



THE STATUTES OF THE REPUBLIC OF SINGAPORE

MUTUAL ASSISTANCE IN CRIMINAL MATTERS ACT

(CHAPTER 190A)

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Mutual Assistance in Criminal Matters Act

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An Act to facilitate the provision and obtaining of international assistance in criminal matters.

[1st April 2000]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Mutual Assistance in Criminal Matters Act.

Interpretation

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

“ancillary criminal matter” means —

- (a) the restraining of dealing with, or the seizure, forfeiture or confiscation of, property in connection with a Singapore offence or a foreign offence, as the case may be; or
- (b) the obtaining, enforcement or satisfaction of a Singapore confiscation order or a foreign confiscation order, as the case may be;

“appropriate authority”, in relation to a foreign country, means a person or authority whom the Attorney-General is satisfied is authorised under the law of that country —

- (a) in the case of a request by that country to Singapore for assistance in a criminal matter, to make the request; or
- (b) in the case of a request by Singapore to that country for assistance in a criminal matter, to receive the request;

“authorised officer” means —

- (a) the Director, the Deputy Director, any Assistant Director or other officer, of the Central Narcotics Bureau, appointed under section 3(1) of the Misuse of Drugs Act (Cap. 185);
- (b) any special investigator of the Corrupt Practices Investigation Bureau appointed under section 3(2) of the Prevention of Corruption Act (Cap. 241);
- (c) any Commercial Affairs Officer appointed under section 64 of the Police Force Act 2004;

[24/2004 wef 12/10/2004]

- (d) any police officer; or

- (e) any other person or class of persons appointed by the Minister as an authorised officer or authorised officers for the purposes of this Act;

“corresponding drug law”, in relation to a foreign country, means a law of the foreign country providing for the control or regulation, in that country or the part thereof in which the law is in force, of —

- (a) the production, supply, use, export and import of drugs and other substances in accordance with the provisions of the Single Convention of Narcotic Drugs signed at New York on 30th March 1961;
- (b) the production, supply, use, export and import of dangerous or otherwise harmful drugs in pursuance of any treaty, convention or other agreement or arrangement to which the Government and the government of that country are for the time being parties; or
- (c) the benefits of trafficking in the drugs or substances referred to in paragraph (a) or (b);

[Act 23 of 2014 wef 01/09/2014]

“criminal investigation” means an investigation —

- (a) into a Singapore offence or a foreign offence, as the case may be; or
- (b) for the purposes of an ancillary criminal matter;

“criminal matter” means —

- (a) a criminal investigation;
- (b) criminal proceedings; or
- (c) an ancillary criminal matter;

“criminal proceedings” means a trial of a person for a Singapore offence or foreign offence, as the case may be, and includes any proceeding to determine whether a particular person should be tried for the offence;

“dealing”, in relation to property, includes —

- (a) receiving or acquiring the property;
- (b) concealing or disguising the property (whether by concealing or disguising its nature, source, location, disposition, movement or ownership or any rights with respect to it or otherwise);
- (c) disposing of or converting the property;
- (d) bringing the property into or removing the property from Singapore;
- (e) using the property to borrow money, or as security (whether by way of charge, mortgage or pledge or otherwise); and
- (f) where a debt is owed to the person holding the property, making a payment to any person in reduction of the amount of the debt;

[Deleted by Act 23 of 2014 wef 01/09/2014]

“drug dealing offence” means —

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

[Act 23 of 2014 wef 01/09/2014]

“financial institution” has the same meaning as in section 27A(6) of the Monetary Authority of Singapore Act (Cap. 186) read with section 27A(7) of that Act;

[Act 23 of 2014 wef 01/09/2014]

“foreign confiscation order” —

(a) means an order made by a court in a foreign country, on or after the appointed date for that country, for the recovery, forfeiture or confiscation of —

(i) any payment or other reward received in connection with an offence against the law of that country, or the value of any such payment or reward; or

(ii) any property derived or realised, directly or indirectly, from any payment or other reward referred to in sub-paragraph (i), or the value of any such property; and

(b) includes an instrumentality forfeiture order;

[Act 23 of 2014 wef 01/09/2014]

“foreign country” means any country, or territory, other than Singapore;

