those offences;

"Suspicious Transaction Reporting Officer" means an authorised officer —

- (a) who has been appointed by the Minister as a Suspicious Transaction Reporting Officer for the purposes of this Act; and
- (b) who has his appointment as a Suspicious Transaction Reporting Officer published in the *Gazette*;

"value of gift" is to be construed in accordance with section 12;

"value of property" is to be construed in accordance with section 12 (2).

[25/99; 12/2000]

(2) For the purposes of this Act —

- (a) property is held by any person if he holds any interest in it;
- (b) references to property held by a person include a reference to property vested in his trustee in bankruptcy or liquidator;
- (c) references to an interest held by a person beneficially in property include a reference to an interest which would be held by him beneficially if the property were not so vested in his trustee in bankruptcy or liquidator;
- (d) property is transferred by one person to another if the first person transfers or grants to the other any interest in the property;
- (e) proceedings for an offence are instituted in Singapore when a person is produced and charged in court with the offence;
- (f) proceedings in Singapore for a drug trafficking offence or a serious

offence, as the case may be, are concluded on the occurrence of one of the following events:

- (i) the discontinuance of the proceedings;
- (ii) the acquittal of the defendant;
- (iii) the quashing of the defendant' s conviction for the offence;
- (iv) the grant of the President' s pardon in respect of the defendant' s conviction for the offence; and
- (v) the satisfaction of a confiscation order made in the proceedings (whether by payment of the amount due under the order or by the defendant serving imprisonment in default); and
- (g) an order is subject to appeal as long as an appeal or further appeal is pending against the order or (if it was made on a conviction) against the conviction; and for this purpose, an appeal or further appeal shall be treated as pending (where one is competent but has not been brought) until the expiration of the time for bringing the appeal.

[25/99]

### 3 Application

Application

3.

—(1) This Act shall apply to any drug trafficking offence or foreign drug trafficking offence whether committed before or after 30th November 1993.

[25/99]

(2) Nothing in this Act shall impose any duty or confer any power on any court in or in connection with any proceedings under this Act against a person for a drug trafficking offence in respect of which he has been convicted by a court before 30th November 1993.

[25/99; 12/2000]

(3) This Act shall apply to any serious offence or foreign serious offence whether committed before or after 13th September 1999.

[25/99]

(4) Nothing in this Act shall impose any duty or confer any power on any court in connection with any proceedings under this Act against a person for a serious offence in respect of which he has been convicted by a court before

13th September 1999.

[25/99; 12/2000]

(5) This Act shall apply to any property, whether it is situated in Singapore or elsewhere.

## PART II CONFISCATION OF BENEFITS OF DRUG TRAFFICKING OR CRIMINAL CONDUCT

### PART II

### CONFISCATION OF BENEFITS OF DRUG TRAFFICKING OR CRIMINAL CONDUCT

## 4 Confiscation orders

### Confiscation orders

4.

—(1) Subject to section 27, where a defendant is convicted of one or more drug trafficking offences, the court shall, on the application of the Public Prosecutor, make a confiscation order against the defendant in respect of benefits derived by him from drug trafficking if the court is satisfied that such benefits have been so derived.

(2) If the court is satisfied that benefits have been derived by the defendant from drug trafficking, the court shall, at any time after sentencing or otherwise dealing with him in respect of the offence or, as the case may be, any of the offences concerned, determine in accordance with section 10 the amount to be recovered in his case by virtue of this section.

[25/99]

(3) The court shall not take into account any application or proposed application for a confiscation order in determining the appropriate sentence or other manner of dealing with the defendant in respect of the drug trafficking offences concerned.

[25/99]

(3A) Where the court which convicted the defendant is for any reason unable to determine the amount to be recovered under subsection (2), the determination and confiscation order, if any, may be made by the Registrar.

[25/99]

(3B) Any relevant evidence admitted in the proceedings against the defendant for the drug trafficking offence concerned shall, if the court or the Registrar thinks fit, be taken into account in determining the amount to be



recovered under subsection (2) or (3A).

[25/99]

(4) Subject to section 28, for the purposes of this Act, a person who holds or has at any time (whether before or after 30th November 1993) held any property or any interest therein disproportionate to his known sources of income, the holding of which cannot be explained to the satisfaction of the court, shall, until the contrary is proved, be presumed to have derived benefits from drug trafficking.

[25/99]

(4A) Any expenditure by a person referred to in subsection (4) (whether incurred before or after 30th November 1993) shall, until the contrary is proved, be presumed to have been met out of his benefits derived from drug trafficking.

[25/99]

(5) The presumption referred to in subsection (4) or (4A) shall not be rebutted merely by adducing proof to the effect that the property or interest therein was derived from criminal conduct.

[25/99]

(6) In this section, a reference to property or interest therein shall include a reference to income accruing from such property or interest.

[25/99]

## 5 Confiscation orders for benefits derived from criminal conduct

Confiscation orders for benefits derived from criminal conduct

5.

—(1) Subject to section 27, where a defendant is convicted of one or more serious offences, the court shall, on the application of the Public Prosecutor, make a confiscation order against the defendant in respect of benefits derived by him from criminal conduct if the court is satisfied that such benefits have been so derived.

[25/99]

(2) If the court is satisfied that benefits have been derived by the defendant from criminal conduct, the court shall, at any time after sentencing or otherwise dealing with him in respect of the offence or, as the case may be, any of the offences concerned, determine in accordance with section 10 the amount to be recovered in his case by virtue of this section.

[25/99]

(3) The court shall not take into account any application or proposed application for a confiscation order in determining the appropriate sentence

or other manner of dealing with the defendant in respect of the serious offences concerned.

[25/99]

(4) Where the court which convicted the defendant is for any reason unable to determine the amount to be recovered under subsection (2), the determination and confiscation order, if any, may be made by the Registrar.

[25/99]

(5) Any relevant evidence admitted in the proceedings against the defendant for the serious offence concerned shall, if the court or the Registrar thinks fit, be taken into account in determining the amount to be recovered under subsection (2) or (4).

[25/99]

(6) Without prejudice to section 28, for the purposes of this Act, a person who holds or has at any time (whether before or after 13th September 1999) held any property or any interest therein (including income accruing from such property or interest) disproportionate to his known sources of income, the holding of which cannot be explained to the satisfaction of the court, shall, until the contrary is proved, be presumed to have derived benefits from criminal conduct.

[25/99]

(7) For the purposes of subsection (6), any expenditure by a person referred to in that subsection (whether incurred before or after 13th September 1999) shall, until the contrary is proved, be presumed to have been met out of his benefits derived from criminal conduct.

[25/99]

(8) The presumption referred to in subsection (6) shall not be rebutted merely by adducing proof to the effect that the property or interest therein (including income accruing from such property or interest) was derived from drug trafficking.

[4A

[25/99]

## 6 Live video or live television links

Live video or live television links

6.

—(1) Where the defendant has been charged with or convicted of a drug trafficking offence or a serious offence, the court or the Registrar may make an order that —

(a) if the defendant is represented by an advocate and solicitor, the

defendant shall not be present in person in any proceedings under this Act; or

(b) the defendant shall appear in any proceedings under this Act through live video or live television link (whether or not the defendant is represented by an advocate and solicitor).

[25/99]

(2) Where an order is made under subsection (1) (b), section 62A of the Evidence Act (Cap. 97) shall apply, with the necessary modifications, as if the defendant were a witness.

[4B

[25/99]

## 7 Assessing benefits of drug trafficking

Assessing benefits of drug trafficking

7.

— (1) Subject to section 28, for the purposes of this Act —

(a) the benefits derived by any person from drug trafficking shall be any property or interest therein (including income accruing from such property or interest) held by the person at any time, whether before or after 30th November 1993, being property or interest disproportionate to his known sources of income and the holding of which cannot be explained to the satisfaction of the court; and

(b) the value of the benefits derived by him from drug trafficking shall be the aggregate of the values of the properties and interests therein referred to in paragraph (a).

[25/99]

(2) For the purpose of assessing the value of the benefits derived by the defendant from drug trafficking in a case where a confiscation order has previously been made against him, the court shall leave out of account any such benefits of drug trafficking or criminal conduct that are shown to the court to have been taken into account in determining the amount to be recovered under that order.

[5

[25/99]

## 8 Assessing benefits derived from criminal conduct

Assessing benefits derived from criminal conduct

8.

—(1) Without prejudice to section 28, for the purposes of this Act —

(a) the benefits derived by any person from criminal conduct, shall be any property or interest therein (including income accruing from such property or interest) held by the person at any time, whether before or after 13th September 1999, being property or interest therein disproportionate to his known sources of income, and the holding of which cannot be explained to the satisfaction of the court; and

(b) the value of the benefits derived by him from criminal conduct, shall be the aggregate of the values of the properties and interests therein referred to in paragraph (a).

[25/99]

(2) For the purpose of assessing the value of the benefits derived by the defendant from criminal conduct, in a case where a confiscation order or an order made under section 13 of the Prevention of Corruption Act (Cap. 241) has previously been made against him, the court shall leave out of account any such benefits derived from drug trafficking or criminal conduct, as the case may be, that are shown to the court to have been taken into account in determining the amount to be recovered under that order.

[5A

[25/99]

## 9 Statements relating to drug trafficking or criminal conduct

Statements relating to drug trafficking or criminal conduct

9.

—(1) Where —

(a) there is tendered to the court by the prosecution a statement as to any matters relevant to the determination whether benefits have been derived by the defendant from drug trafficking or from criminal conduct, as the case may be, or to the assessment of the value of those benefits; and

(b) the defendant accepts to any extent any allegation in the statement,

the court may, for the purposes of that determination and assessment, treat his acceptance as conclusive of the matters to which it relates.

[25/99]

(2) Where —

(a) a statement is tendered under subsection (1) (a); and

(b) the court is satisfied that a copy of that statement has been served on the defendant,

the court may require the defendant to indicate to what extent he accepts each allegation in the statement and, so far as he does not accept any such allegation, to indicate any matters he proposes to rely on.

(3) If the defendant fails in any respect to comply with a requirement under subsection (2), he may be treated for the purposes of this section as accepting every allegation in the statement apart from any allegation in respect of which he has complied with the requirement.

(4) Where —

(a) there is tendered to the court by the defendant a statement as to any matters relevant to determining the amount that might be realised at the time the confiscation order is made; and

(b) the prosecution accepts to any extent any allegation in the statement, the court may, for the purposes of that determination, treat the acceptance by the prosecution as conclusive of the matters to which it relates.

(5) An allegation may be accepted or a matter indicated for the purposes of this section either —

(a) orally before the court; or

(b) in writing.

(6) No acceptance by the defendant under this section that benefits have been derived by him from drug trafficking or from criminal conduct, as the case may be, shall be admissible in evidence in any proceedings for an offence.

[6

[25/99]

## 10 Amount to be recovered under confiscation order

Amount to be recovered under confiscation order

10.

— (1) Subject to subsection (3), the amount to be recovered from the defendant under the confiscation order shall be the amount the court assesses to be the value of the benefits derived by the defendant from drug trafficking or from criminal conduct, as the case may be.

[25/99]

(2) If the court is satisfied as to any matter relevant for determining the amount that might be realised at the time the confiscation order is made (whether by an acceptance under section 9 or otherwise), the court may issue a certificate giving its opinion as to the matters concerned and shall do so if satisfied as mentioned in subsection (3).

(3) If the court is satisfied that the amount that might be realised at the time the confiscation order is made is less than the amount the court assesses to be the value of the benefits derived by the defendant from drug trafficking or from criminal conduct, as the case may be, the amount to be recovered from the defendant under the confiscation order shall be the amount appearing to the court to be the amount that might be so realised.

[25/99]

(4) If, on an application made in accordance with subsection (5), the court is satisfied that the amount that might be realised in the case of the person in question is greater than the amount taken into account in making the confiscation order (whether it was greater than was thought when the order was made or has subsequently increased), the court shall issue a certificate to that effect, giving its reasons.

(5) An application under subsection (4) may be made either by the Public Prosecutor or by a receiver appointed under section 16 or 19 in relation to the realisable property of the person in question.

(6) Where a certificate has been issued under subsection (4), the Public Prosecutor may apply to the court for an increase in the amount to be recovered under the confiscation order; and on that application the court may —

(a) substitute for that amount such amount (not exceeding the amount assessed as the value referred to in subsection (1)) as appears to the court to be appropriate having regard to the amount now shown to be realisable; and

(b) increase the term of imprisonment fixed in respect of the confiscation

order under section 14 (1) if the effect of the substitution is to increase the maximum period applicable in relation to the order under section 14 (1).

[7

## 11 Interest on sums unpaid under confiscation order

Interest on sums unpaid under confiscation order

11.

— (1) If any sum required to be paid by a person under a confiscation order is not paid when it is required to be paid, that person shall be liable to pay interest on that sum for the period for which it remains unpaid.

[25/99]

(2) The amount of the interest shall for the purposes of enforcement be treated as part of the amount to be recovered from him under the confiscation order.

[25/99]

(3) The rate of interest under subsection (1) shall be at the same rate as a judgment debt.

[7A

[25/99]

## 12 Definition of principal terms used

Definition of principal terms used

12.

— (1) For the purposes of sections 9 and 10, the amount that might be realised at the time a confiscation order is made against the defendant shall be —

(a) the total of the values at that time of all the realisable property held by the defendant; less

(b) where there are obligations having priority at that time, the total amounts payable in pursuance of such obligations,

together with the total of the values at that time of all gifts caught by this Act.

(2) Subject to subsections (3) to (9), for the purposes of this Act, the value

of property (other than cash) in relation to any person holding the property

(a) where any other person holds an interest in the property, shall be —

(i) the market value of the first-mentioned person's beneficial interest in the property; less

(ii) the amount required to discharge any incumbrance (other than a charging order) on that interest; and

(b) in any other case, shall be its market value.

(3) Subject to subsection (9), references in this Act to the value at any time (referred to in subsection (4) as the material time) of a gift caught by this Act are references to —

(a) the value of the gift to the recipient when he received it adjusted to take account of subsequent changes in the value of money; or

(b) where subsection (4) applies, the value mentioned therein,

whichever is the greater.

(4) Subject to subsection (9), if at the material time the recipient holds —

(a) the property which he received (not being cash); or

(b) property which, in whole or in part, directly or indirectly, represents in his hands the property which he received,

the value referred to in subsection (3) (b) shall be the value to him at the material time of the property mentioned in paragraph (a) or, as the case may be, of the property mentioned in paragraph (b) so far as it so represents the property which he received, but disregarding in either case any charging order.

(5) For the purposes of subsection (1), an obligation has priority at any time if it is an obligation of the defendant to —

(a) pay an amount due in respect of a fine, or other order of a court, imposed or made on conviction of an offence, where the fine was imposed or order made before the confiscation order; or

(b) pay any sum which would be included among the preferential debts in the



defendant's bankruptcy commencing on the date of the confiscation order or winding up under an order of the court made on that date.

(6) For the purposes of subsection (5) (b), "preferential debts" —

(a) in relation to bankruptcy, means the debts to be paid in priority under section 90 of the Bankruptcy Act (Cap. 20) (assuming the date of the confiscation order to be the date of the bankruptcy order); and

(b) in relation to winding up, means the debts to be paid in priority in accordance with section 328 of the Companies Act (Cap. 50) (assuming the date of the confiscation order to be the commencement date of the winding up).

[15/95]

(7) A gift (including a gift made before 30th November 1993) is caught by this Act if —

(a) it was made by the defendant at any time since the beginning of the period of 6 years ending when the proceedings for a drug trafficking offence were instituted against him or, where no such proceedings have been instituted, when an application under section 4 for a confiscation order is made against him; or

(b) it was made by the defendant at any time and was a gift of property which is or is part of the benefits derived by the defendant from drug trafficking.

(8) A gift (including a gift made before 13th September 1999) is caught by this Act if —

(a) it was made by the defendant at any time since the beginning of the period of 6 years ending when the proceedings for a serious offence were instituted against him or, where no such proceedings have been instituted, when an application under section 5 for a confiscation order is made against him; or

(b) it was made by the defendant at any time and was a gift of property which is or is part of the benefits derived by the defendant from criminal conduct.

[25/99]

(9) For the purposes of this Act —

(a) the circumstances in which the defendant is to be treated as making a gift include those where he transfers property to another person, directly or indirectly, for a consideration the value of which is significantly less than the value of the consideration provided by the defendant; and

(b) in those circumstances, this section shall apply as if the defendant had

made a gift of such share in the property as bears to the whole property the same proportion as the difference between the values referred to in paragraph (a) bears to the value of the consideration provided by the defendant.

