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UNITED NATIONS ACT (CHAPTER 339)

UNITED NATIONS (SANCTIONS — MALI) REGULATIONS 2020

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In exercise of the powers conferred by section 2(1) of the United Nations Act, the Minister for Law makes the following Regulations:

Citation and commencement

1. These Regulations are the United Nations (Sanctions — Mali) Regulations 2020 and come into operation on 5 October 2020.

Object

2. The object of these Regulations is to assist in giving effect to Resolutions 2374 (2017) and 2541 (2020).

Application

3.—(1) These Regulations do not apply to —

(a) any financial institution or class of financial institutions to the extent that the financial institution or class of financial institutions is or may be subject to directions issued or treated as issued by the Monetary Authority of Singapore under section 15 of the Financial Services and Markets Act 2022, or regulations made or treated as made by the Monetary Authority of Singapore under section 192 of the Financial Services and Markets Act 2022 for the purposes of section 15 of that Act; and

[S 248/2023 wef 31/12/2021]

[S 248/2023 wef 28/04/2023]

(b) any VCC or class of VCCs to the extent that the VCC or class of VCCs is or may be subject to the directions issued or regulations made by the Monetary Authority of Singapore under section 83 of the Variable Capital Companies Act 2018.

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(2) In paragraph (1)(b), “VCC” has the meaning given by section 2(1) of the Variable Capital Companies Act 2018.

Definitions

4.—(1) In these Regulations, unless the context otherwise requires —

“Committee” means the Committee of the Security Council of the United Nations established under paragraph 9 of Resolution 2374 (2017);

“designated person” means any individual or entity set out in the UN List subject to the conditions set out in paragraph (2);

“funds” includes cheques, bank deposits and other financial resources;

“property” means real or personal property, movable or immovable, and includes a lease of immovable property as well as a right or an interest in that property;

“Resolution” means a Resolution of the Security Council of the United Nations;

“UN List” means collectively the lists of individuals or entities identified by the Security Council of the United Nations or the Committee as individuals or entities to whom or to which the measures specified in paragraph 4 of Resolution 2374 (2017) apply, and includes any such list as updated from time to time by the Security Council of the United Nations or the Committee, and made available on the Internet through the official United Nations website at <http://www.un.org/>.

(2) The conditions mentioned in the definition of “designated person” in paragraph (1) are —

- (a) where any individual or entity is added to the UN List on or after 5 October 2020, the individual or entity is taken to be a designated person with effect from the date immediately following the date of addition to the UN List;
- (b) where any individual or entity is removed from the UN List, the individual or entity ceases to be a designated person with effect from the date of removal from the UN List; and
- (c) where the particulars of any individual or entity in the UN List are modified on or after 5 October 2020, the particulars of the individual or entity are taken to be modified for the purposes of these Regulations with effect from the date immediately following the date of modification of the UN List.

Prohibition against dealing with funds, etc., of designated person, etc.

5. A person in Singapore or a citizen of Singapore outside Singapore must not deal, directly or indirectly, with any funds or other financial assets or economic resources that are owned or controlled, directly or indirectly, by or on behalf of —

- (a) a designated person;

- (b) an individual or entity that acts on behalf of or under the direction of a designated person; or
- (c) an entity owned or controlled by a designated person.

Prohibition against making available funds, etc., to or for benefit of designated person, etc.

6. A person in Singapore or a citizen of Singapore outside Singapore must not make available any funds or other financial assets or economic resources, directly or indirectly, to or for the benefit of —

- (a) a designated person;
- (b) an individual or entity that acts on behalf of or under the direction of a designated person; or
- (c) an entity owned or controlled by a designated person.

General prohibition

7. A person in Singapore or a citizen of Singapore outside Singapore must not knowingly do anything that —

- (a) causes, assists or promotes; or
- (b) is intended to cause, assist or promote,

any act or thing prohibited by regulation 5 or 6.

Duty to provide information

8.—(1) Every person in Singapore and any citizen of Singapore outside Singapore who —

- (a) has possession, custody or control of any property belonging to —
 - (i) a designated person;
 - (ii) any individual or entity which acts on behalf of or under the direction of a designated person; or
 - (iii) any entity owned or controlled by a designated person;

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- (b) has information about any transaction or proposed transaction in respect of any property belonging to any designated person, entity or individual mentioned in sub-paragraph (a); or
 - (c) has information about any act or thing prohibited by regulation 5, 6 or 7,

must —

- (d) immediately inform the Commissioner of Police or any authorised person of that fact or information; and
- (e) provide any further information relating to the property, transaction or proposed transaction, act or thing that the Commissioner of Police or authorised person may require.

(2) No criminal or civil proceedings shall lie against a person for any disclosure made in good faith under paragraph (1).

(3) In this regulation —

“authorised person” means any person designated by the Minister for the purposes of this regulation;

“Commissioner of Police” includes —

- (a) any police officer; and
- (b) any person authorised by the Commissioner of Police to act for him or her for the purposes of this regulation.

Offences

9.—(1) A person who contravenes regulation 5, 6, 7 or 8 shall be guilty of an offence.

(2) It is a defence for a person charged with an offence for contravening regulation 8(1) to prove that the person had a reasonable excuse for the contravention.

Exemption

10. The Minister or a person designated by the Minister may, if he or she considers that it is appropriate to do so in the circumstances of

the case and that it is consistent with the intention of the United Nations Security Council under paragraph 5, 6 or 7 of Resolution 2374 (2017), by written notice exempt, subject to any conditions that he or she may specify —

(a) any person or class of persons; or

(b) any activity or class of activities,

from all or any of the provisions of these Regulations.

Made on 1 October 2020.

LOH KHUM YEAN
*Permanent Secretary,
Ministry of Law,
Singapore.*

[LAW 06/006/002; AG/LEGIS/SL/339/2020/11 Vol. 1]

(To be presented to Parliament under section 2(4) of the United Nations Act).