[Deleted by Act 23 of 2014 wef 01/09/2014]

“foreign law immunity certificate” means a certificate given, or a declaration made, by a foreign country or under the law of a foreign country, certifying or declaring that, under the law of that country, persons generally or a specified person could or could not, either generally or in specified proceedings and either generally or in specified circumstances, be required —

(a) to answer a specified question; or

(b) to produce a specified thing;

“foreign offence” means any offence against the law of a foreign country;

[Act 23 of 2014 wef 01/09/2014]

[Deleted by Act 23 of 2014 wef 01/09/2014]

“foreign tax evasion offence” means an offence against the national law of a foreign country that consists of the doing of any of the following (however described) wilfully with intent

to evade, or to assist any other person to evade, any tax of that country:

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

[Act 23 of 2014 wef 01/09/2014]

“instrumentality forfeiture order” means an order made by a court of a foreign country, on or after the appointed date for that country, for the forfeiture, and the destruction or other disposal, of —

- (a) any drug or other substance in respect of which an offence against the corresponding drug law of that country has been committed; or
- (b) any property which was used in connection with the commission of any offence against the law of that country;

[Act 23 of 2014 wef 01/09/2014]

[Deleted by Act 23 of 2014 wef 01/09/2014]

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

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

“premises” includes —

- (a) a structure (whether or not movable or offshore), building, tent, vehicle, vessel, hovercraft or aircraft;
- (b) a place (whether or not enclosed or built upon); and
- (c) a part of premises (including premises of a kind referred to in paragraph (a) or (b));

“prescribed foreign country” means a foreign country declared by the Minister, by an order made under section 17(1), as a prescribed foreign country;

“process” means any summons, warrant, order or other document in respect of a criminal matter that is issued —

- (a) out of any court of Singapore or by any Judge, District Judge, Magistrate, the Registrar or Deputy Registrar or an Assistant Registrar of the Supreme Court, or the Registrar or a Deputy Registrar of the State Courts; or

[Act 5 of 2014 wef 07/03/2014]

- (b) out of any court of a foreign country or by any judge, magistrate or officer of such a court,

as the case may be;

“serious offence” means —

- (a) any offence (being an offence against the law of Singapore other than a drug dealing offence) that —
 - (i) is specified in the Second Schedule; or

(ii) is punishable with imprisonment for a term which may extend to 4 years or more;

(b) conspiracy to commit any such offence;

(c) inciting another to commit any such offence;

(d) attempting to commit any such offence; or

(e) aiding, abetting, counselling or procuring the commission of any such offence;

[Act 23 of 2014 wef 01/09/2014]

“Singapore confiscation order” means —

(a) a confiscation order made under section 4 or 5 of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act; or

(b) a substitute property confiscation order made under section 29B of that Act;

[Act 23 of 2014 wef 01/09/2014]

“Singapore offence” means —

(a) a drug dealing offence; or

(b) a serious offence;

[Act 23 of 2014 wef 01/09/2014]

“thing” includes material.

(2) For the purposes of this Act —

(a) a reference to a foreign country includes a reference to —

(i) a territory of that country, other than a territory that is itself a prescribed foreign country; and

(ii) a ship or aircraft of, or registered in, that country; and

(b) a reference to the law of a foreign country includes a reference to the law in force in any part of that country.

(3) In the definitions of “Singapore confiscation order” and “foreign confiscation order”, a reference to an order includes an order, decree, direction or judgment, or any part thereof, howsoever described.

(4) In the definitions of “foreign confiscation order” and “instrumentality forfeiture order”, a reference to the appointed date for a foreign country is a reference to —

- (a) in the case of a prescribed foreign country that was declared as such before the date of commencement of the Mutual Assistance in Criminal Matters (Amendment) Act 2006, the date the order under section 17(1) making such declaration came into force; or
- (b) in any other case, the date of commencement of the Mutual Assistance in Criminal Matters (Amendment) Act 2006.