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## 13 Protection of rights of third party

Protection of rights of third party

13.

— (1) Where an application is made for a confiscation order under section 4 or 5, a person who asserts an interest in the property may apply to the court, before the confiscation order is made, for an order under subsection (2).

[25/99]

(2) If a person applies to the court for an order under this subsection in respect of his interest in property and the court is satisfied —

(a) that he was not in any way involved in the defendant's drug trafficking or criminal conduct, as the case may be; and

(b) that he acquired the interest —

(i) for sufficient consideration; and

(ii) without knowing, and in circumstances such as not to arouse a reasonable suspicion, that the property was, at the time he acquired it, property that was involved in or derived from drug trafficking or criminal conduct, as the case may be,

the court shall make an order declaring the nature, extent and value (as at the time the order is made) of his interest.

[25/99]

(3) Subject to subsection (4), where a confiscation order has already been made, a person who asserts an interest in the property may apply under this subsection to the court for an order under subsection (2).

(4) A person who —

(a) had knowledge of the application under section 4 or 5 for the confiscation order before the order was made; or

(b) appeared at the hearing of that application,

shall not be permitted to make an application under subsection (3) except with the leave of the court.

[25/99]

(5) A person who makes an application under subsection (1) or (3) shall give not less than 7 days' written notice of the making of the application to the Attorney-General who shall be a party to any proceedings on the application.

[9]

## PART III ENFORCEMENT, ETC., OF CONFISCATION ORDERS

### PART III ENFORCEMENT, ETC., OF CONFISCATION ORDERS

#### 14 Application of procedure for enforcing fines

Application of procedure for enforcing fines

14.

— (1) Subject to subsection (4), where a court orders the defendant to pay any amount under section 4 or 5, section 224 of the Criminal Procedure Code (Cap. 68) shall have effect as if —

(a) that amount were a fine imposed on him by the court; and

(b) the term for which the court directs the defendant to be imprisoned in default of payment of any amount under section 4 or 5 shall be as follows:

(i) if the amount does not exceed \$20,000, imprisonment for a term not exceeding 2 years;

(ii) if the amount exceeds \$20,000 but does not exceed \$50,000, imprisonment for a term not exceeding 5 years;

(iii) if the amount exceeds \$50,000 but does not exceed \$100,000, imprisonment for a term not exceeding 7 years; and

(iv) if the amount exceeds \$100,000, imprisonment for a term not exceeding 10 years.

(2) Where —

(a) a warrant to commit the defendant to prison is issued for a default in payment of an amount ordered to be paid under section 4 or 5 in respect of an offence or offences; and

(b) at the time the warrant is issued, the defendant is liable to serve any term of imprisonment in respect of the offence or offences,

the term of imprisonment to be served in default of payment of the amount shall not begin to run until after the term mentioned in paragraph (b).

[25/99]

(3) A District Court may, notwithstanding the provisions of any other written law, impose the maximum term of imprisonment on the defendant in default of the payment of any amount ordered to be paid under section 4 or 5.

[25/99]

(4) Where a defendant is convicted of a drug trafficking offence or a serious offence, as the case may be, and sentenced to death, any amount which the court orders the defendant to pay under section 4 or 5 may, on an application by the Public Prosecutor to the High Court, be realised by the High Court exercising the powers conferred by section 19 (3) to (7).

[25/99]

(5) Where a defendant is convicted of a drug trafficking offence or a serious offence, as the case may be, any amount which the court orders the defendant to pay under section 4 or 5 and which, in the case of realisable property comprising wholly or partly cash, may be realised by the High Court making a garnishee order subject to Rules of Court.

[25/99]

## 15 Cases in which restraint orders and charging orders may be made

Cases in which restraint orders and charging orders may be made

15.

— (1) The powers conferred on the High Court by section 16 (1) to make a restraint order and by section 17 (1) to make a charging order are exercisable where —

(a) proceedings have been instituted against the defendant for a drug trafficking offence or a serious offence, as the case may be;

(b) the proceedings have not been concluded; and

(c) the Court is satisfied that there is reasonable cause to believe that benefits have been derived by the defendant from drug trafficking or from criminal conduct, as the case may be.

[25/99]

(2) Those powers are also exercisable where the High Court is satisfied —

(a) that a person has been officially informed under section 122 (6) of the Criminal Procedure Code (Cap. 68) that he may be prosecuted for a drug trafficking offence or a serious offence, as the case may be; or

(b) that investigation for a drug trafficking offence or a serious offence, as the case may be, having been commenced against a person, he dies or cannot be found or is outside the jurisdiction,

and that there is reasonable cause to believe that benefits have been derived by that person from drug trafficking or from criminal conduct, as the case may be.

[25/99]

(3) For the purposes of sections 16 and 17, at any time when those powers are exercisable before proceedings have been instituted —

(a) references in this Act to the defendant shall be construed as references to the person referred to in subsection (2); and

(b) references in this Act to realisable property shall be construed as if, immediately before that time, proceedings had been instituted against the person referred to in subsection (2) for a drug trafficking offence or a serious offence, as the case may be.

[25/99]

(4) Where the High Court has made an order under section 16 (1) or 17 (1) by virtue of subsection (2), the Court shall discharge the order if the proposed proceedings are not instituted within such time as the Court considers reasonable and which shall not in any event exceed a period of 3 months.

[11

## 16 Restraint orders

Restraint orders

— (1) The High Court may make a restraint order to prohibit any person from dealing with any realisable property, subject to such conditions and exceptions as may be specified in the order.

(2) A restraint order may apply —

(a) to all realisable property held by a specified person, whether the property is described in the order or not; and

(b) to all realisable property held by a specified person, being property transferred to him after the making of the order.

(3) This section shall not have effect in relation to any property for the time being subject to a charge under section 17.

(4) A restraint order —

(a) may be made only on an application by the Public Prosecutor;

(b) may be made on an ex parte application to a Judge in chambers; and

(c) shall provide for notice to be given to persons affected by the order.

(5) A restraint order —

(a) may be discharged or varied in relation to any property; and

(b) shall be discharged when proceedings for the drug trafficking offence or serious offence, as the case may be, are concluded.

[25/99]

(6) Where the High Court has made a restraint order, the Court may at any time appoint the Public Trustee or any person as receiver —

(a) to take possession of any realisable property; and

(b) in accordance with the directions of the Court, to manage or otherwise deal with any property in respect of which he is appointed,

subject to such exceptions and conditions as may be specified by the Court; and may require any person having possession of property in respect of which the receiver is appointed under this section to give possession of it to the Public Trustee or such receiver.

(7) For the purposes of this section, dealing with property held by any person

includes (without prejudice to the generality of the expression) —

(a) where a debt is owed to that person, making a payment to any person in reduction of the amount of the debt; and

(b) removing the property from Singapore.

(8) Where the High Court has made a restraint order, an authorised officer may, for the purpose of preventing any realisable property being removed from Singapore, seize the property.

(9) Property seized under subsection (8) shall be dealt with in accordance with the directions of the High Court.

[12

## 17 Charging orders in respect of land securities etc.

Charging orders in respect of land, securities, etc.

17.

— (1) The High Court may make a charging order on realisable property for securing the payment to the Government —

(a) where a confiscation order has not been made, of an amount equal to the value from time to time of the property charged; and

(b) in any other case, of an amount not exceeding the amount payable under the confiscation order.

(2) For the purposes of this Act, a charging order is an order made under this section imposing on any such realisable property as may be specified in the order a charge for securing the payment of money to the Government.

(3) A charging order may be made —

(a) only on an application by the Public Prosecutor; and

(b) on an ex parte application to a Judge in chambers.

(4) Subject to subsection (6), a charge may be imposed by a charging order only on —

(a) any interest in realisable property, being an interest held beneficially by the defendant or by a person to whom the defendant has, directly or indirectly, made a gift caught by this Act —

(i) in any asset of a kind mentioned in subsection (5); or

(ii) under any trust; or

(b) any interest in realisable property held by a person as trustee of a trust if the interest is in such an asset or is an interest under another trust and a charge may, by virtue of paragraph (a), be imposed by a charging order on the whole beneficial interest under the first-mentioned trust.

(5) The assets referred to in subsection (4) are —

(a) immovable property in Singapore; or

(b) securities of any of the following kinds:

(i) securities of the Government or of any public authority;

(ii) stock of any body incorporated in Singapore;

(iii) stock of any body incorporated outside Singapore or of any country or territory outside Singapore, being stock registered in a register kept at any place within Singapore; and

(iv) units of any unit trust in respect of which a register of the unit holders is kept at any place within Singapore.

(6) In any case where a charge is imposed by a charging order on any interest in an asset of a kind mentioned in subsection (5) (b), the High Court may provide for the charge to extend to any interest or dividend payable in respect of the asset.

(7) Where the High Court has made a charging order, the Court may give such directions to the Public Trustee or any person as the Court thinks fit to safeguard the assets under the charging order.

(8) The High Court may make an order discharging or varying the charging order and shall make an order discharging the charging order if the proceedings for the drug trafficking offence or serious offence, as the case may be, are concluded or the amount, payment of which is secured by the charge, is paid into Court.



## 18 Charging orders: supplementary provisions

Charging orders: supplementary provisions

18.

— (1) A charging order may be made either absolutely or subject to conditions as to notifying any person holding any interest in the property to which the order relates or as to the time when the charge is to become enforceable, or as to other matters.

(2) A caveat may be lodged under the Land Titles Act (Cap. 157) or an entry may be made under the Registration of Deeds Act (Cap. 269), as the case may be, in respect of a charging order made under section 17.

(3) Subject to any provision made under section 19 or by Rules of Court, a charge imposed by a charging order shall have the like effect and shall be enforceable in the same manner as an equitable charge created by the person holding the beneficial interest or, as the case may be, the trustees by writing under their hand.

(4) Where a charging order has been protected by a caveat lodged under the Land Titles Act or by an entry registered under the Registration of Deeds Act, an order under section 17 (8) discharging the charging order may direct that the caveat be removed or the entry be cancelled.

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## 19 Realisation of property

Realisation of property

19.

— (1) Where —

(a) in proceedings instituted for a drug trafficking offence or a serious offence, as the case may be, a confiscation order is made;

(b) the order is not subject to appeal; and

(c) the proceedings have not been concluded,

the High Court may, on an application of the Public Prosecutor, exercise the powers conferred by subsections (3) to (7).

[25/99]

(2) The High Court may, on the application of the Public Prosecutor, also exercise the powers conferred by subsections (3) to (7) where —

(a) a confiscation order is made against a person who is, by reason of section 26, taken to be convicted of a drug trafficking offence or a serious offence, as the case may be;

(b) the order is not subject to appeal; and

(c) the order has not been satisfied, whether by payment of the amount due under the order or by the defendant serving imprisonment by default.

[25/99]

(3) The High Court may appoint the Public Trustee or any person as receiver in respect of realisable property.

(4) The High Court may empower the Public Trustee or any receiver appointed under subsection (3) or section 16 or in pursuance of a charging order —

(a) to enforce any charge imposed under section 17 on realisable property or on interest or dividends payable in respect of such property; and

(b) in relation to any realisable property other than property for the time being subject to a charge under section 17, to take possession of the property subject to such conditions or exceptions as may be specified by the Court.

(5) The High Court may order any person having possession of realisable property to give possession of it to the Public Trustee or any receiver.

(6) The High Court may empower the Public Trustee or any receiver to realise any realisable property in such manner as the Court may direct.

(7) The High Court may order any person holding an interest in realisable property to make such payment to the Public Trustee or any receiver in respect of any beneficial interest held by the defendant or, as the case may be, the recipient of a gift caught by this Act as the Court may direct and the Court may, on the payment being made, by order transfer, grant or extinguish any interest in the property.

(8) Subsections (5) to (7) shall not apply to property for the time being

subject to a charge under section 17.

(9) The High Court shall not in respect of any property exercise the powers conferred by subsection (4) (a), (6) or (7) unless a reasonable opportunity has been given for persons holding any interest in the property to make representations to the Court.

[15

## 20 Application of proceeds of realisation and other sums

Application of proceeds of realisation and other sums

20.

—(1) Subject to subsection (2), the following sums in the hands of the Public Trustee or any receiver under section 16 or 19 or in pursuance of a charging order, that is —

- (a) the proceeds of the enforcement of any charge imposed under section 17;
- (b) the proceeds of the realisation, other than by the enforcement of such a charge, of any property under section 16 or 19; and
- (c) any other sums, being property held by the defendant,

shall, after such payments (if any) as the High Court may direct have been made out of those sums, be applied on the defendant's behalf towards the satisfaction of the confiscation order.

(2) If, after the amount payable under the confiscation order has been fully paid, any such sums remain in the hands of the Public Trustee or receiver, he shall distribute those sums —

- (a) among such of those who held property which has been realised under this Act; and
- (b) in such proportions,

as the High Court may direct after giving a reasonable opportunity for such persons to make representations to the Court.

[16

## 21 Exercise of powers by High Court or receiver

Exercise of powers by High Court or receiver

21.

— (1) This section shall apply to the powers conferred on the High Court by sections 16 to 20 or on the Public Trustee or any receiver under section 16 or 19 or in pursuance of a charging order.

(2) Subject to subsections (3) to (6), the powers shall be exercised with a view to making available for satisfying the confiscation order or, as the case may be, any confiscation order that may be made in the defendant's case the value for the time being of realisable property held by any person by the realisation of such property.

(3) In the case of realisable property held by a person to whom the defendant has, directly or indirectly, made a gift caught by this Act, the powers shall be exercised with a view to realising no more than the value for the time being of the gift.

(4) The powers shall be exercised with a view to allowing any person other than the defendant or the recipient of any such gift to retain or recover the value of any property held by him.

(5) An order may be made or other action taken in respect of a debt owed by the Government.

(6) In exercising those powers, no account shall be taken of any obligations of the defendant or of the recipient of any such gift which conflict with the obligation to satisfy the confiscation order.

[17

## 22 Variation of confiscation orders

Variation of confiscation orders

22.

— (1) If, on an application by the defendant in respect of a confiscation order, the court is satisfied that the realisable property is inadequate for

the payment of any amount remaining to be recovered under the order, the court shall issue a certificate to that effect, giving its reasons.

(2) For the purposes of subsection (1) —

(a) in the case of realisable property held by a person who has been adjudged bankrupt or whose estate has been sequestrated, the court shall take into account the extent to which any property held by him may be distributed among creditors; and

(b) the court may disregard any inadequacy in the realisable property which appears to the court to be attributable, wholly or partly, to anything done by the defendant for the purpose of preserving any property held by a person to whom the defendant had, directly or indirectly, made a gift caught by this Act from any risk of realisation under this Act.

(3) Where a certificate has been issued under subsection (1), the defendant may apply to the court which made the confiscation order for the amount to be recovered under the order to be reduced.

(4) The court which made the confiscation order shall, on an application under subsection (3) —

(a) substitute for the amount to be recovered under the order such lesser amount as the court thinks just in all the circumstances of the case; and

(b) substitute for the term of imprisonment fixed under section 224 of the Criminal Procedure Code (Cap. 68) in respect of the amount to be recovered under the order a shorter term determined in accordance with that section (as it has effect by virtue of section 14) in respect of the lesser amount.

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## 23 Bankruptcy of defendant etc.

Bankruptcy of defendant, etc.

23.

—(1) Where a person who holds realisable property is adjudged bankrupt —

(a) property for the time being subject to a restraint order made before the order adjudging him bankrupt; and

(b) any proceeds of property realised by virtue of section 16 (6) or 19 (6) or (7) for the time being in the hands of the Public Trustee or a receiver under section 16 or 19,

shall be excluded from the bankrupt's estate for the purposes of the Bankruptcy Act (Cap. 20).

(2) Where a person has been adjudged bankrupt, the powers conferred on the High Court by sections 16 to 20 or on the Public Trustee or a receiver shall not be exercised in relation to —

(a) property for the time being comprised in the bankrupt's estate for the purposes of the Bankruptcy Act;

(b) property which is not comprised in the bankrupt's estate by virtue of section 78 (2) of that Act; and

(c) property which is to be applied for the benefit of creditors of the bankrupt by virtue of a condition imposed under section 124 (3) (c) of that Act.

