



THE STATUTES OF THE REPUBLIC OF SINGAPORE

**CORRUPTION, DRUG TRAFFICKING
AND OTHER SERIOUS CRIMES
(CONFISCATION OF BENEFITS)
ACT 1992**

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Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992

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An Act to provide for the confiscation of benefits derived from, and to combat, corruption, drug dealing and other serious crimes and for purposes connected therewith.

[44/2007; 21/2014]

[30 November 1993]

PART 1

PRELIMINARY

Short title

1. This Act is the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992.

General 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 1960;
- (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 1970;

“charging order” means an order made under section 20(1);

“confiscation order” means an order made under section 6 or 7;

“corresponding law” means a law of a foreign country or part thereof providing for the control or regulation, in that country or part thereof, 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 30 March 1961;

- (b) the production, supply, use, export and import of dangerous or otherwise harmful drugs pursuant to 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 mentioned in paragraph (a) or (b);

“criminal conduct” means doing or being concerned in, whether in Singapore or elsewhere, any act constituting a serious offence or a foreign serious offence;

“dealing with property” is to be construed in accordance with section 19(7);

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

“drug dealing” means doing or being concerned in, whether in Singapore or elsewhere, any act constituting a drug dealing offence or a foreign drug dealing offence;

“drug dealing offence” means —

- (a) any offence specified in the First Schedule;
- (b) conspiracy to commit any such offence;
- (c) inciting another to commit any such offence;
- (d) attempting to commit any such offence; or
- (e) aiding, abetting, counselling or procuring the commission of any such offence;

“employer”, in relation to a legal counsel, includes —

- (a) if the employer is one of a number of corporations that are related to each other under section 6 of the

Companies Act 1967 — every corporation so related as if the legal counsel is also employed by each of the related corporations; and

- (b) if the employer is a public agency within the meaning of section 128A(6) of the Evidence Act 1893 and the legal counsel is required as part of his or her duties of employment or appointment to provide legal advice or assistance in connection with the application of the law or any form of resolution of legal dispute to any other public agency or agencies — the other public agency or agencies as if the legal counsel is also employed by the other public agency or each of the other public agencies;

“financial institution” has the meaning given by section 2 of the Financial Services and Markets Act 2022, and includes a VCC;

[Act 18 of 2022 wef 28/04/2023]

“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 dealing offence” means an offence against a corresponding law that consists of or includes conduct which, if the conduct had occurred in Singapore, would have constituted a drug dealing offence;

“foreign serious offence” —

- (a) means an offence (other than a foreign drug dealing offence) against the law of a foreign country or part thereof that consists of or includes conduct which, if the conduct had occurred in Singapore, would have constituted a serious offence; and
- (b) includes a foreign serious tax offence;

“foreign serious tax offence” means an offence against the national law of a foreign country that consists of the doing of any of the following (however described) wilfully with intent to evade, or to assist any other person to evade, any tax of that country:

- (a) omitting from, or understating or overstating in, a return made for the purposes of that tax any information which should be included in the return;
- (b) making any false statement or entry in any return, claim or application made, or any document or information required to be given, for the purposes of that tax;
- (c) giving any false answer, whether verbally or in writing, to any question or request for information asked or made for the purposes of that tax;
- (d) failing to inform the authority responsible for the collection of that tax, in the required manner, of any incorrect information appearing in any assessment made by that authority, when required to do so;
- (e) preparing or maintaining, or authorising the preparation or maintenance, of any false books of account or other records, or falsifying or authorising the falsification of any books of account or records;
- (f) making use of any fraud, art or contrivance, or authorising the use of any such fraud, art or contrivance;

“gift caught by this Act” is to be construed in accordance with section 15(7) or (8);

“interest”, in relation to property, includes any right;

“legal counsel” has the meaning given by section 3(7) of the Evidence Act 1893;

“making a gift” is to be construed in accordance with section 15(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 1970;

“officer of customs” has the meaning given by the Customs Act 1960;

“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 1973;

“possession”, in relation to any property, means actual or constructive possession of the property;

“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 General Division of the High Court — the Registrar, Deputy Registrar or Assistant Registrar of the Supreme Court; and
- (b) a District Court or a Magistrate’s Court — the Registrar or Deputy Registrar of the State Courts;

“restraint order” means an order made under section 19(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 or her appointment as a Suspicious Transaction Reporting Officer published in the *Gazette*;

“value of gift” is to be construed in accordance with section 15;

“value of property” is to be construed in accordance with section 15(2);

“VCC” means a VCC or variable capital company as defined in section 2(1) of the Variable Capital Companies Act 2018.

*[42/2001; 4/2003; 24/2004; 44/2007; 11/2013; 5/2014;
21/2014; 44/2018; 40/2019]*

(2) For the purposes of this Act —

- (a) property is held by any person if the person holds any interest in it;
- (b) references to property held by a person include a reference to property vested in the person’s 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 the person beneficially if the property were not so vested in the person’s 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 dealing 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;
 - (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 is to be treated as pending (where one is competent but has not been brought) until the expiration of the time for bringing the appeal.

[21/2014]

Meaning of “item subject to legal privilege”

3.—(1) For the purposes of this Act, an item is subject to legal privilege if —

- (a) it is a communication made between a lawyer and a client, or a legal counsel acting as such and his or her employer, in connection with the lawyer giving legal advice to the client or the legal counsel giving legal advice to the employer, as the case may be;
- (b) it is a communication made between 2 or more lawyers acting for a client, or 2 or more legal counsel acting as such for their employer, in connection with one or more of the

lawyers giving legal advice to the client or one or more of the legal counsel giving legal advice to the employer, as the case may be;

- (c) it is a communication made —
- (i) between a client, or an employer of a legal counsel, and another person;
 - (ii) between a lawyer acting for a client and either the client or another person; or
 - (iii) between a legal counsel acting as such for his or her employer and either the employer or another person, in connection with, and for the purposes of, any legal proceedings (including anticipated or pending legal proceedings) in which the client or employer (as the case may be) is or may be, or was or might have been, a party;
- (d) it is an item, or a document (including its contents), that is enclosed with or referred to in any communication in paragraph (a) or (b) and that is made or prepared by any person in connection with a lawyer or legal counsel, or one or more of the lawyers or legal counsel, in either paragraph giving legal advice to the client or the employer of the legal counsel, as the case may be; or
- (e) it is an item, or a document (including its contents), that is enclosed with or referred to in any communication in paragraph (c) and that is made or prepared by any person in connection with, and for the purposes of, any legal proceedings (including anticipated or pending legal proceedings) in which the client or the employer of the legal counsel (as the case may be) is or may be, or was or might have been, a party,

but it is not any such communication, item or document that is made, prepared or held with the intention of furthering a criminal purpose.

[21/2014]

(2) In this section —

“client”, in relation to a lawyer, includes an agent of or other person representing a client and, if a client has died, a personal representative of the client;

“employer”, in relation to a legal counsel, includes —

(a) if the employer is one of a number of corporations that are related to each other under section 6 of the Companies Act 1967 — every corporation so related as if the legal counsel is also employed by each of the related corporations;

(b) if the employer is a public agency within the meaning of section 128A(6) of the Evidence Act 1893 and the legal counsel is required as part of his or her duties of employment or appointment to provide legal advice or assistance in connection with the application of the law or any form of resolution of legal dispute to any other public agency or agencies — the other public agency or agencies as if the legal counsel is also employed by the other public agency or each of the other public agencies; and

(c) an employee or officer of the employer;

“lawyer” means an advocate and solicitor, and includes an interpreter or other person who works under the supervision of an advocate and solicitor;

“legal counsel” means a legal counsel as defined in section 3(7) of the Evidence Act 1893, and includes an interpreter or other person who works under the supervision of a legal counsel.

[2A
[21/2014]

Application

4.—(1) This Act applies to any drug dealing offence or foreign drug dealing offence whether committed before or after 30 November 1993.

[21/2014]

(2) Nothing in this Act imposes 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 dealing offence in respect of which the person has been convicted by a court before 30 November 1993.

[21/2014]

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

(4) Nothing in this Act imposes any duty or confers any power on any court in connection with any proceedings under this Act against a person for a serious offence in respect of which the person has been convicted by a court before 13 September 1999.

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

[3]

Suspicious Transaction Reporting Office

5.—(1) There is to be an office of the Government called the Suspicious Transaction Reporting Office which is responsible for —

(a) the receipt and analysis of —

- (i) any thing disclosed to a Suspicious Transaction Reporting Officer pursuant to a requirement under subsection (3) or pursuant to section 45(1);
- (ii) any report under section 60 given to a Suspicious Transaction Reporting Officer under section 60(4) or forwarded to a Suspicious Transaction Reporting Officer under section 61;
- (iii) any report under section 62 given to a Suspicious Transaction Reporting Officer under section 62(4);
- (iv) any cash transaction report submitted to a Suspicious Transaction Reporting Officer under section 68(1);
- (v) any cash transaction report filed with a Suspicious Transaction Reporting Officer under any regulations made under section 200 of the Casino Control Act 2006;

- (vi) any cash transaction report submitted to a Suspicious Transaction Reporting Officer under section 17 of the Precious Stones and Precious Metals (Prevention of Money Laundering and Terrorism Financing) Act 2019;

[Act 19 of 2023 wef 01/04/2024]

- (vii) any cash transaction report submitted to a Suspicious Transaction Reporting Officer under section 74A of the Pawnbrokers Act 2015; and

- (viii) any information accessed by a Suspicious Transaction Reporting Officer under section 28L(4) of the Financial Services and Markets Act 2022; and

[Act 19 of 2023 wef 01/04/2024]

- (b) the dissemination of the results of any such analysis.

[21/2014; 7/2019]

(2) There is to be attached to the Suspicious Transaction Reporting Office such number of Suspicious Transaction Reporting Officers as appear to the Minister to be necessary for the performance of the responsibilities of the Suspicious Transaction Reporting Office.

[21/2014]

(3) A Suspicious Transaction Reporting Officer who is attached to the Suspicious Transaction Reporting Office may require any person to disclose any document or information for the purposes of an analysis mentioned in subsection (1).

[21/2014]

(4) Where a person discloses any document or information to a Suspicious Transaction Reporting Officer pursuant to a requirement under subsection (3) —

- (a) the disclosure is not to be treated as a breach of any restriction against the disclosure imposed by law, contract or rules of professional conduct; and
- (b) the person shall not be liable for any loss arising out of the disclosure or any act or omission in consequence of the disclosure.

[3A
[21/2014]

PART 2

CONFISCATION OF BENEFITS OF DRUG DEALING
OR CRIMINAL CONDUCT

[21/2014]

Confiscation orders

6.—(1) Subject to section 30, where a defendant is convicted of one or more drug dealing offences, the court must, on the application of the Public Prosecutor, make a confiscation order against the defendant in respect of benefits derived by the defendant from drug dealing if the court is satisfied that those benefits have been so derived.

[21/2014]

(2) If the court is satisfied that benefits have been derived by the defendant from drug dealing, the court must, at any time after sentencing or otherwise dealing with the defendant in respect of the offence or any of the offences concerned (as the case may be), determine in accordance with section 13 the amount to be recovered in the defendant's case by virtue of this section.

[21/2014]

(3) The court must 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 dealing offences concerned.

[21/2014]

(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.

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

[21/2014]

(6) Subject to section 31, for the purposes of this Act, a person who holds or has at any time (whether before or after 30 November 1993) held any property or any interest therein disproportionate to the

person's known sources of income, the holding of which cannot be explained to the satisfaction of the court, is until the contrary is proved presumed to have derived benefits from drug dealing.

[21/2014]

(7) Any expenditure by a person mentioned in subsection (6) (whether incurred before or after 30 November 1993) is, until the contrary is proved, presumed to have been met out of the person's benefits derived from drug dealing.

[21/2014]

(8) The presumption referred to in subsection (6) or (7) is not rebutted merely by adducing proof to the effect that the property or interest therein was derived from criminal conduct.

(9) To avoid doubt, a District Court or Magistrate's Court may make a confiscation order under subsection (1) in respect of the full amount determined in accordance with section 13 to be the value of the benefits derived by the defendant from drug dealing.

[51/2018]

(10) In this section, a reference to property or interest in property includes a reference to income accruing from such property or interest.

[4

Confiscation orders for benefits derived from criminal conduct

7.—(1) Subject to section 30, where a defendant is convicted of one or more serious offences, the court must, on the application of the Public Prosecutor, make a confiscation order against the defendant in respect of benefits derived by the defendant from criminal conduct if the court is satisfied that those benefits have been so derived.

(2) If the court is satisfied that benefits have been derived by the defendant from criminal conduct, the court must, at any time after sentencing or otherwise dealing with the defendant in respect of the offence or any of the offences concerned (as the case may be), determine in accordance with section 13 the amount to be recovered in the defendant's case by virtue of this section.

(3) The court must 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.

(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.

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

(6) Without affecting section 31, for the purposes of this Act, a person who holds or has at any time (whether before or after 13 September 1999) held any property or any interest in any property (including income accruing from the property or interest) disproportionate to the person's known sources of income, the holding of which cannot be explained to the satisfaction of the court, is, until the contrary is proved, presumed to have derived benefits from criminal conduct.

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

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

[21/2014]

(9) To avoid doubt, a District Court or Magistrate's Court may make a confiscation order under subsection (1) in respect of the full amount determined in accordance with section 13 to be the value of the benefits derived by the defendant from criminal conduct.

[5

[51/2018]

Confiscation order unaffected by confiscation order under Organised Crime Act 2015

8. Subject to sections 10(2), 11(2) and 31(5) and (6) (whichever is applicable), a confiscation order under section 6 or 7 (as the case may be) may be made against a person in relation to any act despite the fact that a confiscation order under Part 9 of the Organised Crime Act 2015 has been made against that person in relation to the same act.

[5A
[26/2015]

Live video or live television links

9.—(1) Where the defendant has been charged with or convicted of a drug dealing 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 must not be present in person in any proceedings under this Act; or
- (b) the defendant must 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).

[21/2014]

(2) Where an order is made under subsection (1)(b), section 62A of the Evidence Act 1893 applies, with the necessary modifications, as if the defendant were a witness.

[6

Assessing benefits of drug dealing

10.—(1) Subject to section 31, for the purposes of this Act —

- (a) the benefits derived by any person from drug dealing are any property or interest in any property (including income accruing from the property or interest) held by the person at any time, whether before or after 30 November 1993, being property or interest disproportionate to the person's

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 the person from drug dealing is the aggregate of the values of the properties and interests in the properties mentioned in paragraph (a).

[21/2014]

(2) For the purpose of assessing the value of the benefits derived by the defendant from drug dealing in a case where a confiscation order or a confiscation order under Part 9 of the Organised Crime Act 2015, has previously been made against the defendant, the court is to leave out of account any such benefits of drug dealing 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.

[7

[21/2014; 26/2015]

Assessing benefits derived from criminal conduct

11.—(1) Without affecting section 31, for the purposes of this Act —

- (a) the benefits derived by any person from criminal conduct, are any property or interest in any property (including income accruing from the property or interest) held by the person at any time, whether before or after 13 September 1999, being property or interest in property disproportionate to the person's 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 the person from criminal conduct, is the aggregate of the values of the properties and interests in the properties mentioned in paragraph (a).

(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, a confiscation order under Part 9 of the Organised Crime Act 2015, or an order made under section 13 of the Prevention of Corruption Act 1960 has previously been made against the defendant,

the court is to leave out of account any such benefits derived from drug dealing 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.

[8
[21/2014; 26/2015]

Statements relating to drug dealing or criminal conduct

12.—(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 dealing 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 the defendant's acceptance as conclusive of the matters to which it relates.

[21/2014]

(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 the defendant accepts each allegation in the statement and, so far as the defendant does not accept any such allegation, to indicate any matters the defendant proposes to rely on.

(3) If the defendant fails in any respect to comply with a requirement under subsection (2), the defendant may be treated for the purposes of this section as accepting every allegation in the statement apart from any allegation in respect of which the defendant 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 the defendant from drug dealing or from criminal conduct (as the case may be) is admissible in evidence in any proceedings for an offence.

[9
[21/2014]

Amount to be recovered under confiscation order

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

[21/2014]

(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 12 or otherwise), the court may issue a certificate giving its opinion as to the matters concerned and is to 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 dealing or from criminal conduct (as the case may be) the amount to be recovered from the defendant under the confiscation order is the amount appearing to the court to be the amount that might be so realised.

[21/2014]

(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 is to 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 19 or 22 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.

(7) On an application mentioned in subsection (6), the court may —

- (a) substitute for that amount such amount (not exceeding the amount assessed as the value mentioned 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 17(1) if the effect of the substitution is to increase the maximum period applicable in relation to the order under section 17(1).

[10

Interest on sums unpaid under confiscation order

14.—(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 is liable to pay interest on that sum for the period for which it remains unpaid.

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

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

[11

Definition of principal terms used

15.—(1) For the purposes of sections 12 and 13, the amount that might be realised at the time a confiscation order is made against the defendant is —

(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 pursuant to those 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, is —

(i) the market value of the firstmentioned 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, is its market value.

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

(a) the value of the gift to the recipient when the recipient 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 the recipient received (not being cash);
or

(b) property which, in whole or in part, directly or indirectly, represents in the recipient's hands the property which the recipient received,

the value mentioned in subsection (3)(b) is the value to the recipient at the material time of the property mentioned in paragraph (a) or paragraph (b) (as the case may be) so far as it so represents the property which the recipient 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) In subsection (5)(b), "preferential debts" —

(a) in relation to bankruptcy, means the debts to be paid in priority under section 352 of the Insolvency, Restructuring and Dissolution Act 2018 (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 203 of the Insolvency, Restructuring and Dissolution Act 2018 (assuming the date

of the confiscation order to be the commencement date of the winding up).

[40/2018]

(7) A gift (including a gift made before 30 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 dealing offence were instituted against the defendant or, where no such proceedings have been instituted, when an application under section 6 for a confiscation order is made against the defendant; 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 dealing.

[21/2014]

(8) A gift (including a gift made before 13 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 the defendant or, where no such proceedings have been instituted, when an application under section 7 for a confiscation order is made against the defendant; 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.

(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 the defendant 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 applies 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 mentioned in paragraph (a) bears to the value of the consideration provided by the defendant.

[12

Protection of rights of third party

16.—(1) Where an application is made for a confiscation order under section 6 or 7, 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).

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

- (a) that the person was not in any way involved in the defendant's drug dealing or criminal conduct, as the case may be; and
- (b) that the person 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 the person acquired it, property that was involved in or derived from drug dealing or criminal conduct, as the case may be,

the court is to make an order declaring the nature, extent and value (as at the time the order is made) of the person's interest.

[21/2014]

(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 6 or 7 for the confiscation order before the order was made; or
- (b) appeared at the hearing of that application,

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

[Act 25 of 2021 wef 01/04/2022]

(5) A person who makes an application under subsection (1) or (3) must give at least 7 days' written notice of the making of the application to the Public Prosecutor who must be a party to any proceedings on the application.

[13

[15/2010]

PART 3

ENFORCEMENT, ETC., OF CONFISCATION ORDERS

Application of procedure for enforcing fines

17.—(1) Subject to subsection (4), where a court orders the defendant to pay any amount under section 6 or 7, section 319 of the Criminal Procedure Code 2010 has effect as if —

- (a) that amount were a fine imposed on the defendant 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 6 or 7 is 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;
 - (iv) if the amount exceeds \$100,000 — imprisonment for a term not exceeding 10 years.

[15/2010]

(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 6 or 7 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 must not begin to run until after the term mentioned in paragraph (b).

(3) A District Court may, despite 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 6 or 7.

(4) Where a defendant is convicted of a drug dealing 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 6 or 7 may, on an application by the Public Prosecutor to the General Division of the High Court, be realised by the General Division of the High Court exercising the powers conferred by section 22(3) to (7).

[21/2014; 40/2019]

(5) Where a defendant is convicted of a drug dealing offence or a serious offence (as the case may be), any amount which the court orders the defendant to pay under section 6 or 7 and which, in the case of realisable property comprising wholly or partly cash, may be realised by the General Division of the High Court making an enforcement order for attachment of a debt subject to Rules of Court.