[8/2006 wef 01/04/2006]

Meaning of “item subject to legal privilege”

2A.—(1) For the purposes of this Act, an item is subject to legal privilege if —

- (a) it is a communication made between a lawyer and a client, or a legal counsel acting as such and his employer, in connection with the lawyer giving legal advice to the client or the legal counsel giving legal advice to the employer, as the case may be;
- (b) it is a communication made between 2 or more lawyers acting for a client, or 2 or more legal counsel acting as such for their employer, in connection with one or more of the lawyers giving legal advice to the client or one or more of the legal counsel giving legal advice to the employer, as the case may be;
- (c) it is a communication made —
 - (i) between a client, or an employer of a legal counsel, and another person;
 - (ii) between a lawyer acting for a client and either the client or another person; or
 - (iii) between a legal counsel acting as such for his employer and either the employer or another person, in connection with, and for the purposes of, any legal proceedings (including anticipated or pending legal

proceedings) in which the client or employer, as the case may be, is or may be, or was or might have been, a party;

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

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

(2) In this section —

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

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

- (a) if the employer is one of a number of corporations that are related to each other under section 6 of the Companies Act (Cap. 50), every corporation so related as if the legal counsel is also employed by each of the related corporations;
- (b) if the employer is a public agency within the meaning of section 128A(6) of the Evidence Act (Cap. 97) and the legal counsel is required as part of his duties of employment or appointment to provide legal advice or assistance in connection with the application of the law or any form of resolution of legal dispute to any

other public agency or agencies, the other public agency or agencies as if the legal counsel is also employed by the other public agency or each of the other public agencies; and

(c) an employee or officer of the employer;

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

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

[Act 23 of 2014 wef 01/09/2014]

Object of Act

3. The object of this Act is to facilitate the provision and obtaining, by Singapore, of international assistance in criminal matters, including —

- (a) the provision and obtaining of evidence and things;
- (b) the making of arrangements for persons to give evidence or assist in criminal investigations;
- (c) the recovery, forfeiture or confiscation of property in respect of offences;
- (d) the restraining of dealings in property, or the freezing of assets, that may be recovered, forfeited or confiscated in respect of offences;
- (e) the execution of requests for search and seizure;
- (f) the location and identification of witnesses and suspects; and
- (g) the service of documents.

Act not to limit cooperation with international organisations, etc.

4.—(1) This Act does not prevent the provision or obtaining of international assistance in criminal matters to or from the

International Criminal Police (Interpol) or any other international organisation.

(2) This Act does not prevent the provision or obtaining of international assistance in criminal matters to or from any foreign country other than assistance of a kind that may be provided or obtained under this Act.

Act not authority for extradition of person

5. This Act does not authorise the extradition or rendition, or the arrest or detention with a view to the extradition or rendition, of any person.

PART II

REQUESTS BY SINGAPORE

Division 1 — Preliminary Provisions

Application of this Part

6. A request for assistance under this Part may be made to any foreign country.

Requests to be made by Attorney-General

7. A request by Singapore for assistance under this Part may be made only by the Attorney-General.

Division 2 — Assistance in Obtaining Evidence

Requests for taking of evidence, etc.

8.—(1) The Attorney-General may request the appropriate authority of a foreign country to arrange for —

(a) evidence to be taken in the foreign country; and

(b) the evidence to be sent to the Attorney-General,

if the Attorney-General is satisfied that there are reasonable grounds for believing that such evidence would be relevant to any criminal proceedings in Singapore.

(2) The Attorney-General may request the appropriate authority of a foreign country —

- (a) to assist in obtaining, by search and seizure if necessary, any thing in the foreign country or a photograph or copy thereof; and
- (b) to arrange for the thing or the photograph or copy thereof to be sent to the Attorney-General,

if the Attorney-General is satisfied that there are reasonable grounds for believing that such thing would be relevant to a criminal matter in Singapore.

(3) Any evidence, thing or photograph or copy of a thing received by the Attorney-General pursuant to a request under subsection (1) or (2) may, subject to the provisions of the Criminal Procedure Code (Cap. 68) and the Evidence Act (Cap. 97), be admitted as evidence at any criminal proceedings to which the request relates.

(4) In estimating the weight, if any, to be attached to a statement contained in any thing received by the Attorney-General pursuant to a request made under subsection (1) which has been admitted as evidence in any criminal proceedings to which the request relates, the court shall have regard to —

- (a) whether it was possible to challenge the statement by questioning the person who made it; and
- (b) whether the law of the foreign country concerned allowed the parties to the criminal proceedings to be legally represented when the evidence was being taken.