[15/95]

(3) Nothing in the Bankruptcy Act (Cap. 20) shall be taken as restricting, or enabling the restriction of, the exercise of those powers referred to in subsection (2).

(4) Subsection (2) shall not affect the enforcement of a charging order —

(a) made before the order adjudging the person bankrupt; or

(b) on property which was subject to a restraint order when the order adjudging him bankrupt was made.

(5) Where, in the case of a debtor, an interim receiver stands appointed under section 73 of the Bankruptcy Act and any property of the debtor is subject to a restraint order —

(a) the powers conferred on the receiver by virtue of the Bankruptcy Act shall not apply to property for the time being subject to the restraint order; and

(b) any such property in the hands of the receiver shall, subject to a lien for any expenses (including his remuneration) properly incurred in respect of the property, be dealt with in such manner as the High Court may direct.

[15/95]

(6) For the purposes of section 127 (2) of the Bankruptcy Act, amounts payable under confiscation orders shall constitute debts due to the Government.

## 24 Winding up of company holding realisable property

Winding up of company holding realisable property

24.

—(1) Where realisable property is held by a company and an order for the winding up of the company has been made or a resolution has been passed by the company for the voluntary winding up, the functions of the liquidator (or any provisional liquidator) shall not be exercisable in relation to —

(a) property for the time being subject to a restraint order made before the relevant time; and

(b) any proceeds of property realised by virtue of section 16 (6) or 19 (6) or (7) for the time being in the hands of the Public Trustee or a receiver under section 16 or 19,

but there shall be payable out of such property any expenses (including the remuneration of the liquidator or provisional liquidator) properly incurred in the winding up in respect of the property.

(2) Where, in the case of a company, such an order has been made or such a resolution has been passed, the powers conferred on the High Court by sections 16 to 20 or on a receiver so appointed shall not be exercised in relation to any realisable property held by the company in relation to which the functions of the liquidator are exercisable —

(a) so as to inhibit him from exercising those functions for the purpose of distributing any property held by the company to the company's creditors; or

(b) so as to prevent the payment out of any property of expenses (including the remuneration of the liquidator or any provisional liquidator) properly incurred in the winding up in respect of the property.

(3) Nothing in the Companies Act (Cap. 50) shall be taken as restricting, or enabling the restriction of, the exercise of those powers referred to in subsection (2).

(4) Subsection (2) shall not affect the enforcement of a charging order made

before the relevant time or on property which was subject to a restraint order at the relevant time.

(5) In this section —

"company" means any company which may be wound up under the Companies Act;

"the relevant time" means —

(a) where no order for the winding up of the company has been made, the time of the passing of the resolution for voluntary winding up;

(b) where such an order has been made and, before the making of the application for the winding up of the company by the High Court, such a resolution had been passed by the company, the time of the passing of the resolution; and

(c) in any other case where such an order has been made, the time of the making of the order.

[20

## 25 Receivers: supplementary provisions

Receivers: supplementary provisions

25.

Where the Public Trustee or a receiver appointed under section 16 or 19 or in pursuance of a charging order takes any action in relation to property which is not realisable property, being action which he would be entitled to take if it were such property, believing, and having reasonable grounds for believing, that he is entitled to take that action in relation to that property, he shall not be liable to any person in respect of any loss or damage resulting from his action except in so far as the loss or damage is caused by his negligence.

[21

# PART IV APPLICATION TO ABSCONDED PERSONS

PART IV



## 26 Absconded persons

Absconded persons

26.

—(1) For the purposes of this Act, a person shall be taken to be convicted of a drug trafficking offence or a serious offence, as the case may be, if the person absconds in connection with the drug trafficking offence or the serious offence, as the case may be, and any reference in Part II to the defendant shall include reference to such a person.

[25/99]

(2) For the purposes of subsection (1), a person shall be taken to abscond in connection with a drug trafficking offence if whether before or after 30th November 1993 —

(a) investigations for a drug trafficking offence have been commenced against the person; and

(b) the person —

(i) dies before proceedings in respect of the offence were instituted, or if such proceedings were instituted, the person dies before he is convicted; or

(ii) at the end of the period of 6 months from the date on which investigations referred to in paragraph (a) were commenced against him, cannot be found, apprehended or extradited.

[25/99]

(3) For the purposes of subsection (1), a person shall be taken to abscond in connection with a serious offence if, whether before or after 13th September 1999 —

(a) investigations for a serious offence have been commenced against the person; and

(b) the person —

(i) dies before proceedings in respect of the offence were instituted, or if such proceedings were instituted, the person dies before he is convicted of the offence; or

(ii) at the end of the period of 6 months from the date on which the investigations referred to in paragraph (a) were commenced against him, cannot be found, apprehended or extradited.

[22  
[25/99]

## 27 Confiscation order where person has absconded

Confiscation order where person has absconded

27.

Where a person is, by reason of section 26, to be taken to have been convicted of a drug trafficking offence or a serious offence, as the case may be, a court shall not make a confiscation order in reliance on the person's conviction of the offence unless the court is satisfied —

(a) on the evidence adduced before it that, on the balance of probabilities, the person has absconded; and

(b) having regard to all the evidence before the court, that such evidence if unrebutted would warrant his conviction for the drug trafficking offence or serious offence, as the case may be.

[23  
[25/99]

## 28 Effect of death on proceedings

Effect of death on proceedings

28.

— (1) Proceedings under this Act shall be instituted or continued against the personal representatives of a deceased defendant or, if there are no personal representatives, such beneficiary or beneficiaries of the estate of the deceased defendant as may be specified by the court upon the application of the Public Prosecutor.

(2) Where the power conferred by this Act to make a confiscation order is to be exercised in relation to a deceased defendant, the order shall be made against the estate of the deceased defendant.

(3) Nothing in this Act shall subject any personal representative of the estate of the deceased defendant, or any beneficiary thereof, to any imprisonment under section 14 if the property of the estate is inadequate for the payment of any amount to be recovered under the confiscation order.

[S 92/97]

(3A) Sections 4 (4), 5 (6) and (7), 7 and 8 shall not apply to any deceased defendant.

[25/99]

(4) For the purposes of Part II, the following provisions shall apply in determining whether a deceased defendant had derived benefits from drug trafficking or in determining those benefits or the value of those benefits:

(a) a deceased defendant shall, until the contrary is proved, be presumed to have derived benefits from drug trafficking if he had, at any time (whether before or after 30th November 1993) since the beginning of the period of 6 years ending at the date of his death, held any property or interest therein disproportionate to his known sources of income, the holding of which cannot be explained to the satisfaction of the court;

(b) the benefits derived by a deceased defendant from drug trafficking shall be any property or interest therein held by him during the period mentioned in paragraph (a), being property or interest therein disproportionate to his known sources of income, and the holding of which cannot be explained to the satisfaction of the court; and

(c) the value of the benefits derived by a deceased defendant from drug trafficking shall be the aggregate of the values of those properties and interests therein less the value of any such benefits that are shown to have been taken into account by any court in determining the amount to be recovered under any confiscation order previously made against the deceased defendant.

(4A) For the purposes of Part II, the following provisions shall apply in determining whether a deceased defendant had derived benefits from criminal conduct or in determining those benefits or the value of those benefits:

(a) a deceased defendant shall, until the contrary is proved, be presumed to have derived benefits from criminal conduct, if he had, at any time (whether before or after 13th September 1999) since the beginning of the period of 6 years ending at the date of his death, held any property or interest therein disproportionate to his known sources of income, and the holding of which cannot be explained to the satisfaction of the court;

(b) the benefits derived by a deceased defendant from criminal conduct shall be any property or interest therein held by him during the period mentioned in paragraph (a), being property or interest therein disproportionate to his

known sources of income, and the holding of which cannot be explained to the satisfaction of the court; and

(c) the value of the benefits derived by a deceased defendant from criminal conduct shall be the aggregate of the values of those properties and interests therein referred to in paragraphs (a) and (b) less the value of any such benefits that are shown to have been taken into account by any court in determining the amount to be recovered under any confiscation order or any order made under section 13 of the Prevention of Corruption Act (Cap. 241) previously made against the deceased defendant.

[25/99]

(4B) The presumption referred to in —

(a) subsection (4) shall not be rebutted merely by adducing proof to the effect that the property or interest therein was derived from criminal conduct;

(b) subsection (4A) shall not be rebutted merely by adducing proof to the effect that the property or interest therein was derived from drug trafficking.

[25/99]

(5) In this section, “deceased defendant” means a person who dies —

(a) after investigations for a drug trafficking offence or a serious offence, as the case may be, have been commenced against him; and

(b) before proceedings in respect of the offence have been instituted or if such proceedings have been instituted, before he is convicted of the offence.

[25/99]

(6) In this section, a reference to property or interest therein shall include a reference to income accruing from such property or interest.

[24

[25/99]

## 29 Service of documents on absconders

Service of documents on absconders

29.

Where any document is required under this Act to be served on a person who cannot be found or who is outside Singapore and cannot be compelled to attend before a court in respect of proceedings under this Act, the court may

dispense with service of the document upon him and the proceedings may be continued to their final conclusion in his absence.

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## PART V INFORMATION GATHERING POWERS

### PART V

#### INFORMATION GATHERING POWERS

##### *Division 1 — Production orders*

### 30 Production orders

#### Production orders

30.

— (1) An authorised officer may, for the purpose of an investigation into drug trafficking or criminal conduct, as the case may be, apply to a court for an order under subsection (2) in relation to particular material or material of a particular description.

[25/99]

(1A) This section shall not apply to any material in the possession of a financial institution.

[25/99]

(2) Subject to section 42 (10), the court may, if on such an application it is satisfied that the conditions to subsection (4) are fulfilled, make an order that the person who appears to the court to be in possession of the material to which the application relates shall —

- (a) produce the material to an authorised officer for him to take away; or
- (b) give an authorised officer access to it,

within such period as the order may specify.

(3) The period to be specified in an order under subsection (2) shall be 7 days unless it appears to the court that a longer or shorter period would be appropriate in the particular circumstances of the application.

(4) The conditions referred to in subsection (2) are —

(a) that there are reasonable grounds for suspecting that a specified person has carried on or has benefited from drug trafficking or from criminal conduct, as the case may be;

(b) that there are reasonable grounds for believing that the material to which the application relates —

(i) is likely to be of substantial value (whether by itself or together with other material) to the investigation for the purpose of which the application is made; and

(ii) does not consist of or include items subject to legal privilege; and

(c) that there are reasonable grounds for believing that it is in the public interest, having regard —

(i) to the benefit likely to accrue to the investigation if the material is obtained; and

(ii) to the circumstances under which the person in possession of the material holds it,

that the material should be produced or that access to it should be given.

[25/99]

(5) Where a court makes an order under subsection (2) (b) in relation to material on any premises, it may, on the same or a subsequent application of an authorised officer, order any person who appears to him to be entitled to grant entry to the premises to allow an authorised officer to enter the premises to obtain access to the material.

(6) Rules of Court may provide for —

(a) the discharge and variation of orders under this section; and

(b) proceedings relating to such orders.

(7) Where the material, to which an application under this section relates, consists of information contained in or accessible by means of any data equipment —

(a) an order under subsection (2) (a) shall have effect as an order to produce the material in a form in which it can be taken away and in which it is visible and legible; and

(b) an order under subsection (2) (b) shall have effect as an order to give access to the material in a form in which it is visible and legible.

(8) In subsection (7), “data equipment” means any equipment which —

(a) automatically processes information;

(b) automatically records or stores information;

(c) can be used to cause information to be automatically recorded, stored or otherwise processed on other equipment (wherever situated);

(d) can be used to retrieve information whether the information is recorded or stored in the equipment itself or in other equipment (wherever situated).

(9) An order under subsection (2) —

(a) shall not confer any right to production of, or access to, items subject to legal privilege;

(b) shall have effect notwithstanding any obligation as to secrecy or other restriction upon the disclosure of information imposed by statute or otherwise; and

(c) may be made in relation to material in the possession of a public body as defined in section 42 (11).

(10) A person is not excused from producing or making available any material when required to do so by an order under this section on the ground that —

(a) the production or making available of the material might tend to incriminate the person or make the person liable to a penalty; or

(b) the production or making available of the material would be in breach of an obligation (whether imposed by law or otherwise) of the person not to disclose the existence or contents of the material.

(11) Where a person produces or makes available any material pursuant to an order under this section, the production or making available of the material, or any information or thing obtained as a direct or indirect consequence of the production or making available of the material shall not be admissible against the person in any criminal proceedings except a proceeding for an offence against section 33 (1).

(12) For the purposes of subsection (1), proceedings on an application for a restraint order or a confiscation order are not criminal proceedings.

[26]

## 31 Production orders against financial institution to produce material relating to drug trafficking or criminal conduct

Production orders against financial institution to produce material relating to drug trafficking or criminal conduct

31.

— (1) The Attorney-General or any person duly authorised by him in writing may, for the purpose of an investigation into a drug trafficking offence or a serious offence, as the case may be, apply to the High Court for an order under subsection (2) in relation to any particular material or material of a particular description.

[25/99]

(2) The High Court may, if on such an application it is satisfied that the conditions referred to in subsection (3) are fulfilled, make an order that the financial institution which appears to the Court to be in possession of the material to which the application relates shall —

(a) produce the material to the Attorney-General or the person duly authorised by him for the Attorney-General or such person to take away; or

(b) give the Attorney-General or the person duly authorised by him access to the material,

within a reasonable period, but not less than 7 days, as the order may specify.

[25/99]

(3) The conditions referred to in subsection (2) are —

(a) that there are reasonable grounds for suspecting that a specified person has carried on or has benefited from drug trafficking or criminal conduct, as the case may be;

(b) that there are reasonable grounds for believing that the material to which the application relates —



(i) is likely to be of substantial value (whether by itself or together with other material) to the investigation for the purpose of which the application is made; and

(ii) does not consist of or include items subject to legal privilege; and

(c) that there are reasonable grounds for believing that it is in the public interest to produce the material to which the application relates.

[25/99]

(4) A financial institution which complies with an order made under subsection (2) shall not be treated as being in breach of any restriction upon the disclosure of information or material imposed by law, contract or rules of professional conduct.

[25/99]

(5) No action shall lie against a financial institution which in good faith produces materials or gives access to materials relating to the account of its customer by reason of that financial institution having produced or given access to the materials in compliance with an order made against it under subsection (2) or any act done or omitted to be done in relation to any funds, investment or property in the account of that customer in consequence of the production of or access to those materials.

[25/99]

(6) The proceedings for an application for a production order under this section shall be heard in camera.

[25/99]

(7) In this section, “items subject to legal privilege” has the same meaning as in section 35 (2).

[26A

[25/99]

## 32 Variation of production order

Variation of production order

32.

— (1) Where a court makes a production order requiring a person to produce any material to any authorised officer, the person may apply to the court for a variation of the order.

(2) If the court is satisfied that the material is essential to the business activities of the person, the court may vary the production order referred to in subsection (1) so that it requires the person to make the material

available to an authorised officer for inspection.

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### 33 Failure to comply with production order

Failure to comply with production order

33.

— (1) Where a person is required by a production order to produce any material to an authorised officer or make any material available to an authorised officer for inspection, the person shall be guilty of an offence under this section if the person —

(a) contravenes the order without reasonable excuse; or

(b) in purported compliance with the order produces or makes available any material known to the person to be false or misleading in a material particular without —

(i) indicating to the authorised officer to whom the material is produced or made available that the material is false or misleading and the respect in which the material is false or misleading; and

(ii) providing correct information to the authorised officer if the person is in possession of, or can reasonably acquire, the correct information.

(2) A person guilty of an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

[28

*Division 2 — Search powers*

### 34 Authority for search

Authority for search

34.

— (1) An authorised officer may, for the purpose of an investigation into drug trafficking or criminal conduct, as the case may be, apply to a court for a

warrant under this section in relation to specified premises.

[25/99]

(2) On such application, the court may issue a warrant authorising an authorised officer to enter and search the premises if the court is satisfied that —

(a) an order made under section 30 or 31 in relation to material on the premises has not been complied with;

(b) the conditions in subsection (3) are fulfilled; or

(c) the conditions in subsection (4) are fulfilled.

[25/99]

(3) The conditions referred to in subsection (2) (b) are —

(a) that there are reasonable grounds for suspecting that a specified person has carried on or has benefited from drug trafficking or from criminal conduct, as the case may be; and

(b) that the conditions in section 30 (4) (b) and (c) or 31 (3) (b) and (c) are fulfilled in relation to any material on the premises.

