



THE STATUTES OF THE REPUBLIC OF SINGAPORE

EXCHANGE CONTROL ACT 1953

2020 REVISED EDITION

This revised edition incorporates all amendments up to and including 1 December 2021 and comes into operation on 31 December 2021.

Prepared and Published by

THE LAW REVISION COMMISSION
UNDER THE AUTHORITY OF
THE REVISED EDITION OF THE LAWS ACT 1983

Informal Consolidation – version in force from 1/4/2022

Exchange Control Act 1953

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY

Section

1. Short title
2. Interpretation

PART 2

GOLD AND FOREIGN CURRENCY

3. Dealings in gold and foreign currency
4. Surrender of gold and foreign currency
5. Bailees of gold and foreign currency
6. Travellers' cheques, etc.

PART 3

PAYMENTS

7. Payments in Singapore
8. Payments outside Singapore
9. Compensation deals

PART 4

SECURITIES

10. Issue of securities
11. Transfer of securities and coupons
12. Issue of bearer certificates and coupons
13. Substitution of securities and certificates outside Singapore
14. Payment of capital moneys outside Singapore
15. Duties of persons keeping registers
16. Additional provisions as to nominee holdings
17. Deposit of certificates of title
18. Additional provisions as to deposited certificates
19. Special provisions as to dealings in certain securities

Section

- 20. Validation of certain transfers
- 21. Application of this Part to secondary securities
- 22. Interpretation of this Part

PART 5

IMPORT AND EXPORT

- 23. Restrictions on import
- 24. General restrictions on export
- 25. Payment for exports

PART 6

MISCELLANEOUS

- 26. Duty to collect certain debts
- 27. Duty not to delay sale or importation of goods
- 28. Property obtained by infringement of this Act
- 29. Provisions supplemental to preceding provisions of this Part
- 30. Transfer of annuities, policies, etc.
- 31. Settlements
- 32. Companies

PART 7

SUPPLEMENTAL

- 33. Exemptions
- 34. Blocked accounts
- 35. Contracts, legal proceedings, etc.
- 36. Enforcement and administration
- 37. Application to Government
- 38. Other powers
- 39. Financial provisions
- 40. Branches
- 41. Persons leaving scheduled territories
- 42. Determination of residence
- 43. Authority may prohibit carrying out of certain orders by governments of, or residents in, other countries
- 44. [*Repealed*]
- 45. Regulations
 - First Schedule — Scheduled territories
 - Second Schedule — Foreign companies

Section

Third Schedule	—	Blocked accounts
Fourth Schedule	—	Legal proceedings, etc.
Fifth Schedule	—	Enforcement

An Act to confer powers, and impose duties and restrictions, in relation to gold, currency, payments, securities, debts, and the import, export, transfer and settlement of property, and for purposes connected with those matters.

[6 August 1964]

PART 1

PRELIMINARY

Short title

- 1.—(1) This Act is the Exchange Control Act 1953.
- (2) This Act shall continue in force for a period of one year from the date of the coming into force thereof.
- (3) The Minister may, from time to time, by notification in the *Gazette*, extend the period of one year mentioned in subsection (2) for such further period or periods as he may think fit.

Interpretation

- 2.—(1) In this Act, unless the context otherwise requires —
 - “authorised dealer”, in relation to gold or any foreign currency, means a person for the time being authorised by an order of the Authority to act for the purposes of this Act as an authorised dealer in relation to gold, or, as the case may be, that foreign currency;
 - “Authority” means the Monetary Authority of Singapore established under section 3 of the Monetary Authority of Singapore Act 1970;

- “authorised depository” means a person for the time being authorised by an order of the Authority to act as an authorised depository for the purposes of Part 4;
- “bank” or “banker” insofar as it relates to a bank or banker in Singapore means any bank licensed under any written law for the time being in force relating to banks;
- “bearer certificate” means a certificate of title to securities by the delivery of which (with or without endorsement) the title to the securities is transferable;
- “certificate of title to securities” means any document of title whereby a person recognises the title of another to securities issued or to be issued by the firstmentioned person, and in the case of any such document with coupons (whether attached or on separate coupon sheets) includes any coupons which have not been detached;
- “coupon” means a coupon representing dividends or interest on a security;
- “foreign currency” does not include local currency or any currency or notes issued under the law of any part of the scheduled territories but, save as aforesaid, includes any currency and any notes of a class which are or have at any time been legal tender in any territory outside Singapore, and any reference to foreign currency, except so far as the context otherwise requires, includes a reference to any right to receive foreign currency in respect of any credit or balance at a bank;
- “gold” means gold coin and bullion and includes any gold in whatever state or form other than gold which has been materially increased in value by skilled craftsmanship;
- “local currency” means currency which is, or has at any time been, legal tender in Singapore but does not include any currency issued by, or under the authority of, the Japanese military authorities;
- “offence” means an offence under this Act and includes any contravention of or failure to comply with any order,

direction, prohibition, restriction, condition or requirement made, given or imposed under powers conferred by this Act;

“policy of assurance” means any policy securing the payment of a capital sum or annuity on the occurrence of a specified event which is certain to happen and includes —

(a) any policy by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life; and

(b) any policy securing the payment of an immediate annuity,

and the reference in this definition to the occurrence of a specified event which is certain to happen includes the occurrence, which is certain to happen, of one of specified events none of which by itself is certain to happen;

“prescribed” means prescribed, for the purposes of the provision in question, by order of the Authority;

“scheduled territories” means the territories specified in the First Schedule, except that the Authority may at any time by order amend that Schedule, either by the addition or exclusion of territories or otherwise;

“secondary securities” has the meaning assigned to it by section 21;

“securities” means shares, stocks, bonds, notes (other than promissory notes), debentures, debenture stocks, units under a unit trust scheme and shares in an oil royalty;

“specified currency” has the meaning assigned to it by section 4 as extended by section 6;

“unit trust scheme” means any arrangements made for the purpose, or having the effect, of providing for persons having funds available for investment, facilities for the participation by them, as beneficiaries under a trust, in profits or income arising from the acquisition, holding, management or disposal of any property whatsoever;

“unit” means, in relation to a unit trust scheme, a right or interest (whether described as a unit, as a sub-unit or otherwise) which may be acquired under the scheme.

(2) Any provision of this Act, the effect of which is to prohibit the doing of any act where a person to or by whom the act is to be done or who stands in a specified relation to any property possesses any specified attribute as to residence or otherwise, shall, where the act is done to or by 2 or more persons or, as the case may be, where 2 or more persons stand jointly in that relation to the property, operate to prohibit the doing of that act if any of those persons possess that attribute.

(3) Any provision of this Act imposing an obligation on any person to do an act if he possesses any specified attribute as to residence or otherwise shall, in relation to any act which can only be done by 2 or more persons jointly —

- (a) where all those persons possess that attribute, operate to impose a joint obligation on all of them to do the act; and
- (b) where some only of them possess that attribute, operate to impose a separate obligation on each one of them who possesses that attribute to do all he can to secure the doing of the act.

(4) Any power conferred by this Act to prescribe the declarations which are to be furnished on any occasion shall include a power to require that the declaration shall be made by specified persons and shall be verified in a specified manner.

(5) Nothing in this Act shall be construed as requiring the Authority to pay any sum otherwise than in local currency or otherwise than in Singapore.

(6) Any provision of this Act requiring the Authority to pay any sum to any person shall, where that sum is in a specified currency, be construed as a provision that the Authority shall pay to that person the amount in local currency which he would have received for the specified currency if he had sold it to an authorised dealer in pursuance of an offer made under section 4 at the time when that sum is paid.

(7) The obligations and prohibitions imposed by this Act shall, subject to the express limitations contained therein, apply to all persons notwithstanding that they are not in Singapore and are not citizens of Singapore.

PART 2

GOLD AND FOREIGN CURRENCY

Dealings in gold and foreign currency

3.—(1) Except with the permission of the Authority, no person, other than an authorised dealer, shall in Singapore buy or borrow any gold or foreign currency from, or sell or lend any gold or foreign currency to, any person other than an authorised dealer.

(2) Except with the permission of the Authority, no person resident in the scheduled territories, other than an authorised dealer, shall in Singapore do any act which involves, is in association with or is preparatory to buying or borrowing any gold or foreign currency from, or selling or lending any gold or foreign currency to, any person outside Singapore.

(3) Where a person buys or borrows any gold or foreign currency in Singapore or, being a person resident in the scheduled territories, does any act which involves, is in association with or is preparatory to the buying or borrowing of gold or foreign currency outside Singapore, he shall comply with such conditions as to the use to which it may be put or the period for which it may be retained as may from time to time be notified to him by the Authority.

Surrender of gold and foreign currency

4.—(1) Every person in Singapore who is entitled to sell, or to procure the sale of, any gold, or any foreign currency to which this section applies, and is not an authorised dealer, shall offer it, or cause it to be offered, for sale to an authorised dealer, unless the Authority consents to his retention and use thereof or he disposes thereof to any other person with the permission of the Authority.

(2) The foreign currency to which this section applies is such foreign currency (referred to in this Act as specified currency) as may from time to time be specified by order of the Authority.

(3) If a person who has obtained the consent of the Authority to his retention and use of any gold or specified currency, and has stated in an application for the consent that he requires it for a particular purpose, no longer requires the gold or currency for that purpose, subsection (1) shall thereupon apply to him in relation to that gold or currency as if the Authority had revoked its consent to his retention and use thereof.

(4) A person who acquires any gold or specified currency from an authorised dealer shall be treated for the purposes of this section as if —

- (a) the Authority had consented to the retention and use by him of that gold or currency (subject, however, to any conditions notified to him in accordance with section 3(3)); and
- (b) any statement made by him in an application for that gold or currency as to the purpose for which he requires it had been made by him in an application for the Authority's consent to his retention and use thereof.

(5) Where a person has become bound under this section to offer or cause to be offered any gold or specified currency for sale to an authorised dealer, he shall not be deemed to comply with that obligation by any offer made or caused to be made by him, if the offer is an offer to sell at a price exceeding that authorised by the Authority, or without payment of any usual and proper charges of the authorised dealer, or otherwise on any unusual terms.

(6) Where a person has become bound under this section to offer or cause to be offered any gold or specified currency for sale to an authorised dealer and has not complied with that obligation, the Authority may direct that that gold or currency shall vest in the Authority, and it shall vest in the Authority accordingly free from any mortgage, pledge or charge.

(7) The Authority may deal with any gold or specified currency vested in the Authority under subsection (6) as it thinks fit, but the Authority shall pay to the person who would but for the direction be entitled to the gold or currency such sum as he would have received therefor if he had sold it to an authorised dealer in pursuance of an offer made under this section at the time when the vesting occurred.

(8) In any proceedings in respect of a failure to comply with this section, it shall be presumed, until the contrary is shown, that the gold or currency in question has not been offered for sale to an authorised dealer.

Bailees of gold and foreign currency

5.—(1) Every person in Singapore by whom or to whose order (whether directly or indirectly) any gold or any specified currency in the form of notes is held in Singapore but who is not entitled to sell it or procure its sale shall notify the Authority in writing that he so holds that gold or currency.

(2) The Authority may direct any person in Singapore by whom or to whose order (whether directly or indirectly) any gold or any specified currency in the form of notes is held in Singapore, whether or not he is entitled to sell it or procure its sale, to cause that gold or currency to be kept at all times in the custody of such banker as may be specified in the direction.