*Division 3 — Assistance in Arranging Attendance of
Person in Singapore*

Requests for attendance of person in Singapore

9.—(1) Where the Attorney-General is satisfied that —

- (a) there are reasonable grounds to believe that a person in a foreign country is capable of giving evidence or assistance relevant to a criminal matter involving a Singapore offence; and

- (b) that person consents to travel to Singapore for the purpose of giving such evidence or assistance,

the Attorney-General may request the appropriate authority of the foreign country to assist in arranging for the attendance of the person in Singapore for the purpose of giving such evidence or assistance.

(2) The Attorney-General may make arrangements with the appropriate authority of the foreign country for the purposes of —

- (a) the removal of the person to Singapore;
- (b) the return of the person to the foreign country; and
- (c) other relevant matters.

Penalty not to be imposed for refusal to consent

10. Where, pursuant to section 9, the Attorney-General requests the assistance of the appropriate authority of a foreign country in arranging the attendance, in Singapore, of any person, the person to whom the request relates shall not be subject to any penalty or liability or otherwise prejudiced in law by reason only of that person's refusal or failure to consent to attend as requested.

Immunities and privileges

11.—(1) A person who is in Singapore pursuant to a request made under section 9 shall not —

- (a) be detained, prosecuted or punished in Singapore for any offence that is alleged to have been committed, or that was committed, before the person's departure from the foreign country concerned pursuant to the request;
- (b) be subjected to any civil suit in respect of any act or omission that is alleged to have occurred, or that had occurred, before the person's departure from the foreign country pursuant to the request, being a civil suit to which the person could not be subjected if that person was not in Singapore; or

(c) be required to give evidence or assistance in relation to any criminal matter in Singapore other than the criminal matter to which the request relates.

(2) Subsection (1) ceases to apply if —

(a) the person has left Singapore; or

(b) the person has had the opportunity of leaving Singapore and has remained in Singapore otherwise than for —

(i) the purpose to which the request relates; or

(ii) the purpose of giving evidence or assistance in a criminal matter in Singapore certified by the Attorney-General, in writing, to be a criminal matter in which it is desirable that the person gives evidence or assistance.

(3) A certificate given by the Attorney-General under subsection (2)(b)(ii) has effect from the day specified in the certificate, which may be a day before the day on which the certificate is given.

Limitation on use of statement

12. Where —

(a) a person is in Singapore pursuant to a request made under section 9; and

(b) the person has made a statement in relation to the criminal matter to which the request relates or in relation to a criminal matter certified by the Attorney-General under section 11(2)(b)(ii),

that statement —

(i) shall not be admitted or otherwise used in any prosecution of the person for an offence against the law of Singapore (other than for the offence of perjury, or contempt of court, in relation to the giving of that evidence) unless the appropriate authority of the foreign country concerned consents to its being so used; but

- (ii) may be admitted or used against him in any criminal proceedings in Singapore —
 - (A) for the purpose of impeaching his credibility; or
 - (B) as evidence of any fact stated in that statement, of which direct oral evidence by him would be admissible,if in giving evidence he makes a statement inconsistent with that statement.

Division 4 — Assistance in Enforcing Singapore Confiscation Orders

Requests for enforcement of Singapore confiscation order

13.—(1) The Attorney-General may request the appropriate authority of a foreign country to make arrangements —

- (a) for the enforcement and satisfaction of a Singapore confiscation order; or
- (b) where a Singapore confiscation order may be made in criminal proceedings which have been or are to be instituted in Singapore, to restrain dealing in any property against which the order may be enforced or which may be available to satisfy the order,

if the Attorney-General is satisfied that there are reasonable grounds for believing that some or all of the property concerned is located in that country.

(2) Where —

- (a) the Singapore confiscation order requires the payment of a specified amount; and
- (b) property is recovered in a foreign country pursuant to a request under subsection (1),

that specified amount shall be reduced by the value of property so recovered.