[25/99]

(4) The conditions referred to in subsection (2) (c) are —

(a) that there are reasonable grounds for suspecting that a specified person has carried on or has benefited from drug trafficking or from criminal conduct, as the case may be; and

(b) that there are reasonable grounds for suspecting that there is on the premises material relating to the specified person or to drug trafficking or criminal conduct, as the case may be, which is likely to be of substantial value (whether by itself or together with other material) to the investigation for the purpose of which the application is made, but that the material cannot at the time of the application be particularised.

[25/99]

(5) Where an authorised officer has entered premises in the execution of a warrant issued under this section, he may seize and retain any material, other than items subject to legal privilege, which is likely to be of substantial value (whether by itself or together with other material) to the investigation for the purpose of which the warrant was issued.

(6) Any person who hinders or obstructs an authorised officer in the execution of a warrant issued under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

## 35 Supplementary provisions to sections 30 32 and 34

Supplementary provisions to sections 30, 32 and 34

35.

— (1) An authorised officer may photograph or make copies of any material —

(a) produced or to which access is given under section 30; or

(b) seized under section 34.

(2) In sections 30, 32 and 34 —

"court" means the High Court and the District Court;

"items subject to legal privilege" means —

(a) communications between an advocate and solicitor and his client or any person representing his client made in connection with the giving of legal advice to the client;

(b) communications between an advocate and solicitor and his client or any person representing his client or between such an advocate and solicitor or his client or any such representative and any other person made in connection with or in contemplation of legal proceedings and for the purposes of such proceedings; and

(c) items enclosed with or referred to in such communications and made —

(i) in connection with the giving of legal advice; or

(ii) in connection with or in contemplation of legal proceedings and for the purposes of such proceedings,

when they are in the possession of a person who is entitled to possession of them, but excluding, in any case, any communications or item held with the intention of furthering a criminal purpose;

"premises" includes any place and, in particular, includes —

(a) any vehicle, vessel, aircraft, hovercraft or offshore structure; and

(b) any tent or movable structure.

[23  
[12/2000]

*Division 3 — Record-keeping and suspicious transaction reports*

## 36 Interpretation of this Division

Interpretation of this Division

36.

— (1) In this Division —

"financial transaction document", in relation to a financial institution, means any document that relates to a financial transaction carried out by the institution in its capacity as a financial institution, and includes but is not limited to a document that relates to —

- (a) the opening or closing by a person of an account with the institution;
- (b) the operation by a person of an account with the institution;
- (c) the opening or use by a person of a deposit box held by the institution;
- (d) the telegraphic or electronic transfer of funds by the institution on behalf of a person to another person;
- (e) the transmission of funds between Singapore and a foreign country or between foreign countries on behalf of a person;
- (f) an application by a person for a loan from the institution (where a loan is made to the person pursuant to the application); or
- (g) records of customer identification;

"minimum retention period", in relation to a financial transaction document of a financial institution, means —

- (a) if the document relates to the opening of an account with the institution, the period of 5 years after the day on which the account is closed;

(b) if the document relates to the opening by a person of a deposit box held by the institution, the period of 5 years after the day on which the deposit box ceases to be used by the person; or

(c) in any other case, the period of 5 years after the day on which the transaction takes place.

[25/99]

(2) In sections 37 and 38, a reference to a copy includes a copy retained in the form of microfilm, microfiche, electronic records in accordance with section 9 (1) of the Electronic Transactions Act (Cap. 88) or such other form as the Monetary Authority of Singapore may approve.

[35

[25/99]

## **37 Retention of records by financial institutions**

Retention of records by financial institutions

37.

— (1) A financial institution shall retain, or retain a copy of, each financial transaction document for the minimum retention period applicable to the document.

[25/99]

(2) A financial institution required to retain documents under this section shall retain and store them in a manner that makes retrieval of the documents reasonably practicable.

[25/99]

(3) A financial institution that contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

[25/99]

(4) This section does not limit any other obligation of a financial institution to retain documents.

[36

[25/99]

## **38 Register of original documents**

Register of original documents

38.

—(1) Where a financial institution is required by law to release an original of a financial transaction document before the end of the minimum retention period applicable to the document, the institution shall retain a complete copy of the document until the period has ended or the original is returned, whichever occurs first.

[25/99]

(2) The financial institution shall maintain a register of documents released under subsection (1).

[25/99]

(3) A financial institution that contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

[37

[25/99]

## 39 Duty to disclose knowledge or suspicion

Duty to disclose knowledge or suspicion

39.

—(1) Where a person knows or has reasonable grounds to suspect that any property —

- (a) in whole or in part, directly or indirectly, represents the proceeds of;
- (b) was used in connection with; or
- (c) is intended to be used in connection with,

any act which may constitute drug trafficking or criminal conduct, as the case may be, and the information or matter on which the knowledge or suspicion is based came to his attention in the course of his trade, profession, business or employment, he shall disclose the knowledge or suspicion or the information or other matter on which that knowledge or suspicion is based to a Suspicious Transaction Reporting Officer as soon as is reasonably practicable after it comes to his attention.

[25/99]

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

[25/99]

(3) The Minister may, by regulations, prescribe requirements for any person or

class of persons in relation to the circumstances, manner and means of disclosure required under subsection (1).

[25/99]

(4) Subsection (1) or (2) does not make it an offence for an advocate and solicitor or his clerks or employees or an interpreter to fail to disclose any information or other matter which are items subject to legal privilege.

[25/99]

(5) It is a defence to a charge of committing an offence under this section that the person charged had a reasonable excuse for not disclosing the information or other matter in question.

[25/99]

(6) Where a person discloses in good faith to a Suspicious Transaction Reporting Officer —

(a) his knowledge or suspicion of the matters referred to in subsection (1) (a), (b) or (c); or

(b) any information or other matter on which that knowledge or suspicion is based,

the disclosure shall not be treated as a breach of any restriction upon the disclosure imposed by law, contract or rules of professional conduct and he shall not be liable for any loss arising out of the disclosure or any act or omission in consequence of the disclosure.

[25/99]

(7) Without prejudice to subsection (5) or (6), in the case of a person who was in employment at the time in question, it is a defence to a charge of committing an offence under this section that he disclosed the information or other matter in question to the appropriate person in accordance with the procedure established by his employer for the making of such disclosures.

[25/99]

(8) A disclosure to which subsection (7) applies shall not be treated as a breach of any restriction imposed by law, contract or rules of professional conduct.

[25/99]

(9) In this section, “items subject to legal privilege” has the same meaning as in section 35 (2).

[38

[25/99]

## 40 Protection where information given under section 39

Protection where information given under section 39



40.

Where a person or his officer, employee or agent, gives information under subsection (1) of section 39 as soon as practicable after having the knowledge referred to in that subsection, the person or his officer, employee or agent shall be taken, for the purposes of sections 43, 44, 46 and 47, not to have been in possession of that information at any time.

[39  
[25/99]

## 40A Information and identity of informers not to be disclosed

Information and identity of informers not to be disclosed

40A.

— (1) Except as provided in subsection (3) —

(a) no information disclosed by an informer shall be admitted in evidence in any civil or criminal proceedings; and

(b) no witness in any civil or criminal proceedings shall be obliged —

(i) to disclose the name and address of any informer; or

(ii) to answer any question if the answer thereto would lead, or would tend to lead, to the discovery of the name or address of the informer.

(2) If any book, document or paper which is in evidence or liable to inspection in any civil or criminal proceedings contains any entry in which any informer is named or described or which may lead to his discovery, the court shall cause those entries to be concealed from view or to be obliterated so far as may be necessary to protect the informer from discovery.

(3) If a court —

(a) in any proceedings before it for an offence under any written law, after full inquiry into the case, is satisfied that an informer wilfully made a material statement which he knew or believed to be false or did not believe to be true; or

(b) in any other proceedings, is of the opinion that justice cannot be fully done between the parties thereto without the disclosure of the name of an informer,

the court may permit inquiry and require full disclosure concerning the informer.

(4) In this section, “informer” means a person who makes a disclosure under section 39 (1).

## 41 Communication of information to foreign authority

Communication of information to foreign authority

41.

— (1) Notwithstanding section 56 and any other written law or rule of law, a Suspicious Transaction Reporting Officer may communicate any thing —

(a) disclosed to him under section 39 (1), 48C or 48E; or

(b) forwarded to him under section 48D,

to a corresponding authority of a foreign country if —

(i) that thing may be relevant to an investigation by that authority into a foreign drug trafficking offence or a foreign serious offence; and

(ii) the conditions in subsection (2) are satisfied.

(2) The conditions referred to in subsection (1) are as follows:

(a) there exists an arrangement under which the corresponding authority of the foreign country has agreed to communicate to Singapore, upon Singapore’s request, information received by the corresponding authority that corresponds to any thing required to be disclosed to a Suspicious Transaction Reporting Officer under section 39 (1), 48C or 48E or an immigration officer under section 48C;

(b) the Suspicious Transaction Reporting Officer is satisfied that the corresponding authority has given appropriate undertakings —

- (i) for protecting the confidentiality of any thing communicated to it; and
- (ii) for controlling the use that will be made of it, including an undertaking that it will not be used as evidence in any proceedings; and
- (c) such other conditions as the Minister may prescribe.

[12/2000]

(3) In this section —

"corresponding authority" , in relation to a foreign country, means the authority of that foreign country responsible for receiving information that corresponds to any thing required to be disclosed to an authorised officer under section 39 (1); *Division 4 — Disclosure of information held by public bodies*

## 42 Disclosure of information held by public bodies

Disclosure of information held by public bodies

42.

— (1) Subject to subsection (4), the High Court may, on an application by the Public Prosecutor, order any material mentioned in subsection (3) which is in the possession of a public body to be produced to the Court within such period as the Court may specify.

(2) The power to make an order under subsection (1) is exercisable if —

(a) the powers conferred on the High Court by sections 16 (1) and 17 (1) are exercisable by virtue of section 15 (1); or

(b) those powers are exercisable by virtue of section 15 (2) and the High Court has made a restraint or charging order which has not been discharged.

(2A) Where the power to make an order under subsection (1) is exercisable by virtue only of subsection (2) (b), section 15 (3) shall apply for the purposes of this section as it applies for the purposes of sections 16 and 17.

(3) The material referred to in subsection (1) is any material which —

(a) has been submitted to an officer of a public body by the defendant or by a person who has at any time held property which was realisable property;

(b) has been made by an officer of a public body in relation to the defendant or such a person; or

(c) is correspondence which passed between an officer of a public body and the defendant or such a person.

(3A) An order under subsection (1) may require the production of all material referred to in subsection (3), or of a particular description of such material, being material in the possession of the body concerned.

(4) An order under subsection (1) shall not require the production of any material unless it appears to the High Court that the material is likely to contain information that would facilitate the exercise of the powers conferred on the Court by section 16, 17 or 19 or on a receiver appointed under section 16 or 19 or in pursuance of a charging order.

(5) The High Court may, by order, authorise the disclosure to such a receiver of any material produced under subsection (1) or any part of such material.

(5A) The High Court shall not make an order under subsection (5) unless a reasonable opportunity has been given for an officer of the public body to make representations to the Court.

(6) Material disclosed in pursuance of an order under subsection (5) may, subject to any conditions contained in the order, be further disclosed for the purposes of the functions under this Act of the receiver or the High Court.

(7) The High Court may, by order, authorise the disclosure to an authorised officer of any material produced under subsection (1) or any part of such material.

(7A) The High Court shall not make an order under subsection (7) unless —

(a) a reasonable opportunity has been given for an officer of the public body to make representations to the Court; and

(b) it appears to the Court that the material is likely to be of substantial value in exercising functions relating to drug trafficking or criminal conduct, as the case may be.

[25/99]

(8) Material disclosed in pursuance of an order under subsection (7) may, subject to any conditions contained in the order, be further disclosed for the purposes of functions relating to drug trafficking or criminal conduct, as the case may be.

(9) Material may be produced or disclosed in pursuance of this section notwithstanding any obligation as to secrecy or other restriction upon the disclosure of information imposed by statute or otherwise.

(10) An order under subsection (1) and, in the case of material in the possession of a public body, an order under section 30 (2) may require any officer of the public body (whether named in the order or not) who may for the time being be in possession of the material concerned to comply with it, and such an order shall be served as if the proceedings were civil proceedings against the Government.

(11) In this section, “public body” means —

(a) any Ministry or Government department; and

(b) any body specified by the Minister by notification published in the *Gazette* to be a public body for the purposes of this section.

[40]

## PART VI OFFENCES

### PART VI OFFENCES

#### 43 Assisting another to retain benefits of drug trafficking

Assisting another to retain benefits of drug trafficking

43.

— (1) Subject to subsection (3), a person who enters into, or is otherwise concerned in an arrangement, knowing or having reasonable grounds to believe that by the arrangement —

(a) the retention or control by or on behalf of another (referred to in this section as that other person) of that other person’s benefits of drug trafficking is facilitated (whether by concealment, removal from jurisdiction, transfer to nominees or otherwise); or

(b) that other person' s benefits of drug trafficking —

(i) are used to secure funds that are placed at that other person' s disposal, directly or indirectly; or

(ii) are used for that other person' s benefit to acquire property by way of investment or otherwise,

and knowing or having reasonable grounds to believe that that other person is a person who carries on or has carried on drug trafficking or has benefited from drug trafficking, shall be guilty of an offence.

[25/99]

(2) In this section, references to any person' s benefits of drug trafficking include a reference to any property which, in whole or in part, directly or indirectly, represented in his hands his benefits of drug trafficking.

(3) Where a person discloses to an authorised officer a suspicion or belief that any property, funds or investments are derived from or used in connection with drug trafficking or any matter on which such a suspicion or belief is based —

(a) if he does any act in contravention of subsection (1) and the disclosure relates to the arrangement concerned, he shall not be guilty of an offence under this section if the disclosure is made in accordance with this paragraph, that is —

(i) it is made before he does the act concerned, being an act done with the consent of the authorised officer; or

(ii) it is made after he does the act, but is made on his initiative and as soon as it is reasonable for him to make it;

(b) the disclosure shall not be treated as a breach of any restriction upon the disclosure of information imposed by law, contract or rules of professional conduct; and

(c) he shall not be liable in damages for any loss arising out of —

(i) the disclosure; or

(ii) any act done or omitted to be done in relation to the property, funds or investments in consequence of the disclosure.

[25/99]

(4) In any proceedings against a person for an offence under this section, it

is a defence to prove —

(a) that he did not know and had no reasonable ground to believe that the arrangement related to any person's proceeds of drug trafficking;

(b) that he did not know and had no reasonable ground to believe that, by the arrangement, the retention or control by or on behalf of the relevant person of any property was facilitated or, as the case may be, that, by the arrangement, any property was used as mentioned in subsection (1); or

(c) that —

(i) he intended to disclose to an authorised officer such suspicion, belief or matter as is mentioned in subsection (3) in relation to the arrangement; and

(ii) there is reasonable excuse for his failure to make disclosure in accordance with subsection (3) (a); or

(d) that, in the case of a person who was in employment at the time in question and he enters or is otherwise concerned in the arrangement in the course of his employment, he disclosed the suspicion, belief or matter as is mentioned in subsection (3) to the appropriate person in accordance with the procedure established by his employer for the making of such disclosures.

[25/99]

(5) Any person who commits an offence under this section shall be liable on conviction —

(a) if the person is an individual, to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 7 years or to both; or

(b) if the person is not an individual, to a fine not exceeding \$1 million.

[41

[25/99]

## 44 Assisting another to retain benefits from criminal conduct

Assisting another to retain benefits from criminal conduct

44.

— (1) Subject to subsection (3), a person who enters into or is otherwise

concerned in an arrangement, knowing or having reasonable grounds to believe that, by the arrangement —

(a) the retention or control by or on behalf of another (referred to in this section as that other person) of that other person's benefits of criminal conduct is facilitated (whether by concealment, removal from jurisdiction, transfer to nominees or otherwise); or

(b) that other person's benefits from criminal conduct —

(i) are used to secure funds that are placed at that other person's disposal, directly or indirectly; or

(ii) are used for that other person's benefit to acquire property by way of investment or otherwise,

and knowing or having reasonable grounds to believe that that other person is a person who engages in or has engaged in criminal conduct or has benefited from criminal conduct shall be guilty of an offence.