Travellers' cheques, etc.

6.—(1) This section shall apply to any document of a kind intended to enable the person to whom the document is issued to obtain foreign currency from some other person on the credit of the person issuing it, and in particular to any traveller's cheque or other draft or letter of credit so intended.

(2) For the purposes of this Act, the person issuing a document to which this section applies, and the person to whom it is issued, shall be deemed respectively to sell and buy foreign currency, and where foreign currency is obtained by means of the document, to sell and buy that foreign currency.

(3) Any such document not expressed in terms of sterling or local currency shall, if it is of a kind intended to enable the person to whom it is issued to obtain any specified currency, be treated also for the purposes of this Act as itself being a specified currency.

(4) Every person in Singapore who holds or to whose order there is held any document to which this section applies, being a document expressed in terms of sterling or local currency, shall encash it or cause it to be encashed in the scheduled territories with the person issuing it or with a banker, unless the Authority consents to his retention and use thereof and, where in his application for that consent he has stated that he requires it for a particular purpose, unless also he still requires it for that purpose.

(5) A person who acquires any document to which subsection (4) applies from an authorised dealer shall be treated for the purposes of that subsection as if —

- (a) the Authority had consented to the retention and use by him of that document (subject, however, to any conditions notified to him in accordance with section 3(3)); and
- (b) any statement made by him in an application for that document as to the purpose for which he requires it had been made by him in an application for the Authority's consent to his retention and use thereof.

PART 3

PAYMENTS

Payments in Singapore

7.—(1) Except with the permission of the Authority, no person shall do any of the following things in Singapore:

- (a) make any payment to or for the credit of a person resident outside the scheduled territories;
- (b) make any payment to or for the credit of a person resident in the scheduled territories by order or on behalf of a person resident outside the scheduled territories;

(c) place any sum to the credit of any person resident outside the scheduled territories.

(2) Where a person resident outside the scheduled territories has paid a sum in or towards the satisfaction of a debt due from him, subsection (1)(c) shall not prohibit the acknowledgement or recording of the payment.

Payments outside Singapore

8.—(1) Except with the permission of the Authority, no person shall in Singapore do any act which involves, is in association with or is preparatory to the making of any payment outside Singapore, to or for the credit of a person resident outside the scheduled territories.

(2) Nothing in this section shall prohibit the doing of anything otherwise lawful by any person with any foreign currency obtained by him in accordance with the provisions of Part 2 or retained by him in pursuance of a consent of the Authority.

Compensation deals

9.—(1) Except with the permission of the Authority, no person shall in Singapore make any payment to or for the credit of a person resident in the scheduled territories, or do any act which involves, is in association with or is preparatory to the making of any such payment outside Singapore, as consideration for or in association with —

- (a) the receipt by any person of a payment made outside the scheduled territories, or the acquisition by any person of property which is outside the scheduled territories; or
- (b) the transfer to any person, or the creation in favour of any person, of a right (whether present or future, and whether vested or contingent) to receive a payment outside the scheduled territories or to acquire property which is outside the scheduled territories.

(2) Nothing in this section shall prohibit the making of any payment in accordance with the terms of a permission or consent granted under this Act.

PART 4

SECURITIES

Issue of securities

10.—(1) Except with the permission of the Authority, no person shall in Singapore issue any security or do any act which involves, is in association with or is preparatory to the issuing outside Singapore of any security which is registered or to be registered in Singapore, unless the following requirements are fulfilled:

- (a) neither the person to whom the security is to be issued nor the person, if any, for whom he is to be a nominee is resident outside the scheduled territories;
- (b) the prescribed evidence is produced to the person issuing the security as to the residence of the person to whom it is to be issued and that of the person, if any, for whom he is to be a nominee.

(2) The subscription of the memorandum of association of a company to be formed under the Companies Act 1967 by a person resident outside the scheduled territories, or by a nominee for another person so resident, shall, unless he subscribes the memorandum with the permission of the Authority, be invalid insofar as it would on registration of the memorandum have the effect of making him a member of or shareholder in the company.

(3) Subsection (2) shall not render invalid the incorporation of the company referred to in that subsection.

(4) If by virtue of subsection (2) the number of the subscribers of the memorandum who on its registration become members of the company is less than the minimum number required to subscribe to the memorandum, the provisions of that Act relating to the carrying on of business of a company the number of whose members is reduced below the legal minimum shall apply to the company as if the number of its members had been so reduced.

Transfer of securities and coupons

11.—(1) Except with the permission of the Authority, a security registered in Singapore shall not be transferred, and a security not so

registered shall not be transferred in Singapore, unless, in either case, the following requirements are fulfilled:

- (a) neither the transferor nor the person, if any, for whom he is a nominee is resident outside the scheduled territories;
- (b) the transferor delivers to the transferee at or before the time of the transfer the prescribed declarations as to his residence and that of the person, if any, for whom he is a nominee;
- (c) neither the transferee nor the person, if any, for whom he is to be a nominee is resident outside the scheduled territories;
- (d) except where the security is registered in Singapore otherwise than in a subsidiary register, the Authority is satisfied that the requirements of paragraph (c) are fulfilled.

(2) Notwithstanding subsection (1) —

- (a) neither the transferee nor his agent shall be deemed to have committed an offence by reason only that the requirements of subsection (1)(a) were not fulfilled unless the transferee or, as the case may be, his agent, knew or had reason to believe that those requirements were not fulfilled; and
- (b) neither the transferor nor his agent shall be deemed to have committed an offence by reason only that any of the requirements of subsection (1)(c) and (d) have not been fulfilled unless, in the case of a non-fulfilment of the requirements of subsection (1)(c), the transferor or, as the case may be, his agent, knew or had reason to believe that those requirements were not fulfilled.

(3) Except with the permission of the Authority, a security not registered in Singapore shall not be transferred outside Singapore if either the transferor or the transferee, or the person, if any, for whom the transferor or transferee is or is to be a nominee, is resident in Singapore.

- (4) Except with the permission of the Authority —
- (a) no coupon shall be transferred in Singapore if either the transferee or the person, if any, for whom he is to be a nominee is resident outside the scheduled territories; and
 - (b) no person shall in Singapore do any act which involves, is in association with or is preparatory to the transfer of any coupon outside Singapore if either the transferor or transferee, or the person, if any, for whom the transferor or transferee is or is to be a nominee, is resident in Singapore.

Issue of bearer certificates and coupons

12.—(1) Except with the permission of the Authority, no person shall in Singapore, issue any bearer certificate or coupon or so alter any document that it becomes a bearer certificate or coupon.

(2) No person resident in the scheduled territories shall in Singapore do any act which involves, is in association with or is preparatory to, such issue or alteration outside Singapore.

Substitution of securities and certificates outside Singapore

13. Except with the permission of the Authority —

- (a) no person in Singapore shall do any act with intent to secure —
 - (i) that a security which is —
 - (A) registered in Singapore; or
 - (B) transferable by means of a bearer certificate in Singapore,
becomes, or is replaced by, a security registered outside Singapore or a security transferable by means of a bearer certificate outside Singapore; or
 - (ii) that a certificate of title to any other security, is issued outside Singapore in substitution for or in addition to a certificate of title thereto which is in, or is or has been lost or destroyed in, Singapore; and

- (b) no person resident in the scheduled territories shall in Singapore do any act which involves, is in association with or is preparatory to any such transaction outside Singapore as is referred to in paragraph (a)(i) or (ii).

Payment of capital moneys outside Singapore

14. Except with the permission of the Authority —

- (a) no person in Singapore shall do any act with intent to secure that capital moneys payable on a security registered in Singapore are paid outside Singapore, or that, where the certificate of title to a security is in Singapore, capital moneys payable on the security are paid outside Singapore without production of the certificate to the person making the payment; and
- (b) no person resident in the scheduled territories shall in Singapore do any act which involves, is in association with or is preparatory to any such transaction outside Singapore as is referred to in paragraph (a).

Duties of persons keeping registers

15. Except with the permission of the Authority, no person concerned with the keeping of any register in Singapore shall —

- (a) enter in the register the name of any person in relation to any security unless there has been produced to him the prescribed evidence that the entry does not form part of a transaction which involves the doing of anything prohibited by this Act;
- (b) enter in the register, in respect of any security, an address outside the scheduled territories, except for the purpose of any transaction for which the permission of the Authority has been granted with the knowledge that it involved the entry of that address; or
- (c) do any act in relation to the register which recognises or gives effect to any act appearing to him to have been done with such intent as is mentioned in sections 13 and 14,

whether done by a person in or resident in Singapore or not.

Additional provisions as to nominee holdings

16.—(1) Where —

- (a) the holder of a security is a nominee and the person for whom he is a nominee is resident outside the scheduled territories; or
- (b) the holder of a security is not a nominee and is resident outside the scheduled territories,

then, except with the permission of the Authority, no person resident in Singapore shall do any act whereby the holder becomes his nominee in respect of the security.

(2) Except with the permission of the Authority, a person resident in Singapore for whom the holder of a security is a nominee shall not do any act whereby —

- (a) the holder, being a person resident outside the scheduled territories, holds the security otherwise than as his nominee; or
- (b) the holder, not being a person resident outside the scheduled territories, holds the security as nominee for a person resident outside the scheduled territories.

(3) Where the holder of a security is a nominee, then, except with the permission of the Authority, neither he, if he is resident in Singapore, nor any person resident in Singapore through whose agency the exercise of all or any of the holder's rights in respect of the security are controlled, shall —

- (a) do any act whereby he recognises or gives effect to the substitution of another person as the person from whom he directly receives his instructions unless both the person previously instructing him and the person substituted for that person were, immediately before the substitution, resident in the scheduled territories and not elsewhere; or

- (b) do any act whereby he ceases to be a person bound to give effect to the instructions of another person in relation to the security, unless the person who instructed him is resident in the scheduled territories and not elsewhere.

(4) Where the holder of a security is not a nominee and is resident in Singapore, then, except with the permission of the Authority, he shall not do any act whereby he becomes the nominee of another person in respect of the security, unless that other person is resident in the scheduled territories and not elsewhere.

(5) No person resident in the scheduled territories shall in Singapore do any act which involves, is in association with or is preparatory to any such transaction outside Singapore as is referred to in this section.

Deposit of certificates of title

17.—(1) This section and section 18 shall apply to any security except —

- (a) a security which is registered in Singapore otherwise than in a subsidiary register, and on which none of the dividends or interest is payable on presentment of a coupon; and
- (b) any such other securities as may be prescribed.

(2) It shall be the duty of every person by whom or to whose order (whether directly or indirectly) a certificate of title is held in Singapore, and of every person resident in Singapore by whom or to whose order (whether directly or indirectly) a certificate of title is held outside Singapore, to cause the certificate of title to be kept at all times, except with the permission of the Authority, in the custody of an authorised depository.

(3) Nothing in this Part shall prohibit the doing of anything for the purpose of complying with the requirements of subsection (2).

(4) Except with the permission of the Authority, an authorised depository shall not part with any certificate of title or coupon required under this section to be in the custody of an authorised depository.