[14

[21/2014; 40/2019]

[Act 25 of 2021 wef 01/04/2022]

Cases in which restraint orders and charging orders may be made

18.—(1) The powers conferred on the General Division of the High Court by section 19(1) to make a restraint order and by section 20(1) to make a charging order are exercisable where —

- (a) proceedings have been instituted against the defendant for a drug dealing offence or a serious offence, as the case may be;
- (b) the proceedings have not been concluded; and
- (c) the General Division of the High Court is satisfied that there is reasonable cause to believe that benefits have been derived by the defendant from drug dealing or from criminal conduct, as the case may be.

[21/2014; 40/2019]

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

- (a) that a person has been informed under section 23(1) of the Criminal Procedure Code 2010 that the person may be prosecuted for a drug dealing offence or a serious offence, as the case may be; or
- (b) that investigation for a drug dealing offence or a serious offence (as the case may be) having been commenced against a person, the person 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 dealing or from criminal conduct, as the case may be.

[15/2010; 21/2014; 40/2019]

(3) The General Division of the High Court may exercise the powers conferred by section 19(1) despite any other written law prohibiting any dealing with any realisable property.

[2/2012; 40/2019]

(4) For the purposes of sections 19 and 20, at any time when those powers are exercisable before proceedings have been instituted —

- (a) references in this Act to the defendant are to be construed as references to the person mentioned in subsection (2); and
- (b) references in this Act to realisable property are to be construed as if, immediately before that time, proceedings had been instituted against the person mentioned in

subsection (2) for a drug dealing offence or a serious offence, as the case may be.

[21/2014]

(5) Where the General Division of the High Court has made an order under section 19(1) or 20(1) by virtue of subsection (2), the General Division of the High Court is to discharge the order if the proposed proceedings are not instituted within such time as the General Division of the High Court considers reasonable and which must not in any event exceed a period of 3 months.

[15

[40/2019]

[S 784/2023]

Restraint orders

19.—(1) The General Division of 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.

[40/2019]

(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 the specified person after the making of the order.

(3) This section does not have effect in relation to any property for the time being subject to a charge under section 20.

(4) A restraint order —

- (a) may be made only on an application by the Public Prosecutor;
- (b) may be made on an application without notice to a Judge in chambers; and

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- (c) must 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) is discharged when proceedings for the drug dealing offence or serious offence (as the case may be) are concluded.

[21/2014]

(6) Where the General Division of the High Court has made a restraint order, the General Division of the High 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 General Division of the High Court, to manage or otherwise deal with any property in respect of which the Public Trustee or that person is appointed,

subject to such conditions and exceptions as may be specified by the General Division of the High 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.

[40/2019]

(7) For the purposes of this section, dealing with property held by any person includes (without limiting 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 General Division of 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.

[40/2019]

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

[16
[40/2019]

Charging orders in respect of land, capital markets products, etc.

20.—(1) The General Division of 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.

[51/2018; 40/2019]

(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 application without notice to a Judge in chambers.

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(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 firstmentioned trust.

(5) The assets mentioned in subsection (4) are —

(a) immovable property in Singapore; or

(b) any capital markets products.

[51/2018]

(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 General Division of the High Court may provide for the charge to extend to any interest or dividend payable in respect of the asset.

[40/2019]

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

[40/2019]

(8) The General Division of the High Court may make an order discharging or varying the charging order and must make an order discharging the charging order if the proceedings for the drug dealing 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.

[21/2014; 40/2019]

(9) In this section, “capital markets products” has the meaning given by section 2(1) of the Securities and Futures Act 2001.

[17

[51/2018]

Charging orders: supplementary provisions

21.—(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 1993 or an entry may be made under the Registration of Deeds Act 1988 (as the case may be) in respect of a charging order made under section 20.

(3) Subject to any provision made under section 22 or by Rules of Court, a charge imposed by a charging order has the like effect and is enforceable in the same manner as an equitable charge created by the person holding the beneficial interest or the trustees by writing under their hand, as the case may be.

(4) Where a charging order has been protected by a caveat lodged under the Land Titles Act 1993 or by an entry registered under the Registration of Deeds Act 1988, an order under section 20(8) discharging the charging order may direct that the caveat be removed or the entry be cancelled.

[18

Realisation of property

22.—(1) Where —

- (a) a confiscation order is made in proceedings instituted for a drug dealing offence or a serious offence, as the case may be;
- (b) the order is not subject to appeal; and
- (c) the proceedings have not been concluded,

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

[21/2014; 40/2019]

(2) The General Division of 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 29, taken to be convicted of a drug dealing 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.

[21/2014; 40/2019]

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

[40/2019]

(4) The General Division of the High Court may empower the Public Trustee or any receiver appointed under subsection (3) or section 19 or pursuant to a charging order —

(a) to enforce any charge imposed under section 20 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 20, to take possession of the property subject to such conditions or exceptions as may be specified by the General Division of the High Court.

[40/2019]

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

[40/2019]

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

[40/2019]

(7) The General Division of 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 General Division of the High Court may direct and the General Division of the High Court may, on the payment being made, by order transfer, grant or extinguish any interest in the property.

[40/2019]

(8) Subsections (5) to (7) do not apply to property for the time being subject to a charge under section 20.

(9) The General Division of the High Court is not to, 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 General Division of the High Court.

[19
[40/2019]

Application of proceeds of realisation and other sums

23.—(1) Subject to subsection (2), the following sums in the hands of the Public Trustee or any receiver under section 19 or 22 or pursuant to a charging order, that is —

- (a) the proceeds of the enforcement of any charge imposed under section 20;
- (b) the proceeds of the realisation, other than by the enforcement of such a charge, of any property under section 19 or 22; and
- (c) any other sums, being property held by the defendant,

must, after such payments (if any) as the General Division of 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.

[40/2019]

(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, the Public Trustee or receiver must 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 General Division of the High Court may direct after giving a reasonable opportunity for such persons to make representations to the General Division of the High Court.

[20
[40/2019]

Exercise of powers by General Division of High Court or receiver

24.—(1) This section applies to the powers conferred on the General Division of the High Court by sections 19 to 23 or on the Public Trustee or any receiver under section 19 or 22 or pursuant to a charging order.

[40/2019]

(2) Subject to subsections (3) to (6), the powers must 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 must be exercised with a view to realising no more than the value for the time being of the gift.

(4) The powers must 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 that person.

(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 is to 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.

[21

Variation of confiscation orders

25.—(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 is to issue a certificate to that effect, giving its reasons.

[44/2007]

(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 must take into account the extent to which any property held by the person 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.

[44/2007]

(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.

[44/2007]

(4) The court which made the confiscation order is to, 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 319 of the Criminal Procedure Code 2010 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 17) in respect of the lesser amount.

[22

[44/2007; 15/2010]

Bankruptcy of defendant, etc.

26.—(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 the person bankrupt; and
- (b) any proceeds of property realised by virtue of section 19(6) or 22(6) or (7) for the time being in the hands of the Public Trustee or a receiver under section 19 or 22,

are excluded from the bankrupt's estate for the purposes of the Insolvency, Restructuring and Dissolution Act 2018.

[40/2018]

(2) Where a person has been adjudged bankrupt, the powers conferred on the General Division of the High Court by sections 19 to 23 or on the Public Trustee or a receiver are not to be exercised in relation to —

- (a) property for the time being comprised in the bankrupt's estate for the purposes of the Insolvency, Restructuring and Dissolution Act 2018;
- (b) property which is not comprised in the bankrupt's estate by virtue of section 329(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 394(3)(c) of that Act.

[40/2018; 40/2019]

(3) Nothing in the Insolvency, Restructuring and Dissolution Act 2018 is to be taken as restricting, or enabling the restriction of, the exercise of those powers mentioned in subsection (2).

[40/2018]

(4) Subsection (2) does 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 the person bankrupt was made.

(5) Where, in the case of a debtor, an interim receiver stands appointed under section 324 of the Insolvency, Restructuring and Dissolution Act 2018 and any property of the debtor is subject to a restraint order —

- (a) the powers conferred on the receiver by virtue of the Insolvency, Restructuring and Dissolution Act 2018 do not apply to property for the time being subject to the restraint order; and
- (b) any such property in the hands of the receiver must, subject to a lien for any expenses (including the receiver's remuneration) properly incurred in respect of the property, be dealt with in such manner as the General Division of the High Court may direct.

[40/2018; 40/2019]

(6) For the purposes of section 397(2) of the Insolvency, Restructuring and Dissolution Act 2018, amounts payable under confiscation orders constitute debts due to the Government.

[23

[40/2018]

Winding up of company holding realisable property

27.—(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) are not 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 19(6) or 22(6) or (7) for the time being in the hands of the Public Trustee or a receiver under section 19 or 22,

but there is 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

General Division of the High Court by sections 19 to 23 or on a receiver so appointed are not to 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 the liquidator 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.

[40/2019]

(3) Nothing in the Insolvency, Restructuring and Dissolution Act 2018 is to be taken as restricting, or enabling the restriction of, the exercise of those powers mentioned in subsection (2).

[40/2018]

(4) Subsection (2) does 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 Insolvency, Restructuring and Dissolution Act 2018;

“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 General Division of 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.

[24

[42/2005; 40/2018; 40/2019]

Receivers: supplementary provisions

28. Where the Public Trustee or a receiver appointed under section 19 or 22 or pursuant to a charging order takes any action in relation to property which is not realisable property, being action which the Public Trustee or the receiver would be entitled to take if it were such property, believing, and having reasonable grounds for believing, that the Public Trustee or the receiver is entitled to take that action in relation to that property, the Public Trustee or the receiver shall not be liable to any person in respect of any loss or damage resulting from the Public Trustee's or the receiver's action except insofar as the loss or damage is caused by the Public Trustee's or the receiver's negligence.

[25

PART 4

APPLICATION TO ABSCONDED PERSONS

Absconded persons

29.—(1) For the purposes of this Act, a person is taken to be convicted of a drug dealing offence or a serious offence (as the case may be) if the person absconds in connection with the drug dealing offence or the serious offence (as the case may be) and any reference in Part 2 to the defendant includes reference to such a person.

[21/2014]

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

- (a) investigations for a drug dealing 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 or she is convicted; or

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

[21/2014]

(3) For the purposes of subsection (1), a person is taken to abscond in connection with a serious offence if, whether before or after 13 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 or she is convicted of the offence; or
 - (ii) cannot be found, apprehended or extradited, at the end of the period of 6 months from the date on which the investigations mentioned in paragraph (a) were commenced against him or her.

[26

Confiscation order where person has absconded

30. Where a person is, by reason of section 29, to be taken to have been convicted of a drug dealing offence or a serious offence (as the case may be), a court is not to 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 or her conviction for the drug dealing offence or serious offence, as the case may be.

[27

[21/2014]

Effect of death on proceedings

31.—(1) Proceedings under this Act are to 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 is to be made against the estate of the deceased defendant.

(3) Nothing in this Act subjects any personal representative of the estate of the deceased defendant, or any beneficiary thereof, to any imprisonment under section 17 if the property of the estate is inadequate for the payment of any amount to be recovered under the confiscation order.

(4) Sections 6(6), 7(6) and (7), 10 and 11 do not apply to any deceased defendant.

(5) For the purposes of Part 2, the following provisions apply in determining whether a deceased defendant had derived benefits from drug dealing or in determining those benefits or the value of those benefits:

- (a) a deceased defendant is, until the contrary is proved, presumed to have derived benefits from drug dealing if he or she had, at any time (whether before or after 30 November 1993) since the beginning of the period of 6 years ending at the date of his or her death, held any property or interest in any property disproportionate to his or her 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 dealing are any property or interest in any property held by him or her during the period mentioned in paragraph (a), being property or interest in property disproportionate to his or her known sources of income, and the holding of which cannot be explained to the satisfaction of the court;

- (c) the value of the benefits derived by a deceased defendant from drug dealing is the aggregate of the values of those properties and interests in those properties 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 under this Act or Part 9 of the Organised Crime Act 2015 previously made against the deceased defendant.

[21/2014; 26/2015]

(6) For the purposes of Part 2, the following provisions 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 is, until the contrary is proved, presumed to have derived benefits from criminal conduct, if he or she had, at any time (whether before or after 13 September 1999) since the beginning of the period of 6 years ending at the date of his or her death, held any property or interest in any property disproportionate to his or her 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 are any property or interest in any property held by him or her during the period mentioned in paragraph (a), being property or interest in property disproportionate to his or her known sources of income, and the holding of which cannot be explained to the satisfaction of the court;
- (c) the value of the benefits derived by a deceased defendant from criminal conduct is the aggregate of the values of those properties and interests in those properties mentioned 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 under this Act or Part 9 of the Organised Crime Act 2015 or any order made

under section 13 of the Prevention of Corruption Act 1960 previously made against the deceased defendant.

[26/2015]

(7) The presumption mentioned in —

(a) subsection (5) is not rebutted merely by adducing proof to the effect that the property or interest in the property was derived from criminal conduct;

(b) subsection (6) is not rebutted merely by adducing proof to the effect that the property or interest in the property was derived from drug dealing.

[21/2014]

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

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

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

[21/2014]

(9) In this section, a reference to property or interest in property includes a reference to income accruing from such property or interest.

[28

Service of documents on absconders

32. 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 the person and the proceedings may be continued to their final conclusion in his or her absence.

[29

PART 4A

CONFISCATION OF PROPERTY OF
CORRESPONDING VALUE TO INSTRUMENTALITIES

Application of Part

33.—(1) This Part applies in relation to any drug dealing offence or serious offence, whether committed before, on or after 1 September 2014.

[21/2014]

(2) However, nothing in this Part imposes any duty or confers any power on a court in connection with any proceedings against a person for a drug dealing offence or a serious offence for which the person has been convicted by a court before 1 September 2014.

[29A
[21/2014]

Substitute property confiscation order

34.—(1) Where a defendant is convicted, or is by reason of section 29 taken to be convicted, of a drug dealing offence or a serious offence, the court is to, on the application of the Public Prosecutor, make a substitute property confiscation order against the defendant, if the court is satisfied that —

- (a) the defendant had used or intended to use any property (called in this Part an instrumentality) for the commission of the offence; and
- (b) the instrumentality is not available for forfeiture as mentioned in subsection (2).

[21/2014]

(2) For the purposes of subsection (1), an instrumentality is not available for forfeiture if —

- (a) the instrumentality is not held by the defendant;
- (b) the instrumentality is held by the defendant and has been seized under any written law, but has been ordered to be released, or to be disposed of in favour of any person other than the defendant; or

- (c) the instrumentality has been sold or otherwise disposed of, or cannot be found.

[21/2014]

(3) When a court makes a substitute property confiscation order against the defendant, the defendant is liable to pay to the Government the amount which —

- (a) the court assesses to be the value of the instrumentality at the time the drug dealing offence or serious offence was committed; and
- (b) is specified in the order.

[21/2014]

(4) For the purposes of subsection (3), the value of the instrumentality is its full value, even if the defendant did not expend any amount for the purpose of using it for the commission of the offence, or did not expend an amount equal to its full value for that purpose.

[21/2014]

(5) If a substitute property confiscation order is made against 2 or more defendants in respect of the same instrumentality, the defendants are jointly and severally liable to pay to the Government the amount specified in the order.

[29B
[21/2014]

Modified application of Parts 2, 3 and 4

35.—(1) The provisions of Parts 2, 3 and 4 apply in relation to, and for the purpose of enabling the satisfaction of, a substitute property confiscation order as they apply in relation to, and for the purpose of enabling the satisfaction of, a confiscation order, subject to —

- (a) the following modifications:
- (i) a reference in section 6(2) or 7(2) to a court being satisfied that a defendant has derived benefits from drug dealing or from criminal conduct is to be read as a reference to a court being satisfied that the defendant had used or intended to use any property

for the commission of the drug dealing offence or serious offence in question;

- (ii) a reference in section 6(2) or 7(2) to a determination in accordance with section 13 of the amount to be recovered by virtue of section 6 or 7 is to be read as a reference to a determination in accordance with sections 13 and 34(3) and (4) of the amount to be recovered by virtue of section 34;
- (iii) the reference in section 12(1) to a determination of whether benefits have been derived by a defendant from drug dealing or from criminal conduct is to be read as a reference to a determination of whether the defendant had used or intended to use any property for the commission of the drug dealing offence or serious offence in question;
- (iv) a reference in section 12(1) or 13(3) or (7) to an assessment of the value of benefits derived by a defendant from drug dealing or from criminal conduct is to be read as a reference to an assessment of the value of the instrumentality in accordance with section 34(3) and (4);
- (v) the reference in section 12(6) to an acceptance by a defendant that benefits have been derived by the defendant from drug dealing or from criminal conduct is to be read as a reference to an acceptance by the defendant that the defendant had used or intended to use any property for the commission of the drug dealing offence or serious offence in question;
- (vi) each reference in section 17 to an order to pay an amount under section 6 or 7 is to be read as a reference to an order to pay an amount under a substitute property confiscation order;
- (vii) a reference in section 18(1) or (2) to the General Division of the High Court being satisfied that there is reasonable cause to believe that benefits have been

derived by a person from drug dealing or from criminal conduct is to be read as a reference to the General Division of the High Court being satisfied that there is reasonable cause to believe that the person had used or intended to use any property for the commission of the drug dealing offence or serious offence in question;

(viii) the reference in section 20(1)(a) to a confiscation order is to be read as a reference to a substitute property confiscation order; and

(b) such other modifications as may be prescribed for the purposes of this subsection.

[21/2014; 40/2019]

(2) Where both a confiscation order and a substitute property confiscation order are made against a defendant in relation to the same drug dealing offence or serious offence, then —

(a) a reference in section 20(1)(b) or 23(2) to the amount payable under a confiscation order is to be read as a reference to the total amount payable under both orders;

(b) a reference in section 23(1) or 24(2) or (6) to the satisfaction of a confiscation order is to be read as a reference to the satisfaction of both orders; and

(c) each reference in section 25 to the amount to be recovered under a confiscation order is to be read as a reference to the amount to be recovered under either order or both orders, as the case may be.

[21/2014]

(3) In this section, a reference to Parts 2, 3 and 4 —

(a) includes a reference to section 2, insofar as that section applies to the interpretation of the provisions of those Parts; but

(b) excludes any reference to sections 6(1), (6), (7), (8) and (10), 7(1), (6), (7) and (8), 10, 11, 13(1), 16 and 31(4), (5), (6), (7) and (9), and all other provisions that are rendered

inapplicable by regulations made for the purpose of subsection (1)(b).

[29C
[21/2014]

PART 5

INFORMATION GATHERING POWERS

Division 1 — Production orders

Production orders

36.—(1) An authorised officer may, for the purpose of an investigation into drug dealing or criminal conduct (as the case may be), apply to a court for an order under subsection (3) in relation to particular material or material of a particular description.

[21/2014]

(2) This section does not apply to any material in the possession of a financial institution.

(3) Subject to section 49(14), the court may, if on such an application it is satisfied that the conditions to subsection (5) 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 must —

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

within such period as the order may specify.

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

(5) The conditions mentioned in subsection (3) are —

- (a) that there are reasonable grounds for suspecting that a specified person has carried on or has benefited from drug dealing 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.

[21/2014]

(6) Where a court makes an order under subsection (3)(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 the authorised officer to be entitled to grant entry to the premises to allow an authorised officer to enter the premises to obtain access to the material.

(7) Rules of Court may provide for —

- (a) the discharge and variation of orders under this section; and
- (b) proceedings relating to such orders.

(8) 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 (3)(a) has 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 (3)(b) has effect as an order to give access to the material in a form in which it is visible and legible.

(9) In subsection (8), “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); or
- (d) can be used to retrieve information whether the information is recorded or stored in the equipment itself or in other equipment (wherever situated).

(10) An order under subsection (3) —

- (a) does not confer any right to production of, or access to, items subject to legal privilege;
- (b) has effect despite 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 49(15).

(11) 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.

(12) 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 is not admissible against the person in any criminal proceedings except a proceeding for an offence against section 39(1).

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

(14) An authorised officer may exercise the powers conferred on him or her by this section despite any other written law relating to the production of, or the giving of any access to, any particular material or material of a particular description.