(3) A certificate purporting to be issued by or on behalf of the appropriate authority of a foreign country stating —

- (a) that property has been recovered in the foreign country pursuant to a request under subsection (1); or
- (b) the value of the property or the date on which it was recovered,

shall, in any judicial proceedings, be admissible as evidence of the matter so stated.

(4) Where the value of property recovered is expressed in a currency other than that of Singapore, the extent to which the amount payable under the Singapore confiscation order is to be reduced under subsection (3) shall be calculated on the basis of the exchange rate prevailing on the date on which the property was recovered in the foreign country concerned.

(5) For the purposes of subsection (4), a certificate purporting to be issued by the Monetary Authority of Singapore and stating the exchange rate prevailing on a specified date shall be admissible in any judicial proceedings as evidence of the matter so stated.

Division 5 — Assistance in Locating or Identifying Persons

Assistance in locating or identifying persons

14. Where the Attorney-General is satisfied that there are reasonable grounds for believing that there is, in any foreign country, a person who —

- (a) is or might be concerned in or affected by; or
- (b) could give or provide evidence or assistance relevant to,

any criminal matter in Singapore, the Attorney-General may request that country to assist in locating or, if the person's identity is unknown, in identifying and locating that person.

Division 6 — Assistance in Service of Process

Assistance in service of process

15. The Attorney-General may request the appropriate authority of a foreign country to assist in effecting service of any process where the Attorney-General is satisfied that, for the purposes of, or in

connection with, any criminal matter in Singapore, it is necessary or desirable to serve that process on a person or authority in that country.

PART III

REQUESTS TO SINGAPORE

Division 1 — Preliminary Provisions

Application of this Part

16.—(1) Subject to the provisions of this Part —

- (a) assistance under sections 21 and 27(1) and Divisions 7 and 8 may be provided to any foreign country; and
- (b) assistance under section 27(2) and Divisions 2 (other than section 21), 3, 5 and 6 may only be provided to any prescribed foreign country.

(2) Notwithstanding subsection (1)(b) but subject to the provisions of this Part, any assistance referred to in that provision may be provided to a foreign country that is not a prescribed foreign country if the appropriate authority of that country has given an undertaking to the Attorney-General that that country will comply with a future request by Singapore to that country for similar assistance in a criminal matter involving an offence that corresponds to the foreign offence for which assistance is sought.

(3) The foreign country referred to in subsection (2) shall be deemed a prescribed foreign country for the purposes of the relevant provisions of this Part and (if applicable) the Third Schedule.

[8/2006 wef 01/04/2006]

[Act 23 of 2014 wef 01/09/2014]

Prescribed foreign countries

17.—(1) The Minister may, for the purposes of this Part, by order declare a foreign country as a prescribed foreign country if there is in force a treaty, memorandum of understanding or other agreement between Singapore and that country under which that country has agreed to provide assistance in criminal matters to Singapore.

(2) An order under subsection (1) may provide that the provisions of this Part shall apply to the foreign country subject to such conditions, exceptions or qualifications as are specified in the order, and in that event the provisions of this Part shall apply accordingly.

(3) The Minister may by a subsequent order vary or revoke any order previously made under this section.

Assistance may be subject to conditions

18. Assistance under this Part may be provided to a foreign country subject to such conditions as the Attorney-General determines in any particular case or class of cases.

Requests to be made to Attorney-General

19.—(1) Every request by a foreign country to Singapore for assistance under this Part shall be made to the Attorney-General.

(2) Every request shall —

(a) specify the purpose of the request and the nature of the assistance being sought;

(b) identify the person or authority that initiated the request; and

(c) be accompanied by —

(i) a certificate from the appropriate authority of that country that the request is made in respect of a criminal matter within the meaning of this Act;

(ii) a description of the nature of the criminal matter and a statement setting out a summary of the relevant facts and laws;

(iii) where the request relates to —

(A) the location of a person who is suspected to be involved in or to have benefited from the commission of an offence; or