(5) Subsection (4) shall not prohibit an authorised depositary —

- (a) from parting with a certificate of title or coupon to or to the order of another authorised depositary, where the person from whom the other authorised depositary is to receive instructions in relation thereto is to be the same as the person from whom he receives instructions;
- (b) from parting with a certificate of title, for the purpose of obtaining payment of capital moneys payable on the security, to the person entrusted with payment thereof; or
- (c) from parting with a coupon in the ordinary course for collection.

(6) Except with the permission of the Authority, no capital moneys, interest or dividends shall be paid in Singapore on any security except to or to the order of an authorised depositary having the custody of the certificate of title to that security.

(7) Subsection (6) shall not be taken as restricting the manner in which any sums lawfully paid on account of the capital moneys, interest or dividends may be dealt with by the person receiving them.

(8) Except with the permission of the Authority, an authorised depositary shall not do any act whereby he recognises or gives effect to the substitution of one person for another as the person from whom he receives instructions in relation to a certificate of title or coupon, unless there is produced to him the prescribed evidence that he is not by so doing giving effect to any transaction which is prohibited by this Act.

(9) Where a certificate of title which under this section should, for the time being, be in the custody of an authorised depositary is not in the custody of an authorised depositary, then, except with the permission of the Authority, no person shall in Singapore buy, sell, transfer, or do anything which affects his rights or powers in relation to the security, or do any act which involves, is in association with or is preparatory to any such transaction outside Singapore.

(10) Except with the permission of the Authority, no person in Singapore shall, in the case of a certificate of title with coupons

(whether attached or on separate coupon sheets), detach any of the coupons otherwise than in the ordinary course for collection.

(11) In this section and section 18 —

“certificate of title” means a certificate of title to a security;

“coupon” means a coupon representing dividends or interest on a security;

“security” means a security to which those sections apply.

Additional provisions as to deposited certificates

18.—(1) Where a certificate of title to a security is by section 17 required to be and is in the custody of an authorised depository, this section shall, except so far as the Authority otherwise directs, have effect in relation thereto until —

(a) there are delivered to him the prescribed declarations as to the ownership of the security and the residence of the owners thereof; and

(b) in the case of a certificate of title which —

(i) would ordinarily be accompanied by coupons (whether attached or on separate coupon sheets); but

(ii) when it comes into the custody of the authorised depository, wants, in order to render it complete, any coupons which would not in the ordinary course have been detached for collection,

there have also been deposited with him the coupons so wanting at the time when the certificate of title comes into his custody.

(2) Where the declarations under subsection (1)(a) have been delivered to an authorised depository and he has parted with the certificate of title, subsection (1)(a) shall not again apply on the certificate coming into the custody of another authorised depository or again coming into his own custody.

(3) Except with the permission of the Authority, the authorised depository shall not part with or destroy the certificate of title or any

coupons belonging thereto, otherwise than as mentioned in section 17(5)(b) and (c) or do any act whereby he recognises or gives effect to the substitution of one person for another as the person from whom he receives instructions in relation thereto.

(4) Where the person from whom an authorised depositary receives instructions in relation to any certificate of title becomes bankrupt in Singapore or dies, subsection (3) shall not prohibit the authorised depositary from recognising the trustee in bankruptcy or personal representative as the person entitled to give instructions in relation to the certificate of title.

(5) The authorised depositary shall place any capital moneys, dividends or interest on the security received by him to the credit of the person by virtue of whose authority he received them, but shall not permit any part of the sums received to be dealt with except with the permission of the Authority.

Special provisions as to dealings in certain securities

19.—(1) The Authority may, if in its opinion there are circumstances rendering it necessary or expedient to do so, by order direct that this section shall apply to such securities as may be prescribed, being securities on which capital moneys, dividends or interest are payable in a specified currency or as respects which the holder has an option to require payment of any capital moneys, dividends or interest thereon in a specified currency.

(2) Except with the permission of the Authority, no person shall in Singapore transfer, or do anything which affects his rights or powers in relation to, any security to which this section applies.

(3) No person resident in the scheduled territories shall in Singapore do any act which involves, is in association with or is preparatory to any such transaction outside Singapore.

Validation of certain transfers

20.—(1) The title of any person to a security for which he has given value on a transfer thereof, and the title of all persons claiming through or under him, shall, notwithstanding that the transfer, or any previous transfer, or the issue of the security, was by reason of the

residence of any person concerned other than the firstmentioned person prohibited by the provisions of this Act relating to the transfer or issue of securities, be valid unless the firstmentioned person had notice of the facts by reason of which it was prohibited.

(2) Without prejudice to subsection (1), the Authority may issue a certificate declaring, in relation to a security, that any acts done before the issue of the certificate purporting to effect the issue or transfer of the security, being acts which were prohibited by this Act, are to be, and are always to have been, as valid as if they had been done with the permission of the Authority, and the acts shall have effect accordingly.

(3) Nothing in this section shall affect the liability of any person to prosecution for any offence under this Act.

Application of this Part to secondary securities

21.—(1) This Part shall apply, with such modifications, if any, as may be prescribed, in relation to any such document as is mentioned in subsection (2), as if the document created, and were the certificate of title to, a security (referred to in this Act as a secondary security).

(2) The documents referred to in subsection (1) are —

- (a) any letter of allotment which may be renounced;
- (b) any letter of rights;
- (c) any warrant conferring an option to acquire a security;
- (d) any deposit certificate in respect of securities (but not including a receipt by an authorised depository for any certificate of title deposited in pursuance of this Part); and
- (e) such other documents conferring, or containing evidence of, rights as may be prescribed.

Interpretation of this Part

22.—(1) In this Part —

“register” includes any book, file or index in which securities are registered;

“registered” includes inscribed;

“registered in Singapore” and “registered outside Singapore” mean respectively registered in a register in, and registered in a register outside, Singapore;

“security which is registered in Singapore otherwise than in a subsidiary register” means a security which either —

- (a) is registered in Singapore and is not and cannot without the necessity for an entry in the register in Singapore, become registered outside; or
- (b) is registered both in Singapore and outside but on a transfer cannot, without the necessity for an entry in the register in Singapore, become registered outside in the name of the transferee.

(2) For the purposes of any provision of this Part prohibiting the transfer of securities, a person shall be deemed to transfer a security if he executes any instrument of transfer thereof, whether effective or not, and shall be deemed to transfer it at the place where he executes the instrument.

(3) References in this Part to the person holding a certificate of title or coupon shall be construed as references to the person having physical custody of the certificate of title or coupon.

(4) Where the certificate of title or coupon referred to in subsection (3) is deposited with any person in a locked or sealed receptacle from which he is not entitled to remove it without the authority of some other person, that other person shall be deemed for the purposes of this Part to have the physical custody thereof.

(5) In this Part, “holder” —

- (a) in relation to a security transferable by means of a bearer certificate or to a coupon, includes the person holding the certificate or coupon; and
- (b) in relation to a security which is registered in the name of a deceased person, or of any person who, by reason of bankruptcy, mental disorder or any other disability, is incapable of transferring the security, means the personal

representative, trustee in bankruptcy or other person entitled to transfer the security.

[21/2008]

(6) The holder of a security or coupon shall be deemed for the purposes of this Part to be a nominee in respect thereof if, as respects the exercise of any rights in respect thereof, he is not entitled to exercise those rights except in accordance with instructions given by some other person.

(7) References in this Part to the person for whom the holder of a security or coupon is a nominee shall be construed as references to the person who is entitled to give instructions, either directly or through the agency of one or more persons, as to the exercise of any rights in respect of the security or coupon and is not in so doing himself under a duty to comply with instructions given by some other person.

(8) A person shall not by reason only that he has a controlling interest in a body corporate be deemed for the purposes of subsection (6) to be entitled to give instructions to that body corporate as to the exercise of rights in respect of any security or coupon of which it is the holder.

(9) A person shall not be deemed to hold a security or coupon as a nominee by reason only that he holds it as trustee if he is entitled to transfer the security or coupon without permission from any other person.

(10) A certificate of title shall not for the purposes of this Part be treated as in the custody of an authorised depository if either —

- (a) the depository has no notice of the nature of the certificate;
- or
- (b) the certificate is deposited with him in a locked or sealed receptacle from which he is not entitled to remove it without the authority of some other person.

(11) Where a certificate of title outside Singapore is by this Part required to be kept in the custody of an authorised depository, it shall be deemed to be in the custody of an authorised depository if —

- (a) by his direction or with his assent it is in the custody of some other person who holds it on behalf of and to the order of the authorised depository; and
- (b) the certificate is not deposited with that other person in a locked or sealed receptacle from which he is not entitled to remove it without the authority of a person other than himself.

(12) Where a certificate of title is by virtue of subsection (11) deemed to be in the custody of an authorised depository, references in this Part to the depository parting with the certificate or a coupon belonging thereto shall be construed as references to his permitting the person having the actual custody thereof to part with it otherwise than to the depository, and references to his destroying the certificate or such a coupon shall be construed as references to his permitting it to be destroyed.

PART 5

IMPORT AND EXPORT

Restrictions on import

23.—(1) Except with the permission of the Authority, no person shall import into Singapore —

- (a) such notes as may be specified by order of the Authority, being notes issued by a bank or notes of a class which are or have at any time been legal tender in any territory;
- (b) any Treasury bills; or
- (c) any certificate of title to any security, including any such certificate which has been cancelled, and any document certifying the destruction, loss or cancellation of any certificate of title to a security.

(2) In this section and section 24, “note” includes part of a note, “security” includes a secondary security and “coupon” shall be construed in accordance with the meaning of “security”.

General restrictions on export

24. Except with the permission of the Authority, no person shall export from Singapore —

- (a) any postal orders;
- (b) any Treasury bills;
- (c) any gold;
- (d) any of the following documents (including any such document which has been cancelled):
 - (i) any certificate of title to a security and any coupon;
 - (ii) any policy of assurance;
 - (iii) any bill of exchange or promissory note expressed in terms of a currency other than that of a scheduled territory and payable otherwise than within the scheduled territories;
 - (iv) any document to which section 6 applies not issued by an authorised dealer or in pursuance of a permission granted by the Authority;
- (e) any document certifying the destruction, loss or cancellation of any of the documents referred to in paragraph (d); or
- (f) any such articles exported on the person of a traveller or in a traveller's baggage as may be prescribed.

Payment for exports

25.—(1) Except with the permission of the Authority, no person shall export any goods of any class or description from Singapore to a destination in such territory as may be prescribed unless the Authority is satisfied —

- (a) that payment for the goods has been made to a person resident in Singapore in such manner as may be prescribed in relation to goods of that class or description exported to a destination in that territory, or is to be so made not later than 6 months after the date of exportation; and

(b) that the amount of the payment that has been made or is to be made is such as to represent a return for the goods which is in all the circumstances in accordance with the objects of this Act.

(2) The Authority may direct that, in cases to which the direction applies, subsection (1)(a) shall have effect as if for the reference to 6 months there were substituted a reference to such longer or shorter period as may be specified in the direction, or as if the words “or is to be so made not later than 6 months after the date of exportation” were omitted.

(3) For the purpose of satisfying itself in the case of any goods as to the matters specified in subsections (1) and (2), the Authority may require the person making entry of the goods for export to deliver to such officer as it may authorise in that behalf together with the entry such declarations signed by such persons as it may require, and where any such declaration has been so required the goods shall not be exported until it has been so delivered.