[30
[2/2012]

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

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

[15/2010; 21/2014; 40/2019]

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

- (a) produce the material to the Public Prosecutor or the person duly authorised by the Public Prosecutor for the Public Prosecutor or such person to take away; or
- (b) give the Public Prosecutor or the person duly authorised by the Public Prosecutor access to the material,

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

[15/2010; 40/2019]

- (3) The conditions mentioned in subsection (2) are —
- (a) that there are reasonable grounds for suspecting that a specified person has carried on or has benefited from drug dealing 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.

[21/2014]

(4) A financial institution which complies with an order made under subsection (2) is not to 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.

(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.

(6) In subsection (5), each reference to a customer of a financial institution is, if the financial institution is a VCC, a reference to its member.

[44/2018]

(7) The proceedings for an application for a production order under this section are to be heard in private.

[Act 25 of 2021 wef 01/04/2022]

(8) The Public Prosecutor or the person duly authorised by the Public Prosecutor may exercise the powers conferred on the Public Prosecutor or the person (as the case may be) by this section despite any other written law relating to the production of, or the giving of any access to, any particular material or material of a particular description.

[31
[2/2012]

Variation of production order

38.—(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 mentioned in subsection (1) so that it requires the person to make the material available to an authorised officer for inspection.

[32

Failure to comply with production order

39.—(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.

[33

Division 2 — Search powers

Authority for search

40.—(1) An authorised officer may, for the purpose of an investigation into drug dealing or criminal conduct (as the case may be), apply to a court for a warrant under this section in relation to specified premises.

[21/2014]

(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 36 or 37 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.

(3) The conditions mentioned 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 dealing or from criminal conduct, as the case may be; and
- (b) that the conditions in section 36(5)(b) and (c) or 37(3)(b) and (c) are fulfilled in relation to any material on the premises.

[21/2014]

(4) The conditions mentioned 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 dealing 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 dealing 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.

[21/2014]

(5) Where an authorised officer has entered any premises in the execution of a warrant issued under this section, he or she 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.

[34

Supplementary provisions to sections 36, 38 and 40

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

(a) produced or to which access is given under section 36; or

(b) seized under section 40.

(2) In sections 36, 38 and 40 —

“court” means the General Division of the High Court and the District Court;

“premises” includes any place and, in particular, includes —

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

(b) any tent or movable structure.

[35
[21/2014; 40/2019]

Division 3 — Record-keeping and suspicious transaction reports

[44/2007]

Interpretation of this Division

42.—(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, or if the institution is a VCC, records of identification of its members;

“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.

[2/2007; 44/2018]

(2) In sections 43 and 44, 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 2010 or such other form as the Monetary Authority of Singapore may approve.

[36

Retention of records by financial institutions

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

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

(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.

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

[37

Register of original documents

44.—(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

must retain a complete copy of the document until the period has ended or the original is returned, whichever occurs first.

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

(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.

[38

Duty to disclose knowledge or suspicion

45.—(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 dealing or criminal conduct (as the case may be) and the information or matter on which the knowledge or suspicion is based came to the person's attention in the course of the person's trade, profession, business or employment, the person must 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 the person's attention.

[44/2007; 21/2014]

(2) To avoid doubt, where the property mentioned in subsection (1) is the subject of a transaction, the person mentioned in that subsection must make the disclosure mentioned in that subsection regardless of whether the transaction was completed.

[2/2012]

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) if the person is an individual, to a fine not exceeding \$250,000 or to imprisonment for a term not exceeding 3 years or to both; or

- (b) if the person is not an individual, to a fine not exceeding \$500,000.

[51/2018]

(4) 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).

(5) Nothing in subsection (1) or (3) makes it an offence —

- (a) for an advocate and solicitor, or an interpreter or other person who works under the supervision of an advocate and solicitor, to fail to disclose any information or other matter which is an item subject to legal privilege;
- (b) for a legal counsel acting as such for his or her employer, or an interpreter or other person who works under the supervision of the legal counsel, to fail to disclose any information or other matter concerning the employer which is an item subject to legal privilege; or
- (c) for an arbitrator to fail to disclose any information or other matter which came to the arbitrator's attention in the course of any arbitral proceedings in which the arbitrator acted as an arbitrator.

[21/2014]

(6) 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.

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

- (a) the person's 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 is not to be treated as a breach of any restriction upon the disclosure imposed by law, contract or rules of professional conduct and the person shall not be liable for any loss arising out of

the disclosure or any act or omission in consequence of the disclosure.

[44/2007]

(8) Without affecting subsection (6) or (7), 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 the person disclosed the information or other matter in question to the appropriate person in accordance with the procedure established by the person's employer for the making of such disclosures.

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

[39]

Protection where information given under section 45

46. Where a person or an officer, employee or agent of a person, gives information under subsection (1) of section 45 as soon as practicable after having the knowledge mentioned in that subsection, the person or officer, employee or agent of the person is to be taken, for the purposes of sections 50, 51, 53, 54 and 55A, not to have been in possession of that information at any time.

[40]

[Act 15 of 2023 wef 08/02/2024]

Information and identity of informers not to be disclosed

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

- (a) information disclosed by an informer must not be admitted in evidence in any civil or criminal proceedings; and
- (b) no witness in any civil or criminal proceedings is 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.

[44/2007]

(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 the informer's discovery, the court is to cause those entries to be concealed from view or to be obliterated so far as may be necessary to protect the informer from discovery.

[44/2007]

(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 the informer 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 to the proceedings without the disclosure of the name of an informer,

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

[44/2007]

(4) In this section, “informer” means a person who makes a disclosure pursuant to a requirement under section 5(3) or pursuant to section 45(1).

[40A

[44/2007; 21/2014]

Communication of information to foreign authority

48.—(1) Despite section 77 and any other written law or rule of law, a Suspicious Transaction Reporting Officer may communicate any thing —

(a) disclosed to the Suspicious Transaction Reporting Officer pursuant to a requirement under section 5(3) or pursuant to section 45(1);

(b) given to the Suspicious Transaction Reporting Officer under section 60(4) or 62(4);

(c) forwarded to the Suspicious Transaction Reporting Officer under section 61;

- (d) submitted to the Suspicious Transaction Reporting Officer under section 68(1);
- (e) filed with the Suspicious Transaction Reporting Officer under any regulations made under section 200 of the Casino Control Act 2006;
- (f) submitted to a Suspicious Transaction Reporting Officer under section 17 of the Precious Stones and Precious Metals (Prevention of Money Laundering and Terrorism Financing) Act 2019; or
- (g) submitted to a Suspicious Transaction Reporting Officer under section 74A of the Pawnbrokers Act 2015,

to a corresponding authority of a foreign country if —

- (h) that thing may be relevant to an investigation by that authority into a foreign drug dealing offence or a foreign serious offence; and
- (i) the conditions in subsection (2) are satisfied.

[44/2007; 21/2014; 7/2019]

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

- (a) there exists an arrangement, or an international arrangement, under which the corresponding authority of the foreign country has agreed, or the corresponding authority of the foreign country has given an undertaking, to communicate to Singapore, upon Singapore's request, information received by the corresponding authority that corresponds to any thing required to be disclosed, given, forwarded or submitted to, or filed with, a Suspicious Transaction Reporting Officer pursuant to a requirement under section 5(3) or under section 45(1) or any of the provisions mentioned in subsection (1)(b) to (g), or required to be given to an immigration officer under section 60(4);
- (b) the Suspicious Transaction Reporting Officer is satisfied —

- (i) in any case where there exists an international arrangement mentioned in paragraph (a), that the corresponding authority has given appropriate undertakings under or in accordance with the international arrangement —
 - (A) for protecting the confidentiality of any thing communicated to the corresponding authority; and
 - (B) for controlling the use that will be made of that thing, including an undertaking that the thing will not be used as evidence in any proceedings; or
 - (ii) in any other case, that the corresponding authority has given appropriate undertakings —
 - (A) for protecting the confidentiality of any thing communicated to the corresponding authority; and
 - (B) for controlling the use that will be made of that thing, including an undertaking that the thing will not be used as evidence in any proceedings;
- (c) such other conditions as the Minister may prescribe.

[44/2007; 21/2014; 51/2018; 7/2019]

(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 45(1);

“international arrangement” means an arrangement for cooperation in accordance with the rules or by-laws of, or any principles or guidelines issued by, any prescribed international organisation, and to which the Suspicious

Transaction Reporting Office mentioned in section 5 and the corresponding authority of a foreign country are parties.

[41

[44/2007; 51/2018; 7/2019]

Division 4 — Disclosure of information held by public bodies

Disclosure of information held by public bodies

49.—(1) Subject to subsection (6), the General Division of the High Court may, on an application by the Public Prosecutor, order any material mentioned in subsection (4) which is in the possession of a public body to be produced to the General Division of the High Court within such period as the General Division of the High Court may specify.

[40/2019]

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

- (a) the powers conferred on the General Division of the High Court by sections 19(1) and 20(1) are exercisable by virtue of section 18(1); or
- (b) those powers are exercisable by virtue of section 18(2) and the General Division of the High Court has made a restraint or charging order which has not been discharged.

[40/2019]

(3) Where the power to make an order under subsection (1) is exercisable by virtue only of subsection (2)(b), section 18(4) applies for the purposes of this section as it applies for the purposes of sections 19 and 20.

(4) The material mentioned 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.

(5) An order under subsection (1) may require the production of all material mentioned in subsection (4), or of a particular description of such material, being material in the possession of the body concerned.

(6) An order under subsection (1) is not to require the production of any material unless it appears to the General Division of the High Court that the material is likely to contain information that would facilitate the exercise of the powers conferred on the General Division of the High Court by section 19, 20 or 22 or on a receiver appointed under section 19 or 22 or pursuant to a charging order.

[40/2019]

(7) The General Division of 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.

[40/2019]

(8) The General Division of the High Court is not to make an order under subsection (7) unless a reasonable opportunity has been given for an officer of the public body to make representations to the General Division of the High Court.

[40/2019]

(9) Material disclosed pursuant to an order under subsection (7) 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 General Division of the High Court.

[40/2019]

(10) The General Division of 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.

[40/2019]

(11) The General Division of the High Court is not to make an order under subsection (10) unless —

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

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

[21/2014; 40/2019]

(12) Material disclosed pursuant to an order under subsection (10) may, subject to any conditions contained in the order, be further disclosed for the purposes of functions relating to drug dealing or criminal conduct, as the case may be.

[21/2014]

(13) Material may be produced or disclosed pursuant to this section despite any obligation as to secrecy or other restriction upon the disclosure of information imposed by statute or otherwise.

(14) An order under subsection (1) and, in the case of material in the possession of a public body, an order under section 36(3) 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 must be served as if the proceedings were civil proceedings against the Government.

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

- (a) any Ministry or Government department; and
(b) any body specified by the Minister by notification in the *Gazette* to be a public body for the purposes of this section.

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PART 6

OFFENCES

Assisting another to retain benefits of drug dealing

50.—(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 (called in this subsection that other person) of that other person’s benefits of drug dealing is facilitated (whether by

concealment, removal from jurisdiction, transfer to nominees or otherwise); or

[Act 15 of 2023 wef 08/02/2024]

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

(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 dealing or has benefited from drug dealing, shall be guilty of an offence.

[21/2014]

(1A) Subject to subsection (3), a person (A) —

(a) who enters into, or is otherwise concerned in, an arrangement under which —

(i) the retention or control by or on behalf of another person (B) of B's, or any other person's, benefits of drug dealing is facilitated (whether by concealment, removal from jurisdiction, transfer to nominees or otherwise);

(ii) funds that are placed at another person's (B) disposal are secured, directly or indirectly, by B's, or any other person's, benefits of drug dealing; or

(iii) property is acquired for another person's (B) benefit, by way of investment or otherwise, using B's, or any other person's, benefits of drug dealing; and

(b) who —

(i) does so rashly in respect of the circumstance that the arrangement relates to benefits of drug dealing; or

(ii) does so negligently,

shall be guilty of an offence.

[Act 15 of 2023 wef 08/02/2024]

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

[21/2014]

(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 dealing or any matter on which such a suspicion or belief is based —

(a) if the person does any act in contravention of subsection (1) or (1A) and the disclosure relates to the arrangement concerned, the person 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 the person does the act concerned, being an act done with the consent of the authorised officer; or

(ii) it is made after the person does the act, but is made on the person's initiative and as soon as it is reasonable for the person to make it;

[Act 15 of 2023 wef 08/02/2024]

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

(c) the person 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.

[21/2014]

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

- (a) that the person did not know and had no reasonable ground to believe that the arrangement related to any person's proceeds of drug dealing;
- (b) that the person 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 (1A), as the case may be;

[Act 15 of 2023 wef 08/02/2024]

- (c) that —
 - (i) the person 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 the person's 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 the person enters or is otherwise concerned in the arrangement in the course of his or her employment, the person disclosed the suspicion, belief or matter as is mentioned in subsection (3) to the appropriate person in accordance with the procedure established by his or her employer for the making of such disclosures.

[21/2014]

(5) Any individual who commits an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 10 years or to both.

[Act 15 of 2023 wef 08/02/2024]

(6) Any individual who commits an offence under subsection (1A) shall be liable on conviction —

- (a) in a case mentioned in subsection (1A)(b)(i), to a fine not exceeding \$250,000 or to imprisonment for a term not exceeding 5 years or to both; or

- (b) in a case mentioned in subsection (1A)(b)(ii), to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 3 years or to both.

[Act 15 of 2023 wef 08/02/2024]

(7) Any person who is not an individual who commits an offence under subsection (1) or (1A) shall be liable on conviction to a fine not exceeding \$1 million or twice the value of the benefits of drug dealing in respect of which the offence was committed, whichever is higher.

[43

[44/2007; 21/2014; 51/2018]

[Act 15 of 2023 wef 08/02/2024]

Assisting another to retain benefits from criminal conduct

51.—(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 (called in this subsection that other person) of that other person's benefits from criminal conduct is facilitated (whether by concealment, removal from jurisdiction, transfer to nominees or otherwise); or

[Act 15 of 2023 wef 08/02/2024]

- (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.

[51/2018]

(1A) Subject to subsection (3), a person (A) —

- (a) who enters into, or is otherwise concerned in, an arrangement under which —

- (i) the retention or control by or on behalf of another person (*B*) of *B*'s, or any other person's, benefits from criminal conduct is facilitated (whether by concealment, removal from jurisdiction, transfer to nominees or otherwise);
 - (ii) funds that are placed at another person's (*B*) disposal are secured, directly or indirectly, by *B*'s, or any other person's, benefits from criminal conduct; or
 - (iii) property is acquired for another person's (*B*) benefit, by way of investment or otherwise, using *B*'s, or any other person's, benefits from criminal conduct; and
- (b) who —
- (i) does so rashly in respect of the circumstance that the arrangement relates to benefits from criminal conduct; or
 - (ii) does so negligently,

shall be guilty of an offence.

[Act 15 of 2023 wef 08/02/2024]

(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 the person's hands the person's benefits from criminal conduct.

(3) Where a person discloses to an authorised officer the person's 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 the person does any act in contravention of subsection (1) or (1A) and the disclosure relates to the arrangement concerned, the person 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 the person does the act concerned, being an act done with the consent of the authorised officer; or

(ii) it is made after the person does the act, but is made on the person's initiative and as soon as it is reasonable for the person to make it;

[Act 15 of 2023 wef 08/02/2024]

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

(c) the person 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.

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

(a) that the person 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 the person 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 (1A), as the case may be;

[Act 15 of 2023 wef 08/02/2024]

(c) that —

(i) the person 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 the person's 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 the person enters or is otherwise concerned in the arrangement in the course of his or her employment, the person disclosed the knowledge, belief or matter as is mentioned in subsection (3) to the appropriate person in accordance with the procedure established by his or her employer for the making of such disclosures.

(5) Any individual who commits an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 10 years or to both.

[Act 15 of 2023 wef 08/02/2024]

(6) Any individual who commits an offence under subsection (1A) shall be liable on conviction —

(a) in a case mentioned in subsection (1A)(b)(i), to a fine not exceeding \$250,000 or to imprisonment for a term not exceeding 5 years or to both; or

(b) in a case mentioned in subsection (1A)(b)(ii), to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 3 years or to both.

[Act 15 of 2023 wef 08/02/2024]

(7) Any person who is not an individual who commits an offence under subsection (1) or (1A) shall be liable on conviction to a fine not exceeding \$1 million or twice the value of the benefits from criminal conduct in respect of which the offence was committed, whichever is higher.

[44

[44/2007; 21/2014; 51/2018]

[Act 15 of 2023 wef 08/02/2024]

Restriction on revealing disclosure under sections 50 and 51

52.—(1) Subject to subsection (2), no witness in any civil or criminal proceedings is obliged —

(a) to reveal that a disclosure was made under section 50(3) or 51(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).
- (2) Subsection (1) does not apply in any proceedings —
 - (a) for an offence under section 50 or 51 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.
- (3) Subject to subsections (4), (5) and (6), a person must not publish or broadcast any information so as to reveal or suggest —
 - (a) that a disclosure was made under section 50(3) or 51(3); or
 - (b) the identity of any person as the person making the disclosure.
- (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) does not apply in respect of proceedings —
 - (a) against the person making the disclosure for an offence under section 50 or 51; or
 - (b) for an offence under this section.
- (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.

[45

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

53.—(1) Any person who —

- (a) conceals or disguises any property which is, or in whole or in part, directly or indirectly, represents, the person’s benefits of drug dealing;
- (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.

[44/2007; 21/2014]

(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 dealing —

- (a) conceals or disguises that property; or

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

shall be guilty of an offence.

[4/2010; 21/2014]

(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 dealing, acquires that property or has possession of or uses such property, shall be guilty of an offence.

[44/2007; 4/2010; 21/2014]

(3A) Any person —

(a) who —

(i) conceals or disguises any property which is, or in whole or in part, directly or indirectly, represents, another person's benefits of drug dealing;

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

(iii) acquires, possesses or uses that property; and

(b) who —

(i) does so rashly in respect of the circumstance that the property represents another person's benefits of drug dealing; or

(ii) does so negligently,

shall be guilty of an offence.

[Act 15 of 2023 wef 08/02/2024]

(4) In subsections (1)(a), (2)(a) and (3A)(a)(i), 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.

[Act 15 of 2023 wef 08/02/2024]

(5) Any individual who commits an offence under subsection (1), (2) or (3) shall be liable on conviction to a fine not exceeding

\$500,000 or to imprisonment for a term not exceeding 10 years or to both.

[Act 15 of 2023 wef 08/02/2024]

(6) Any individual who commits an offence under subsection (3A) shall be liable on conviction —

(a) in a case mentioned in subsection (3A)(b)(i), to a fine not exceeding \$250,000 or to imprisonment for a term not exceeding 5 years or to both; or

(b) in a case mentioned in subsection (3A)(b)(ii), to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 3 years or to both.

[Act 15 of 2023 wef 08/02/2024]

(7) Any person who is not an individual who commits an offence under subsection (1), (2), (3) or (3A) shall be liable on conviction to a fine not exceeding \$1 million or twice the value of the benefits of drug dealing in respect of which the offence was committed, whichever is higher.

[46

[44/2007; 21/2014; 51/2018]

[Act 15 of 2023 wef 08/02/2024]

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

54.—(1) Any person who —

(a) conceals or disguises any property which is, or in whole or in part, directly or indirectly, represents, the person's 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.

[44/2007; 51/2018]

(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,

shall be guilty of an offence.

[4/2010]

(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, or has possession of or uses such property, shall be guilty of an offence.

[44/2007; 4/2010]

(3A) Any person —

- (a) who —
 - (i) conceals or disguises any property which is, or in whole or in part, directly or indirectly, represents, another person's benefits from criminal conduct;
 - (ii) converts or transfers that property or removes it from the jurisdiction; or
 - (iii) acquires, possesses or uses that property; and
- (b) who —
 - (i) does so rashly in respect of the circumstance that the property represents another person's benefits from criminal conduct; or
 - (ii) does so negligently,

shall be guilty of an offence.