[25/99]

(2) In this section, references to any person's benefits from criminal conduct include a reference to any property which, in whole or in part, directly or indirectly, represented in his hands his benefits from criminal conduct.

[25/99]

(3) Where a person discloses to an authorised officer his knowledge or belief that any property, funds or investments are derived from or used in connection with criminal conduct or any matter on which such knowledge or belief is based —

(a) if he does any act in contravention of subsection (1) and the disclosure relates to the arrangement concerned, he shall not be guilty of an offence under this section if the disclosure is made in accordance with this paragraph, that is —

(i) it is made before he does the act concerned, being an act done with the consent of the authorised officer; or

(ii) it is made after he does the act, but is made on his initiative and as soon as it is reasonable for him to make it;

(b) the disclosure shall not be treated as a breach of any restriction upon the disclosure of information imposed by law, contract or rules of professional conduct; and



(c) he shall not be liable in damages for any loss arising out of —

(i) the disclosure; or

(ii) any act done or omitted to be done in relation to the property, funds or investments in consequence of the disclosure.

[25/99]

(4) In any proceedings against a person for an offence under this section, it is a defence to prove —

(a) that he did not know and had no reasonable ground to believe that the arrangement related to any person's proceeds derived from criminal conduct;

(b) that he did not know and had no reasonable ground to believe that, by the arrangement, the retention or control by or on behalf of the relevant person of any property was facilitated or, as the case may be, that, by the arrangement, any property was used as mentioned in subsection (1);

(c) that —

(i) he intended to disclose to an authorised officer such knowledge, belief or matter as is mentioned in subsection (3) in relation to the arrangement; and

(ii) there is reasonable excuse for his failure to make disclosure in accordance with subsection (3) (a);

(d) that, in the case of a person who was in employment at the time in question and he enters or is otherwise concerned in the arrangement in the course of his employment, he disclosed the knowledge, belief or matter as is mentioned in subsection (3) to the appropriate person in accordance with the procedure established by his employer for the making of such disclosures.

[25/99]

(5) Any person who commits an offence under this section shall be liable on conviction —

(a) if the person is an individual, to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 7 years or to both; or

(b) if the person is not an individual, to a fine not exceeding \$1 million.

[41A

[25/99]

## 45 Restriction on revealing disclosure under

## sections 43 and 44

Restriction on revealing disclosure under sections 43 and 44

45.

— (1) Subject to subsection (2), no witness in any civil or criminal proceedings shall be obliged —

(a) to reveal that a disclosure was made under section 43 (3) or 44 (3);

(b) to reveal the identity of any person as the person making the disclosure;  
or

(c) to answer any question if the answer would lead, or would tend to lead, to the revealing of any fact or matter referred to in paragraph (a) or (b).

[25/99]

(2) Subsection (1) shall not apply in any proceedings —

(a) for an offence under section 43 or 44 or this section; or

(b) where the court is of the opinion that justice cannot fully be done between the parties without revealing the disclosure or the identity of any person as the person making the disclosure.

[25/99]

(3) Subject to subsections (4), (5) and (6), no person shall publish or broadcast any information so as to reveal or suggest —

(a) that a disclosure was made under section 43 (3) or 44 (3); or

(b) the identity of any person as the person making the disclosure.

[25/99]

(4) In subsection (3), “information” —

(a) includes a report of any civil or criminal proceedings; and

(b) does not include information published for statistical purposes by, or under the authority of, the Government.

(5) Subsection (3) shall not apply in respect of proceedings —

(a) against the person making the disclosure for an offence under section 43

or 44; or

(b) for an offence under this section.

[25/99]

(6) The court may, if satisfied that it is in the interests of justice to do so, by order dispense with the requirements of subsection (3) to such extent as may be specified in the order.

(7) If information is published or broadcast in contravention of subsection (3), each of the following persons:

(a) in the case of publication as part of a newspaper or periodical publication, any proprietor, editor, publisher and distributor thereof;

(b) in the case of a publication otherwise than as part of a newspaper or periodical publication, any person who publishes it and any person who distributes it;

(c) in the case of a broadcast, any person who broadcasts the information and, if the information is contained in a programme, any person who transmits or provides the programme and any person having functions in relation to the programme corresponding to those of the editor of a newspaper or periodical publication,

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 6 months or to both.

(8) In this section —

"broadcast" includes broadcast by radio, film, videotape or television;

"publish" means publish in writing.

[42]

## **46 Acquiring possessing using concealing or transferring benefits of drug trafficking**

Acquiring, possessing, using, concealing or transferring benefits of drug trafficking

46.

— (1) Any person who —

(a) conceals or disguises any property which is, or in whole or in part, directly or indirectly, represents, his benefits of drug trafficking;

(b) converts or transfers that property or removes it from the jurisdiction; or

(c) acquires, possesses or uses that property,

shall be guilty of an offence.

[25/99]

(2) Any person who, knowing or having reasonable grounds to believe that any property is, or in whole or in part, directly or indirectly, represents, another person's benefits of drug trafficking —

(a) conceals or disguises that property; or

(b) converts or transfers that property or removes it from the jurisdiction,

for the purpose of assisting any person to avoid prosecution for a drug trafficking offence or a foreign drug trafficking offence or the making or enforcement of a confiscation order shall be guilty of an offence.

[25/99]

(3) Any person who, knowing or having reasonable grounds to believe that any property is, or in whole or in part, directly or indirectly, represents, another person's benefits of drug trafficking, acquires that property for no or inadequate consideration, or has possession of or uses such property, shall be guilty of an offence.

[25/99]

(4) In subsections (1) (a) and (2) (a), references to concealing or disguising any property include references to concealing or disguising its nature, source, location, disposition, movement or ownership or any rights with respect to it.

(5) For the purposes of subsection (3), consideration given for any property is inadequate if its value is significantly less than the market value of that property, and there shall not be treated as consideration the provision for any person of services or goods which are of assistance to him in drug trafficking.

(6) Any person who commits an offence under this section shall be liable on conviction —

(a) if the person is an individual, to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 7 years or to both; or

(b) if the person is not an individual, to a fine not exceeding \$1 million.

[43  
[25/99]

## 47 Acquiring possessing using concealing or transferring benefits of criminal conduct

Acquiring, possessing, using, concealing or transferring benefits of criminal conduct

47.

— (1) Any person who —

(a) conceals or disguises any property which is, or in whole or in part, directly or indirectly, represents, his benefits from criminal conduct;

(b) converts or transfers that property or removes it from the jurisdiction; or

(c) acquires, possesses or uses that property,

shall be guilty of an offence.

[25/99]

(2) Any person who, knowing or having reasonable grounds to believe that any property is, or in whole or in part, directly or indirectly, represents, another person's benefits from criminal conduct —

(a) conceals or disguises that property; or

(b) converts or transfers that property or removes it from the jurisdiction,

for the purpose of assisting any person to avoid prosecution for a serious offence or a foreign serious offence or the making or enforcement of a confiscation order shall be guilty of an offence.

[25/99]

(3) Any person who, knowing or having reasonable grounds to believe that any property is, or in whole or in part, directly or indirectly, represents, another person's benefits from criminal conduct, acquires that property for

no or inadequate consideration, or has possession of or uses such property, shall be guilty of an offence.

[25/99]

(4) In subsections (1) (a) and (2) (a), references to concealing or disguising any property include references to concealing or disguising its nature, source, location, disposition, movement or ownership or any rights with respect to it.

[25/99]

(5) For the purposes of subsection (3), consideration given for any property is inadequate if its value is significantly less than the market value of that property, and there shall not be treated as consideration the provision for any person of services or goods which are of assistance to him in criminal conduct.

[25/99]

(6) Any person who commits an offence under this section shall be liable on conviction —

(a) if the person is an individual, to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 7 years or to both; or

(b) if the person is not an individual, to a fine not exceeding \$1 million.

[43A

[25/99]

## 48 Tipping-off

Tipping-off

48.

— (1) Any person who —

(a) knows or has reasonable grounds to suspect that an authorised officer is acting, or is proposing to act, in connection with an investigation which is being, or is about to be, conducted under or for the purposes of this Act or any subsidiary legislation made thereunder; and

(b) discloses to any other person information or any other matter which is likely to prejudice that investigation or proposed investigation,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 3 years or to

both.

[25/99]

(2) Any person who —

(a) knows or has reasonable grounds to suspect that a disclosure has been made to an authorised officer under this Act (referred to in this section as the disclosure); and

(b) discloses to any other person information or any other matter which is likely to prejudice any investigation which might be conducted following the disclosure,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 3 years or to both.

[25/99]

(3) Nothing in subsection (1) or (2) makes it an offence for an advocate and solicitor or his employee to disclose any information or other matter —

(a) to, or to a representative of, a client of his in connection with the giving of advice to the client in the course of and for the purpose of the professional employment, of the advocate and solicitor; or

(b) to any person —

(i) in contemplation of, or in connection with, legal proceedings; and

(ii) for the purpose of those proceedings.

[25/99]

(4) Subsection (3) does not apply in relation to any information or other matter which is disclosed with a view to furthering any illegal purpose.

[25/99]

(5) In proceedings against a person for an offence under subsection (1) or (2), it is a defence to prove that he did not know and had no reasonable ground to suspect that the disclosure was likely to be prejudicial in the way mentioned in subsection (1) or (2).

[25/99]

(6) No authorised officer or other person shall be guilty of an offence under this section in respect of anything done by him in the course of acting in connection with the enforcement, or intended enforcement, of any provision of this Act or of any other written law relating to drug trafficking or a serious offence.

[43B

[25/99]

# PART VIA CROSS BORDER MOVEMENTS OF PHYSICAL CURRENCY AND BEARER NEGOTIABLE INSTRUMENTS

## PART VIA

### CROSS BORDER MOVEMENTS OF PHYSICAL CURRENCY AND BEARER NEGOTIABLE INSTRUMENTS

#### 48A Object of this Part

Object of this Part

48A.

The object of this Part is to impose measures for the disclosure of information regarding movements of physical currency and bearer negotiable instruments into and out of Singapore for the purpose of detecting, investigating and prosecuting drug trafficking offences and serious offences.

#### 48B Interpretation of this Part

Interpretation of this Part

48B.

— (1) In this Part —

"bearer negotiable instrument" means —

(a) a traveller' s cheque; or

(b) any negotiable instrument that is in bearer form, indorsed without any restriction, made out to a fictitious payee or otherwise in such form that title thereto passes upon delivery,

and includes a negotiable instrument that has been signed but with the



payee' s name omitted;

"business day" means a day other than a Saturday, Sunday or public holiday;

"cash" means physical currency or a bearer negotiable instrument;

"commercial goods carrier" means a person who, in the normal course of a business, carries goods or mail for reward, and includes his employee;

"commercial passenger carrier" means a person who, in the normal course of a business, carries passengers for reward, and includes his employee;

"eligible place" means any islet, landing place, wharf, dock, railway or quay or premises of a provider of port services or facilities licensed or exempted under the Maritime and Port Authority of Singapore Act (Cap. 170A) or the Civil Aviation Authority of Singapore Act (Cap. 41);

"embarkation location" means an immigration control post, place of embarkation, authorised airport, authorised point of departure, authorised train checkpoint or authorised departing place declared under section 5(3) of the Immigration Act (Cap.133);

"immigration officer" means the Controller of Immigration or any immigration officer appointed under section 3 of the Immigration Act, and includes an officer of customs;

"physical currency" means the coin and printed money (whether of Singapore or of a foreign country) that —

(a) is designated as legal tender; and

(b) circulates as, and is customarily used and accepted as, a medium of exchange in the country of issue;

"printed money" means money comprising a note printed, written or otherwise made on polymer, paper or any other material;

"railway" has the same meaning as in the Railways Act (Cap.263) but does not include any rapid transit system set up under the Rapid Transit Systems Act (Cap. 263A);

"send" includes send through the post or by means of another person.

(2) In determining whether an amount of foreign currency (including an amount

in which a document is denominated) is equivalent to a Singapore dollar amount under this Part, the amount of foreign currency is to be translated to Singapore currency at the exchange rate applicable at the relevant time.

(3) For the purposes of this Part

(a) a person moves cash out of Singapore if the person takes or sends the cash (whether in a receptacle or otherwise) out of Singapore; and

(b) a person moves cash into Singapore if the person brings or sends the cash (whether in a receptacle or otherwise) into Singapore.

## 48C Reports about cross border movements of cash

Reports about cross border movements of cash

48C.

— (1) A person shall not move or attempt to move into or out of Singapore cash the total value of which exceeds the prescribed amount, without giving a report in respect of the movement in accordance with this section.

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both.

(3) It shall be a defence for a person charged with an offence under subsection (2) to prove that he did not know and had no reasonable ground to believe that the receptacle within which the cash was moved or attempted to be moved contained cash.

(4) For the purposes of subsection (1), the prescribed amount is \$30,000 (or its equivalent in a foreign currency) or such other amount as the Minister may, by notification in the *Gazette*, specify.

(5) A report under this section shall —

(a) be in the prescribed form;

(b) contain full and accurate information relating to the matter being reported as is specified in the form;

(c) be given —

(i) to an immigration officer if the movement of the cash is to be effected by a person bringing or taking the cash into or out of Singapore with the person; or

(ii) in any other case, to a Suspicious Transaction Reporting Officer or, if regulations permit, to an immigration officer; and

(d) be given at the prescribed time.

(6) The Minister may make regulations for the matters referred to in subsection (5) (a), (c) and (d); and may, for the purposes of subsection (5) (a) and (d), prescribe different forms and different times —

(a) for different manners of moving cash into and out of Singapore; and

(b) for different classes of persons.

(7) Subsection (1) shall not apply if —

(a) the person is a commercial passenger carrier; and

(b) the cash is in the possession of any of the carrier's passengers.

(8) Subsection (1) shall not apply if

(a) the person is a commercial goods carrier;

(b) the cash is carried on behalf of another person;

(c) the other person has not disclosed to the carrier that the goods carried on behalf of the other person include cash; and

(d) the carrier does not know and has no reasonable ground to believe that the goods carried on behalf of the other person include cash.

(9) The burden of proving the matters referred to in subsection (7) or (8) lies with the person who wishes to rely on that subsection.

## 48D Obligation of immigration officers

Obligation of immigration officers

48D.

If a report under section 48C is given to an immigration officer, he must, on request, within a reasonable time forward it to a Suspicious Transaction Reporting Officer.

## 48E Reports about receipts of cash from outside Singapore

Reports about receipts of cash from outside Singapore

48E.

— (1) A person who receives cash the total value of which exceeds the prescribed amount, which is moved to the person from outside Singapore, shall make a report in respect of the receipt in accordance with this section before the end of the period of 5 business days beginning on the day of the receipt.

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both.

(3) It shall be a defence for a person charged with an offence under subsection (2) to prove that he did not know and had no reasonable ground to believe that the cash was moved from outside Singapore.

(4) For the purposes of subsection (1), the prescribed amount is \$30,000 (or its equivalent in a foreign currency) or such other amount as the Minister may, by notification in the *Gazette*, specify.

(5) A report under this section shall —

(a) be in the prescribed form;

(b) contain full and accurate information relating to the receipt being reported as is specified in the form; and

(c) be given to a Suspicious Transaction Reporting Officer.

## 48F Questioning and search powers in relation to

# cash

Questioning and search powers in relation to cash

48F.

— (1) A person who —

- (a) is about to leave Singapore;
- (b) is in an embarkation location for the purpose of leaving Singapore; or
- (c) arrives in Singapore,

must, if required to do so by an authorised officer or immigration officer —

- (i) declare whether or not the person has with him any cash;
- (ii) declare the total value of any cash that the person has with him;
- (iii) declare whether or not, to the best of the person's knowledge and belief, a report under section 48C has been given in respect of any cash that the person has with him;
- (iv) produce to the officer any cash that the person has with him; and
- (v) answer any question the officer may have with respect to the cash.

(2) An authorised officer or immigration officer may, with such assistance as is reasonable and necessary, examine any article or baggage which a person has with him if the person —

- (a) is about to leave Singapore;
- (b) is in an embarkation location for the purpose of leaving Singapore; or
- (c) has arrived in Singapore,

for the purpose of finding out whether the person has with him any cash in respect of which a report under section 48C is required.