(4) Where the Authority is not satisfied in the case of any goods as to the matters specified in subsection (1)(b), it shall give its reasons to the person making entry of the goods for export and shall take into consideration any representations made by him.

(5) Any reference in this section to the destination of any goods includes a reference to the ultimate destination thereof.

(6) In this section, “making entry of the goods for export” means furnishing to the Enterprise Singapore Board established by the Enterprise Singapore Board Act 2018 any such document as may be required by regulations made under section 3(2)(b)(i) of the Regulation of Imports and Exports Act 1995 and “entry” shall be construed accordingly.

[10/2018]

PART 6

MISCELLANEOUS

Duty to collect certain debts

26.—(1) Except with the permission of the Authority, no person resident in Singapore who has a right (whether present or future and whether vested or contingent) to receive any specified currency, or to receive from a person resident outside the scheduled territories a payment in sterling or local currency, shall in Singapore do, or refrain from doing, any act with intent to secure or shall do any act which involves, is in association with or is preparatory to any transaction securing —

- (a) that the receipt by him of the whole or part of that currency or, as the case may be, of that payment in sterling or local currency, is delayed; or
- (b) that the currency or payment ceases, in whole or in part, to be receivable by him.

(2) Nothing in subsection (1) shall, unless the Authority otherwise directs —

- (a) impose on any person any obligation, in relation to any debt arising in the carrying on of any trade or business, to procure the payment thereof at an earlier time than is customary in the course of that trade or business; or
- (b) prohibit any transfer to a person resident in Singapore and not elsewhere of any right to receive any specified currency or payment in sterling or local currency.

(3) Where a person has contravened subsection (1) in relation to any specified currency or payment in sterling or local currency, the Authority may —

- (a) give to him or to any other person who appears to the Authority to be in a position to give effect thereto such directions as appear to the Authority to be expedient for the purpose of obtaining or expediting the receipt of the currency or payment in question; and

- (b) without prejudice to the generality of paragraph (a), direct that there shall be assigned to the Authority, or to such person as may be specified in the directions, the right to receive the currency or payment or enforce any security for the receipt thereof.

Duty not to delay sale or importation of goods

27.—(1) Where —

- (a) any permission or consent has been granted under this Act, or under any corresponding provision of the law in force in any territory comprised in the scheduled territories, subject to a condition providing that, or on the faith of an application stating an intention that, any goods should be sold outside the scheduled territories;
- (b) any statement or declaration has been made under any provision of this Act or any such corresponding provision as aforesaid that any goods are to be sold outside the scheduled territories; or
- (c) any currency has been obtained in, or by any person resident in, the scheduled territories on the faith of an application stating an intention that any goods should be sold outside the scheduled territories,

then, except with the permission of the Authority, no person who is entitled to sell or procure the sale of those goods shall in Singapore do, or refrain from doing, any act with intent to secure or shall do any act which involves, is in association with or is preparatory to any transaction securing —

- (d) that the sale is delayed to an extent which is unreasonable having regard to the ordinary course of trade; or
- (e) that, on the sale, any payment made for the goods is not made in the manner indicated by the condition, statement or declaration, as the case may be.

(2) Where —

- (a) any permission or consent has been granted under this Act, or under any corresponding provisions of the law in force

in any territory comprised in the scheduled territories, subject to a condition providing that, or on the faith of an application stating an intention that, any goods should be imported from outside the scheduled territories into any part of the scheduled territories; or

- (b) any currency has been obtained in, or by any person resident in, the scheduled territories on the faith of an application stating an intention that any goods should be so imported,

then, except with the permission of the Authority, no person who is entitled to procure the importation of those goods shall in Singapore do, or refrain from doing, any act with intent to secure that the importation thereof is delayed to an extent which is unreasonable having regard to the ordinary course of trade.

(3) Where in any such case as is specified in subsection (1)(a), (b) or (c) or (2)(a) or (b) —

- (a) the goods have not been sold or imported as indicated by the condition, statement or declaration within the time thereby indicated or, if no time is thereby indicated, a reasonable time, or (in either case) within such further time as may be allowed by the Authority; or
- (b) it appears to the Authority that the goods cannot be sold or imported as indicated by the condition, statement or declaration,

the Authority may give to any person who appears to it to be in a position to give effect thereto such directions as appear to it to be expedient as to the manner in which the goods are to be dealt with.

(4) Without prejudice to the generality of subsection (3), the power conferred thereby on the Authority to give directions shall extend to the giving of directions that the goods shall be assigned to the Authority or to a person specified in the directions.

(5) The powers conferred by subsections (3) and (4) in relation to any goods shall extend to the giving of directions with respect to any goods produced or manufactured therefrom, and, where goods to be sold outside the scheduled territories or to be imported were to be

produced or manufactured from other goods, to the giving of directions with respect to those other goods and any goods produced or manufactured from those other goods.

Property obtained by infringement of this Act

28.—(1) Where a person —

- (a) has made any payment which is prohibited by this Act; or
- (b) being bound under this Act to offer or cause to be offered any specified currency to an authorised dealer, has otherwise disposed of that currency,

the Authority may direct him to sell or procure the sale of any property which he is entitled to sell or of which he is entitled to procure the sale, being property which represents, whether directly or indirectly, that payment or that specified currency, as the case may be, and may by the same or a subsequent direction specify the manner in which, the persons to whom and the terms on which the property is to be sold.

(2) Without prejudice to the generality of subsection (1), the power conferred thereby on the Authority to give directions shall extend to the giving of directions that the property shall be assigned to the Authority or to a person specified in the directions.

Provisions supplemental to preceding provisions of this Part

29.—(1) Where under this Part the Authority has power to give directions that any right to receive any currency or payment in sterling or local currency or to enforce any security for the receipt thereof, any goods, or any other property shall be assigned to the Authority, the Authority shall also have power to direct that the right, goods or property shall vest in the Authority and it or they shall vest in the Authority accordingly free from any mortgage, pledge or charge, and the Authority may deal with it or them as the Authority thinks fit.

(2) Where, in pursuance of directions under this Part, any right, goods or property is or are assigned to the Authority or to a person specified in the directions, or any right, goods or property vests or vest in the Authority in pursuance of directions given under

subsection (1), the Authority shall pay the net sum recovered by it in respect of the right, goods or property to the person making the assignment or, in the case of any right, goods or property vested in the Authority under subsection (1), to the person who, but for the directions, would be entitled to the right, goods or property.

Transfer of annuities, policies, etc.

30.—(1) Except with the permission of the Authority, no person resident in the scheduled territories shall in Singapore transfer to a person resident outside the scheduled territories, or who is to be a nominee for a person resident outside the scheduled territories, any right to the sums assured by any policy of assurance, so, however, that where the person liable for the sums so assured makes any payment thereof to a person resident in the scheduled territories and not elsewhere, or makes, with the permission of the Authority, any payment thereof to any other person —

- (a) he shall not be bound to inquire as to the residence of any person other than the person to whom, and (if it is not the same person) the person to whose order the payment is made; and
- (b) the payment shall, to the extent of the sums paid, discharge him from his liability under the policy, notwithstanding that the payment is made to or to the order of a person who was not entitled thereto otherwise than by virtue of a transfer prohibited by this subsection.

(2) Section 20(2) and (3) shall apply in relation to any transfer prohibited by this section as it applies in relation to a transfer prohibited by this Act of a security.

(3) In this section, “nominee” has, in relation to any policy, annuity or insurance, the same meaning as that expression has in Part 4 in relation to a security.

Settlements

31.—(1) Except with the permission of the Authority, no person resident in the scheduled territories shall in Singapore —

- (a) settle any property, otherwise than by will, so as to confer an interest in the property on a person who, at the time of the settlement, is resident outside the scheduled territories;
or
- (b) exercise, otherwise than by will, any power of appointment, whether created by will or otherwise, in favour of a person who, at the time of the exercise of the power, is resident outside the scheduled territories.

(2) A settlement or exercise of a power of appointment shall not be invalid by reason that it is prohibited by this section, except so far as it purports to confer any interest on any person who, at the time of the settlement or the exercise of the power, is resident outside the scheduled territories.

(3) Section 20(2) and (3) shall apply in relation to a settlement or the exercise of a power of appointment prohibited by this section as it applies in relation to a transfer prohibited by this Act of a security.

(4) For the purpose of this section —

- (a) any reference to settling property includes a reference to the making of any disposition, covenant, agreement or arrangement whereby the property becomes subject to a trust, or (in the case of a resettlement) to a different trust;
- (b) a person shall be deemed to have an interest in property if he has any beneficial interest therein, whether present or future, and whether vested or contingent, or falls within a limited class of persons in whose favour a discretion or power in respect of the property is exercisable; and
- (c) the expression “will” includes any testamentary disposition.

(5) No person resident in the scheduled territories shall in Singapore do any act which involves, is in association with or is preparatory to any such transaction outside Singapore as is referred to in this section.

Companies

32.—(1) Where there is served on any person in Singapore a notice in writing that the Authority wishes any such requirements as are hereinafter mentioned to be complied with by any such body corporate as is specified in the Second Schedule (referred to in this subsection as a foreign company), and that person can, by doing or refraining from doing any act —

- (a) cause the foreign company to comply with any of the requirements;
- (b) remove any obstacle to the foreign company complying with any of the requirements; or
- (c) render it in any respect more probable that the foreign company will comply with any of the requirements,

then, except so far as permission to the contrary may be given by the Authority, that person shall do, or, as the case may be, refrain from doing, that act.

(2) The requirements with respect to which a notice referred to in subsection (1) may be given are as follows, that is to say, that the foreign company shall:

- (a) furnish to the Authority such particulars as to its assets and business as may be mentioned in the notice;
- (b) sell or procure the sale to an authorised dealer of any gold or specified currency mentioned in the notice, being gold or specified currency which it is entitled to sell or of which it is entitled to procure the sale;
- (c) declare and pay such dividend as may be mentioned in the notice;
- (d) realise any of its assets mentioned in the notice in such manner as may be so mentioned; and
- (e) refrain from selling, transferring, or doing anything which affects its rights or powers in relation to, any such Treasury bills or securities as may be mentioned in the notice.

(3) Except with the permission of the Authority, no person resident in the scheduled territories shall in Singapore do any act whereby a body corporate which is by any means controlled (whether directly or indirectly) by persons resident in the scheduled territories ceases to be controlled by persons resident in the scheduled territories.

(4) Subsection (3) shall not prohibit any person from selling any securities authorised to be dealt in on any recognised stock exchange in Singapore if the sale takes place in pursuance of an agreement entered into in the ordinary course of business on that stock exchange.

(5) No person resident in the scheduled territories shall in Singapore do any act which involves, is in association with or is preparatory to any such transaction outside Singapore as is referred to in subsection (3).

(6) Except with the permission of the Authority, no person resident in the scheduled territories shall in Singapore lend any money, Treasury bills or securities to any body corporate resident in the scheduled territories which is by any means controlled (whether directly or indirectly) by persons resident outside the scheduled territories.

(7) Subsection (6) shall not apply where the lender, after making such inquiries as are reasonable in the circumstances of the case, does not know and has no reason to suspect that the body corporate is controlled as referred to in subsection (3).

(8) No person resident in the scheduled territories shall in Singapore do any act which involves, is in association with or is preparatory to any such transaction outside Singapore as is referred to in subsection (6).