[Act 15 of 2023 wef 08/02/2024]

(4) In subsections (1)(a), (2)(a) and (3A)(a)(i), 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.

[Act 15 of 2023 wef 08/02/2024]

(5) Any individual who commits an offence under subsection (1), (2) or (3) shall be liable on conviction to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 10 years or to both.

[Act 15 of 2023 wef 08/02/2024]

(6) Any individual who commits an offence under subsection (3A) shall be liable on conviction —

(a) in a case mentioned in subsection (3A)(b)(i), to a fine not exceeding \$250,000 or to imprisonment for a term not exceeding 5 years or to both; or

(b) in a case mentioned in subsection (3A)(b)(ii), to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 3 years or to both.

[Act 15 of 2023 wef 08/02/2024]

(7) Any person who is not an individual who commits an offence under subsection (1), (2), (3) or (3A) shall be liable on conviction to a fine not exceeding \$1 million or twice the value of the benefits from criminal conduct in respect of which the offence was committed, whichever is higher.

[47

[44/2007; 21/2014; 51/2018]

[Act 15 of 2023 wef 08/02/2024]

Possessing or using property reasonably suspected to be benefits from drug dealing, etc.

55.—(1) Any person who possesses or uses any property that may be reasonably suspected of being, or of in whole or in part, directly or indirectly, representing, any benefits of drug dealing or benefits from criminal conduct shall, if the person fails to account satisfactorily how the person came by the property, be guilty of an offence.

[51/2018]

(2) Any person who commits an offence under subsection (1) shall be liable on conviction —

(a) if the person is an individual, to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 3 years or to both; or

- (b) if the person is not an individual, to a fine not exceeding \$300,000.

[47AA
[51/2018]

Assisting another to retain benefits of drug dealing or benefits from criminal conduct in certain circumstances, etc.

55A.—(1) Any person (*A*) —

- (a) who enters into, or is otherwise concerned in, an arrangement under which —
- (i) the retention or control by or on behalf of another person (*B*) of *B*'s, or any other person's, benefits of drug dealing or benefits from criminal conduct is facilitated (whether by concealment, removal from jurisdiction, transfer to nominees or otherwise);
 - (ii) funds that are placed at another person's (*B*) disposal are secured, directly or indirectly, by *B*'s, or any other person's, benefits of drug dealing or benefits from criminal conduct; or
 - (iii) property is acquired for another person's (*B*) benefit, by way of investment or otherwise, using *B*'s, or any other person's, benefits of drug dealing or benefits from criminal conduct; and
- (b) who does so in any of the following circumstances:
- (i) the value of the benefits of drug dealing or benefits from criminal conduct involved in the arrangement mentioned in paragraph (a) is disproportionate to *A*'s known sources of income;
 - (ii) under the arrangement mentioned in paragraph (a) —
 - (A) *A* enables *B* or any other person to access, operate or control a payment account which *A* is able to access, operate or control; and
 - (B) at the time *A* enters into or becomes concerned with the arrangement, *A* fails to take reasonable

steps to ascertain the purpose of *B* or that other person being able to access, operate or control the payment account mentioned in sub-paragraph (A);

(iii) under the arrangement mentioned in paragraph (a) —

(A) money is received in or transferred from a payment account which *A* is able to access, operate or control; and

(B) at the time *A* enters into or becomes concerned with the arrangement, *A* fails to take reasonable steps to ascertain the source or destination of the money;

(iv) under the arrangement mentioned in paragraph (a) —

(A) *A* receives money from or transfers money to *B* or any other person; and

(B) at the time *A* enters into or becomes concerned with the arrangement, *A* fails to take reasonable steps to ascertain *B*'s or that other person's identity and physical location,

shall be guilty of an offence.

(2) Any person (*A*) —

(a) who —

(i) conceals or disguises any property which is, or in whole or in part, directly or indirectly, represents, another person's benefits of drug dealing or benefits from criminal conduct;

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

(iii) acquires, possesses or uses that property; and

- (b) who does so in any of the following circumstances:
- (i) the value of the property mentioned in paragraph (a) is disproportionate to *A*'s known sources of income;
 - (ii) in a case mentioned in paragraph (a)(iii) —
 - (A) *A* acquires, possesses or uses the property through a payment account which *A* is able to access, operate or control;
 - (B) *A* enables another person (*B*) to access, operate or control the payment account mentioned in sub-paragraph (A); and
 - (C) at the time *A* enters into or becomes concerned with the arrangement, *A* fails to take reasonable steps to ascertain the purpose of *B* being able to access, operate or control the payment account mentioned in sub-paragraph (A);
 - (iii) *A* does the act mentioned in paragraph (a) —
 - (A) by receiving money in or transferring money from a payment account which *A* is able to access, operate or control; and
 - (B) at the time *A* receives or transfers the money, *A* fails to take reasonable steps to ascertain the source or destination of the money;
 - (iv) *A* does the act mentioned in paragraph (a) —
 - (A) by receiving property from or by transferring property to another person (*C*); and
 - (B) at the time *A* receives or transfers the property, *A* fails to take reasonable steps to ascertain *C*'s identity and physical location,

shall be guilty of an offence.

(3) In any proceedings against a person for an offence under subsection (1), it is a defence to prove that the person did not know and had no reasonable ground to believe that the arrangement

mentioned in subsection (1)(a) related to any person's benefits of drug dealing or benefits from criminal conduct, as the case may be.

(4) In any proceedings against a person for an offence under subsection (2), it is a defence to prove that the person did not know and had no reasonable ground to believe that the property mentioned in subsection (2)(a) represented any person's benefits of drug dealing or benefits from criminal conduct, as the case may be.

(5) Any individual who commits an offence under subsection (1) or (2) 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.

(6) Any person who is not an individual who commits an offence under subsection (1) or (2) shall be liable on conviction to a fine not exceeding \$1 million or twice the value of the benefits of drug dealing or benefits from criminal conduct (as the case may be) in respect of which the offence was committed, whichever is higher.

(7) In this section, "payment account" has the meaning given by section 2(1) of the Payment Services Act 2019.

[Act 15 of 2023 wef 08/02/2024]

Proof and knowledge, etc., of predicate offence

56.—(1) For the purpose of proving under this Part whether the whole or any part of any property constitutes, or directly or indirectly represents, the benefits of drug dealing or the benefits from criminal conduct, it is not necessary for the prosecution to prove the particulars of any offence constituted by the drug dealing or criminal conduct.

[21/2014]

(2) For the purpose of proving under this Part whether a person knows or has reasonable grounds to believe that the whole or any part of any property constitutes, or directly or indirectly represents, the benefits of drug dealing or the benefits from criminal conduct —

- (a) it is sufficient for the prosecution to prove that the person knows or has reasonable grounds to believe that the whole or part of the property constitutes, or directly or indirectly represents, the benefits of an offence generally; and
- (b) it is not necessary for the prosecution to prove that the person knows or has reasonable grounds to believe that the

whole or part of the property constitutes, or directly or indirectly represents, the benefits of a particular offence.

[21/2014]

(3) For the purpose of proving under this Part whether doing or being concerned in any act in a foreign country constitutes drug dealing or criminal conduct —

(a) where the prosecution adduces, to the satisfaction of the court, some evidence that doing or being concerned in the act satisfies every element of a foreign drug dealing offence or foreign serious offence, it is presumed, until the contrary is proved, that the act constitutes that foreign drug dealing offence or foreign serious offence, as the case may be; and

(b) without affecting section 59(1)(b) of the Evidence Act 1893, the court may take judicial notice of any Act passed by the legislature of that foreign country.

[51/2018]

(4) Section 59(2) and (3) of the Evidence Act 1893 applies to the taking of judicial notice under subsection (3)(b).

[47A

[51/2018]

Tipping-off

57.—(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 under this Act; 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 \$250,000 or to imprisonment for a term not exceeding 3 years or to both.

[51/2018]

(2) Any person who —

- (a) knows or has reasonable grounds to suspect that a disclosure has been or is being made to an authorised officer under this Act (called in this section 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 \$250,000 or to imprisonment for a term not exceeding 3 years or to both.

[4/2010; 51/2018]

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

- (a) to, or to a representative of, a client of his or her 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.

(4) Nothing in subsection (1) or (2) makes it an offence for a legal counsel acting as such for his or her employer, or a person who works under the supervision of the legal counsel, to disclose any information or other matter —

- (a) to the employer in connection with the giving of legal advice to the employer, or to any employee or officer of the employer, in the course of and for the purpose of the employment of the legal counsel as such; or
- (b) to any person —
 - (i) in contemplation of, or in connection with, legal proceedings concerning the employer; and

(ii) for the purposes of those proceedings.

[21/2014]

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

[21/2014]

(6) In proceedings against a person for an offence under subsection (1) or (2), it is a defence to prove that the person 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).

(7) No authorised officer or other person shall be guilty of an offence under this section in respect of anything done by the authorised officer or person 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 dealing or criminal conduct.

[48

[21/2014]

PART 6A

CROSS BORDER MOVEMENTS OF PHYSICAL CURRENCY AND BEARER NEGOTIABLE INSTRUMENTS

Object of this Part

58. 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 dealing offences and serious offences, and to allow the confiscation of any physical currency or bearer negotiable instrument moved, attempted to be moved, or received, in contravention of the requirements under this Part.

[48A

[44/2007; 21/2014; 51/2018]

Interpretation of this Part

59.—(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 the person’s employee;

“commercial passenger carrier” means a person who, in the normal course of a business, carries passengers for reward, and includes the person’s 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 1996 or the Civil Aviation Authority of Singapore Act 2009;

“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 1959;

“immigration officer” means the Controller of Immigration or any immigration officer appointed under section 3 of the Immigration Act 1959, 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 meaning given by the Railways Act 1905 but does not include any rapid transit system set up under the Rapid Transit Systems Act 1995;

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

[44/2007; 17/2009]

(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.

[44/2007]

(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.

[48B

[44/2007]

Reports about cross border movements of cash

60.—(1) A person must not move or attempt to move into or out of Singapore cash the total value of which exceeds the prescribed

amount (or its equivalent in a foreign currency), without giving a report in respect of the movement in accordance with this section.

[44/2007; 21/2014]

(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.

[44/2007]

(3) It is a defence for a person charged with an offence under subsection (2) to prove that the person 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.

[44/2007]

(4) A report under this section must —

- (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.

[44/2007]

(5) The Minister may make regulations for the matters referred to in this section; and may, for the purposes of subsection (4)(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.

[44/2007; 21/2014]

- (6) Subsection (1) does 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.
- [44/2007]*
- (7) Subsection (1) does 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.
- [44/2007]*
- (8) The burden of proving the matters referred to in subsection (6) or (7) lies with the person who wishes to rely on that subsection.
- [48C]**
[44/2007]

Obligation of immigration officers

61. If a report under section 60 is given to an immigration officer, he or she must, on request, within a reasonable time forward it to a Suspicious Transaction Reporting Officer.

[48D]
[44/2007]

Reports about receipts of cash from outside Singapore

62.—(1) A person who receives cash the total value of which exceeds the prescribed amount (or its equivalent in a foreign currency), which is moved to the person from outside Singapore, must 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.

[44/2007; 21/2014]

(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.

[44/2007]

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

[44/2007]

(4) A report under this section must —

- (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.

[44/2007]

(5) The Minister may make regulations for the matters referred to in this section.

[48E
[21/2014]

Questioning and search powers in relation to cash

63.—(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 —

- (d) declare whether or not the person has with him or her any cash;
- (e) declare the total value of any cash that the person has with him or her;

- (f) declare whether or not, to the best of the person's knowledge and belief, a report under section 60 has been given in respect of any cash that the person has with him or her;
- (g) produce to the officer any cash that the person has with him or her; and
- (h) answer any question the officer may have with respect to the cash.

[44/2007]

(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 or her 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 or her any cash in respect of which a report under section 60 is required.

[44/2007]

(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 or her any cash in respect of which a report under section 60 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 60 is required.

[44/2007]

(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 60, the officer may seize the cash.

[44/2007]

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

[44/2007]

(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).

[44/2007]

(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 60 is required.

[44/2007]

(8) Where an authorised officer or immigration officer has reasonable grounds to suspect that an offence under section 60 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 60 is required.

[44/2007]

(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 60, the officer may seize the cash.

[44/2007]

(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.

[48F

[44/2007]

Confiscation orders for offences under section 60 or 62

64. Where a defendant is convicted of an offence under section 60(2) or 62(2), the court may, on the application of the Public Prosecutor, make a confiscation order against the defendant in respect of any part of the cash, in relation to which the offence was committed, that exceeds the prescribed amount (or its equivalent in a foreign currency).

[48FA

[51/2018]

Power to exempt

65.—(1) The Minister may, by order in the *Gazette*, with or without conditions, exempt any person or class of persons from section 60 or 62, or both.

[44/2007]

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

[48G

[44/2007]

PART 6B

CASH TRANSACTION REPORTS

Interpretation of this Part

66. In this Part, unless the context otherwise requires —

“cash” means currency notes and coins (whether of Singapore or of a foreign country) which are legal tender and circulate as money in the country of issue;

“cash transaction” means a cash transaction which is of a type prescribed for the purposes of this definition;

“cash transaction report” means a cash transaction report submitted to a Suspicious Transaction Reporting Officer under section 68(1);

“customer” means any person who is involved in any cash transaction with a prescribed person;

“prescribed person” means any person who is prescribed, or who belongs to a class of persons which is prescribed, for the purposes of this definition.

[48H
[21/2014]

Customer due diligence measures, etc.

67.—(1) A prescribed person must perform such customer due diligence measures and internal control measures as may be prescribed, before entering into any of the following:

(a) a single cash transaction with a customer the value of which exceeds the prescribed amount (or its equivalent in a foreign currency);

(b) 2 or more cash transactions in a single day with the same customer, or with customers whom the prescribed person knows act on behalf of the same person, the total value of which exceeds the prescribed amount (or its equivalent in a foreign currency).

[21/2014]

(2) The prescribed person must not proceed with any cash transaction mentioned in subsection (1) if there exists such circumstances as may be prescribed.

[21/2014]

(3) A prescribed person must maintain —

(a) a record of each cash transaction mentioned in subsection (1) containing the prescribed information on that transaction;

(b) a record of all information relating to a customer which is obtained through the customer due diligence measures performed for that transaction; and

(c) a copy of each supporting document relied on in support of any information mentioned in paragraph (b).

[21/2014]

(4) Any prescribed person who fails to comply with subsection (1), (2) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

[48I

[21/2014]

Cash transaction reports

68.—(1) A prescribed person who enters into any cash transaction mentioned in section 67(1) must submit to a Suspicious Transaction Reporting Officer, within the prescribed time, a cash transaction report relating to that transaction in the prescribed form.

[21/2014]

(2) A prescribed person must maintain —

(a) a copy of each cash transaction report submitted under subsection (1); and

(b) a copy of each supporting document relied on in support of any information contained in that cash transaction report.

[21/2014]

(3) Any prescribed person who fails to comply with subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to

a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

[48J
[21/2014]

Keeping of records

69.—(1) A prescribed person must maintain each record mentioned in section 67(3)(a) relating to a cash transaction, each record mentioned in section 67(3)(b) relating to information obtained through the customer due diligence measures performed for that transaction, and each copy mentioned in section 67(3)(c) of a supporting document relating to that information, for a period of 5 years after the date on which the cash transaction report relating to that transaction was submitted under section 68(1).

[21/2014]

(2) A prescribed person must maintain each copy mentioned in section 68(2)(a) of a cash transaction report, and each copy mentioned in section 68(2)(b) of a supporting document relating to information contained in that cash transaction report, for a period of 5 years after the date on which that cash transaction report was submitted under section 68(1).

[21/2014]

(3) Any prescribed person who fails to comply with subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

[48K
[21/2014]

PART 7

MISCELLANEOUS

Offence of prejudicing investigation

70.—(1) Where, in relation to an investigation into drug dealing or criminal conduct (as the case may be), an order under section 36 has been made or has been applied for and has not been refused or a warrant under section 40 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.

[21/2014]

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

- (a) the person did not know or suspect that the disclosure was likely to prejudice the investigation; or
- (b) the person 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.

[49]

Compensation

71.—(1) If an investigation is begun against a person for a drug dealing 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 the person's conviction for any drug dealing offence or serious offence, as the case may be;
- (c) proceedings are instituted against that person and the person is convicted of one or more drug dealing offences or serious offences (as the case may be), but —
 - (i) the conviction or convictions concerned are quashed;
 - or
 - (ii) the person is granted a pardon in respect of the conviction or convictions concerned,

the General Division of 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 General Division of the High Court considers it appropriate to make such an order.

[21/2014; 40/2019]

(2) The General Division of the High Court is not to 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 pursuant to an order of, the General Division of the High Court under section 19, 20 or 22.

[40/2019]

(3) The General Division of the High Court is not to order compensation to be paid under subsection (1) in any case where it appears to the General Division of the High 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.

[40/2019]

(4) Without affecting subsection (1), where —

- (a) a disclosure is made by any person in accordance with section 50(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 dealing 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 General Division of the High Court under section 19 or 20 in relation to that property,

the General Division of 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 General Division of the High Court considers it appropriate to make such an order.

[21/2014; 40/2019]

(5) The General Division of the High Court is not to 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.

[40/2019]

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

[50

[40/2019]

Standard of proof

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

(2) Subsection (1) does 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 under this Act.

[51

Conduct by directors, employees or agents

73.—(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 is 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 or her 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 or her 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,

is 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 is 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 or her 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 or her 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 firstmentioned 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,

is deemed, for the purposes of this Act, to have been engaged in by the firstmentioned 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.

[52

Evidence of corresponding law or foreign law

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

- (a) a corresponding law in force in that country or part thereof;
or
- (b) a law in relation to a foreign serious offence in force in that country or part thereof,

is 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 under this Act, on its production by the Public Prosecutor or by any person duly authorised by the Public Prosecutor in writing.

[15/2010; 21/2014]

(2) Such document is sufficient evidence —

- (a) that it is issued by or on behalf of the government of the foreign country or part thereof stated in the document;
- (b) that the terms of the corresponding law or the law of the foreign country or part thereof 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.

[53

[21/2014]

Proof of convictions and acquittals

75.—(1) For the purposes of any proceedings under this Act or any subsidiary legislation made under this Act, 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, is admissible in evidence for the purpose of proving, where relevant to any issue in the proceedings,

that the person committed (or, as the case may be, did not commit) that offence, whether or not the person is a party to the proceedings; and where the person was convicted whether the person was so convicted upon a plea of guilt or otherwise.

(2) The court is to accept the conviction mentioned 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.

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

(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.

[54

Powers of arrest and investigations

76.—(1) An authorised officer or an officer of customs may arrest without warrant any person whom he or she reasonably believes has

committed an offence under this Act or the regulations made under this Act.

[4/2003]

(2) An immigration officer within the meaning of section 59 may arrest without warrant any person whom he or she reasonably believes has committed an offence under section 60.

[44/2007]

(3) An authorised officer who is not a police officer may exercise all or any of the powers in relation to investigations into an arrestable offence conferred on a police officer by the Criminal Procedure Code 2010 in any case relating to the commission of an offence under this Act or the regulations made under this Act or in any case where an arrestable offence is disclosed under any written law in the course of an investigation under this Act.

[21/2014]

(4) 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 2010 in any case where a non-arrestable offence is disclosed under any written law in the course of investigations under this Act.

[21/2014]

(5) In this section, “arrestable offence” and “non-arrestable offence” have the meanings given by section 2(1) of the Criminal Procedure Code 2010.

[55

[21/2014]

Preservation of secrecy

77.—(1) Except as provided in subsection (2), or for the purpose of the performance of his or her duties or the exercise of his or her functions or when lawfully required to do so by any court or under the provisions of any written law, an authorised officer, Suspicious Transaction Reporting Officer or immigration officer within the meaning of section 59 must not disclose any information or matter which has been obtained by him or her in the performance of his or her duties or the exercise of his or her functions under this Act.

[44/2007; 9/2013]

(2) A Suspicious Transaction Reporting Officer who is an officer or employee of the Monetary Authority of Singapore may disclose to the Monetary Authority of Singapore any information or matter which he or she has obtained in the performance of his or her duties or the exercise of his or her functions under this Act.