(3) An authorised officer or immigration officer may, with such assistance as

is reasonable and necessary, search a person for the purpose of finding out whether the person has with him any cash in respect of which a report under section 48C is required, so long as —

(a) the person —

(i) is about to leave Singapore;

(ii) is in an embarkation location for the purpose of leaving Singapore; or

(iii) has arrived in Singapore; and

(b) the officer has reasonable grounds to suspect that there is on the person or in clothing being worn by the person, cash in respect of which a report under section 48C is required.

(4) If an authorised officer or immigration officer has reasonable grounds to suspect that any cash found in the course of an examination or search under subsection (2) or (3) may afford evidence as to the commission of an offence under section 48C, the officer may seize the cash.

(5) A person must not be searched under subsection (3) except by a person of the same sex.

(6) An authorised officer or immigration officer, and any person assisting the officer, may board any motor vehicle, train, vessel or aircraft or enter any premises for the purpose of exercising the powers conferred by subsection (1), (2), (3) or (4).

(7) An authorised officer or immigration officer may, with such assistance as is reasonable and necessary —

(a) board a motor vehicle, train, vessel or aircraft; and

(b) examine or search the motor vehicle, train, vessel or aircraft, and any thing found on the motor vehicle, train, vessel or aircraft,

for the purpose of ascertaining whether there is on board the motor vehicle, train, vessel or aircraft any cash in respect of which a report under section 48C is required.

(8) Where an authorised officer or immigration officer has reasonable grounds to suspect that an offence under section 48C may have been committed, the officer may, with such assistance as is reasonable and necessary —

(a) enter any eligible place; and

(b) search the place, and any thing found at or in it,

for the purpose of ascertaining whether there is at or in the place, or in the thing, any cash in respect of which a report under section 48C is required.

(9) If an authorised officer or immigration officer has reasonable grounds to suspect that cash found in the course of a search under subsection (7) or (8) may afford evidence as to the commission of an offence under section 48C, the officer may seize the cash.

(10) A person who, without reasonable excuse, fails to comply with a requirement under subsection (1), or pursuant to any such requirement knowingly or recklessly makes a declaration or gives an answer that is false in a material particular, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both.

## 48G Power to exempt

Power to exempt

48G.

— (1) The Minister may, by order published in the *Gazette*, with or without conditions, exempt any person or class of persons from section 48C or 48E, or both.

(2) If any exemption is granted under subsection (1) with conditions, the exemption operates only if the conditions are complied with.

## PART VII MISCELLANEOUS

PART VII  
MISCELLANEOUS

### 49 Offence of prejudicing investigation

Offence of prejudicing investigation

49.

— (1) Where, in relation to an investigation into drug trafficking or criminal conduct, as the case may be, an order under section 30 has been made or has been applied for and has not been refused or a warrant under section 34 has been issued, a person who, knowing or suspecting that the investigation is taking place, makes any disclosure which is likely to prejudice the investigation shall be guilty of an offence.

[25/99]

(2) In proceedings against a person for an offence under this section, it is a defence to prove that —

(a) he did not know or suspect that the disclosure was likely to prejudice the investigation; or

(b) he had lawful authority or reasonable excuse for making the disclosure.

(3) Any person who commits an offence under this section shall be liable on conviction to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 3 years or to both.

[44]

## 50 Compensation

Compensation

50.

— (1) If an investigation is begun against a person for a drug trafficking offence or a serious offence, as the case may be, or offences and any of the following circumstances occur, namely:

(a) no proceedings are instituted against that person;

(b) proceedings are instituted against that person but do not result in his conviction for any drug trafficking offence or serious offence, as the case may be; or

(c) proceedings are instituted against that person and he is convicted of one or more drug trafficking offences or serious offences, as the case may be, but —



(i) the conviction or convictions concerned are quashed; or

(ii) he is granted a pardon in respect of the conviction or convictions concerned,

the High Court may, on application by a person who held property which was realisable property, order compensation to be paid by the Government to the applicant if, having regard to all the circumstances, the Court considers it appropriate to make such an order.

[25/99]

(2) The High Court shall not order compensation to be paid under subsection (1) unless it is satisfied that —

(a) there has been some serious default on the part of any person concerned in the investigation or prosecution of the offence or offences concerned; and

(b) the applicant has suffered loss in consequence of anything done in relation to the property by, or in pursuance of an order of, the High Court under section 16, 17 or 19.

(3) The High Court shall not order compensation to be paid under subsection (1) in any case where it appears to the Court that the investigation would have been continued, or the proceedings would have been instituted or continued, as the case may be, if the serious default had not occurred.

(4) Without prejudice to subsection (1), where —

(a) a disclosure is made by any person in accordance with section 43 (3) in relation to any property;

(b) in consequence of the disclosure and for the purposes of an investigation or prosecution in respect of a drug trafficking offence or a serious offence or offences any act is done or omitted to be done in relation to that property; and

(c) no proceedings are instituted against any person in respect of that offence or offences or no order is made by the High Court under section 16 or 17 in relation to that property,

the High Court may, on application by a person who held the property, order compensation to be paid by the Government to the applicant if, having regard to all the circumstances, the Court considers it appropriate to make such an order.

[25/99]

(5) The High Court shall not order compensation to be paid under subsection

(4) unless it is satisfied that —

(a) there has been some serious default on the part of any person concerned in the investigation or prosecution of the offence or offences concerned and that, but for that default, the act or omission referred to in subsection (4) (b) would not have occurred; and

(b) the applicant has, in consequence of the act or omission referred to in subsection (4) (b), suffered loss in relation to the property.

(6) The amount of compensation to be paid under this section shall be such as the High Court thinks just in all the circumstances of the case.

[45]

## 51 Standard of proof

Standard of proof

51.

— (1) Any question of fact to be decided by a court in proceedings under this Act shall be decided on the balance of probabilities.

(2) Subsection (1) shall not apply in relation to any question of fact that is for the prosecution to prove in any proceedings for an offence under this Act or any regulations made thereunder.

[46]

## 52 Conduct by directors employees or agents

Conduct by directors, employees or agents

52.

— (1) Where it is necessary, for the purposes of this Act, to establish the state of mind of a body corporate in respect of conduct engaged in, or deemed by subsection (2) to have been engaged in, by the body corporate, it shall be sufficient to show that a director, employee or agent of the body corporate, being a director, employee or agent by whom the conduct was engaged in within the scope of his actual or apparent authority, had that state of mind.

(2) Any conduct engaged in or on behalf of a body corporate —

(a) by a director, employee or agent of the body corporate within the scope of his actual or apparent authority; or

(b) by any other person at the direction or with the consent or agreement (whether express or implied) of a director, employee or agent of the body corporate, where the giving of the direction, consent or agreement is within the scope of the actual or apparent authority of the director, employee or agent,

shall be deemed, for the purposes of this Act, to have been engaged in by the body corporate.

(3) Where it is necessary, for the purposes of this Act, to establish the state of mind of a person in relation to conduct deemed by subsection (4) to have been engaged in by the person, it shall be sufficient to show that an employee or agent of the person, being an employee or agent by whom the conduct was engaged in within the scope of his actual or apparent authority, had that state of mind.

(4) Conduct engaged in or on behalf of a person other than a body corporate —

(a) by an employee or agent of the person within the scope of his actual or apparent authority; or

(b) by any other person at the direction or with the consent or agreement (whether express or implied) of an employee or agent of the first-mentioned person, where the giving of the direction, consent or agreement is within the scope of the actual or apparent authority of the employee or agent,

shall be deemed, for the purposes of this Act, to have been engaged in by the first-mentioned person.

(5) A reference in this section to the state of mind of a person includes a reference to the knowledge, intention, opinion, belief or purpose of the person and the person's reasons for the person's intention, opinion, belief or purpose.

[47

## 53 Evidence of corresponding law or foreign law

Evidence of corresponding law or foreign law

53.

—(1) A document purporting to be issued by or on behalf of the government of a foreign country and purporting to state the terms of —

(a) a corresponding law in force in that country; or

(b) a law in relation to a foreign serious offence in force in that country,

shall be admissible in evidence for the purpose of proving the matters referred to in subsection (2), in any proceedings under this Act or any subsidiary legislation made thereunder, on its production by the Attorney-General or by any person duly authorised by him in writing.

[25/99]

(2) Such document shall be sufficient evidence —

(a) that it is issued by or on behalf of the government of the foreign country stated in the document;

(b) that the terms of the corresponding law or the law of the foreign country are as stated in the document; and

(c) that any fact stated in the document as constituting an offence under that law does constitute such offence.

[50

[25/99]

## 54 Proof of convictions and acquittals

Proof of convictions and acquittals

54.

—(1) For the purposes of any proceedings under this Act or any subsidiary legislation made thereunder, the fact that a person has been convicted or acquitted of an offence by or before any court in Singapore or by a foreign court, shall be admissible in evidence for the purpose of proving, where relevant to any issue in the proceedings, that he committed (or, as the case may be, did not commit) that offence, whether or not he is a party to the proceedings; and where he was convicted whether he was so convicted upon a plea of guilt or otherwise.

[25/99]

(2) The court shall accept the conviction referred to in subsection (1) as

conclusive unless —

- (a) it is subject to review or appeal that has not yet been determined;
- (b) it has been quashed or set aside; or
- (c) the court is of the view that it is contrary to the interests of justice or the public interest to accept the conviction as conclusive.

[25/99]

(3) A person proved to have been convicted of an offence under this section shall be taken to have committed the acts and to have possessed the state of mind, if any, which at law constitute that offence.

[25/99]

(4) Any conviction or acquittal admissible under this section may be proved —

(a) in the case of a conviction or acquittal before a court in Singapore, by a certificate of conviction or acquittal, signed by the Registrar; or

(b) in the case of a conviction or acquittal before a foreign court, by a certificate or certified official record of proceedings issued by that foreign court and duly authenticated by the official seal of a Minister of the country of the foreign court,

giving the substance and effect of the charge and of the conviction or acquittal.

[50A

[25/99]

## 55 Powers of arrest and investigations

Powers of arrest and investigations

55.

— (1) An authorised officer or an officer of customs may arrest without warrant any person whom he reasonably believes has committed an offence under this Act or the regulations made thereunder.

(1A) An immigration officer within the meaning of section 48B may arrest without warrant any person whom he reasonably believes has committed an offence under section 48C.

(2) An authorised officer who is not a police officer may exercise all or any

of the powers in relation to investigations into a seizable offence conferred on a police officer by the Criminal Procedure Code (Cap. 68) in any case relating to the commission of an offence under this Act or the regulations made thereunder or in any case where a seizable offence is disclosed under any written law in the course of an investigation under this Act.

(3) An authorised officer who is not a police officer may be authorised by the Public Prosecutor in writing to exercise all or any of the powers in relation to investigations conferred on a police officer by the Criminal Procedure Code in any case where a non-seizable offence is disclosed under any written law in the course of investigations under this Act.

(4) In this section, “seizable offence” and “non-seizable offence” have the same meanings as in section 2 of the Criminal Procedure Code.

[51

## 56 Preservation of secrecy

Preservation of secrecy

56.

—(1) Except for the purpose of the performance of his duties or the exercise of his functions or when lawfully required to do so by any court or under the provisions of any written law, no authorised officer, Suspicious Transaction Reporting Officer or immigration officer within the meaning of section 48B shall disclose any information or matter which has been obtained by him in the performance of his duties or the exercise of his functions under this Act.

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

[53

## 57 Obstructing authorised officers Suspicious Transaction Reporting Officers and immigration officers

Obstructing authorised officers

, Suspicious Transaction Reporting Officers and immigration officers

57.

Any person who obstructs or hinders any authorised officer, Suspicious Transaction Reporting Officer or immigration officer within the meaning of section 48B acting in the discharge of his duty under this Act or any regulations made thereunder shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

[54

## 58 Sanction of Public Prosecutor

Sanction of Public Prosecutor

58.

No court shall take cognizance of any offence under this Act or any regulations made thereunder except with the sanction of the Public Prosecutor.

[55

## 59 Offences by bodies corporate etc.

Offences by bodies corporate, etc.

59.

— (1) Where an offence under this Act committed by a body corporate is proved —

(a) to have been committed with the consent or connivance of an officer; or

(b) to be attributable to any neglect on his part,

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where an offence under this Act committed by a partnership is proved —

(a) to have been committed with the consent or connivance of a partner; or

(b) to be attributable to any neglect on his part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

(a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or

(b) to be attributable to any neglect on the part of such an officer or member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

"body corporate" includes a limited liability partnership which has the same meaning as in section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

"officer" —

(a) in relation to a body corporate, means any director, partner, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or

(b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of a committee and includes any person purporting to act in any such capacity;

"partner" includes a person purporting to act as a partner.

(6) The Minister may make regulations to provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate or unincorporated association formed or recognised under the law of a territory outside Singapore.



## 60 Composition of offences

Composition of offences

60.

— (1) The Minister or any person authorised by him in writing may compound any offence under this Act or any regulations made thereunder which is prescribed to be a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$5,000.

(2) The Minister may make regulations to prescribe the offences under this Act or any regulations made thereunder which may be compounded.

[57]

## 61 Jurisdiction of Magistrate' s Court and District Court

Jurisdiction of Magistrate' s Court and District Court

61.

— (1) A Magistrate' s Court or a District Court shall have jurisdiction to hear and determine any offence under this Act and, notwithstanding anything to the contrary in the Criminal Procedure Code (Cap. 68), shall have power to impose the full penalty or punishment in respect of an offence under this Act.

(2) Nothing in subsection (1) shall be construed to confer any jurisdiction or power on a Magistrate' s Court or a District Court where it is expressly provided in this Act that the High Court shall have such jurisdiction or power.

[58]

## 62 Rules of Court

Rules of Court

62.

Rules of Court may provide for the manner in which proceedings under this Act may be commenced or carried on.

[60  
[25/99]

## 63 Amendment of Schedules

Amendment of Schedules

63.

The Minister may, by order published in the *Gazette*, amend the First and Second Schedules.

[52  
[25/99]

## 64 Regulations

Regulations

64.

The Minister may make regulations for prescribing anything which is required to be prescribed under this Act and generally for carrying out the purposes and provisions of this Act.

[59

### FIRST SCHEDULE

Section 2

*PART I — OFFENCES INCLUDED AS DRUG TRAFFICKING OFFENCES  
WITH EFFECT FROM 30TH NOVEMBER 1993*

#### DRUG TRAFFICKING OFFENCES

##### *Offences*

##### *Description\**

- |  |   |
|--|---|
| 1. Section 5 of the Misuse of Drugs Act (Cap. 185) | Trafficking in a controlled drug.                 |
| 2. Section 6 of the Misuse of Drugs Act            | Manufacture of a controlled drug.                 |
| 3. Section 7 of the Misuse of Drugs Act            | Importation and exportation of a controlled drug. |
| 4. Section 10 of the Misuse of Drugs Act           | Cultivation of cannabis, opium and coca           |

plants.

Money laundering.

5. Sections 43 and 46 of this Act

\* *Note* : The short description of offences in this Schedule is for ease of reference only.

[25/99]

*PART II — OFFENCE INCLUDED AS DRUG TRAFFICKING OFFENCE  
WITH EFFECT FROM 1ST NOVEMBER 2007*

*Offence*

*Description\**

6. Section 10A of the Misuse of Drugs Act

Manufacture, supply, possession, import or export of equipment, materials or substances useful for manufacture of controlled drugs.

SECOND SCHEDULE

Section 2

SERIOUS OFFENCES

*PART I — OFFENCES INCLUDED AS SERIOUS OFFENCES WITH EFFECT FROM 13TH  
SEPTEMBER 1999*

*Offences*

*Description\**

1. Section 44 of this Act

Assisting another to retain benefits from criminal conduct

2. Section 47 of this Act

Concealing or transferring benefits from criminal conduct

Children and Young Persons Act  
(Cap. 38)

3. Section 4 (1), 5 (a) and (b)

Ill-treatment of child or young person.