(9) For the purposes of this section and of the Second Schedule, persons resident in or outside the scheduled territories shall be deemed to control a body corporate notwithstanding that other persons are associated with them in the control thereof if they can together override those other persons.

(10) In this section, “security” includes a secondary security.

PART 7

SUPPLEMENTAL

Exemptions

33.—(1) Any provision of this Act imposing any obligation or prohibition shall have effect subject to such exemptions as may be granted by order of the Authority.

(2) Any such exemption may be either absolute or conditional.

Blocked accounts

34.—(1) Where —

(a) under any provision contained in Part 3 the permission of the Authority is required for the making of a payment or the placing of any sum to the credit of any person resident outside the scheduled territories; or

(b) any payment falls to be made by an authorised dealer on the sale of any gold or specified currency by any foreign company within the meaning of section 32(1), being a sale made to comply with any requirement notified under that section,

the Authority may direct that the sum payable or to be credited shall be paid or credited to a blocked account only.

(2) Where a direction is given under subsection (1), the provisions of the Third Schedule shall have effect in relation to the payment or crediting of the sum.

Contracts, legal proceedings, etc.

35.—(1) It shall be an implied condition in any contract that, where, by virtue of this Act, the permission or consent of the Authority is at the time of the contract required for the performance of any term thereof, that term shall not be performed except insofar as the permission or consent is given or is not required.

(2) Subsection (1) shall not apply insofar as it is shown to be inconsistent with the intention of the parties that it should apply,

whether by reason of their having contemplated the performance of that term despite the provisions of this Act or for any other reason.

(3) Notwithstanding anything in the Bills of Exchange Act 1949, neither the provisions of this Act, nor any condition, whether express or to be implied having regard to those provisions, that any payment shall not be made without the permission of the Authority under this Act, shall be deemed to prevent any instrument being a bill of exchange or promissory note.

(4) The provisions of the Fourth Schedule shall have effect with respect to legal proceedings, arbitrations, bankruptcy proceedings, the administration of the estates of deceased persons, the winding up of companies, and proceedings under deeds of arrangement or trust deeds for the benefit of creditors.

Enforcement and administration

36.—(1) The provisions of the Fifth Schedule shall have effect for the purpose of the enforcement of this Act.

(2) Persons belonging to the following classes:

- (a) bankers, authorised dealers, authorised depositaries;
- (b) persons to whom any powers of the competent authority under this Act are delegated;
- (c) persons who with the permission of the competent authority are in possession of documents which would, but for the permission, have to be in the custody of an authorised depositary;
- (d) persons concerned with the keeping of any register in Singapore;
- (e) persons entrusted with the payment of capital moneys, dividends or interest in Singapore,

shall comply with such directions as may be given to them respectively by the Authority, being —

- (f) in the case of any such persons, directions as respects the exercise of any functions exercisable by them by virtue of,

or by virtue of anything done under, any provision of this Act; or

- (g) in the case of authorised dealers, such directions or directions as to the terms on which they are to accept gold or foreign currency or directions requiring them to offer their gold or specified currency for sale to the Authority on such terms as may be specified in any such directions.

Application to Government

37.—(1) This Act shall bind the Government and shall apply to transactions by —

- (a) a department of the Government; or
- (b) any person acting on behalf of the Government.

(2) The Authority shall not, by virtue of any contract made by the department or person referred to in subsection (1) or on their behalf in relation to any securities, be under any obligation to grant any permission under Part 4 or any exemption from the provisions of that Part.

Other powers

38.—(1) Any permission, consent or authority granted under this Act —

- (a) may be either general or special;
- (b) may be revoked by the Authority;
- (c) may be absolute or conditional;
- (d) may be limited so as to expire on a specified date unless renewed; and
- (e) shall be published in such a way as, in the opinion of the Authority, to give any person entitled to the benefit of it an adequate opportunity of getting to know of it, unless in his opinion publication is not necessary for that purpose.

- (2) Any directions given under any provision of this Act —
- (a) may be either general or special;
 - (b) may be revoked or varied by subsequent directions; and
 - (c) shall be given to such persons and in such manner as the Authority thinks appropriate, and if so given shall be valid for all purposes.
- (3) Notwithstanding subsection (2)(c), a person shall not by virtue of any direction given by the Authority under this Act, be convicted of an offence under this Act, unless the direction was served on him or he knew, or avoided getting to know, of the giving thereof.
- (4) Where reasonable steps were taken for the purpose of bringing the purport of the direction to the notice of the person under subsection (3), it shall be for him to show that he neither knew nor avoided getting to know of the giving thereof.
- (5) The Authority may, to such extent and subject to such restrictions and conditions as it may think proper, delegate or authorise the delegation of any of its powers (other than any power to make orders or to give authority to apply for a search warrant) to any person, or class or description of persons, approved by it, and references in this Act shall be construed accordingly.
- (6) Any document stating that any permission, consent, authority or direction is given under any of the provisions of this Act by the Authority, and purporting to be signed on its behalf, shall be evidence of the facts stated in the document.

Financial provisions

39. Subject to the provisions of any written law, any expenses incurred under this Act shall be paid by the Authority and any sums received under this Act shall be paid to the Authority.

Branches

40.—(1) The Authority may by order or direction provide that, for such of the purposes of this Act as may be specified in the order or direction —

- (a) any transaction with or by a branch of any business, whether carried on by a body corporate or otherwise, shall be treated in all respects as if the branch were a body corporate resident where the branch is situated;
- (b) the making of any book entry or other statement recording a debit against a branch of any business in favour of any other branch of that business, shall be treated as a payment to that other branch; and
- (c) any property held by or on behalf of the person carrying on the business shall be deemed to be held by such of the branches of the business as may be determined in accordance with the order or direction.

(2) Any order or direction under subsection (1)(c) which makes, for any of the purposes of Part 4, such provision as is mentioned in subsection (1)(c) may contain provisions declaring the circumstances in which a branch is to be treated as nominee for any other branch.

(3) Any reference in subsection (1) or (unless the contrary intention appears) in any order or direction made thereunder to a branch of a business shall be deemed to include a reference to the head office of that business.

(4) This section shall apply in relation to any body of persons (whether corporate or unincorporated) carrying on any activity, whether for the purpose of profit or not, as they apply in relation to a business.

Persons leaving scheduled territories

41. Where a person resident in Singapore leaves the scheduled territories, the Authority may, before, at or after the time he leaves the scheduled territories, direct that, for such period as may be specified in the direction, payments by him or on his behalf and to him or to his credit and transactions in or in relation to Treasury bills, securities or secondary securities in which he is in any way concerned shall, whether or not he continues to be resident in Singapore, be subject to such restrictions as may be specified in the direction.

Determination of residence

42.—(1) For the purposes of this Act, a personal representative of a deceased person shall, unless the Authority otherwise directs, be treated as resident in the territory where the deceased person was resident for the purposes in question at the time of his death and as not resident elsewhere, so far as relates to any matters in which the personal representative is concerned solely in his capacity as such.

(2) The Authority may give directions declaring that for all or any of the purposes of this Act a person is to be treated as resident or not resident in such territories as may be specified in the directions.

Authority may prohibit carrying out of certain orders by governments of, or residents in, other countries

43.—(1) Where the Authority is satisfied that owing to the changes in the external or internal position of any country or territory, action is being, or is likely to be, taken to the detriment of the economic position of Singapore, the Authority may give general or special directions prohibiting, either absolutely or to such extent as may be specified in the directions, the carrying out, except with permission granted by the Authority, of any order given by or on behalf of the government of that country or territory or any person resident therein at the time when the directions were given or at any later time while these directions are in force insofar as the order —

- (a) requires the person to whom the order is given to make any payment or to part with any gold or securities; or
- (b) requires any change to be made in the persons to whose credit any sum is to stand or to whose order any gold or securities are to be held.

(2) Where any directions are given under this section with respect to any country or territory, a branch in that country or territory of any business, whether carried on by a body corporate or otherwise, shall, for the purposes of this section, be treated in all respects as if the branch were a body corporate resident in that country or territory.

44. [*Repealed by Act 38 of 2002*]

Regulations

45.—(1) The Authority may make such regulations as may be necessary for the better carrying out or giving effect to the provisions of this Act.

(2) All such regulations shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication, but shall not continue in force thereafter unless approved by resolution of Parliament.

(3) In approving any such regulations Parliament may make such alterations therein as it may think fit.

FIRST SCHEDULE

Section 2(1)

SCHEDULED TERRITORIES

Australia including Christmas Island, Cocos (Keeling) Islands and Norfolk Island

Bahamas

Bahrain

Bangladesh

Barbados

Belize (British Honduras)

Bermuda

Botswana

British Indian Ocean Territory comprising Aldabra, Chagos Archipelago, Desroches and Farquhar

British Solomon Islands Protectorate

British Virgin Islands

Brunei Darussalam

Cayman Islands

Cyprus

Falkland Islands and Dependencies (South Georgia and South Sandwich Islands)

Fiji

FIRST SCHEDULE — *continued*

Gambia, the

Ghana

Gibraltar

Gilbert and Ellice Islands Colony including Central and Southern Line Islands, Gilbert and Ellice Islands, Northern Line Islands, Ocean Island and Phoenix Islands

Guyana

Hong Kong Special Administrative Region of the People's Republic of China

Iceland

India, and Sikkim

Indonesia, the Republic of

Jamaica

Jordan, the Hashemite Kingdom of

Kenya

Kuwait

Leeward Islands comprising Anguilla (including Sombrero), Antigua (with Barbuda), Montserrat, St. Christopher and Nevis

Lesotho

Malawi

Malaysia

Maldivé Islands

Malta

Mauritius and Dependency (Rodrigues)

Nauru

New Zealand including Cook Islands, Niue Island and Tokelau Islands

Nigeria

Oman

Pakistan

Papua New Guinea

Philippines

FIRST SCHEDULE — *continued*

Pitcairn Islands

Qatar

St. Helena and Dependencies (Ascension Island and Tristan da Cunha)

Seychelles

Sierra Leone

Singapore, the Republic of

South Africa, the Republic of

South West Africa, the Territory of

Sri Lanka (Ceylon)

Swaziland

Tanzania

Thailand

Tonga

Trinidad and Tobago

Turks and Caicos Islands

Uganda

United Arab Emirates comprising Abu Dhabi, Ajman, Dubai, Fujairah, Ras al Khaimah, Sharjah and Umm al Qaiwain

United Kingdom, the Channel Islands and the Isle of Man

Western Samoa

Windward Islands comprising Dominica, Grenada, St. Lucia and St. Vincent

Yemen, the People's Democratic Republic of

Zambia

SECOND SCHEDULE

Section 32(1) and (9)

FOREIGN COMPANIES

1. The bodies corporate in question are bodies corporate not incorporated under the law of Singapore in the case of which any of the following conditions is fulfilled:

SECOND SCHEDULE — *continued*

- (a) that the body corporate is by any means controlled (directly or indirectly) by persons resident in Singapore;
- (b) that more than one-half of the sums which, on a liquidation thereof, would be receivable by holders of share or loan capital would be receivable directly or indirectly by or for the benefit of persons resident in Singapore;
- (c) that more than one-half of the assets which, on a liquidation thereof, would be available for distribution after the payment of creditors would be receivable directly or indirectly by or for the benefit of persons resident in Singapore;
- (d) that more than one-half —
- (i) of the interest payable on its loans and loan capital, if any;
 - (ii) of the dividends payable on its preference share capital, if any;
or
 - (iii) of the dividends payable on its share capital, if any, not being preference share capital,
- is receivable, directly or indirectly, by or for the benefit of persons resident in Singapore.