[9/2013]

(3) 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.

[56]

Obstructing authorised officers, Suspicious Transaction Reporting Officers and immigration officers

78. Any person who obstructs or hinders any authorised officer, Suspicious Transaction Reporting Officer or immigration officer within the meaning of section 59 acting in the discharge of his or her duty under this Act or any regulations made under this Act 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.

[57]

[44/2007]

Consent of Public Prosecutor

79. No court is to try any offence under this Act or any regulations made under this Act except with the consent of the Public Prosecutor.

[58]

[15/2010]

Offences by bodies corporate, etc.

80.—(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 the officer's 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.

[44/2007]

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

[44/2007]

(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 a partner's 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.

[44/2007]

(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.

[44/2007]

(5) In this section —

“body corporate” includes a limited liability partnership which has the meaning given by section 2(1) of the Limited Liability Partnerships Act 2005;

“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.

[44/2007]

(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.

[59

[44/2007]

Composition of offences

81.—(1) The Minister, or any person authorised by the Minister in writing, may compound any offence under this Act, or under any regulations made under this Act, that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding —

- (a) in the case of any offence under section 60(2) or 62(2), \$20,000; or
- (b) in the case of any other offence, \$5,000.

[51/2018]

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

[60

Jurisdiction of Magistrate's Court and District Court

82.—(1) A Magistrate's Court or a District Court has jurisdiction to hear and determine any offence under this Act and, despite anything to the contrary in the Criminal Procedure Code 2010, has power to impose the full penalty or punishment in respect of an offence under this Act.

(2) Nothing in subsection (1) is to 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 General Division of the High Court has such jurisdiction or power.

[61
[40/2019]

Rules of Court

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

[62

Amendment of Schedules

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

[63

Regulations

85.—(1) 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.

[21/2014]

(2) Without limiting subsection (1), the regulations —

- (a) may provide that a contravention of any specified provision of the regulations shall be an offence; and
- (b) may provide for penalties not exceeding a fine of \$20,000 or imprisonment for a term not exceeding 2 years or both for each offence.

[64
[21/2014]

FIRST SCHEDULE

Sections 2 and 84

DRUG DEALING OFFENCES

*Part 1 — Offences included as drug dealing offences
with effect from 30 November 1993*

| <i>Offences</i> | <i>Description*</i> |
|---|---|
| 1. Section 5 of the Misuse of Drugs Act 1973 | Trafficking in a controlled drug. |
| 2. Section 6 of the Misuse of Drugs Act 1973 | Manufacture of a controlled drug. |
| 3. Section 7 of the Misuse of Drugs Act 1973 | Import and export of a controlled drug. |
| 4. Section 10 of the Misuse of Drugs Act 1973 | Cultivation of cannabis, opium and coca plants. |
| 5. Sections 50 and 53 of this Act | Money laundering. |

*Part 2 — Offence included as drug dealing offence
with effect from 1 November 2007*

| <i>Offence</i> | <i>Description*</i> |
|--|---|
| 6. Section 10A of the Misuse of Drugs Act 1973 | Manufacture, supply, possession, import or export of equipment, materials or substances useful for manufacture of controlled drugs. |

*Part 3 — Offences included as drug dealing offences
with effect from 3 June 2015*

| <i>Offences</i> | <i>Description*</i> |
|---|---|
| 7. Section 11 of the Misuse of Drugs Act 1973 | Person in charge of place or premises permitting drug activities at that place or premises. |
| 8. Section 11A of the Misuse of Drugs Act 1973 | Arranging or planning gatherings for drug activities. |
| 9. Section 11E of the Misuse of Drugs Act 1973 (previously section 12A of the Act as in force before 1 August 2019) | Causing or procuring young person or vulnerable person to commit certain offences. |

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FIRST SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|--|---|
| 10. Section 13 of the Misuse of Drugs Act 1973 | Abetting or procuring commission of drug offence within or outside Singapore. |

*Part 4 — Offences included as drug dealing offences
with effect from 1 August 2019*

| <i>Offences</i> | <i>Description*</i> |
|--|---|
| 11. Section 11C of the Misuse of Drugs Act 1973 | Introducing drug trafficker to another person. |
| 12. Section 11D(1) of the Misuse of Drugs Act 1973 | Instructing person to cultivate cannabis, etc., or to manufacture or consume controlled drugs, etc. |
| 13. Section 11D(2) of the Misuse of Drugs Act 1973 | Disseminating or publishing information on the cultivation of cannabis, etc., or the manufacture or consumption of controlled drugs, etc. |

*Part 5 — Offence included as drug dealing offence
with effect from 25 September 2023*

| <i>Offence</i> | <i>Description*</i> |
|--|--------------------------------|
| 14. Section 8(a) of the Misuse of Drugs Act 1973 | Possession of controlled drugs |

[S 639/2023 wef 25/09/2023]

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

[21/2014; S 597/2007; S 348/2015; S 524/2019]

SECOND SCHEDULE

Sections 2 and 84

SERIOUS OFFENCES

*Part 1 — Offences included as serious offences
with effect from 13 September 1999*

| <i>Offences</i> | <i>Description*</i> |
|---|---|
| 1. Section 51 of this Act | Assisting another to retain benefits from criminal conduct |
| 2. Section 54 of this Act | Acquiring, possessing, using, concealing or transferring benefits from criminal conduct |
| Children and Young Persons Act 1993 | |
| 3. Section 6(1) (previously section 5(1) (Cap. 38, 2001 Revised Edition)) | Ill-treatment of child or young person |
| 3A. Section 7(1) (previously section 6(1) (Cap. 38, 2001 Revised Edition)) | Contribution to delinquency of child or young person |
| Corrosive and Explosive Substances and Offensive Weapons Act 1958 | |
| 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 1978 | |
| 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 | Endangering safety at aerodromes |
| Kidnapping Act 1961 | |
| 9. Section 3 | Abduction, wrongful restraint or wrongful confinement for ransom |

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SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|------------------------|---|
| 10. Section 4 | Knowingly receiving ransom |
| 11. Section 5 | Knowingly negotiating to obtain or for payment of ransom |
| Penal Code 1871 | |
| 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 certain offences |
| 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 |

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SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|------------------|---|
| 26. Section 204 | Destruction of document or electronic record 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, in execution of a decree or under or pursuant to an enforcement order |
| 29. Section 207 | Fraudulent claim to property to prevent its seizure as a forfeiture, in execution of a decree or under or pursuant to an enforcement order |
| 30. Section 208 | Fraudulently suffering a decree for a sum not due |
| 31. Section 212 | Harbouring 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 | Harbouring an offender who has escaped from custody, or whose apprehension has been ordered |
| 36. Section 216A | Harbouring 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 |

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SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|---|---|
| 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 (as in force before 1 January 2020) | Counterfeiting coin |
| 43. Section 232 (as in force before 1 January 2020) | Counterfeiting current coin |
| 44. Section 233 (as in force before 1 January 2020) | Making or selling instrument for counterfeiting coin |
| 45. Section 234 (as in force before 1 January 2020) | Making or selling instrument for counterfeiting current coin |
| 46. Section 235 (as in force before 1 January 2020) | Possession of instrument or material for the purpose of using the same for counterfeiting coin |
| 47. Section 236 (as in force before 1 January 2020) | Abetting in Singapore the counterfeiting out of Singapore of coin |
| 48. Section 237 (as in force before 1 January 2020) | Import or export of counterfeit coin |
| 49. Section 238 (as in force before 1 January 2020) | Import or export of counterfeits of current coin |
| 50. Section 239 (as in force before 1 January 2020) | Delivery to another of coin, possessed with knowledge that it is counterfeit |
| 51. Section 240 (as in force before 1 January 2020) | Delivery of current coin, possessed with the knowledge that it is counterfeit |
| 52. Section 241 (as in force before 1 January 2020) | Delivery to another of coin as genuine, which when first possessed the deliverer did not know to be counterfeit |
| 53. Section 242 (as in force before 1 January 2020) | Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof |
| 54. Section 302 | Punishment for murder |

SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|--------------------|---|
| 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 compel restoration of property |
| 70. Section 331 | Voluntarily causing grievous hurt to extort confession or to compel restoration of property |
| 71. Section 332 | Voluntarily causing hurt to deter public servant from his duty |
| 72. Section 333 | Voluntarily causing grievous hurt to deter public servant from his duty |
| 73. Section 335 | Causing grievous hurt on provocation |

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SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|---|---|
| 74. Section 338 | Causing grievous hurt by an act which endangers life or personal safety of others |
| 75. Section 343 (as in force before 1 January 2020) | Wrongful confinement for 3 or more days |
| 76. Section 344 (as in force before 1 January 2020) | Wrongful confinement for 10 or more days |
| 77. Section 345 | Wrongful confinement of person for whose liberation a writ has been issued |
| 78. Section 346 | Wrongful confinement in secret |
| 79. Section 347 | Wrongful confinement for the purpose of extorting property or constraining to an illegal act |
| 80. Section 348 | Wrongful confinement for the purpose of extorting confession or of compelling restoration of property |
| 81. Section 354 | Assault or use of criminal force to a person with intent to outrage modesty |
| 82. Section 354A | Outraging modesty in certain circumstances |
| 83. Section 363 | Punishment for kidnapping |
| 84. Section 364 | Kidnapping or abducting in order to murder |
| 85. Section 365 | Kidnapping or abducting with intent secretly and wrongfully to confine a person |
| 86. Section 366 | Kidnapping or abducting a woman to compel her marriage, etc. |
| 87. Section 367 | Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc. |
| 88. Section 368 | Wrongfully concealing or keeping in confinement a kidnapped person |
| 89. Section 369 (as in force before 1 January 2020) | Kidnapping or abducting child under 10 years with intent to steal moveable property from the person of such child |
| 90. Section 370 | Buying or disposing of any person as a slave |
| 91. Section 371 | Habitual dealing in slaves |

SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|----------------------------|---|
| 92. Section 372 | Selling minor for purposes of prostitution, etc. |
| 93. Section 373 | Buying minor for purposes of prostitution, etc. |
| 94. Section 373A | Importing woman for purposes of prostitution, etc. |
| 95. Section 376(1) and (2) | Punishment for rape (for offences committed prior to repeal with effect from 1 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 harm 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 |

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SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|--|--|
| 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 (as in force before 1 January 2020) | Criminal breach of trust by carrier, etc. |
| 119. Section 408 (as in force before 1 January 2020) | Criminal breach of trust by clerk or servant |
| 120. Section 409 (as in force before 1 January 2020) | Criminal breach of trust by public servant, or by banker, merchant or agent |
| 121. Section 411 | Receiving stolen property |
| 122. Section 412 | Receiving property stolen in the commission of a gang-robbery |
| 123. Section 413 | Habitually dealing in stolen property |
| 124. Section 414 | Assisting in concealment or disposal 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 |

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SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|---|--|
| 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 (as in force before 1 January 2020) | Mischief affecting railway engine, train, etc. |
| 133. Section 431 (as in force before 1 January 2020) | Mischief by injury to public road, bridge or river |
| 134. Section 431A (as in force before 1 January 2020) | Mischief by injury to telegraph cable, wire, etc. |
| 135. Section 432 (as in force before 1 January 2020) | Mischief by causing inundation or obstruction to public drainage, attended with damage |
| 136. Section 433 (as in force before 1 January 2020) | 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 |
| 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-breaking in order to commit an offence punishable with death |
| 143. Section 450 | House-breaking in order to commit an offence punishable with imprisonment for life |

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SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|--|---|
| 144. Section 451 | House-breaking in order to commit an offence punishable with imprisonment |
| 145. Section 452 | House-breaking after preparation made for causing hurt, etc. |
| 146. Section 453 (as in force before 1 January 2020) | Punishment for lurking house-trespass or house-breaking |
| 147. Section 454 (as in force before 1 January 2020) | Lurking house-trespass or house-breaking in order to commit an offence punishable with imprisonment |
| 148. Section 455 (as in force before 1 January 2020) | Lurking house-trespass or house-breaking after preparation made for causing hurt, etc. |
| 149. Section 456 (as in force before 1 January 2020) | Punishment for lurking house-trespass by night or house-breaking by night |
| 150. Section 457 (as in force before 1 January 2020) | Lurking house-trespass by night or house-breaking by night in order to commit an offence punishable with imprisonment |
| 151. Section 458 (as in force before 1 January 2020) | Lurking house-trespass or house-breaking by night after preparation made for causing hurt, etc. |
| 152. Section 459 | Grievous hurt caused while committing house-breaking |
| 153. Section 460 | House-breaking when death or grievous hurt 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 or forged electronic record |

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SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|---|--|
| 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 certain document or electronic record 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 or electronic records other than those described in section 467, or possessing counterfeit marked material |
| 165. Section 489A (as in force before 1 January 2020) | Forging or counterfeiting currency notes or bank notes |
| 166. Section 489B | Using as genuine forged or counterfeit currency or bank notes |
| 167. Section 489C | Possession of forged or counterfeit currency or bank notes |
| Prevention of Corruption Act 1960 | |
| 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 |

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SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|--|---|
| 173. Section 29 | Abetment of offences |
| 174. Section 30 | Attempts |
| 175. Section 31 | Conspiracy |
| Termination of Pregnancy Act 1974 | |
| 176. Section 3(4) | Medical termination of pregnancy |
| 177. Section 5 | Coercion or intimidation |
| Vandalism Act 1966 | |
| 178. Section 3 | Penalty for acts of vandalism |
| Women's Charter 1961 | |
| 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, girl below the age of 18 or sexual penetration with, or indecent assault on, girl below the age of 16 |

[Act 25 of 2021 wef 01/04/2022]

*Part 2 — Offences included as serious offences with
effect from 9 September 2005*

| <i>Offences</i> | <i>Description*</i> |
|--|--------------------------|
| Moneylenders Act 2008 | |
| 183. Section 19 (previously section 14 (Cap. 188, 2010 Revised Edition)) | Unlicensed moneylending |
| 184. Section 47 (previously section 28 (Cap. 188, 2010 Revised Edition)) | Harassing borrower, etc. |

SECOND SCHEDULE — *continued*

*Part 3 — Offences included as serious offences
with effect from 8 May 2006*

| <i>Offences</i> | <i>Description*</i> |
|-------------------------------------|---|
| Animals and Birds Act 1965 | |
| 185. Section 7 | Contravention of order with regard to import, etc. |
| 186. Section 8 | Import or transshipment of any animal, bird or veterinary biologics without licence |
| 187. Section 9 | Import 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 | Export of any animal or bird without licence |
| Arms and Explosives Act 1913 | |
| 191. Section 6 | Possession or transfer of possession of unmarked plastic explosives |
| 192. Section 7 | Import or export of unmarked plastic explosives |
| 193. Section 9 | Export or removal of article in contravention of notification by Minister |
| 194. Section 10(2) | Manufacture, possession or import of explosive in contravention of notification by Minister |
| 195. Section 11 | Contravention of notification relating to poisonous or noxious gas or noxious substance |
| 196. Section 12 | Offence by master of ship, etc., used for certain offences |
| 197. Section 22 | Knowingly concealing arms, etc., imported without licence |
| 198. Section 23 | Knowingly purchasing guns or arms from person not licensed |
| Arms Offences Act 1973 | |

SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|---|--|
| 199. Section 6 | Trafficking in arms |
| Betting Act 1960 | |
| 200. Section 3 (as in force before 1 August 2022) | Offences relating to common betting houses and betting information centres |
| 201. Section 4 (as in force before 1 August 2022) | Advancing money for conducting business of common betting house |
| 202. Section 5 (as in force before 1 August 2022) | Betting in common betting house |
| Chemical Weapons (Prohibition) Act 2000 | |
| 203. Section 8 | Use, etc., of chemical weapons |
| Children and Young Persons Act 1993 | |
| 204. Section 8 (previously section 7 (Cap. 38, 2001 Revised Edition)) | Sexual exploitation of child or young person |
| 205. Section 16 (previously section 12 (Cap. 38, 2001 Revised Edition)) | Unlawful transfer of possession, custody or control of child or young person |
| 206. Section 17 (previously section 13 (Cap. 38, 2001 Revised Edition)) | Importation of child or young person by false pretences |
| Commodity Trading Act 1992 | |
| 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 |

SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|---|---|
| Common Gaming Houses Act 1961 | |
| 208. Section 5 (as in force before 1 August 2022) | Assisting in carrying on a public lottery, etc. |
| 209. Section 8 (as in force before 1 August 2022) | Gaming in public |
| Computer Misuse Act 1993 | |
| 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 12 (previously section 10 (Cap. 50A, 2007 Revised Edition)) | Abetments and attempts punishable as offences |
| Control of Plants Act 1993 | |
| 217. Section 7 | Import or transshipment of fresh fruits or vegetables without licence |
| 218. Section 8 | Import 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 1993 Control of Plants (Plant Importation) Rules | |

SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|--|--|
| 221. Rule 17 for contravention of rule 5(1) | Import of regulated plant, etc., without a permit. |
| Copyright Act (Cap. 63, 2006 Revised Edition) | |
| 222. Section 136(1), (2), (3), (4) and (6) (as in force before 21 November 2021) | Offences relating to copyright |
| 223. Section 260(6) (as in force before 21 November 2021) | Removal or alteration of rights management information |
| 224. Section 261C(4) and (5) (as in force before 21 November 2021) | Relating to circumvention of technological protection measures |
| Criminal Law (Temporary Provisions) Act 1955 | |
| 225. Section 3 | Supplies |
| Endangered Species (Import and Export) Act 2006 | |
| 226. Section 4 | Import, export, 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 1999 | |
| 229. Section 22 | Import, manufacture or sale of hazardous substances without licence, etc. |
| 230. Section 23 | Import, manufacture or sale of hazardous substances not in accordance with licence, etc. |

SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|---|--|
| 231. Section 24 | Storage, use or dealing with hazardous substances in a manner that threatens health, etc. |
| Explosive Substances Act 1924 | |
| 232. Section 3 | Causing explosion likely to endanger life or property |
| 233. Section 4 | Attempt to cause explosion, or for making or keeping explosives with intent to endanger life or property |
| 234. Section 5 | Making or possessing explosives under suspicious circumstances |
| 235. [<i>Deleted by S 674/2020</i>] | |
| Hazardous Waste (Control of Export, Import and Transit) Act 1997 | |
| 236. Section 25 | Import of hazardous waste without permit, etc. |
| 237. Section 26 | Export of hazardous waste without permit, etc. |
| 238. Section 27 | Bringing waste into Singapore in course of carrying out transit proposal without permit, etc. |
| 239. Section 37 | Making false statements |
| Human Organ Transplant Act 1987 | |
| 240. Section 13 (previously section 14 (Cap. 131A, 2012 Revised Edition)) | Contracting for sale or supply of organ or blood, etc. |
| Immigration Act 1959 | |
| 241. Section 5(5) | Entering or leaving Singapore other than at authorised entry or departure points |
| 242. Section 57(1)(aa), (b) and (c) | Abetting unlawful entry or departure, or engaging in business of conveying prohibited immigrant |

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SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|--|---|
| Internal Security Act 1960 | |
| 243. Section 4 | Wearing of prohibited uniform, etc. |
| 244. Section 5 | Membership of quasi-military organisations |
| 245. Section 6 | Illegal drilling |
| Monetary Authority of Singapore Act 1970 | |
| 246. [<i>Deleted by S 28/2010</i>] | |
| 247. [<i>Deleted by S 28/2010</i>] | |
| 248. Section 27A(5) (as in force before 28 April 2023) 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) (as in force before 23 September 2013): | |
| (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 1871 | |
| 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 |

SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|---|---|
| 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 (as in force before 1 February 2008) | 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 gang of thieves |
| 262. Section 417 | Cheating |
| 263. Section 477 | Fraudulent cancellation, destruction, etc., of a will |
| 264. Section 477A | Falsification of accounts |
| 265. [<i>Deleted by S 28/2010</i>] | |
| Sale of Food Act 1973 | |
| Food Regulations | |
| 266. Regulation 14 | Imported food to be registered |
| Securities and Futures Act 2001 | |
| 267. Section 204 for contravention of any of the following: | |