Corrosive and Explosive Substances  
and Offensive Weapons Act (Cap.  
65)

4. Section 3

Possession of corrosive or explosive substance for purpose of causing hurt

Hijacking of Aircraft and Protection  
of Aircraft and International Airports  
Act (Cap. 124)

5. Section 3 (3)

Hijacking

6. Section 4

Violence against passengers or crew

7. Section 5

Destroying, damaging or endangering safety of aircraft

8. Section 7 Kidnapping Act (Cap. 151)	Endangering safety at aerodromes
9. Section 3	Abduction, wrongful restraint or wrongful confinement for ransom
10. Section 4	Knowingly receiving ransom
11. Section 5	Knowingly negotiating to obtain or for payment of ransom
Penal Code (Cap. 224)	
12. Section 130	Aiding escape of, rescuing, or harbouring such prisoner
13. Section 130B	Piracy by law of nations
14. Section 130C	Piratical acts
15. Section 161	Public servant taking a gratification, other than legal remuneration, in respect of an official act
16. Section 162	Taking a gratification in order, by corrupt or illegal means, to influence a public servant
17. Section 164	Punishment for abetment by public servant of the offences above defined
18. Section 165	Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant
19. Section 181	False statement on oath to public servant or person authorised to administer an oath
20. Section 193	Punishment for false evidence
21. Section 194	Giving or fabricating false evidence with intent to procure conviction of a capital offence
22. Section 195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with imprisonment
23. Section 196	Using evidence known to be false
24. Section 201	Causing disappearance of evidence of an offence committed, or giving false information touching it, to screen the offender
25. Section 203	Giving false information respecting an offence committed
26. Section 204	Destruction of document to prevent its production as evidence

27. Section 205 False personation for the purpose of any act or proceeding in a suit
28. Section 206 Fraudulent removal or concealment of property to prevent its seizure as a forfeiture or in execution of a decree
29. Section 207 Fraudulent claim to property to prevent its seizure as a forfeiture or in execution of a decree
30. Section 208 Fraudulently suffering a decree for a sum not due
31. Section 212 Harboursing an offender
32. Section 213 Taking gift, etc., to screen an offender from punishment
33. Section 214 Offering gift or restoration of property in consideration of screening offender
34. Section 215 Taking gift to help to recover stolen property, etc.
35. Section 216 Harboursing an offender who has escaped from custody, or whose apprehension has been ordered
36. Section 216A Harboursing robbers or gang-robbers, etc.
37. Section 217 Public servant disobeying a direction of law with intent to save person from punishment or property from forfeiture
38. Section 218 Public servant framing an incorrect record or writing with intent to save person from punishment or property from forfeiture
39. Section 221 Intentional omission to apprehend on the part of a public servant bound by law to apprehend
40. Section 222 Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of court of justice
41. Section 225A Public servant omitting to apprehend or suffering other persons to escape in cases not already provided for
42. Section 231 Counterfeiting coin
43. Section 232 Counterfeiting current coin
44. Section 233 Making or selling instrument for counterfeiting coin
45. Section 234 Making or selling instrument for counterfeiting current coin
46. Section 235 Possession of instrument or material for the purpose of using the same for counterfeiting coin

47. Section 236 Abetting in Singapore the counterfeiting out of Singapore of coin
48. Section 237 Import or export of counterfeit coin
49. Section 238 Import or export of counterfeits of current coin
50. Section 239 Delivery to another of coin possessed with knowledge that it is counterfeit
51. Section 240 Delivery of current coin, possessed with the knowledge that it is counterfeit
52. Section 241 Delivery to another of coin as genuine, which when first possessed the deliverer did not know to be counterfeit
53. Section 242 Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof
54. Section 302 Punishment for murder
55. Section 304 Punishment for culpable homicide not amounting to murder
56. Section 307 (1) Attempt to murder
57. Section 307 (2) Other offences by convicts
58. Section 308 Attempt to commit culpable homicide
59. Section 312 Causing miscarriage
60. Section 313 Causing miscarriage without woman's consent
61. Section 315 (1) Child destruction before, at or immediately after birth
62. Section 316 Causing death of a quick unborn child by an act amounting to culpable homicide
63. Section 324 Voluntarily causing hurt by dangerous weapons or means
64. Section 325 Punishment for voluntarily causing grievous hurt
65. Section 326 Voluntarily causing grievous hurt by dangerous weapons or means
66. Section 327 Voluntarily causing hurt to extort property or to constrain to an illegal act
67. Section 328 Causing hurt by means of poison, etc., with intent to commit an offence
68. Section 329 Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act
69. Section 330 Voluntarily causing hurt to extort confession or to

70. Section 331  
compel restoration of property
71. Section 332  
Voluntarily causing grievous hurt to extort confession or to compel restoration of property
72. Section 333  
Voluntarily causing hurt to deter public servant from his duty
73. Section 335  
Voluntarily causing grievous hurt to deter public servant from his duty
74. Section 338  
Causing grievous hurt on provocation
75. Section 343  
Causing grievous hurt by an act which endangers life or personal safety of others
76. Section 344  
Wrongful confinement for 3 or more days
77. Section 345  
Wrongful confinement for 10 or more days
78. Section 346  
Wrongful confinement of person for whose liberation a writ has been issued
79. Section 347  
Wrongful confinement in secret
80. Section 348  
Wrongful confinement for the purpose of extorting property or constraining to an illegal act
81. Section 349  
Wrongful confinement for the purpose of extorting confession or of compelling restoration of property
82. Section 354  
Assault or use of criminal force to a person with intent to outrage modesty
83. Section 354A  
Outraging modesty in certain circumstances
84. Section 363  
Punishment for kidnapping
85. Section 364  
Kidnapping or abducting in order to murder
86. Section 365  
Kidnapping or abducting with intent to secretly and wrongfully to confine a person
87. Section 366  
Kidnapping or abducting a woman to compel her marriage, etc.
88. Section 367  
Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc.
89. Section 368  
Wrongfully concealing or keeping in confinement a kidnapped person
90. Section 369  
Kidnapping or abducting child under 10 years with intent to steal moveable property from the person of such child
91. Section 370  
Buying or disposing of any person as a slave
92. Section 371  
Habitual dealing in slaves

92. Section 372 Selling minor for purposes of prostitution, etc.
93. Section 373 Buying minor for purposes of prostitution, etc.
94. Section 373A Importing by fraud, brings, assist in bringing, sells or buys, with intent that any woman be used for purpose of prostitution
95. Section 376 (1) and (2) Punishment for rape (for offences committed prior to repeal with effect from 1st February 2008)
96. Section 379 Punishment for theft
97. Section 379A Punishment for theft of a motor vehicle
98. Section 380 Theft in dwelling house, etc.
99. Section 381 Theft by clerk or servant of property in possession of master
100. Section 382 Theft after preparation made for causing death or hurt in order to commit theft
101. Section 384 Punishment for extortion
102. Section 385 Putting person in fear of injury in order to commit extortion
103. Section 386 Extortion by putting a person in fear of death or grievous hurt
104. Section 387 Putting person in fear of death or of grievous hurt in order to commit extortion
105. Section 388 Extortion by threat of accusation of an offence punishable with death, or imprisonment, etc.
106. Section 389 Putting person in fear of accusation of offence, in order to commit extortion
107. Section 392 Punishment for robbery
108. Section 393 Attempt to commit robbery
109. Section 394 Voluntarily causing hurt in committing robbery
110. Section 395 Punishment for gang-robbery
111. Section 396 Gang-robbery with murder
112. Section 399 Making preparation to commit gang-robbery
113. Section 400 Punishment for belonging to gang-robbers
114. Section 402 Assembling for purpose of committing gang-robbery
115. Section 403 Dishonest misappropriation of property
116. Section 404 Dishonest misappropriation of property possessed by a deceased person at the time of his death



117. Section 406 Punishment of criminal breach of trust
118. Section 407 Criminal breach of trust by carrier, etc.
119. Section 408 Criminal breach of trust by clerk or servant
120. Section 409 Criminal breach of trust by public servant, or by banker, merchant or agent
121. Section 411 Dishonestly receiving stolen property
122. Section 412 Dishonestly receiving property stolen in the commission of a gang-robbery
123. Section 413 Habitually dealing in stolen property
124. Section 414 Assisting in concealment of stolen property
125. Section 418 Cheating with knowledge that wrongful loss may be thereby caused to a person whose interest the offender is bound to protect
126. Section 419 Punishment for cheating by personation
127. Section 420 Cheating and dishonestly inducing a delivery of property
128. Section 421 Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors
129. Section 422 Dishonestly or fraudulently preventing a debt or demand due to the offender from being made available for his creditors
130. Section 423 Dishonest or fraudulent execution of deed of transfer containing a false statement of consideration
131. Section 424 Dishonest or fraudulent removal or concealment of property or release of claim
132. Section 430A Mischief affecting railway engine, train, etc.
133. Section 431 Mischief by injury to public road, bridge or river
134. Section 431A Mischief by injury to telegraph cable, wire, etc.
135. Section 432 Mischief by causing inundation or obstruction to public drainage, attended with damage
136. Section 433 Mischief by destroying or moving or rendering less useful a lighthouse or sea-mark
137. Section 435 Mischief by fire or explosive substance with intent to cause damage to amount of \$50
138. Section 436 Mischief by fire or explosive substance with intent to destroy a house, etc.

139. Section 438 Punishment for the mischief described in section 437 when committed by fire or any explosive substance
140. Section 439 Punishment for intentionally running vessel aground or ashore with intent to commit theft, etc.
141. Section 440 Mischief committed after preparation made for causing death or hurt
142. Section 449 House-trespass in order to commit an offence punishable with death
143. Section 450 House-trespass in order to commit an offence punishable with imprisonment for life
144. Section 451 House-trespass in order to commit an offence punishable with imprisonment
145. Section 452 House-trespass after preparation made for causing hurt, etc.
146. Section 453 Punishment for lurking house-trespass or house-breaking
147. Section 454 Lurking house-trespass or house-breaking in order to commit an offence punishable with imprisonment
148. Section 455 Lurking house-trespass or house-breaking after preparation made for causing hurt, etc.
149. Section 456 Punishment for lurking house-trespass by night or house-breaking by night
150. Section 457 Lurking house-trespass by night or house-breaking by night in order to commit an offence punishable with imprisonment
151. Section 458 Lurking house-trespass or house-breaking by night after preparation made for causing hurt, etc.
152. Section 459 Grievous hurt caused while committing lurking house-trespass or house-breaking
153. Section 460 Lurking house-trespass by night or house-breaking by night when death or grievous hurt is caused
154. Section 465 Punishment for forgery
155. Section 466 Forgery of record of a court of justice, or a public register of births, etc.
156. Section 467 Forgery of a valuable security or will
157. Section 468 Forgery for the purpose of cheating
158. Section 469 Forgery for the purpose of harming the reputation of any person

159. Section 471 Using as genuine a forged document
160. Section 472 Making or possessing a counterfeit seal, plate, etc., with intent to commit a forgery punishable under section 467
161. Section 473 Making or possessing a counterfeit seal, plate, etc., with intent to commit a forgery punishable otherwise
162. Section 474 Having possession of a valuable security or will known to be forged, with intent to use it as genuine
163. Section 475 Counterfeiting a device or mark used for authenticating documents described in section 467, or possessing counterfeit marked material
164. Section 476 Counterfeiting a device or mark used for authenticating documents other than those described in section 467, or possessing counterfeit marked material
165. Section 489A Forging or counterfeiting currency notes or bank notes
166. Section 489B Using as genuine forged or counterfeit currency notes or bank notes
167. Section 489C Possession of forged or counterfeit currency notes or bank notes
- Prevention of Corruption Act (Cap. 241)
168. Section 5 Punishment for corrupt transactions where no agents involved
169. Section 6 Punishment for corrupt transactions involving agents or use of false documents to mislead principal
170. Section 10 Bribery in relation to Government contracts
171. Section 11 Bribery of Member of Parliament
172. Section 12 Bribery of member of public body
173. Section 29 Abetment of offences
174. Section 30 Attempts
175. Section 31 Conspiracy
- Termination of Pregnancy Act (Cap. 324)
176. Section 3 (4) Medical termination of pregnancy

177. Section 5	Coercion or intimidation
Vandalism Act (Cap. 341)	
178. Section 3	Penalty for acts of vandalism
Women's Charter (Cap. 353)	
179. Section 140	Offences relating to prostitution
180. Section 141	Trafficking in women and girls
181. Section 142	Importation of woman or girl by false pretences
182. Section 145	Causing or encouraging prostitution of, intercourse with, or indecent assault on, girl below the age of 16

[25/99]

*PART II — OFFENCES INCLUDED AS SERIOUS OFFENCES WITH EFFECT FROM 9TH SEPTEMBER 2005*

<i>Offences</i>	<i>Description*</i>
Moneylenders Act (Cap. 188)	
183. Section 8	Offences
184. Section 33	Harassing debtor, besetting his residence, etc.

*PART III — OFFENCES INCLUDED AS SERIOUS OFFENCES WITH EFFECT FROM 8TH MAY 2006*

<i>Offences</i>	<i>Description*</i>
Animals and Birds Act (Cap. 7)	
185. Section 7	Contravention of order with regard to importation, etc.
186. Section 8	Importation or transshipment of any animal, bird or veterinary biologics without licence
187. Section 9	Importation or possession of noxious insects, pests or genetically modified organisms, etc.
188. Section 11	Failure to report arrival of animal or bird, etc.
189. Section 13	Failure to confine animal or bird on board ship, etc.
190. Section 16	Exportation of any animal or bird without licence

*Arms and Explosives Act (Cap. 13)*

191. Section 6	Possession or transfer of possession of unmarked
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192. Section 7	plastic explosives
193. Section 9	Importation or exportation of unmarked plastic explosives
194. Section 10 (2)	Exportation or removal of article in contravention of notification by Minister
195. Section 11	Manufacture, possession or import of explosive in contravention of notification by Minister
196. Section 12	Contravention of notification relating to poisonous or noxious gas or noxious substance
197. Section 22	Offence by master of ship, etc., used for certain offences
198. Section 23	Knowingly concealing arms, etc., imported without licence
	Knowingly purchasing guns or arms from person not licensed
 Arms Offences Act (Cap. 14)	
199. Section 6	Trafficking in arms
 Betting Act (Cap. 21)	
200. Section 3	Offences relating to common betting-houses and betting information centres
201. Section 4	Advancing money for conducting business of common betting-house
202. Section 5	Betting in common betting-house
 Chemical Weapons (Prohibition) Act(Cap. 37B)	
203. Section 8	Use, etc., of chemical weapons
 Children and Young Persons Act (Cap. 38)	
204. Section 7	Sexual exploitation of child or young person
205. Section 12	Unlawful transfer of possession, custody or control of children
206. Section 13	Importation of children by false pretences

Commodity Trading Act  
(Cap. 48A)

207. Section 49 for contravention of  
any of the following:

- (a) section 45 Dissemination of information about false trading
- (b) section 46 Manipulation of price and cornering
- (c) section 47 Employment of fraudulent or deceptive devices, etc.
- (d) section 48 Fraudulently inducing trading

Common Gaming Houses Act (Cap.  
49)

- 208. Section 5 Assisting in carrying on a public lottery, etc.
- 209. Section 8 Gaming in public

Computer Misuse Act

(Cap. 50A)

- 210. Section 3 Unauthorised access to computer material
- 211. Section 4 Access with intent to commit or facilitate commission  
of offence
- 212. Section 5 Unauthorised modification of computer material
- 213. Section 6 Unauthorised use or interception of computer service
- 214. Section 7 Unauthorised obstruction of use of computer
- 215. Section 8 Unauthorised disclosure of access code
- 216. Section 10 Abetments and attempts punishable as offences

Control of Plants Act (Cap. 57A)

- 217. Section 7 Importation or transshipment of fresh fruits or  
vegetables without licence
- 218. Section 8 Importation or transshipment of fresh fruits or  
vegetables without permit
- 219. Any order made under section 28 Export of plants contrary to order by Minister
- 220. Section 34 for contravention of  
section 41 Failure to give access to documents, etc.

Control of Plants Act

(Cap. 57A)

Control of Plants (Plant Importation)  
Rules (R 4)

221. Rule 17 for contravention of rule  
5 (1)

Importation of regulated plant, etc., without a permit.

Copyright Act (Cap. 63)

222. Section 136 (1), (2), (3), (4) and  
(6)

Offences relating to copyright

223. Section 260 (6)

Removal or alteration of rights management  
information

224. Section 261C (4) and (5)

Relating to circumvention of technological protection  
measures

Criminal Law (Temporary Provisions)  
Act (Cap. 67)

225. Section 3

Supplies

Endangered Species  
(Import and Export) Act 2006 (Act 5  
of 2006)

226. Section 4

Importation, exportation, etc., of scheduled species  
without permit

227. Section 5

Scheduled species in transit unaccompanied by CITES  
permit, etc.