2. Where the identity of the persons by whom or for whose benefit any sum, assets, interest or dividends are directly or indirectly receivable depends on the exercise by a person resident in Singapore of a power of appointment or similar power, the sum, assets, interests or dividends shall, for the purposes of this Schedule, be deemed to be receivable directly or indirectly by or for the benefit of persons resident in Singapore.

THIRD SCHEDULE

Section 34(2)

BLOCKED ACCOUNTS

1. In this Schedule —
- “banker”, in relation to any person, means a banker who opens a blocked account in favour of that person;
- “blocked account” means an account opened as a blocked account at an office or branch in Singapore in favour of any person by a banker authorised by the Authority to open blocked accounts.
2. Where a direction is given that a payment is to be made to a blocked account only, then, subject to paragraph 3 —

THIRD SCHEDULE — *continued*

- (a) the manner in which the payment may be made shall be either —
- (i) to the banker, with a direction that it is to be credited to a blocked account of that person [which direction may, in the case of a payment by means of a cheque or warrant, be made by marking the cheque or warrant with the words “blocked account of” (*naming the person in question*) or words to the same effect]; or
 - (ii) by a crossed cheque or warrant drawn in favour of that person, marked with the words “payable only to blocked account of payee” or words to the same effect; and
- (b) the sum collected shall be credited by the banker to a blocked account of that person.

3. Where a direction is given that a sum is to be paid or credited to a blocked account only, then, notwithstanding the direction, the sum may, with the consent of the person to whom it is to be paid or credited, and subject to the requirements of Part 4 of this Act, be invested instead in the purchase for that person of any such investments as may be prescribed for the purposes of paragraph 4(2).

4.—(1) Any sum standing to the credit of a blocked account shall not be dealt with except with the permission of the Authority.

(2) Subject to compliance with the requirements of Part 4 of this Act the whole or any part of any sum referred to in sub-paragraph (1) may, at the request of the person in whose name the account stands, be invested through the banker in such investments as may be prescribed.

(3) Nothing in this Schedule shall be construed as restricting the manner in which the investments acquired under sub-paragraph (2) may be dealt with.

5.—(1) Where a person in whose name a blocked account is standing becomes bankrupt in Singapore or dies, the banker may, notwithstanding anything in paragraph 4, transfer the account to the name of the trustee in bankruptcy or personal representative, but, save as aforesaid, no change shall, except with the permission of the Authority, be made in the name in which the account stands.

(2) Where any such change is made (whether or not the permission of the Authority is necessary therefor) the account shall remain a blocked account notwithstanding the change, and this Schedule shall apply accordingly.

(3) In sub-paragraph (1), “trustee in bankruptcy” includes the Official Assignee.

6.—(1) Where —

- (a) a sum is due from any person to any other person but the Authority directs that it shall be paid or credited to a blocked account only; and

THIRD SCHEDULE — *continued*

- (b) the person to whom the sum is due nominates such an account to the person from whom the sum is due,

the last mentioned person is under a duty to the person to whom the sum is due to cause the sum to be paid or credited to that blocked account.

(2) The crediting of any sum to a blocked account in pursuance of a direction of the Authority shall, to the extent of the sum credited, be a good discharge to the person from whom the sum is due.

(3) In the case of a sum due under a contract, this paragraph shall not apply insofar as it is shown to be inconsistent with the intention of the parties that it should apply.

FOURTH SCHEDULE

Section 35(4)

LEGAL PROCEEDINGS, ETC.

1.—(1) The provisions of Part 3 of this Act shall apply to sums required to be paid by any judgment or order of any court or by any award as they apply in relation to other sums.

(2) It shall be implied in any judgment or order of any court in Singapore, and in any award given under the law of Singapore, that any sum required to be paid by the judgment, order or award (whether as a debt, as damages or otherwise) to which the provisions of Part 3 of this Act apply shall not be paid except with the permission of the Authority.

2. Nothing in this Act shall be construed as preventing the payment by any person of any sum into any court in Singapore but the provisions of Part 3 of this Act shall apply to the payment of any sum out of court, whether under an order of the court or otherwise, to or for the credit of any person resident outside the scheduled territories.

3.—(1) Without prejudice to the provisions of any written law relating to the making of Rules of Court, Rules of Court —

- (a) enabling any person who is required by any judgment, order or award to pay any sum, if he apprehends that the payment of that sum is unlawful under this Act except with the permission of the Authority, to pay that sum into court;
- (b) declaring that payment of a sum into court by virtue of sub-paragraph (a), together with the delivery to the other party concerned of such evidence of the payment as may be prescribed by

FOURTH SCHEDULE — *continued*

the Rules, shall, to the extent of the payment, be a good discharge to the person making the payment; and

- (c) so regulating the enforcement order which may issue in respect of any sum required to be paid by any judgment, order or award as to secure that, unless it is shown, in such manner as may be prescribed by the Rules, that the permission of the Authority for the payment of the sum is not required under this Act or has been given without conditions, the proceeds of the enforcement order will be paid into court, and, so far as is necessary for that purpose, varying the form of any enforcement order or other similar document or the duties of the Sheriff or other officer to whom any such order or other similar document is directed,

may be made by the Rules Committee established under section 80 of the Supreme Court of Judicature Act 1969.

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

(2) The form of any statutory demand shall be such as may be prescribed by the Authority.

4.—(1) In any proceedings in a prescribed court and in any arbitration proceedings, a claim for the recovery of any debt shall not be defeated by reason only of the debt not being payable without the permission of the Authority and of that permission not having been given or having been revoked.

(2) No court shall be prescribed for the purpose of this paragraph unless the Authority is satisfied that adequate provision has been made therefor by Rules of Court for the purposes specified under paragraph 3.

5.—(1) In any bankruptcy, in the winding up of any company or in the administration of the estate of any deceased person (being a bankruptcy, winding up or administration carried on under the law of Singapore), a claim for a sum not payable without the permission of the Authority shall, notwithstanding that the permission has not been given or has been revoked, be admitted to proof as if it had been given and had not been revoked.

(2) Nothing in sub-paragraph (1) shall be construed as affecting the application of the provisions of Part 3 of this Act to payments by any trustee, liquidator, personal representative or other person in any such bankruptcy, winding up or administration.

(3) The provisions of this Act restricting the making of settlements shall not apply to any deed of arrangement made for the benefit of creditors generally, and sub-paragraph (1) shall apply in relation to proceedings under any deed of arrangement as it applies in relation to proceedings in bankruptcy.

6. A debt for the payment of which the permission of the Authority is required under this Act shall, if in other respects it complies with the requirements of

FOURTH SCHEDULE — *continued*

section 311(1) of the Insolvency, Restructuring and Dissolution Act 2018, be allowed to be a good petitioning creditor's debt, notwithstanding those requirements, if and to the extent that the debt can be satisfied either by a payment into court or by a payment to a blocked account.

[5/2014; 40/2018]

FIFTH SCHEDULE

Section 36(1)

ENFORCEMENT

PART 1

General provisions as to evidence and information

1.—(1) Without prejudice to any other provisions of this Act, the Authority may give to any person in or resident in Singapore directions requiring him, within such time and in such manner as may be specified in the directions, to furnish to the Authority, or to any person designated in the directions as a person authorised to require it, any information in his possession or control which the Authority or the person so authorised, as the case may be, may require for the purpose of —

- (a) securing compliance with or detecting evasion of this Act; or
- (b) assisting the government of any of the scheduled territories to secure compliance with or detect evasion of, any enactment corresponding to this Act.

(2) A person required by any direction under sub-paragraph (1) to furnish information shall also produce such books, accounts or other documents (referred to in this Part as documents) in his possession or control as may be required for that purpose by the Authority or by the person authorised to require the information, as the case may be.

(3) Nothing in sub-paragraphs (1) and (2) shall be taken to require any person who has acted as counsel or solicitor for any person to disclose any privileged communication made to him in that capacity.

(4) Where a person is convicted of failing to give information or produce documents when required to do so under this paragraph, the court may make an order requiring the offender, within such period as may be specified in the order, to comply with the requirement to give the information or produce the documents.

2.—(1) If a Magistrate is satisfied by information on oath given by a person authorised by the Authority to act for the purposes of this paragraph either —

- (a) that there is reasonable ground for suspecting that an offence under this Act has been or is being committed and that evidence of the

FIFTH SCHEDULE — *continued*

commission of the offence is to be found at any premises specified in the information, or in any vehicle, vessel or aircraft so specified; or

- (b) that any documents which ought to have been produced under paragraph 1 and have not been produced are to be found at any such premises or in any such vehicle, vessel or aircraft,

he may grant a search warrant authorising any police officer, together with any other persons named in the warrant and any other police officers, to enter the premises specified in the information or, as the case may be, any premises upon which the vehicle, vessel or aircraft so specified may be, at any time within one month from the date of the warrant, and to search the premises, or, as the case may be, the vehicle, vessel or aircraft.

(2) A person authorised by any such warrant as aforesaid to search any premises or any vehicle, vessel or aircraft, may search every person who is found in, or whom he has reasonable ground to believe to have recently left or to be about to enter, those premises or that vehicle, vessel or aircraft, as the case may be, and may seize any article found in the premises or in the vehicle, vessel or aircraft which he has reasonable ground for believing to be evidence of the commission of any offence under this Act or any documents which he has reasonable ground for believing ought to have been produced under paragraph 1.

(3) No woman shall be searched in pursuance of any warrant issued under this paragraph except by a woman.

(4) Where, by virtue of this paragraph, a person has any power to enter any premises, he may use such force as is reasonably necessary for the purpose of exercising that power.

3.—(1) Any article coming into the possession of an executive authority (whether in consequence of the seizure of the article under or by virtue of this Act or otherwise) which the authority has reasonable ground for believing to be evidence of the commission of an offence under this Act may be retained for a period of 3 months or, if within that period there are commenced proceedings in respect of such an offence in which the article is, or can properly be, adduced in evidence, until the final determination of those proceedings.

(2) For the purposes of this paragraph, any person to whom any powers of the Authority are delegated or on whom any functions are conferred by or by virtue of this Act, including any police officer, shall be deemed to be an executive authority.

(3) For the purposes of this paragraph, any proceedings shall be deemed not to have been finally determined so long as there is pending any appeal in the matter of the proceedings, and an appeal in that matter shall be deemed to be pending during the ordinary time within which such an appeal may be lodged, and, if such

FIFTH SCHEDULE — *continued*

an appeal is duly lodged, the appeal shall be deemed to be pending until it is decided or withdrawn.

(4) The powers conferred by this paragraph in relation to any article shall be in addition to, and not in derogation of, any powers otherwise exercisable in relation thereto.

4. No person in or resident in Singapore shall —

- (a) with intent to evade the provisions of this Act, destroy, mutilate, deface, secrete or remove any documents;
- (b) in furnishing any information for any of the purposes of this Act, make any statement which he knows to be false in a material particular, or recklessly make any statement which is false in a material particular; or
- (c) obstruct any person in the exercise of any powers conferred on him by virtue of this Part.