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SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|---|---|
| (a) section 197 | False trading and market rigging transactions |
| (b) section 198 (as in force before 8 October 2018) | Securities market manipulation |
| (c) section 199 | False or misleading statements |
| (d) section 200 | Fraudulently inducing persons to deal in capital markets products |
| (e) section 201 | Employment of manipulative and deceptive devices |
| (f) section 202 (as in force before 8 October 2018) | Dissemination of information about illegal transactions |
| (g) section 203 (as in force before 8 October 2018) | Failure to make disclosure to securities exchange |
| 268. Section 212 (as in force before 8 October 2018) for contravention of any of the following: | |
| (a) section 206 (as in force before 8 October 2018) | False trading |
| (b) section 207 (as in force before 8 October 2018) | Bucketing |
| (c) section 208 (as in force before 8 October 2018) | Manipulation of price of futures contract and cornering |
| (d) section 209 (as in force before 8 October 2018) | Fraudulently inducing persons to trade in futures contracts |
| (e) section 210 (as in force before 8 October 2018) | Employment of fraudulent or deceptive devices, etc. |

SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|--|---|
| (f) section 211 (as in force before 8 October 2018) | Dissemination of information about illegal transactions |
| 269. Section 221 for contravention of section 218 or 219 | Insider trading |
| Strategic Goods (Control) Act 2002 | |
| 270. Section 5 | Transfer of strategic goods, etc. |
| 271. Section 6 | Brokering of strategic goods, etc. |
| Societies Act 1966 | |
| 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 2002 | |
| 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 1998 | |
| 282. Section 46 | Counterfeiting a trade mark |

SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|---|--|
| 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 2001 United Nations (Anti-Terrorism Measures) Regulations | |
| 286. Regulation 11 (as in force before 1 October 2013) for contravention of any of the following: <div style="margin-left: 2em;"> (a) regulation 5 (as in force before 1 October 2013) (b) regulation 6 (as in force before 1 October 2013) (c) regulation 7 (as in force before 1 October 2013) (d) regulation 7A (e) regulation 7B (f) regulation 7C (g) regulation 8 (h) regulation 9 </div> | Provision or collection of funds for terrorists Dealing with property of terrorists Provision of resources and services for the benefit of terrorists Sale, supply, etc., of arms and related materials to terrorists Carriage of arms and related materials by Singapore ships and aircraft for terrorists Provision of technical advice, assistance, etc., related to military activities of terrorists False threat of terrorist act Causing, assisting or promoting an act prohibited — <div style="margin-left: 4em;"> (a) by regulation 5, 6 or 7 (as in force before 1 October 2013); or </div> |

SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|--|---|
| | <i>(b)</i> by regulation 7A, 7B, 7C or 8 |
| Wholesome Meat and Fish Act 1999 | |
| 287. Section 5 | Import, export or transshipment of meat products or fish products without licence, etc. |
| 288. Section 6 | Import, export or transshipment of meat products or fish products without permit, etc. |
| Wild Animals and Birds Act (Cap. 351, 2000 Revised Edition) | |
| 289. Section 10 (as in force before 1 June 2020) | Import of wild animals and birds without authorisation, etc. |
| Women's Charter 1961 | |
| 290. Section 146(1) | 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 |

[S 926/2022 wef 03/12/2022]

[S 639/2023 wef 25/09/2023]

*Part 4 — Offences included as serious offences
with effect from 27 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 1871) |
| 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 1871) |

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SECOND SCHEDULE — *continued*

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 15 November 2000.

*Part 5 — Offences included as serious offences
with effect from 1 November 2007*

| <i>Offences</i> | <i>Description*</i> |
|--|---|
| Biological Agents and Toxins Act 2005 | |
| 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 1992 | |
| 297. Section 49 for contravention of any of the following: (a) Section 43 (b) Section 44 | False trading Bucketing |
| Common Gaming Houses Act 1961 | |
| 298. Section 4 (as in force before 1 August 2022) | Offences relating to a common gaming house, etc. |
| 299. Section 6 (as in force before 1 August 2022) | Advancing or furnishing money for establishing or conducting common gaming house |
| Customs Act 1960 | |
| 300. Section 128E (previously section 130(1)(e) of the 2004 Revised Edition) | Offences in relation to goods found in person’s baggage or upon his or her person, etc. |
| 301. Section 128F (previously section 130(1)(a) of the 2004 Revised Edition) | Offences in relation to importation of uncustomed or prohibited goods |

SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|---|--|
| 302. Section 128G (previously section 130(1)(a) of the 2004 Revised Edition) | Offences in relation to exportation of uncustomed or prohibited goods |
| 303. Section 128H (previously section 130(1)(a) of the 2004 Revised Edition) | Offences in relation to shipping, unshipping, loading, unloading, etc., of uncustomed or prohibited goods |
| 303A. Section 128I(1)(a) and (c) (previously section 130(1)(c) and (i) of the 2004 Revised Edition) | Offences in relation to possession, storage, conveying and harbouring of goods |
| 304. Section 132 | Knowingly advancing or furnishing money for business comprising sale, purchase, etc., of uncustomed goods |
| Immigration Act 1959 | |
| 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 attempt to obtain an entry permit, re-entry permit, pass or certificate for himself or herself 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 2003 | |
| 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 in relation to ships or safe navigation |

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SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|--|---|
| 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 acts in relation to ships or safe navigation |
| Multi-Level Marketing and Pyramid Selling (Prohibition) Act 1973 | |
| 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 | |
| 317. Section 6 (previously section 5 (Cap. 262, 2008 Revised Edition)) | Import, export, etc., of radioactive materials |
| 318. Section 7 (previously section 6 (Cap. 262, 2008 Revised Edition)) | Import, export, etc., of irradiating apparatus |
| 319. Section 12 (previously section 11 (Cap. 262, 2008 Revised Edition)) | Disposal of radioactive waste |
| 320. Section 13 (previously section 12 (Cap. 262, 2008 Revised Edition)) | Accumulation of radioactive waste |
| 321. Section 44 (previously section 31 (Cap. 262, 2008 Revised Edition)) | False or misleading statements and documents |
| Railways Act 1905 | |
| 322. Section 87 | Wilful act or omission endangering passenger |

SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|--|---|
| Rapid Transit Systems Act 1995 | |
| 323. Section 25 | Wilfully endangering safety of railway passenger |
| 324. Section 26 | Damage to railway or railway premises |
| Securities and Futures Act 2001 | |
| 325. Section 140 | Offences relating to take-over offers |
| Terrorism (Suppression of Financing) Act 2002 | |
| 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 |

[S 926/2022 wef 03/12/2022]

*Part 6 — Offences included as serious offences
with effect from 1 February 2008*

| <i>Offences</i> | <i>Description*</i> |
|---------------------------|---|
| Passports Act 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 | Providing false or misleading documents |

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SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|---|---|
| 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 1871 | |
| 338. Section 130E | Genocide |
| 339. Section 204A (as in force before 1 January 2020) | Obstructing, preventing, perverting or defeating course of justice |
| 340. Section 204B | Bribery of witnesses |
| 341. Section 241A (as in force before 1 January 2020) | Delivery to another of current coin as genuine, which when first possessed the deliverer did not know to be counterfeit |
| 342. Section 254A (as in force before 1 January 2020) | 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 (as in force before 21 November 2010) | 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 |

SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|-------------------|--|
| 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 7 — Offences included as serious offences
with effect from 20 February 2008*

| <i>Offences</i> | <i>Description*</i> |
|---|---|
| Terrorism (Suppression of Bombings) Act 2007 | |
| 355. Section 3 | Terrorist bombing |
| 356. Section 4 | Failure to disclose information about acts of terrorist bombing |

*Part 8 — Offences included as serious offences
with effect from 1 May 2009*

| <i>Offences</i> | <i>Description*</i> |
|--------------------------------|---|
| Casino Control Act 2006 | |
| 357. Section 171 | Possession, use, etc., of certain things prohibited |
| 358. Section 172 | Unlawful interference with gaming equipment |
| 359. Section 173 | Possession of chips outside designated site |
| 360. Section 174 | Forgery or counterfeiting |

*Part 9 — Offences included as serious offences
with effect from 22 January 2010*

| <i>Offences</i> | <i>Description*</i> |
|--|--|
| Health Products Act 2007 | |
| 361. Section 16 | Prohibition against supply of health products that are adulterated, counterfeits, etc. |
| Human Organ Transplant Act 1987 | |

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SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|--|--|
| 362. Section 13(3) (previously section 14(2A) (Cap. 131A, 2012 Revised Edition)) | Organ trading by middlemen or syndicates |
| 363. [<i>Deleted by S 674/2020</i>] | |
| 364. [<i>Deleted by S 674/2020</i>] | |
| Radiation Protection Act 2007 | |
| 365. Section 15 (previously section 14 (Cap. 262, 2008 Revised Edition)) | Transport of radioactive waste |

*Part 10 — Offences included as serious offences
with effect from 21 November 2010*

| <i>Offences</i> | <i>Description*</i> |
|--------------------------------|---------------------|
| Hostage-Taking Act 2010 | |
| 366. Section 3 | Hostage-taking |

*Part 11 — Offences included as serious offences
with effect from 15 February 2011*

| <i>Offences</i> | <i>Description*</i> |
|---|--|
| Employment of Foreign Manpower Act 1990 | |
| 367. Section 5(6) and 5(8) (previously section 5(7A) (Cap. 91A, 2009 Revised Edition)) | Employment of foreign employee without a valid work pass, or in contravention of a condition of the foreign employee's work pass |
| 368. Section 22(1)(a), (d), (e) and (f) | Contravention of a condition of a work pass, making false statement or giving false information to the Controller of Work Passes or an employment inspector, dealing in, forging or unlawfully altering a work pass, or using or having in possession a forged or unlawfully altered work pass or a work pass issued to another |

SECOND SCHEDULE — *continued*

| | |
|--------------------------------|--|
| Hostage-Taking Act 2010 | |
| 369. Section 5 | Failure to disclose information relating to hostage-taking offence |
| Immigration Act 1959 | |
| 370. Section 57(1)(d) | Harbouring offenders of Immigration Act 1959 or Regulations |

*Part 12 — Offences included as serious offences
with effect from 1 July 2013*

| <i>Offences</i> | <i>Description*</i> |
|--|--|
| Casino Control Act 2006 | |
| 371. Section 110 | Prohibited casino marketing arrangements |
| 372. Section 110A | No one to act as international market agent or international market agent representative without licence |
| 373. Section 172A | Cheating at play |
| Goods and Services Tax Act 1993 | |
| 374. Section 62 | Fraud, etc. |
| 375. Section 63 | Improperly obtaining refund |
| Income Tax Act 1947 | |
| 376. Section 96 | Tax evasion |
| 377. Section 96A | Serious fraudulent tax evasion |

*Part 13 — Offences included as serious offences
with effect from 3 June 2015*

| <i>Offences</i> | <i>Description*</i> |
|---|--|
| Companies Act 1967 | |
| 378. Section 340(5) (as in force before 30 July 2020) | Fraudulent trading by responsible person |

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SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|--|--|
| 379. Section 404(3) | Obtaining payment of moneys, etc., to company by false promise of officer or agent of company |
| 380. Section 406(a) | Fraud by officer of company to induce person to give credit to the company |
| Customs Act 1960 | |
| 381. Section 128A(1)(a) | Falsification or use of falsified documents |
| 382. Section 128A(1)(b) | Fraudulent alteration of document, or counterfeiting of seal, signature, etc., used for verification by officer of customs |
| 383. Section 128D | Fraudulent evasion of, or attempt to fraudulently evade, customs duty or excise duty |
| 384. Section 128I(1)(b) | Conveying, removing, depositing or dealing with any dutiable, uncustomed or prohibited goods with intent to defraud Government |
| 385. Section 131 | Evading duty by unauthorised modification of computer program or data |
| Employment Agencies Act 1958 | |
| 386. Section 6(4) | Carrying on employment agency, or performing employment agency-related work or activity, without valid licence |
| Employment of Foreign Manpower Act 1990 | |
| 387. Section 22A(2) | Restrictions on receipt, etc., of moneys in connection with employment of foreign employee |
| 388. Section 22B(1) | Obtaining work pass for foreign employee for non-existent trade or business and failing to employ the foreign employee |
| Income Tax Act 1947 | |
| 389. Section 37M(3) (previously | Giving false information to Comptroller of Income Tax, etc., to obtain, or to assist another |

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SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|---|---|
| section 37J(3) (Cap. 134, 2014 Revised Edition)) | person to obtain, cash payout or PIC bonus (or both), etc. |
| 390. Section 37M(4) (previously section 37J(4) (Cap. 134, 2014 Revised Edition)) | Falsifying records or using contrivances, etc., to obtain, or assist another person to obtain, cash payout or PIC bonus (or both), etc. |
| Inquiries Act 2007 | |
| 391. The Schedule, item 5 | Wilfully giving false evidence, etc. |
| 392. The Schedule, item 6 | Threats, etc., to witnesses |
| Monetary Authority of Singapore Act 1970 | |
| 393. Section 27A(5) (as in force before 28 April 2023) | Failure or refusal to comply with direction, or contravention of regulations, issued or made to discharge Singapore's obligation by virtue of decision of Security Council of the United Nations. |
| Oaths and Declarations Act 2000 | |
| 394. Section 14(1)(c) (previously section 14(1)(i) (Cap. 211, 2001 Revised Edition)) | Use of false statutory declaration in a judicial proceeding |
| Prevention of Human Trafficking Act 2014 | |
| 395. Section 3 | Trafficking in persons |
| 396. Section 6 | Persons who receive payments in connection with exploitation of trafficked victims |
| Remote Gambling Act 2014 | |
| 397. Section 8 (as in force before 1 August 2022) | Unlawful remote gambling |
| 398. Section 9 (as in force before 1 August 2022) | Providing unlawful remote gambling service for another |

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SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|--|---|
| 399. Section 10 (as in force before 1 August 2022) | Prohibition against overseas remote gambling service with Singapore-customer link |
| 400. Section 11 (as in force before 1 August 2022) | Prohibition against Singapore-based remote gambling service |
| 401. Section 12 (as in force before 1 August 2022) | Unlawful employment of young person in remote gambling |
| 402. Section 13 (as in force before 1 August 2022) | Unlawful invitation, etc., to young person to gamble remotely |
| United Nations Act 2001 United Nations (Anti-Terrorism Measures) Regulations | |
| 403. Regulation 11 for contravention of regulations 7A, 7B, 7C, 8, 9 or 10(1) | Offences |
| United Nations Act 2001 United Nations (Freezing of Assets of Former President of Liberia and Connected Persons) Regulations 2004 | |
| 404. Regulation 9(1) (as in force before 3 November 2016) | Offences |
| United Nations Act 2001 United Nations (Freezing of Assets of Persons — Cote d’Ivoire) Regulations 2006 | |
| 405. Regulation 9(1) (as in force before 3 November 2016) | Offences |
| United Nations Act 2001 | |

SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|--|---------------------|
| United Nations (Sanctions — Democratic Republic of the Congo) Regulations 2006 | |
| 406. Regulation 9(1) | Offences |
| United Nations Act 2001 United Nations (Freezing of Assets of Persons — Sudan) Regulations 2006 | |
| 407. Regulation 9(1) (as in force before 2 December 2020) | Offences |
| United Nations Act 2001 United Nations (Sanctions — Democratic People's Republic of Korea) Regulations 2010 | |
| 408. Regulation 16(1) | Offences |
| United Nations Act 2001 United Nations (Sanctions — Iran) Regulations 2014 | |
| 409. Regulation 19(1) (as in force before 5 August 2019) | Offences |

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[S 639/2023 wef 25/09/2023]

*Part 14 — Offences included as serious offences
with effect from 10 November 2015*

| <i>Offences</i> | <i>Description*</i> |
|-----------------------------------|---|
| Maritime Offences Act 2003 | |
| 410. Section 7(4) | Abetment of an offence under section 3, 4, 5 or 6 |

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SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|---|---|
| 411. Section 7(5) | Attempt to commit an offence under section 3, 4, 5 or 6 |
| 412. Section 8 (previously section 7A (Cap. 170B, 2004 Revised Edition)) | Hijacking of fixed platforms |
| 413. Section 9 (previously section 7B (Cap. 170B, 2004 Revised Edition)) | Destroying or damaging fixed platforms, etc. |
| 414. Section 10 (previously section 7C (Cap. 170B, 2004 Revised Edition)) | Offences involving threats in relation to fixed platforms |
| 415. Section 11(1) (previously section 7D(1) (Cap. 170B, 2004 Revised Edition)) | Act of violence done in connection with an offence under section 8 or 9 |
| 416. Section 11(2) (previously section 7D(2) (Cap. 170B, 2004 Revised Edition)) | Abetment of certain acts in relation to fixed platforms |
| 417. Section 11(3) (previously section 7D(3) (Cap. 170B, 2004 Revised Edition)) | Abetment of an offence under section 8, 9 or 10 |
| 418. Section 11(4) (previously section 7D(4) (Cap. 170B, 2004 Revised Edition)) | Attempt to commit an offence under section 8, 9 or 10 |

*Part 15 — Offences included as serious offences
with effect from 1 June 2016*

| <i>Offences</i> | <i>Description*</i> |
|---------------------------------|--|
| Organised Crime Act 2015 | |
| 419. Section 5(1) | Being or acting as a member of a locally-linked organised criminal group |

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SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|--------------------|---|
| 420. Section 6(1) | Recruiting, while in Singapore, another person for an organised criminal group |
| 421. Section 6(2) | Recruiting, while outside Singapore, another person for a locally-linked organised criminal group |
| 422. Section 6(4) | Recruiting vulnerable person or young person for an organised criminal group |
| 423. Section 7(1) | Instructing, while in Singapore, the commission of an offence for an organised criminal group, etc. |
| 424. Section 7(2) | Instructing, while outside Singapore, the commission of an offence for a locally-linked organised criminal group, etc. |
| 425. Section 8(1) | Procuring, while in Singapore, expenditure or application of property to support, aid or promote the commission of certain offences related to an organised criminal group |
| 426. Section 8(2) | Procuring, while outside Singapore, expenditure or application of property to support, aid or promote the commission of certain offences related to a locally-linked organised criminal group |
| 427. Section 9(1) | Expending or applying property, while in Singapore, to support, aid or promote the commission of certain offences related to an organised criminal group |
| 428. Section 9(2) | Expending or applying property, while outside Singapore, to support, aid or promote the commission of certain offences related to a locally-linked organised criminal group |
| 429. Section 10(1) | Allowing, while in Singapore, an organised criminal group to use premises to support, aid or promote the commission of certain offences related to the organised criminal group |

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SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|---------------------|---|
| 430. Section 10(2) | Allowing, while outside Singapore, a locally-linked organised criminal group to use premises to support, aid or promote the commission of certain offences related to the locally-linked organised criminal group |
| 431. Section 11(3) | Dealing with property of organised criminal group |
| 432. Section 12(1) | Facilitating, while in Singapore, the commission of certain offences related to an organised criminal group |
| 433. Section 12(2) | Facilitating, while outside Singapore, the commission of certain offences related to a locally-linked organised criminal group |
| 434. Section 26(3) | Failure to comply with an organised crime prevention order or a financial reporting order |
| 435. Section 26(5) | Providing false or misleading information for an organised crime prevention order or a financial reporting order |
| 436. Section 39(5) | Acting in contravention of a disqualification order |
| 437. Section 44(1) | Disclosing information which is likely to prejudice an investigation or a proposed investigation |
| 438. Section 73(12) | Non-compliance with an examination order, or supplying false or misleading information pursuant to an examination order |
| 439. Section 74(2) | Failure to give information of certain matters relating to an offence under the Organised Crime Act 2015 |

*Part 16 — Offences included as serious offences
with effect from 1 July 2016*

| <i>Offences</i> | <i>Description*</i> |
|-----------------------------|---------------------|
| Women's Charter 1961 | |

SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|----------------------|---|
| 440. Section 146(1A) | Knowingly soliciting, receiving or agreeing to receive gratification as inducement or reward for providing any service, where the defendant does or will aid the prostitution of another person (being a woman or girl) by providing that service |
| 441. Section 146A(1) | Operating or maintaining in Singapore, in the course of business, a remote communication service that offers or facilitates the provision by a woman or girl to another person of sexual services in return for payment or reward, etc. |

*Part 17 — Offences included as serious offences
with effect from 31 July 2017*

| <i>Offences</i> | <i>Description*</i> |
|--|---|
| Computer Misuse Act 1993 | |
| 442. Section 9 (previously section 8A (Cap. 50A, 2007 Revised Edition)) | Supplying, etc., personal information obtained in contravention of certain provisions |
| 443. Section 10 (previously section 8B (Cap. 50A, 2007 Revised Edition)) | Obtaining, etc., items for use in certain offences |

*Part 18 — Offences included as serious offences
with effect from 1 September 2017*

| <i>Offences</i> | <i>Description*</i> |
|---|--|
| Terrorism (Suppression of Misuse of Radioactive Material) Act 2017 | |
| 444. Section 4 | Possessing radioactive material or Convention device |
| 445. Section 5 | Making Convention device |
| 446. Section 6(1) | Using radioactive material or Convention device |

SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|-------------------|---|
| 447. Section 7(1) | Using or damaging nuclear facility in manner that causes, or creates risk of, release of radioactive material |
| 448. Section 8 | Threatening to do act that would be offence under section 6 or 7 |
| 449. Section 9 | Making demands relating to radioactive material, Convention device or nuclear facility |
| 450. Section 10 | Attempting to commit offence under section 4, 5, 6 or 7 |

*Part 19 — Offences included as serious offences
with effect from 1 January 2020*

| <i>Offences</i> | <i>Description*</i> |
|------------------------|--|
| Penal Code 1871 | |
| 451. Section 204A | Obstructing, preventing, perverting or defeating course of justice |
| 452. Section 219 | Public servant in a judicial proceeding making an order, etc., which he knows to be contrary to law |
| 453. Section 220 | Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law |
| 454. Section 255 | Counterfeiting a Government stamp |
| 455. Section 256 | Having possession of an instrument or material for the purpose of counterfeiting a Government stamp |
| 456. Section 257 | Making or selling an instrument for the purpose of counterfeiting a Government stamp |
| 457. Section 258 | Sale of counterfeit Government stamp |
| 458. Section 259 | Having possession of a counterfeit Government stamp |

SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|-------------------|--|
| 459. Section 260 | Using as genuine a Government stamp known to be counterfeit |
| 460. Section 261 | Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it, with intent to cause loss to Government |
| 461. Section 262 | Using a Government stamp known to have been before used |
| 462. Section 263 | Erasure of mark denoting that stamp has been used |
| 463. Section 267C | Making, printing, etc., document containing incitement to violence, etc. |
| 464. Section 268A | Communicating false information of harmful thing |
| 465. Section 268B | Placing or sending thing with intent to cause fear of harm |
| 466. Section 272 | Adulteration of food or drink which is intended for sale |
| 467. Section 273 | Sale of noxious food or drink |
| 468. Section 274 | Adulteration of drugs |
| 469. Section 275 | Sale of adulterated drugs |
| 470. Section 276 | Sale of any drug as a different drug or preparation |
| 471. Section 277 | Fouling the water of a public spring or reservoir |
| 472. Section 278 | Making atmosphere noxious to health |
| 473. Section 292A | Possession, distribution, etc., of child sex-doll |
| 474. Section 308A | Causing death in furtherance of group's object |
| 475. Section 308B | Concealment, desecration or disposal of corpse that impedes discovery, identification, criminal investigations or prosecutions |
| 476. Section 323A | Punishment for voluntarily causing hurt which causes grievous hurt |

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SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|--------------------|--|
| 477. Section 335A | Allowing neglect, physical or sexual abuse of domestic worker or vulnerable person |
| 478. Section 335B | Punishment for act which endangers life or personal safety of others with knowledge or belief that it is likely to cause death |
| 479. Section 342 | Punishment for wrongful confinement |
| 480. Section 356 | Assault or criminal force in committing or attempting to commit theft of property carried by a person |
| 481. Section 376AA | Exploitative sexual penetration of minor of or above 16 but below 18 years of age |
| 482. Section 376EA | Exploitative sexual grooming of minor of or above 16 but below 18 years of age |
| 483. Section 376EB | Sexual communication with minor below 16 years of age |
| 484. Section 376EC | Exploitative sexual communication with minor of or above 16 but below 18 years of age |
| 485. Section 376ED | Sexual activity or image in presence of minor below 16 years of age |
| 486. Section 376EE | Exploitative sexual activity or image in presence of minor of or above 16 but below 18 years of age |
| 487. Section 376H | Procurement of sexual activity by deception or false representation |
| 488. Section 377BB | Voyeurism |
| 489. Section 377BC | Distribution of voyeuristic image or recording |
| 490. Section 377BD | Possession of or gaining access to voyeuristic or intimate image or recording |
| 491. Section 377BE | Distributing or threatening to distribute intimate image or recording |
| 492. Section 377BG | Using or involving child in production of child abuse material |

SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|--------------------|---|
| 493. Section 377BH | Producing child abuse material |
| 494. Section 377BI | Distributing or selling child abuse material |
| 495. Section 377BJ | Advertising or seeking child abuse material |
| 496. Section 377BK | Possession of or gaining access to child abuse material |
| 497. Section 377BL | Exploitation by abusive material of minor of or above 16 but below 18 years of age |
| 498. Section 407 | Criminal breach of trust of property entrusted for purposes of transportation or storage |
| 499. Section 408 | Criminal breach of trust by employees |
| 500. Section 409 | Criminal breach of trust by public servant, or by banker, merchant, agent, director, officer, partner, key executive or fiduciary |
| 501. Section 416A | Illegally obtained personal information |
| 502. Section 420A | Obtaining services dishonestly or fraudulently |
| 503. Section 424A | Fraud by false representation, non-disclosure or abuse of position not connected with contracts for goods or services |
| 504. Section 427 | Punishment for committing mischief causing disruption to key service, etc. |
| 505. Section 448 | Punishment for house-breaking |
| 506. Section 453 | Possession of house-breaking implements or offensive weapons |
| 507. Section 489A | Forging or counterfeiting currency or bank notes |
| 508. Section 489D | Making or possessing instruments or materials for forging or counterfeiting currency or bank notes |
| 509. Section 489E | Abetting in Singapore counterfeiting of currency out of Singapore |
| 510. Section 489F | Fraudulently or dishonestly diminishing weight or altering composition of any coin |

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SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|-------------------|---|
| 511. Section 489G | Altering appearance of currency with intent that it shall pass as currency of different description |
| 512. Section 489H | Delivery to another of altered currency |
| 513. Section 489I | Possession of altered currency |
| 514. Section 506 | Punishment for criminal intimidation |
| 515. Section 507 | Criminal intimidation by an anonymous communication |

*Part 20 — Offences included as serious offences
with effect from 14 January 2020*

| <i>Offences</i> | <i>Description*</i> |
|---|--|
| Variable Capital Companies Act 2018 | |
| 516. Section 83(5) | Contravention of direction or regulations issued or made to discharge Government's international obligations, etc. |
| 517. Section 340(5) of the Companies Act 1967 (as in force before 30 July 2020) as applied by section 130(1) of the Variable Capital Companies Act 2018 | Fraudulent trading by responsible person |
| 518. Section 144(2)(a) | Fraud by officer or manager of VCC to induce person to give credit to VCC, etc. |
| 519. Section 146(1) | Obtaining payment of moneys, etc., to VCC by false promise of officer, manager or agent of VCC |

*Part 21 — Offences included as serious offences
with effect from 7 August 2020*

| <i>Offences</i> | <i>Description*</i> |
|--------------------------------|---------------------|
| Casino Control Act 2006 | |

SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|--|---|
| 520. Section 150 | Evading casino tax, or assisting any other person to evade casino tax, wilfully with intent |
| Children and Young Persons Act 1993 | |
| 521. Section 14(2) (previously section 11(2) (Cap. 38, 2001 Revised Edition)) | Causing or procuring child or young person to take part in public entertainment in contravention of section 14(1) |
| Companies Act 1967 | |
| 522. Section 204(3) | Committing an offence under section 204(1) or (1A) with intent to defraud creditors of the company or creditors of any other person or for a fraudulent purpose |
| 523. Section 406(b) and (c) | Fraud by officer of company against creditors of company |
| Copyright Act (Cap. 63, 2006 Revised Edition) | |
| 524. Section 136(3A) (as in force before 21 November 2021) | Wilful infringement of the copyright in a work to obtain a commercial advantage, or where the extent of the infringement is significant, or both |
| 525. Section 254A (as in force before 21 November 2021) | Offences relating to a performance during its protection period |
| Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992 | |
| 526. Section 55 (previously section 47AA (Cap. 65A, 2000 Revised Edition)) | Possessing or using property that may be reasonably suspected to be benefits of drug dealing or benefits from criminal conduct |
| Criminal Procedure Code 2010 | |
| 527. Section 40(4) | Being convicted of an offence under section 40(3), where it is shown that the encrypted data contains evidence relevant to |

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SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|--|--|
| | the planning, preparation or commission of a specified serious offence |
| 528. Section 106A(2) | Knowingly entering into an agreement indemnifying or purporting to indemnify any person against liability which that person may incur as a surety to a bail bond |
| Foreign Employee Dormitories Act 2015 | |
| 529. Section 7(1) | Operating boarding premises as a foreign employee dormitory without a valid licence |
| 530. Section 7(2) | Proprietor of boarding premises using or permitting the use of the premises as a foreign employee dormitory without a valid licence |
| Goods and Services Tax Act 1993 | |
| 531. Section 62B(1) | Wilful misrepresentation, by a person who receives a Seventh Schedule supply, of the person's status |
| Health Products Act 2007 | |
| 532. Section 12 | Offences relating to the manufacture of health products |
| 533. Section 13 | Offences relating to the importation of health products |
| 534. Section 14 | Offences relating to the wholesaling of health products |
| 535. Section 15(1) | Supplying unregistered health products |
| 536. Section 17(1) | Supplying health products in contravention of prescribed requirements |
| Immigration Act 1959 | |
| 537. Section 57(1)(e) | Employing person who has acted in contravention of section 6(1), 15 or 36 or the regulations |
| 538. Section 57(1)(m) | Making or possessing without lawful authority, or trafficking in, items used or |

SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|--|---|
| | intended to be used for forging or unlawfully altering endorsement |
| 539. Section 57(1)(n) | Making or possessing, without lawful authority, or trafficking in, items with knowledge that the item has been specially designed or adapted for making forged document |
| 540. Section 57C(2) | Arranging or assisting in arranging a marriage between 2 other persons, with the intention of assisting one of the parties to the marriage to obtain an immigration advantage |
| Massage Establishments Act 2017 | |
| 541. Section 5 | Offences relating to the carrying on of business of providing massage services in an establishment for massage |
| Miscellaneous Offences (Public Order and Nuisance) Act 1906 | |
| 542. Section 35(1) | Possessing or conveying anything that may be reasonably suspected of being stolen or fraudulently obtained |
| 543. Section 35(3) | Possessing anything with reasonable cause to believe that it was stolen or fraudulently obtained |
| Securities and Futures Act 2001 | |
| 544. Section 207 | Offences relating to the manipulation of financial benchmarks |
| 545. Section 209 | Making statement, disseminating information or expressing opinion that is false or misleading |
| Stamp Duties Act 1929 | |
| 546. Section 62 | Offences relating to evasion of the payment of stamp duty |

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SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|--|---|
| 547. Section 64 | Offences relating to stamp certificate or certificate of adjudication |
| 548. Section 67 | Fraud in relation to stamp duty |
| United Nations (Sanctions — Iran) Regulations 2019 | |
| 549. Regulation 13(1) | Contravention of regulation 5, 6, 7, 8, 9, 10, 11 or 12 |
| United Nations (Sanctions — South Sudan) Regulations 2019 | |
| 550. Regulation 12(1) | Contravention of regulation 5, 6, 7, 8, 9, 10 or 11 |
| United Nations (Sanctions — Yemen) Regulations 2015 | |
| 551. Regulation 9(1) | Contravention of regulation 5, 6, 6A, 6B, 6C, 7 or 8(1)(A) or (B) |
| Variable Capital Companies Act 2018 | |
| 552. Section 106(1) | Failure to comply with a provision of Division 3 of Part 8 |
| 553. Section 144(2)(b) | Fraud by officer or manager of VCC to make or cause to be made gift or transfer or charge on, or cause or connive at the levying of execution against, property of VCC or its sub-funds, etc. |
| 554. Section 144(2)(c) | Fraud by officer or manager of VCC to conceal or remove property of VCC or its sub-funds, etc. |
| Wildlife Act 1965 | |
| 555. Section 8 | Illegal sale or export of wildlife |
| 556. Section 9 | Illegal importation of wildlife |
| Women’s Charter 1961 | |

SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i> |
|------------------|--|
| 557. Section 143 | Owner or occupier of premises, or person who manages or controls premises, inducing or knowingly permitting girl below the age of 16 to use premises for sexual penetration |
| 558. Section 144 | Owner or occupier of premises, or person who manages or controls premises, inducing or knowingly permitting woman who is a mental defective to use premises for sexual penetration |

*Part 22 — Offences included as serious offences
with effect from 23 December 2020*

| <i>Offences</i> | <i>Description*</i> |
|---|--|
| United Nations (Sanctions — Central African Republic) Regulations 2020 | |
| 559. Regulation 13(1) | Contravention of regulation 5, 6, 7, 8, 9, 10 or 11(1) |
| United Nations (Sanctions — Mali) Regulations 2020 | |
| 560. Regulation 9(1) | Contravention of regulation 5, 6, 7 or 8 |
| United Nations (Sanctions — Sudan) Regulations 2006 | |
| 561. Regulation 9(1) | Contravention of regulation 5, 6, 6A, 6B, 6C, 7 or 8(1)(i) or (ii) |

*Part 23 — Offences included as serious offences
with effect from 21 November 2021*

| <i>Offences</i> | <i>Description*</i> |
|---------------------------|--|
| Copyright Act 2021 | |
| 562. Section 417 | Removal or alteration of rights management information, etc. |

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SECOND SCHEDULE — *continued*

| | |
|--|---|
| 563. Section 439 | Circumvention of technological measures, etc. |
| 564. Sections 444, 445(a), 446, 448, 449 and 450 | Offences relating to copyright works and protected performances |

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*Part 24 — Offences included as serious offences
with effect from 3 December 2022*

| <i>Offences</i> | <i>Description*</i> |
|----------------------------------|--|
| Gambling Control Act 2022 | |
| 565. Section 18 | Unlawful conduct of betting operations, gaming or lotteries |
| 566. Section 19 | Betting operation, etc., outside of approved gambling venue |
| 567. Section 20 | Gambling with unlicensed gambling service provider or at unlawful gambling place |
| 568. Section 21 | Having financial interest in unlawful gambling service |
| 569. Section 22 | Conducting games, lotteries, etc., that are not approved |
| 570. Section 23 | Owning, etc., place used for unlawful gambling |
| 571. Section 24 | Offence of organising gambling place |
| 572. Section 25 | Offence of financing unlawful gambling place |
| 573. Section 26 | Offence of being in unlawful gambling place |
| 574. Section 27 | Prohibited or unapproved gaming machine use |
| 575. Section 28 | Proxy gambling outside of gaming machine room |

SECOND SCHEDULE — *continued*

| | |
|-----------------|---|
| 576. Section 29 | Supplying prohibited or unapproved gaming machines |
| 577. Section 30 | Gambling with underaged individuals |
| 578. Section 34 | Inducement to underaged individuals to gamble |
| 579. Section 35 | Unlawful employment of young person in gambling |
| 580. Section 36 | Possession of unlawful gambling instruments |
| 581. Section 37 | Providing credit for unlawful gambling |
| 582. Section 38 | Unlawful interference with approved gaming machines, etc. |
| 583. Section 39 | Unlawful interference with requisite surveillance system |

[S 926/2022 wef 03/12/2022]

*Part 25 — Offences included as serious offences
with effect from 10 February 2023*

| <i>Offences</i> | <i>Description*</i> |
|---|--|
| Goods and Services Tax Act 1993 | |
| 584. Section 62C(1) | Participating in specified arrangement, knowing or having reasonable grounds to believe that participation is for fraudulent purpose |
| Insolvency, Restructuring and Dissolution Act 2018 | |
| 585. Section 234(1)(c)(i) | Officer of company in judicial management or in liquidation, concealing property of, or debt due to or from, company |
| 586. Section 234(1)(c)(ii) | Officer of company in judicial management or in liquidation, fraudulently removing property of company |

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SECOND SCHEDULE — *continued*

| | |
|------------------------------|--|
| 587. Section 234(1)(c)(viii) | Officer of company in judicial management or in liquidation, pawning, pledging or disposing of property of company obtained on credit and not paid for |
| 588. Section 234(3) | Taking in pawn or pledge or otherwise receiving property knowing it to be pawned, pledged or disposed of in contravention of section 234(1)(c)(viii) |
| 589. Section 238(4) | Party to carrying on of business of company with intent to defraud creditors of company or creditors of any person or for any fraudulent purpose |
| 590. Section 369(6) | Failure to pay and deliver to Official Assignee all moneys and securities in possession or under control |
| 591. Section 406(b) | Concealing debt due to or from bankrupt or property |
| 592. Section 406(c) | Concealing debt due to or from bankrupt or property 12 months before bankruptcy application or in initial period |
| 593. Section 406(d) | Removing property possession of which is required to be delivered up to Official Assignee |
| 594. Section 409 | Fraudulent disposal of property |
| 595. Section 410 | Absconding with property |
| 596. Section 411 | Fraudulent dealing with property obtained on credit |
| 597. Section 416(2) | Obtaining or receiving any money, property or security as inducement for forbearing to oppose, or for consenting to, discharge of bankrupt |
| 598. Section 416(3) | Removing, concealing, receiving or otherwise dealing with or disposing of, |

SECOND SCHEDULE — *continued*

| | |
|--|--|
| | property of debtor, with intent to defeat bankruptcy order |
| National Registration Act 1965 | |
| 599. Section 16(2) | Offences relating to identity card |
| Securities and Futures Act 2001 | |
| 600. Section 204 for contravention of any of the following: | |
| (a) section 201A | Bucketing |
| (b) section 201B | Manipulation of price of derivatives contracts and cornering |
| United Nations Act 2001 United Nations (Sanctions — Democratic People’s Republic of Korea) Regulations 2010 | |
| 601. Regulation 16(1A) | Contravention of order of person designated under regulation 14B(1) |
| United Nations Act 2001 United Nations (Sanctions — Libya) Regulations 2021 | |
| 602. Regulation 16(1) | Contravention of regulation 5, 6, 7, 8, 9(1), 10, 11, 12(1), 13 or 14(1) |
| United Nations Act 2001 United Nations (Sanctions — Somalia) Regulations 2021 | |
| 603. Regulation 14(1) | Contravention of regulation 5, 6, 7, 8, 9, 10, 11 or 12(1) |

[S 48/2023 wef 10/02/2023]

*Part 26 — Offence included as serious offence
with effect from 28 July 2023*

| <i>Offence</i> | <i>Description*</i> |
|------------------------|---------------------|
| Penal Code 1871 | |

*Corruption, Drug Trafficking
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(Confiscation of Benefits)*

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SECOND SCHEDULE — *continued*

| | |
|-------------------|--|
| 604. Section 424B | Fraud by false representation, non-disclosure or abuse of position |
|-------------------|--|

[S 525/2023 wef 28/07/2023]

*Part 27 — Offences included as serious offences
with effect from 25 September 2023*

| <i>Offences</i> | <i>Description*</i> |
|--|--|
| Arms Offences Act 1973 | |
| 605. Section 3 | Unlawful possession of arms or ammunition |
| 606. Section 4 | Using or attempting to use arms |
| 607. Section 4A | Using or attempting to use arms to commit scheduled offence |
| 608. Section 5 | Being an accomplice where any arm is used by any person in committing or in attempting to commit any offence or where an offence under section 4A has been committed by any person |
| 609. Section 7 | Consorting with person carrying arms |
| 610. Section 8 | Exhibiting imitation arm when committing scheduled offence |
| Financial Services and Markets Act 2022 | |
| 611. Section 15(5)(a) | Failing or refusing to comply with a direction issued to the financial institution under section 15(1) |
| 612. Section 15(5)(b) | Contravening any regulations mentioned in section 15(1) |
| Wildlife Act 1965 | |
| 613. Section 5C | Killing, trapping, taking or keeping of wildlife |