228. Section 19 in relation to section 4  
or 5

Abetment of an offence under section 4 or 5

Environmental Protection and  
Management Act (Cap. 94A)

229. Section 22

Importation or sale of hazardous substances without  
licence, etc.

230. Section 23

Importation or sale of hazardous substances not in  
accordance with licence, etc.

231. Section 24

Storage, use or dealing with hazardous substances in a  
manner that threatens health, etc.

Explosive Substances Act  
(Cap. 100)

232. Section 3

233. Section 4

234. Section 5

Causing explosion likely to endanger life or property  
Attempt to cause explosion, or for making or keeping explosives with intent to endanger life or property  
Making or possessing explosives under suspicious circumstances

Feeding Stuffs Act

(Cap. 105)

235. Section 4 (5)

Importation, manufacture, etc., of animal feeds without licence

Hazardous Waste (Control of Export, Import and Transit) Act (Cap. 122A)

236. Section 25

237. Section 26

238. Section 27

239. Section 37

Importation of hazardous waste without permit, etc.  
Exportation of hazardous waste without permit, etc.  
Bringing waste into Singapore in course of carrying out transit proposal without permit, etc.  
Making false statements

Human Organ Transplant Act (Cap. 131A)

240. Section 14

Contracting for sale or supply of organ or blood, etc.

Immigration Act

(Cap. 133)

241. Section 5 (5)

242. Section 57 (1) (aa), (b) and (c)

Entering or leaving Singapore other than at authorised entry or departure points  
Abetting unlawful entry or departure, or engaging in business of conveying prohibited immigrant

Internal Security Act

(Cap. 143)

243. Section 4

Wearing of prohibited uniform, etc.



244. Section 5

Membership of quasi-military organisations

245. Section 6

Illegal drilling

Medicines Act (Cap. 176)

246. Section 20 (1) for contravention of either of the following:

(a) section 5

Dealing, etc., with medicinal product without licence

(b) section 6

Manufacture or wholesale dealing with medicinal product without licence

247. Section 20 (2)

Possession of medicinal product imported in contravention of section 5

Monetary Authority of Singapore Act (Cap. 186)

248. Section 27A (5) for contravention of any of the following regulations of the Monetary Authority of Singapore (Anti-Terrorism Measures) Regulations 2002 (G.N. No. S 515/2002):

(a) regulation 5

Provision or collection of funds for terrorists

(b) regulation 6

Dealing with property of terrorists

(c) regulation 7

Provision of resources and services for the benefit of terrorists

(d) regulation 8

Doing anything that causes, assists or promotes an act contrary to regulation 5, 6 or 7

Penal Code (Cap. 224)

249. Section 143

Membership of unlawful assembly

250. Section 144

Joining an unlawful assembly armed with any deadly weapon

251. Section 145

Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse

252. Section 146

Force used by one member in prosecution of common object

253. Section 147

Rioting

254. Section 148

Rioting, armed with a deadly weapon

255. Section 149	Every member of an unlawful assembly to be deemed guilty of any offence committed in prosecution of common object
256. Section 150	Hiring, or conniving at hiring, of persons to join an unlawful assembly
257. Section 151	Knowingly joining or continuing in an assembly of 5 or more persons after it has been commanded to disperse
258. Section 151A	Posting placards, etc.
259. Section 152	Assaulting or obstructing public servant when suppressing riot, etc.
260. Section 397	Robbery when armed or with attempt to cause death or grievous hurt
261. Section 401	Belonging to wandering gang of thieves
262. Section 417	Cheating
263. Section 477	Fraudulent cancellation, destruction, etc., of a will
264. Section 477A	Falsification of accounts

#### Poisons Act (Cap. 234)

265. Section 16 for contravention of section 5	Importation or sale, etc., of poisons without licence
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#### Sale of Food Act

(Cap. 283)

#### Food Regulations (Rg 1)

266. Regulation 14	Imported food to be registered
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#### Securities and Futures Act

(Cap. 289)

267. Section 204 for contravention of any of the following:

(a) section 197	False trading and market rigging transactions
(b) section 198	Securities market manipulation
(c) section 199	False or misleading statements
(d) section 200	Fraudulently inducing persons to deal in securities
(e) section 201	Employment of manipulative and deceptive devices

(f) section 202	Dissemination of information about illegal transactions
(g) section 203	Failure to make disclosure to securities exchange
268. Section 212 for contravention of any of the following:	
(a) section 206	False trading
(b) section 207	Bucketing
(c) section 208	Manipulation of price of futures contract and cornering
(d) section 209	Fraudulently inducing persons to trade in futures contracts
(e) section 210	Employment of fraudulent or deceptive devices, etc.
(f) section 211	Dissemination of information about illegal transactions
269. Section 221 for contravention of section 218 or 219	Insider trading
Strategic Goods (Control) Act (Cap. 300)	
270. Section 5	Transfer of strategic goods, etc.
271. Section 6	Brokering of strategic goods, etc.
Societies Act (Cap. 311)	
272. Section 14 (2) and (3)	Management or membership of unlawful society, etc.
273. Section 15	Allowing unlawful assembly in premises
274. Section 16	Inciting, etc., a person to become a member of unlawful society
275. Section 17	Procuring subscription or aid for unlawful society
276. Section 18	Publishing, etc., propaganda of unlawful society
277. Section 23 (2)	Possession of books, etc., of triad society
Terrorism (Suppression of Financing) Act(Cap. 325)	
278. Section 3	Providing or collecting property for terrorist acts
279. Section 4	Provision of property and services for terrorist purposes

280. Section 5	Use or possession of property for terrorist purposes
281. Section 6	Dealing with property of terrorists
Trade Marks Act	
(Cap. 332)	
282. Section 46	Counterfeiting a trade mark
283. Section 47	Falsely applying a registered trade mark to goods and services
284. Section 48	Making or possessing of article for committing offence
285. Section 49	Importing or selling, etc., goods with falsely applied trade mark
United Nations Act	
(Cap. 339)	
United Nations (Anti-Terrorism Measures) Regulations (Rg 1)	
286. Regulation 11 for contravention of any of the following:	
(a) regulation 5	Provision or collection of funds for terrorists
(b) regulation 6	Dealing with property of terrorists
(c) regulation 7	Provision of resources and services for the benefit of terrorists
(d) regulation 7A	Sale, supply, etc., of arms and related materials to terrorists
(e) regulation 7B	Carriage of arms and related materials by Singapore ships and aircraft for terrorists
(f) regulation 7C	Provision of technical advice, assistance, etc., related to military activities of terrorists
(g) regulation 8	False threat of terrorist act
(h) regulation 9	Causing, assisting or promoting an act prohibited by regulation 5, 6, 7, 7A, 7B, 7C or 8
Wholesome Meat and Fish Act (Cap. 349A)	
287. Section 5	Importation, exportation or transhipment of meat

288. Section 6

products or fish products without licence, etc.

Importation, exportation or transshipment of meat products or fish products without permit, etc.

Wild Animals and Birds Act  
(Cap. 351)

289. Section 10

Importation of wild animals and birds without authorisation, etc.

Women's Charter

(Cap. 353)

290. Section 146

Persons living on or trading in prostitution

291. Section 147

Keeping or management of places of assignation

292. Section 148

Keeping or management of brothels

*\*Note:* The short description of offences in this Schedule is for ease of reference only.

*Part IV — Offences included as serious offences  
with effect from 27th September 2007,  
being transnational offences involving  
organised criminal groups*

293. Abetment of a serious crime, where the serious crime is transnational in nature and involves an organised criminal group (section 109, 115, 116 or 118 of the Penal Code (Cap. 224))

294. Criminal conspiracy to commit a serious crime, where the serious crime is transnational in nature and involves an organised criminal group (section 120B of the Penal Code (Cap. 224))

*Note:*

The expressions “serious crime”, “organised criminal group” and “transnational” have the meanings given to those expressions in the United Nations Convention against Transnational Organised Crime, done at New York on 15th November 2000.

*Part V — Offences included as serious offences  
with effect from 1st November 2007*

*Offences*

*Description\**

Biological Agents and Toxins Act  
(Cap. 24A)

295. Section 5

Use of biological agents for non-peaceful purpose, etc.

296. Section 30

Use of toxins for non-peaceful purpose, etc.

Commodity Trading Act (Cap. 48A)

297. Section 49 for contravention of any of the following :

- (a) section 43 False trading
- (b) Section 44 Bucketing

Common Gaming Houses Act (Cap. 49)

298. Section 4

Offences relating to a common gaming house, etc.

299. Section 6

Advancing or furnishing money for establishing or conducting common gaming house

Customs Act (Cap. 70)

300. Section 130 (1) (a)

Import, export, shipping, unshipping, loading, unloading, landing or delivery of any uncustomed or prohibited goods, etc.

301. Section 130 (1) (c)

Storing, keeping or having possession of any dutiable, prohibited or uncustomed goods

302. Section 130 (1) (e)

Being found in possession of any dutiable or prohibited goods after having denied the same

303. Section 130 (1) (i)

Knowingly harbouring or concealing any dutiable, uncustomed or prohibited goods

304. Section 132

Knowingly advancing or furnishing money for business comprising sale, purchase, etc., of uncustomed goods

Immigration Act (Cap. 133)

305. Section 6 (3) for contravention of subsection (1)

Entry or attempted entry into Singapore without a valid pass

306. Section 57 (1) (k)

Making a false statement to obtain or attempting to obtain an entry permit, re-entry permit, pass or certificate for himself or for other person

307. Section 57(1)(l)

Using or without lawful authority having possession of any forged, unlawfully altered or irregular entry or re-entry permit, pass or certificate, etc.

Maritime Offences Act (Cap. 170B)

308. Section 3

Hijacking of ships

309. Section 4

Destroying or damaging ships, etc.

310. Section 5

Other acts endangering or likely to endanger safe navigation

311. Section 6

Offences involving threats

312. Section 7 (1)

Act of violence done in connection with an offence under section 3, 4 or 5

313. Section 7 (3)

Abetment of certain offences

Multi-Level Marketing and Pyramid Selling (Prohibition) Act

(Cap. 190)

314. Section 3

Promotion of or participation in a pyramid selling scheme, or arrangement or holding out the same

315. Section 4

Registration of business designed to promote a pyramid selling scheme or arrangement

316. Section 5

Registration of company which proposes to promote a pyramid selling scheme or arrangement

Radiation Protection Act 2007 (Act 27 of 2007)

317. Section 5

Import, export, etc., of radioactive materials

318. Section 6

Import, export, etc., of irradiating apparatus

319. Section 11

Disposal of radioactive waste

320. Section 12

Accumulation of radioactive waste

321. Section 31

False or misleading statements and documents

Railways Act (Cap. 263)

322. Section 87

Wilful act or omission endangering passenger

Rapid Transit Systems Act (Cap. 263A)

323. Section 25

Wilfully endangering safety of railway passenger

324. Section 26

Damage to railway or railway premises

Securities and Futures Act

(Cap. 289)

325. Section 140

Offences relating to take-over offers

Terrorism (Suppression of Financing) Act (Cap. 325)

326. Section 8

Failure to disclose information on property belonging to terrorist or transaction relating to such property, etc.

327. Section 9

Failure to comply with order requiring continuing audit on whether in possession of property belonging to terrorist, etc.

328. Section 10

Failure to disclose information about acts of terrorism financing

329. Section 14

Contravention of order for restraint of property

*\*Note: The short description of offences is for ease of reference only.*

*Part VI — Offences included as serious offences with effect from 1st February 2008*

*Offences*

*Description\**

Passports Act  
(Act 33 of 2007)

330. Section 36

Falsifying Singapore passports, etc.

331. Section 38

Bringing, taking or sending false Singapore passports, etc., across international borders

332. Section 39

Making or giving false or misleading statements or information

333. Section 40

Furnishing false or misleading documents

334. Section 41

Improper use or possession of Singapore passports, etc.

335. Section 42

Selling Singapore passports, etc.

336. Section 44

Dishonestly obtaining Singapore passport, etc.

337. Section 47

Offences relating to false foreign travel documents

Penal Code  
(Cap. 224)

338. Section 130E

Genocide

339. Section 204A

Obstructing, preventing, perverting or defeating course of justice



340. Section 204B	Bribery of witnesses
341. Section 241A	Delivery to another of current coin as genuine, which when first possessed the deliverer did not know to be counterfeit
342. Section 254A	Delivery to another of current coin as genuine, which when first possessed the deliverer did not know to be altered
343. Section 363A	Abduction
344. Section 364A	Kidnapping or abducting in order to compel the Government, etc.
345. Section 375	Rape
346. Section 376	Sexual assault by penetration
347. Section 376A	Sexual penetration of minor under 16
348. Section 376B	Commercial sex with minor under 18
349. Section 376C	Commercial sex with minor under 18 outside Singapore
350. Section 376D	Tour outside Singapore for commercial sex with minor under 18
351. Section 376E	Sexual grooming of minor under 16
352. Section 376F	Procurement of sexual activity with person with mental disability
353. Section 473A	Making or possessing equipment for making a false instrument
354. Section 473B	Making or possessing equipment for making a false instrument with intent to induce prejudice

*Part VII — Offences included as serious offences with effect from 20th February 2008*

*Offences*

*Description\**

**Terrorism (Suppression of Bombings)**

Act 2007 (Act 50 of 2007)

355. Section 3	Terrorist bombing
356. Section 4	Failure to disclose information about acts of terrorist bombing

*\*Note: The short description of offences is for ease of reference only.*

LEGISLATION HISTORY

1. Act 29 of 1992 — Drug Trafficking (Confiscation of Benefits) Act 1992

Date of First Reading	:	27.2.92 (Bill No. 17/92 published on 28.2.92)
Date of Second Reading	:	20.3.92
Referred to Select	:	Parl 6 of 1992 presented to Parliament on 1.9.92

Committee

Date of Third Reading : 14.9.92

Date of commencement : 30.11.93

2. Act 15 of 1995 — Bankruptcy Act 1995  
(Consequential amendments made by)

Date of First Reading : 25.7.94 (Bill No. 16/94 published on 29.7.94)

Date of Second Reading : 25.8.94

Referred to Select Committee : Parl 1 of 1995 presented to Parliament on 7.3.95

Date of Third Reading : 23.3.95

Date of commencement : 15.7.95

3. Act 25 of 1999 — Drug Trafficking (Confiscation of Benefits) (Amendment) Act 1999

Date of First Reading : 4.5.99 (Bill No. 16/99 published on 5.5.99)

Date of Second and Third Readings : 6.7.99

Date of commencement : 13.9.99

4. Act 12 of 2000 — Mutual Assistance in Criminal Matters Act 2000  
(Consequential amendments made by)

Date of First Reading : 17.1.2000 (Bill No. 3/2000 published on 18.1.2000)

Date of Second and Third Readings : 22.2.2000

Date of commencement : 1.4.2000

COMPARATIVE TABLE

The following provisions in the 1993 Revised Edition of the Drug Trafficking (Confiscation of Benefits) Act (Cap. 84A) have been renumbered by the Law Revision Commissioners in this 2000 Revised Edition of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap. 65A).

This Comparative Table is provided for the convenience of users. It is not part of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act.

2000 Ed.

1993 Ed.

2 — (1) definition of “realisable property”

8 — (1)

(2)

2 — (3) and (4)

3 — (1) and (2)

3 — (1)

(3) and (4)

(1A)

(5)

(2)

4 — (4A)

Proviso to 4 — (4)

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4A

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4B

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5A

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11

7A

12 — (1) to (7)

8 — (2) to (8)

(8)

(8A)

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28 — (1)	24 — (1)
(2) and (3)	(2)
(3A)	(3)
29	25
30	26
31	26A
—	26B ( <i>Repealed by Act 12/2000</i> )
32 — (1) and (2)	27
33	28
—	29 ( <i>Repealed by Act 12/2000</i> )
—	30 ( <i>Repealed by Act 25/1999</i> )
34	31
—	32 ( <i>Repealed by Act 12/2000</i> )
35	33
—	34 ( <i>Repealed by Act 12/2000</i> )
36	35
37	36
38	37
39	38
40	39
41	39A
42 — (1)	40 — (1)
(2) and (2A)	(2)
(3) and (3A)	(3)
(5) and (5A)	(5)
(7) and (7A)	(7)
43	41
44	41A
45	42
46	43
47	43A
48	43B
49	44
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48 (*Repealed by Act 12/2000*)  
49 (*Repealed by Act 12/2000*)  
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