5.—(1) Any information given by a person for any of the purposes of this Act may be given in evidence against him notwithstanding that it may tend to incriminate him.

(2) Sub-paragraph (1) shall be without prejudice to any question as to the admissibility of evidence of any information obtained under any written law (other than this Act) in the absence of any such express provision.

6.—(1) The Authority or any person authorised by it in writing in that behalf may enter the premises of any financial institution and inspect any of the books or documents in the possession of that financial institution relating either to any account or accounts kept by the financial institution or relating to any other matter.

(2) The Authority or any person authorised by it in writing in that behalf may by writing under its hand require any financial institution to furnish it with such periodical or other returns or to furnish such information or copies of such accounts or other documents as it may in such writing specify.

(3) Any financial institution to whom a requirement has been made under sub-paragraph (2) shall comply therewith within such time as may be specified in the requirement or if no time is specified without unnecessary delay.

PART 2

General provisions as to offences

1.—(1) Any person in or resident in Singapore who contravenes or fails to comply with any restriction or requirement imposed under this Act or any rules, orders or regulations made thereunder and any such person who conspires or attempts, or aids, abets, counsels or procures any other person, to contravene or

FIFTH SCHEDULE — *continued*

fail to comply with any such restriction or requirement, shall be guilty of an offence punishable under this Part.

(2) An offence punishable by virtue of Part 3 of this Schedule shall not be punishable under this Part.

(3) Any person who commits an offence punishable under this Part shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both, and where the offence is concerned with any currency, any security, any gold, any goods or any other property, the court may, if it thinks fit to do so, order the currency, security, gold, goods or property to be forfeited.

(4) Notwithstanding anything in the Criminal Procedure Code 2010, a District Court shall have power to award the full penalties prescribed for any offence or any abetment of or attempt or conspiracy to commit an offence punishable under this Part.

(5) Notwithstanding sub-paragraph (3), where any person is convicted of an offence in relation to any currency, any security, any payment, any gold, any goods or any other property, and that offence does not consist only of a failure to give information or produce books, accounts or other documents with respect thereto when required to do so under Part 1 of this Schedule, the maximum fine which may be imposed shall be such fine as is authorised by sub-paragraph (3) or a fine equal to 3 times the value of the currency, security, payment, gold, goods or property.

2.—(1) When any article has been seized under the provisions of this Act, the Authority shall, within a period of one month from the date of the seizure, unless a prosecution has before the expiry of that period been commenced and is pending against any person for an offence in respect of the article so seized, report the fact of the seizure to a District Court which may, if satisfied that an offence has been committed in respect of the article, order it to be forfeited.

(2) No order shall be made under this paragraph to the prejudice of any person claiming to be the owner of, or to have an interest in, the article, unless that person has had an opportunity of being heard, either personally or by an advocate, by the Court, to show cause why an order should not be made.

3.—(1) The Authority or any person authorised by it in writing in that behalf may compound any offence punishable under this Part or by virtue of Part 3 of this Schedule by accepting from the person reasonably suspected of having committed the offence a sum of money not exceeding \$1,000.

(2) On payment of that money the person reasonably suspected of having committed an offence shall, if in custody, be discharged; any currency, security,

FIFTH SCHEDULE — *continued*

gold, goods or other property seized shall be released and no further proceedings shall be taken against that person or property.

4. For the purposes of any prosecution or of compounding any offence under this Act —

- (a) whenever any agent or servant in the course of his employment does or omits to do an act the doing or omission to do which by his principal or employer would be an offence, the agent or servant shall be guilty of that offence, and his principal or employer and any person who at the time of the act or omission was in charge of the business in respect of which the act or omission occurred shall also be guilty of that offence unless the principal or employer or other person, as the case may be, proves to the satisfaction of the court that having regard to all the circumstances he took all reasonable means and precautions to prevent the act or omission;
- (b) where any offence has been committed by any body corporate, any person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that having regard to the nature of his functions in that capacity and to all the circumstances he took all reasonable means and precautions to prevent the commission of the offence.

5.—(1) No proceedings for an offence punishable under this Part shall be instituted, except with the consent of the Attorney-General or the Authority.

(2) In any case to which paragraph 4(a) applies, no proceedings shall be instituted against any principal or employer or person who at the time of the act or omission by an employee or agent was in charge of the business in respect of which the act or omission occurred, except with the consent of the Attorney-General.

(3) This paragraph shall not prevent the issue or execution of a warrant for the arrest of any person in respect of such an offence, or the remanding in custody or on bail of any person charged with such an offence.

PART 3

Import and export

1.—(1) Any person who, on any occasion, is about to leave any part of Singapore for any place outside Singapore or arrives in any part of Singapore from a place outside Singapore (which person is referred to in this paragraph as the

FIFTH SCHEDULE — *continued*

traveller) shall, if on that occasion he is required to do so by an authorised officer —

- (a) declare whether or not he has with him anything prohibited to be imported or exported by any of the provisions of Part 5 of this Act except with the permission of the Authority; and
- (b) produce any such thing which he has with him.

(2) The authorised officer may examine or search any article which the traveller has with him for the purpose of ascertaining whether he is conveying or has in his possession any such thing, and, if the officer has reasonable grounds for suspecting that the traveller has about his person any such thing, search him, and may seize anything produced or found upon such examination or search as to which the officer has reasonable ground for suspecting that it is prohibited to be imported or exported by any of the provisions of Part 5 of this Act, except with the permission of the Authority.

(3) No woman shall be searched in pursuance of this paragraph except by a woman.

2. Where any person arrives in any part of Singapore from any place outside Singapore or is about to leave any part of Singapore for any place outside Singapore in any vehicle, vessel or aircraft, an authorised officer accompanied by any person working under his direction may —

- (a) board the vehicle, vessel or aircraft for the purpose of exercising the powers conferred on him by paragraph 1;
- (b) examine or search the vehicle, vessel or aircraft for the purpose of ascertaining whether there is on board the vehicle, vessel or aircraft anything prohibited to be imported or exported by any of the provisions of Part 5 of this Act, except with the permission of the Authority; and
- (c) seize anything found upon such examination or search as to which the officer has reasonable ground for suspecting that it is prohibited to be imported or exported by any of the provisions of Part 5 of this Act, except with the permission of the Authority.

3.—(1) As respects any goods consigned from any part of Singapore to any place outside Singapore or to any part of Singapore from any place outside Singapore, an authorised officer and any person working under his directions may —

- (a) examine or search the goods for the purpose of ascertaining whether the goods contain anything prohibited to be imported or exported by

FIFTH SCHEDULE — *continued*

any of the provisions of Part 5 of this Act, except with the permission of the Authority; and

- (b) seize anything found upon such examination or search as to which the officer has reasonable ground for suspecting that it is prohibited to be imported or exported by any of the provisions of Part 5 of this Act, except with the permission of the Authority.

(2) An authorised officer and any person acting under his directions may go on board any vehicle, vessel or aircraft for the purpose of exercising the powers conferred on them by sub-paragraph (1) in relation to any goods on board the vehicle, vessel or aircraft.

4.—(1) Where, at any place in Singapore, any person is on any occasion found in circumstances in which it is reasonable to suppose that on that occasion he has communicated, or intends to communicate, at that place with a person embarking thereat on a vehicle, vessel or aircraft for the purpose of leaving any part of Singapore for any place outside Singapore, or landing thereat from a vehicle, vessel or aircraft on coming to any part of Singapore from any place outside Singapore, he shall if requested to do so by an authorised officer —

- (a) declare whether he has with him anything prohibited to be imported or exported by any of the provisions of Part 5 of this Act; and
- (b) if so, produce it for inspection and answer truthfully all questions which may be put to him in connection therewith.

(2) An authorised officer or any person acting under his directions may search any such person provided that no woman shall be searched except by a woman.

(3) An authorised officer may, in order to prevent the possibility of an offence being committed under this Act, detain anything so prohibited to be imported or exported which is in the possession of any such person, and, if he detains any such thing, shall give a receipt therefor to the person and shall return the thing to the person when he is satisfied that such possibility no longer exists.

5.—(1) The Regulation of Imports and Exports Act 1995, the Regulation of Imports and Exports Regulations, or any regulations in substitution therefor made under that Act, shall, subject to such modifications (if any) as may be prescribed to adapt that Act to this Act, apply in relation to anything prohibited to be imported or exported by any of the provisions of Part 5 of this Act except with the permission of the Authority as that Act applies in relation to goods prohibited to be imported or exported by or under that Act.

(2) Any reference in the Regulation of Imports and Exports Act 1995 to goods shall be construed as including a reference to anything prohibited to be imported

FIFTH SCHEDULE — *continued*

or exported by any of the provisions of Part 5 of this Act except with the permission of the Authority.

6. Any declaration required to be made or given under Part 5 of this Act shall, for the purposes of the Regulation of Imports and Exports Act 1995, be deemed to be a declaration required to be made by virtue of that Act.

7. If anything prohibited to be exported by any provision of Part 5 of this Act is exported in contravention thereof, or is brought to a quay, airport or other place, or water or air borne, for the purpose of being so exported, the exporter or his agent shall be liable to the same penalty as that to which a person is liable for an offence to which the Regulation of Imports and Exports Regulations, or any regulations in substitution therefor made under the Regulation of Imports and Exports Act 1995, apply.

8. An authorised officer may examine any postal article within the meaning of the Postal Services Act 1999, addressed to any person in or outside Singapore for the purpose of securing compliance with or detecting evasion of this Act.

9. Paragraphs 3, 4 and 5 of Part 2 shall apply also to offences punishable by virtue of this Part.

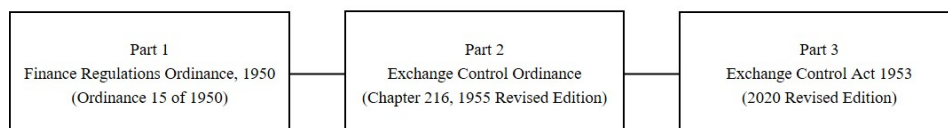
10. In this Part, “authorised officer” means any officer of customs as defined in the Customs Act 1960, any police officer as defined in the Police Force Act 2004, and any officer or person authorised by the Authority to exercise the powers and perform the duties of an authorised officer under this Part.

LEGISLATIVE HISTORY

EXCHANGE CONTROL ACT 1953

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

PICTORIAL OVERVIEW OF PREDECESSOR ACTS



LEGISLATIVE HISTORY DETAILS

PART 1

FINANCE REGULATIONS ORDINANCE, 1950 (ORDINANCE 15 OF 1950)

1. Ordinance 15 of 1950 — Finance Regulations Ordinance, 1950

Bill	:	G.N. No. S 499/1949
First Reading	:	15 November 1949
Second Reading	:	20 December 1949
Select Committee Report	:	Council Paper No. 17 of 1950
Notice of Amendments	:	25 April 1950
Third Reading	:	25 April 1950
Commencement	:	5 May 1950

Note: This Ordinance repealed the Finance Regulations Proclamation (Proclamation No. 36) (British Military Administration G.N. No. 138/1946).