[S 639/2023 wef 25/09/2023]

*Corruption, Drug Trafficking
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SECOND SCHEDULE — *continued*

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

*[20/2001; 26/2007; 31/2008; 3/2013; 9/2018; S 579/2005;
S 254/2006; S 488/2007; S 597/2007; S 33/2008;
S 83/2008; S 187/2009; S 28/2010; S 667/2010; S 59/2011;
S 380/2013; S 348/2015; S 680/2015; S 260/2016;
S 296/2016; S 422/2017; S 486/2017; S 850/2019;
S 34/2020; S 674/2020; S 1044/2020; S 884/2021]*

LEGISLATIVE HISTORY
CORRUPTION, DRUG TRAFFICKING
AND OTHER SERIOUS CRIMES
(CONFISCATION OF BENEFITS)
ACT 1992

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

1. Act 29 of 1992 — Drug Trafficking (Confiscation of Benefits) Act 1992

| | | |
|------------------------------|---|---|
| Date of First Reading | : | 27 February 1992 (Bill No. 17/92 published on 28 February 1992) |
| Date of Second Reading | : | 20 March 1992 |
| Referred to Select Committee | : | Parl 6 of 1992 presented to Parliament on 1 September 1992 |
| Date of Third Reading | : | 14 September 1992 |
| Date of commencement | : | 30 November 1993 |

2. Act 15 of 1995 — Bankruptcy Act 1995

| | | |
|------------------------------|---|---|
| Date of First Reading | : | 25 July 1994 (Bill No. 16/1994) |
| Date of Second Reading | : | 25 August 1994 |
| Referred to Select Committee | : | Parl 1 of 1995 presented to Parliament on 7 March 1995 |
| Date of Third Reading | : | 23 March 1995 |
| Date of commencement | : | 15 July 1995 |

**3. Act 25 of 1999 — Drug Trafficking (Confiscation of Benefits)
(Amendment) Act 1999**

| | | |
|--------------------------------------|---|---|
| Date of First Reading | : | 4 May 1999 (Bill No. 16/99 published on 5 May 1999) |
| Date of Second and Third Readings | : | 6 July 1999 |
| Date of commencement | : | 13 September 1999 |

4. Act 12 of 2000 — Mutual Assistance in Criminal Matters Act 2000

Date of First Reading : 17 January 2000
(Bill No. 3/2000 published on
18 January 2000)

Date of Second and Third
Readings : 22 February 2000

Date of commencement : 1 April 2000

5. 2000 Revised Edition — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act

Date of operation : 1 July 2000

6. Act 20 of 2001 — Children and Young Persons (Amendment) Act 2001

Date of First Reading : 22 February 2001
(Bill No. 12/2001 published on
23 February 2001)

Date of Second and Third
Readings : 20 April 2001

Date of commencement : 1 October 2001

7. Act 42 of 2001 — Securities and Futures Act 2001

Date of First Reading : 25 September 2001
(Bill No. 33/2001 published on
26 September 2001)

Date of Second and Third
Readings : 5 October 2001

Dates of commencement : 1 October 2002 (item (5) of the Fourth
Schedule)

8. Act 4 of 2003 — Customs (Amendment) Act 2003

Date of First Reading : 10 March 2003
(Bill No. 6/2003 published on
11 March 2003)

Date of Second and Third
Readings : 21 March 2003

Date of commencement : 1 April 2003

9. Act 24 of 2004 — Police Force Act 2004

| | | |
|-----------------------------------|---|---|
| Date of First Reading | : | 19 May 2004 (Bill No. 22/2004 published on 20 May 2004) |
| Date of Second and Third Readings | : | 15 June 2004 |
| Date of commencement | : | 12 October 2004 |

10. G. N. No. S 579/2005 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Amendment of Second Schedule) Order 2005

| | | |
|----------------------|---|------------------|
| Date of commencement | : | 9 September 2005 |
|----------------------|---|------------------|

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

| | | |
|-----------------------------------|---|---|
| Date of First Reading | : | 17 October 2005 (Bill No. 30/2005 published on 18 October 2005) |
| Date of Second and Third Readings | : | 21 November 2005 |
| Dates of commencement | : | 1 April 2006 (item (11) of the First Schedule) |

12. G. N. No. S 254/2006 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Amendment of Second Schedule) Order 2006

| | | |
|----------------------|---|------------|
| Date of commencement | : | 8 May 2006 |
|----------------------|---|------------|

13. Act 2 of 2007 — Statutes (Miscellaneous Amendments) Act 2007

| | | |
|-----------------------------------|---|---|
| Date of First Reading | : | 8 November 2006 (Bill No. 14/2006 published on 9 November 2006) |
| Date of Second and Third Readings | : | 22 January 2007 |
| Dates of commencement | : | 1 March 2007 (except sections 6, 8 and 11) |

14. G. N. No. S 488/2007 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Amendment of Second Schedule) Order 2007

| | | |
|----------------------|---|-------------------|
| Date of commencement | : | 27 September 2007 |
|----------------------|---|-------------------|

15. Act 44 of 2007 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) (Amendment) Act 2007

Date of First Reading : 27 August 2007
(Bill No. 33/2007 published on
28 August 2007)

Date of Second and Third Readings : 19 September 2007

Date of commencement : 1 November 2007

16. G. N. No. S 597/2007 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Amendment of First and Second Schedules) Order 2007

Date of commencement : 1 November 2007

17. Act 26 of 2007 — Environmental Pollution Control (Amendment) Act 2007

Date of First Reading : 9 April 2007
(Bill No. 13/2007 published on
10 April 2007)

Date of Second and Third Readings : 21 May 2007

Dates of commencement : 1 January 2008 (except section 5)

18. G. N. No. S 33/2008 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Amendment of Second Schedule) Order 2008

Date of commencement : 1 February 2008

19. G. N. No. S 83/2008 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Amendment of Second Schedule) (No. 2) Order 2008

Date of commencement : 20 February 2008

20. Act 31 of 2008 — Moneylenders Act 2008

Date of First Reading : 20 October 2008
(Bill No. 33/2008 published on
20 October 2008)

Date of Second and Third Readings : 18 November 2008

Date of commencement : 1 March 2009

21. G. N. No. S 187/2009 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Amendment of Second Schedule) Order 2009

Date of commencement : 1 May 2009

22. Act 17 of 2009 — Civil Aviation Authority of Singapore Act 2009

Date of First Reading : 23 March 2009
(Bill No. 10/2009 published on 23 March 2009)

Date of Second and Third Readings : 13 April 2009

Dates of commencement : 1 July 2009 (except sections 86 and 87)

23. G. N. No. S 28/2010 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Amendment of Second Schedule) Order 2010

Date of commencement : 22 January 2010

24. Act 4 of 2010 — Statutes (Miscellaneous Amendments) Act 2010

Date of First Reading : 23 November 2009
(Bill No. 26/2009 published on 23 November 2009)

Date of Second and Third Readings : 12 January 2010

Dates of commencement : 17 February 2010 (section 13)

25. G. N. No. S 667/2010 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Amendment of Second Schedule) Order 2010

Date of commencement : 21 November 2010

26. Act 15 of 2010 — Criminal Procedure Code 2010

Date of First Reading : 26 April 2010
(Bill No. 11/2010 published on 26 April 2010)

- Date of Second and Third Readings : 19 May 2010
- Date of commencement : 2 January 2011
- 27. G. N. No. S 59/2011 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Amendment of Second Schedule) Order 2011**
- Date of commencement : 15 February 2011
- 28. Act 2 of 2012 — Statutes (Miscellaneous Amendments) Act 2012**
- Date of First Reading : 21 November 2011
(Bill No. 22/2011 published on 21 November 2011)
- Date of Second and Third Readings : 18 January 2012
- Date of commencement : 1 March 2012
- 29. Act 3 of 2013 — Computer Misuse (Amendment) Act 2013**
- Date of First Reading : 12 November 2012
(Bill No. 36/2012 published on 12 November 2012)
- Date of Second and Third Readings : 14 January 2013
- Date of commencement : 13 March 2013
- 30. Act 9 of 2013 — Monetary Authority of Singapore (Amendment) Act 2013**
- Date of First Reading : 4 February 2013
(Bill No. 3/2013 published on 4 February 2013)
- Date of Second and Third Readings : 15 March 2013
- Date of commencement : 18 April 2013
- 31. Act 11 of 2013 — Insurance (Amendment) Act 2013**
- Date of First Reading : 4 February 2013
(Bill No. 5/2013 published on 4 February 2013)
- Date of Second and Third Readings : 15 March 2013

Date of commencement : 18 April 2013 (except section 65(a) and (b))

32. G.N. No. S 380/2013 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Amendment of Second Schedule) Order 2013

Date of commencement : 1 July 2013

33. Act 5 of 2014 — Subordinate Courts (Amendment) Act 2014

Date of First Reading : 11 November 2013
(Bill No. 26/2013)

Date of Second and Third Readings : 21 January 2014

Date of commencement : 7 March 2014

34. Act 21 of 2014 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) (Amendment) Act 2014

Date of First Reading : 28 May 2014
(Bill No. 15/2014)

Date of Second and Third Readings : 7 July 2014

Date of commencement : 1 September 2014
15 October 2014

35. G.N. No. S 348/2015 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Amendment of First and Second Schedules) Order 2015

Date of commencement : 3 June 2015

36. G.N. No. S 680/2015 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Amendment of Second Schedule) Order 2015

Date of commencement : 10 November 2015

37. Act 26 of 2015 — Organised Crime Act 2015

Date of First Reading : 13 July 2015
(Bill No. 21/2015)

Date of Second and Third Readings : 17 August 2015

Date of commencement : 1 June 2016

38. G.N. No. S 260/2016 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Amendment of Second Schedule) Order 2016

Date of commencement : 1 June 2016

39. G.N. No. S 296/2016 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Amendment of Second Schedule) (No. 2) Order 2016

Date of commencement : 1 July 2016

40. G.N. No. S 422/2017 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Amendment of Second Schedule) Order 2017

Date of commencement : 31 July 2017

41. G.N. No. S 486/2017 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Amendment of Second Schedule) (No. 2) Order 2017

Date of commencement : 1 September 2017

42. Act 9 of 2018 — Cybersecurity Act 2018

Date of First Reading : 8 January 2018
(Bill No. 2/2018)

Date of Second and Third Readings : 5 February 2018

Date of commencement : 31 August 2018

43. Act 51 of 2018 — Serious Crimes and Counter-Terrorism (Miscellaneous Amendments) Act 2018

Date of First Reading : 1 October 2018
(Bill No. 43/2018)

Date of Second and Third Readings : 19 November 2018

Date of commencement : 1 April 2019

44. Act 7 of 2019 — Precious Stones and Precious Metals (Prevention of Money Laundering and Terrorism Financing) Act 2019

Date of First Reading : 14 January 2019
(Bill No. 1/2019)

Date of Second and Third Readings : 11 February 2019

Date of commencement : 10 April 2019

45. G.N. No. S 524/2019 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Amendment of First Schedule) Order 2019

Date of commencement : 1 August 2019

46. G.N. No. S 850/2019 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Amendment of Second Schedule) Order 2019

Date of commencement : 1 January 2020

47. Act 44 of 2018 — Variable Capital Companies Act 2018

Date of First Reading : 10 September 2018
(Bill No. 40/2018)

Date of Second and Third Readings : 1 October 2018

Date of commencement : 14 January 2020

48. G.N. No. S 34/2020 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Amendment of Second Schedule) Order 2020

Date of commencement : 14 January 2020

49. Act 40 of 2018 — Insolvency, Restructuring and Dissolution Act 2018

Date of First Reading : 10 September 2018
(Bill No. 32/2018)

Date of Second and Third Readings : 1 October 2018

Date of commencement : 30 July 2020

50. G.N. No. S 674/2020 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Amendment of Second Schedule) (No. 2) Order 2020

Date of commencement : 7 August 2020

51. G.N. No. S 1044/2020 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Amendment of Second Schedule) (No. 3) Order 2020

Date of commencement : 23 December 2020

52. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019

Date of First Reading : 7 October 2019
(Bill No. 32/2019)

Date of Second and Third Readings : 5 November 2019

Date of commencement : 2 January 2021

53. G.N. No. S 884/2021 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Amendment of Second Schedule) Order 2021

Date of commencement : 21 November 2021

54. 2020 Revised Edition — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992

Operation : 31 December 2021

55. G.N. No. S 784/2023 — Revised Edition of the Laws (Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992) (Rectification) Order 2023

Operation : 31 December 2021

Publication : 6 December 2023

56. Act 25 of 2021 — Courts (Civil and Criminal Justice) Reform Act 2021

Bill : 18/2021

First Reading : 26 July 2021

Second and Third Readings : 14 September 2021

- Commencement : 1 April 2022
- 57. G.N. No. S 926/2022 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992 (Amendment of Second Schedule) Order 2022**
- Date of commencement : 3 December 2022
- 58. G.N. No. S 48/2023 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992 (Amendment of Second Schedule) Order 2023**
- Date of commencement : 10 February 2023
- 59. Act 18 of 2022 — Financial Services and Markets Act 2022**
- Date of First Reading : 14 February 2022
(Bill No. 4/2022)
- Date of Second and Third Readings : 5 April 2022
- Date of commencement : 28 April 2023 (Section 195)
- 60. G.N. No. S 525/2023 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992 (Amendment of Second Schedule) (No. 2) Order 2023**
- Date of commencement : 28 July 2023
- 61. G. N. No. S 639/2023 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992 (Amendment of First and Second Schedules) Order 2023**
- Date of commencement : 31 December 2021
25 September 2023
- 62. Act 15 of 2023 — Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) (Amendment) Act 2023**
- Bill : 12/2023
- First Reading : 18 April 2023
- Second and Third Readings : 9 May 2023
- Commencement : 8 February 2024

63. Act 19 of 2023 — Financial Services and Markets (Amendment) Act 2023
(Amendments made by the above Act)

| | | |
|---------------------------|---|---------------|
| Bill | : | 11/2023 |
| First Reading | : | 20 March 2023 |
| Second and Third Readings | : | 9 May 2023 |
| Commencement | : | 1 April 2024 |

Abbreviations

(updated on 29 August 2022)

| | |
|--------------|--|
| G.N. | Gazette Notification |
| G.N. Sp. | Gazette Notification (Special Supplement) |
| L.A. | Legislative Assembly |
| L.N. | Legal Notification (Federal/Malaysian) |
| M. | Malaya/Malaysia (including Federated Malay States, Malayan Union, Federation of Malaya and Federation of Malaysia) |
| Parl. | Parliament |
| S | Subsidiary Legislation |
| S.I. | Statutory Instrument (United Kingdom) |
| S (N.S.) | Subsidiary Legislation (New Series) |
| S.S.G.G. | Straits Settlements Government Gazette |
| S.S.G.G. (E) | Straits Settlements Government Gazette (Extraordinary) |

COMPARATIVE TABLE
CORRUPTION, DRUG TRAFFICKING
AND OTHER SERIOUS CRIMES
(CONFISCATION OF BENEFITS)
ACT 1992

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

| 2020 Ed. | 2000 Ed. |
|-----------------|-----------------|
| 3 | 2A |
| 4 | 3 |
| 5 | 3A |
| 6 | 4 |
| (4) | (3A) |
| (5) | (3B) |
| (6) | (4) |
| (7) | (4A) |
| (8) | (5) |
| (9) | (5A) |
| (10) | (6) |
| 7 | 5 |
| 8 | 5A |
| 9 | 6 |
| 10 | 7 |
| 11 | 8 |
| 12 | 9 |
| 13 | 10 |
| (6) and (7) | (6) |
| 14 | 11 |
| 15 | 12 |

| 2020 Ed. | 2000 Ed. |
|-----------------|-----------------|
| 16 | 13 |
| 17 | 14 |
| 18 | 15 |
| (3) | (2A) |
| (4) | (3) |
| (5) | (4) |
| 19 | 16 |
| 20 | 17 |
| 21 | 18 |
| 22 | 19 |
| 23 | 20 |
| 24 | 21 |
| 25 | 22 |
| 26 | 23 |
| 27 | 24 |
| 28 | 25 |
| 29 | 26 |
| 30 | 27 |
| 31 | 28 |
| (4) | (3A) |
| (5) | (4) |
| (6) | (4A) |
| (7) | (4B) |
| (8) | (5) |
| (9) | (6) |
| 32 | 29 |
| 33 | 29A |
| 34 | 29B |

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|-----------------|--|
| 35 | 29C |
| 36 | 30 |
| (2) | (1A) |
| (3) | (2) |
| (4) | (3) |
| (5) | (4) |
| (6) | (5) |
| (7) | (6) |
| (8) | (7) |
| (9) | (8) |
| (10) | (9) |
| (11) | (10) |
| (12) | (11) |
| (13) | (12) |
| (14) | (13) |
| 37 | 31 |
| (6) | (5A) |
| (7) | (6) |
| (8) | (6A) |
| — | (7) [<i>Deleted by Act 21 of 2014</i>] |
| 38 | 32 |
| 39 | 33 |
| 40 | 34 |
| 41 | 35 |
| 42 | 36 |
| 43 | 37 |
| 44 | 38 |
| 45 | 39 |

| 2020 Ed. | 2000 Ed. |
|-----------|--|
| (2) | (1A) |
| (3) | (2) |
| (4) | (3) |
| (5) | (4) |
| (6) | (5) |
| (7) | (6) |
| (8) | (7) |
| (9) | (8) |
| — | (9) [<i>Deleted by Act 21 of 2014</i>] |
| 46 | 40 |
| 47 | 40A |
| 48 | 41 |
| 49 | 42 |
| (3) | (2A) |
| (4) | (3) |
| (5) | (3A) |
| (6) | (4) |
| (7) | (5) |
| (8) | (5A) |
| (9) | (6) |
| (10) | (7) |
| (11) | (7A) |
| (12) | (8) |
| (13) | (9) |
| (14) | (10) |
| (15) | (11) |
| 50 | 43 |
| 51 | 44 |

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|-----------------|--|
| 52 | 45 |
| 53 | 46 |
| — | (5) [<i>Deleted by Act 2 of 2012</i>] |
| (5) | (6) |
| 54 | 47 |
| — | (5) [<i>Deleted by Act 2 of 2012</i>] |
| (5) | (6) |
| 55 | 47AA |
| 56 | 47A |
| 57 | 48 |
| (4) | (3A) |
| (5) | (4) |
| (6) | (5) |
| (7) | (6) |
| 58 | 48A |
| 59 | 48B |
| 60 | 48C |
| — | (4) [<i>Deleted by Act 21 of 2014</i>] |
| (4) | (5) |
| (5) | (6) |
| (6) | (7) |
| (7) | (8) |
| (8) | (9) |
| 61 | 48D |
| 62 | 48E |
| — | (4) [<i>Deleted by Act 21 of 2014</i>] |
| (4) | (5) |
| (5) | (6) |

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| 63 | 48F |
| 64 | 48FA |
| 65 | 48G |
| 66 | 48H |
| 67 | 48I |
| 68 | 48J |
| 69 | 48K |
| 70 | 49 |
| 71 | 50 |
| 72 | 51 |
| 73 | 52 |
| 74 | 53 |
| 75 | 54 |
| 76 | 55 |
| (2) | (1A) |
| (3) | (2) |
| (4) | (3) |
| (5) | (4) |
| 77 | 56 |
| (2) | (1A) |
| (3) | (2) |
| 78 | 57 |
| 79 | 58 |
| 80 | 59 |
| 81 | 60 |
| 82 | 61 |
| 83 | 62 |
| 84 | 63 |

| 2020 Ed. | 2000 Ed. |
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| 85 | 64 |