PART 2

EXCHANGE CONTROL ORDINANCE (CHAPTER 216, 1955 REVISED EDITION)

2. Ordinance 12 of 1953 — Exchange Control Ordinance, 1953

Bill	:	4/1953
First Reading	:	25 February 1953
Second and Third Readings	:	17 March 1953

- Commencement : 1 January 1954
- 3. Ordinance 28 of 1954 — Exchange Control (Amendment) Ordinance, 1954**
- Bill : 30/1954
- First Reading : 21 September 1954
- Second Reading : 12 October 1954
- Third Reading : 2 November 1954
- Commencement : 18 November 1954
- 4. G.N. No. S 369/1954 — “The Exchange Control Ordinance, 1953”**
- Commencement : 1 January 1955
- 5. G.N. No. S 400/1955 — “The Exchange Control Ordinance, 1953”**
- Commencement : 1 January 1956
- 6. 1955 Revised Edition — Exchange Control Ordinance (Chapter 216)**
- Operation : 1 July 1956
- 7. G.N. No. S 272/1956 — “The Exchange Control Ordinance”**
- Commencement : 1 January 1957
- 8. G.N. No. S 254/1957 — “The Exchange Control Ordinance”**
- Commencement : 1 January 1958
- 9. G.N. No. S 230/1958 — “The Exchange Control Ordinance”**
- Commencement : 1 January 1959
- 10. G.N. No. S 223/1959 — Singapore Constitution (Modification of Laws) Order, 1959**
- Commencement : 3 June 1959
- 11. G.N. No. S (N.S.) 67/1959 — Singapore Constitution (Modification of Laws) (No. 2) Order 1959**
- Commencement : 21 August 1959
- 12. Ordinance 71 of 1959 — Transfer of Powers Ordinance, 1959**
(Amendments made by section 4 read with the First Schedule to the above Ordinance)
- Bill : 30/1959
- First Reading : 22 September 1959
- Second and Third Readings : 11 November 1959

- Commencement : 20 November 1959 (section 4 read with the First Schedule)
- 13. G.N. No. S (N.S.) 177/1959 — Singapore Constitution (Modification of Laws) (No. 3) Order, 1959**
- Commencement : 20 November 1959
- 14. G.N. No. S (N.S.) 178/1959 — Singapore Constitution (Modification of Laws) (No. 4) Order, 1959**
- Commencement : 20 November 1959
- 15. G.N. No. S (N.S.) 179/1959 — Singapore Constitution (Modification of Laws) (No. 5) Order, 1959**
- Commencement : 20 November 1959
- 16. G.N. No. S (N.S.) 183/1959 — “The Exchange Control Ordinance”**
- Commencement : 1 January 1960
- 17. Ordinance 13 of 1960 — Exchange Control (Amendment) Ordinance, 1960**
- Bill : 56/1960
- First Reading : 13 January 1960
- Second and Third Readings : 10 February 1960
- Commencement : 4 March 1960
- 18. G.N. No. S 263/1960 — “The Exchange Control Ordinance”**
- Commencement : 1 January 1961
- 19. G.N. No. S 279/1961 — “The Exchange Control Ordinance”**
- Commencement : 1 January 1962

PART 3

EXCHANGE CONTROL ACT 1953
(2020 REVISED EDITION)**20. M. Ordinance 57 of 1953 — Exchange Control Ordinance, 1953**

- Commencement : 1 January 1954
- Application : 6 August 1964

Note: This Ordinance was extended to Singapore with modifications by the Modification of Laws (Exchange Control) Order, 1964 (L.N. 238/1964 (G.N. Sp. No. S 128/1964)) on 6 August 1964.

**21. L.N. 238/1964 (G.N. Sp. No. S 128/1964) — Modification of Laws
(Exchange Control)
Order, 1964**

Commencement : 6 August 1964

Note: This Order repealed the Exchange Control Ordinance (Chapter 216, 1955 Revised Edition) and extended the Federation of Malaya Exchange Control Ordinance, 1953 (M. Ordinance 57 of 1953) with modifications to Singapore.

**22. G.N. Sp. No. S 223/1965 — Modification of Laws (Exchange Control)
Order, 1965**

Commencement : 31 December 1965

23. 1966 Reprint — Exchange Control Ordinance, 1953

Reprint : 9 February 1966

24. G.N. No. S 245/1966 — “The Exchange Control Ordinance, 1953”

Commencement : 18 November 1966

25. G.N. No. S 211/1967 — “The Exchange Control Ordinance, 1953”

Commencement : 27 October 1967

**26. G.N. No. S 148/1968 — Exchange Control (Scheduled Territories)
Order, 1968**

Commencement : 6 June 1968

27. G.N. No. S 315/1968 — “The Exchange Control Ordinance, 1953”

Commencement : 8 November 1968

**28. G.N. No. S 339/1968 — Exchange Control (Scheduled Territories)
(Amendment) Order, 1968**

Commencement : 6 December 1968

29. G.N. No. S 204/1969 — “The Exchange Control Ordinance, 1953”

Commencement : 22 August 1969

30. G.N. No. S 247/1970 — “The Exchange Control Ordinance, 1953”

Commencement : 4 September 1970

31. 1970 Revised Edition — Exchange Control Act (Chapter 245)

Operation : 31 July 1971

- 32. G.N. No. S 247/1971 — “The Exchange Control Act”**
Commencement : 17 September 1971
- 33. G.N. No. S 20/1972 — Exchange Control (Scheduled Territories) (Amendment) Order, 1972**
Commencement : 24 December 1971
- 34. G.N. No. S 69/1972 — Exchange Control (Scheduled Territories) (Amendment No. 2) Order, 1972**
Commencement : 4 March 1972
- 35. G.N. No. S 177/1972 — Exchange Control (Scheduled Territories) (Amendment No. 3) Order, 1972**
Commencement : 30 June 1972
- 36. G.N. No. S 317/1972 — “The Exchange Control Act”**
Commencement : 24 November 1972
- 37. G.N. No. S 301/1973 — “The Exchange Control Act”**
Commencement : 7 September 1973
- 38. G.N. No. S 209/1974 — “The Exchange Control Act”**
Commencement : 19 July 1974
- 39. G.N. No. S 234/1975 — “The Exchange Control Act”**
Commencement : 19 September 1975
- 40. G.N. No. S 114/1976 — Exchange Control (Scheduled Territories) Order, 1976**
Commencement : 4 February 1976
- 41. G.N. No. S 201/1976 — “The Exchange Control Act”**
Commencement : 8 October 1976
- 42. G.N. No. S 299/1977 — “The Exchange Control Act”**
Commencement : 9 December 1977
- 43. G.N. No. S 251/1978 — “The Exchange Control Act”**
Commencement : 27 October 1978
- 44. G.N. No. S 306/1983 — “The Exchange Control Act”**
Commencement : 9 December 1983

45. 1985 Revised Edition — Exchange Control Act (Chapter 99)

Operation : 30 March 1987

46. G.N. No. S 355/1988 — “The Exchange Control Act”

Commencement : 11 November 1988

47. G.N. No. 4566/1993 — “The Exchange Control Act”

Commencement : 26 November 1993

48. Act 15 of 1995 — Bankruptcy Act 1995

(Amendments made by section 167(4) read with item (7) of the Second Schedule to the above Act)

Bill : 16/1994

First Reading : 25 July 1994

Second Reading : 25 August 1994

Select Committee Report : Parl. 1 of 1995

Third Reading : 23 March 1995

Commencement : 15 July 1995 (section 167(4) read with item (7) of the Second Schedule)

49. Act 24 of 1995 — Regulation of Imports and Exports Act 1995

(Amendments made by section 47 read with paragraph 3 of the Schedule to the above Act)

Bill : 19/1995

First Reading : 25 May 1995

Second and Third Readings : 7 July 1995

Commencement : 1 December 1995 (section 47 read with paragraph 3 of the Schedule)

50. Act 7 of 1997 — Statutes (Miscellaneous Amendments) Act 1997

(Amendments made by section 6 read with item (6) of the First Schedule to the above Act)

Bill : 6/1997

First Reading : 11 July 1997

Second and Third Readings : 25 August 1997

Commencement : 1 October 1997 (section 6 read with item (6) of the First Schedule)

**51. G.N. No. S 598/1998 — Exchange Control (Continuance of Act)
Notification 1998**

Commencement : 18 December 1998

52. Act 42 of 1999 — Postal Services Act 1999
(Amendments made by section 63(2) of the above Act)

Bill : 34/1999

First Reading : 11 October 1999

Second and Third Readings : 23 November 1999

Commencement : 1 December 1999 (section 63(2))

53. 2000 Revised Edition — Exchange Control Act (Chapter 99)

Operation : 1 July 2000

54. Act 38 of 2002 — Stamp Duties (Amendment) Act 2002

(Amendments made by section 11 read with item (2) of the Schedule to the above Act)

Bill : 40/2002

First Reading : 31 October 2002

Second and Third Readings : 25 November 2002

Commencement : 1 January 2003 (section 11 read with item (2) of the Schedule)

**55. G.N. No. S 531/2003 — Exchange Control (Continuance of Act)
Notification 2003**

Commencement : 20 November 2003

56. Act 21 of 2008 — Mental Health (Care and Treatment) Act 2008
(Amendments made by section 33 read with item 1(15) of the Second Schedule to the above Act)

Bill : 11/2008

First Reading : 21 July 2008

Second and Third Readings : 15 September 2008

Commencement : 1 March 2010 (section 33 read with item 1(15) of the Second Schedule)

**57. G.N. No. S 723/2013 — Exchange Control (Continuance of Act)
Notification 2013**

Commencement : 29 November 2013

- 58. Act 5 of 2014 — Subordinate Courts (Amendment) Act 2014**
(Amendments made by section 11(9) read with item 11 of the Schedule to the above Act)
- | | | |
|---------------------------|---|--|
| Bill | : | 26/2013 |
| First Reading | : | 11 November 2013 |
| Second and Third Readings | : | 21 January 2014 |
| Commencement | : | 7 March 2014 (section 11(9) read with item 11 of the Schedule) |
- 59. Act 10 of 2018 — Enterprise Singapore Board Act 2018**
(Amendments made by section 78(5) of the above Act)
- | | | |
|---------------------------|---|------------------------------|
| Bill | : | 3/2018 |
| First Reading | : | 8 January 2018 |
| Second and Third Readings | : | 5 February 2018 |
| Commencement | : | 1 April 2018 (section 78(5)) |
- 60. Act 40 of 2018 — Insolvency, Restructuring and Dissolution Act 2018**
(Amendments made by section 476 of the above Act)
- | | | |
|---------------------------|---|----------------------------|
| Bill | : | 32/2018 |
| First Reading | : | 10 September 2018 |
| Second and Third Readings | : | 1 October 2018 |
| Commencement | : | 30 July 2020 (section 476) |
- 61. 2020 Revised Edition — Exchange Control Act 1953**
- | | | |
|-----------|---|------------------|
| Operation | : | 31 December 2021 |
|-----------|---|------------------|
- 62. Act 25 of 2021 — Courts (Civil and Criminal Justice) Reform Act 2021**
(Amendments made by section 122 of the above Act)
- | | | |
|---------------------------|---|-------------------|
| Bill | : | 18/2021 |
| First Reading | : | 26 July 2021 |
| Second and Third Readings | : | 14 September 2021 |
| Commencement | : | 1 April 2022 |

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number