(B) the tracing of property that is suspected to be connected with an offence,

- the name, identity, nationality, location or description of that person, or the location and description of the property, if known, and a statement setting forth the basis for suspecting the matter referred to in sub-paragraph (A) or (B);
- (iv) a description of the offence to which the criminal matter relates, including its maximum penalty;
 - (v) details of the procedure that that country wishes to be followed by Singapore in giving effect to the request, including details of the manner and form in which any information or thing is to be supplied to that country pursuant to the request;
 - (vi) where the request is for assistance relating to an ancillary criminal matter and judicial proceedings to obtain a foreign confiscation order have not been instituted in that country, a statement indicating when they are likely to be instituted;
 - (vii) a statement setting out the wishes of that country concerning the confidentiality of the request and the reason for those wishes;
 - (viii) details of the period within which that country wishes the request to be met;
 - (ix) if the request involves a person travelling from Singapore to that country, details of allowances to which the person will be entitled, and of the arrangements for accommodation for the person while he is in that country pursuant to the request;
 - (x) any other information required to be included with the request under any treaty, memorandum of understanding or other agreement between Singapore and that country; and
 - (xi) any other information that may assist in giving effect to the request or which is required under the provisions of this Act.

Refusal of assistance

20.—(1) A request by a foreign country for assistance under this Part shall be refused if, in the opinion of the Attorney-General —

- (a) the appropriate authority of that country has, in respect of that request, failed to comply with the terms of any treaty, memorandum of understanding or other agreement between Singapore and that country;
- (b) the request relates to the investigation, prosecution or punishment of a person for an offence that is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political character;
- (c) the request relates to the investigation, prosecution or punishment of a person in respect of an act or omission that, if it had occurred in Singapore, would have constituted an offence under the military law applicable in Singapore but not also under the ordinary criminal law of Singapore;
- (d) there are substantial grounds for believing that the request was made for the purpose of investigating, prosecuting, punishing or otherwise causing prejudice to a person on account of the person's race, religion, sex, ethnic origin, nationality or political opinions;
- (e) the request relates to the investigation, prosecution or punishment of a person for an offence in a case where the person —
 - (i) has been convicted, acquitted or pardoned by a competent court or other authority in that country; or
 - (ii) has undergone the punishment provided by the law of that country,in respect of that offence or of another offence constituted by the same act or omission as the first-mentioned offence;
- (f) [*Deleted by Act 23 of 2014 wef 01/09/2014*]

- (g) the offence to which the request relates is not an offence of sufficient gravity;
- (h) the thing requested for is of insufficient importance to the investigation or could reasonably be obtained by other means;
- (i) it is contrary to public interest to provide the assistance;
- (j) the appropriate authority fails to undertake that the thing requested for will not be used for a matter other than the criminal matter in respect of which the request was made, except with the consent of the Attorney-General;
- (k) in the case of a request for assistance under Division 2 or 6, the appropriate authority fails to undertake to return to the Attorney-General, upon his request, any thing obtained pursuant to the request upon completion of the criminal matter in respect of which the request was made; or
- (l) the provision of the assistance could prejudice a criminal matter in Singapore.

(2) A request by a foreign country for assistance under this Part may be refused by the Attorney-General —

- (a) pursuant to the terms of any treaty, memorandum of understanding or other agreement between Singapore and that country;
- (b) if, in the opinion of the Attorney-General, the provision of the assistance would, or would be likely to, prejudice the safety of any person (whether in Singapore or elsewhere);
- (c) if, in the opinion of the Attorney-General, the provision of the assistance would impose an excessive burden on the resources of Singapore; or
- (d) if, in the case of any assistance under sections 21 and 27(1) and Divisions 7 and 8, that country is not declared as a prescribed foreign country under section 17 and the appropriate authority of that country fails to give an undertaking to the Attorney-General that that country will comply with a future request by Singapore to that country

for similar assistance in a criminal matter involving an offence that corresponds to the foreign offence for which assistance is sought.

[8/2006 wef 01/04/2006]

(3) Subject to subsections (4) and (5), a request by a foreign country for assistance under Division 2, 5 or 6 shall be refused if, in the opinion of the Attorney-General, the request relates to the investigation, prosecution or punishment of a person in respect of any conduct which, if it had occurred in Singapore, would not have constituted a Singapore offence.

[Act 23 of 2014 wef 01/09/2014]

(4) Subsection (3) does not apply to a request by a foreign country for assistance under Division 2, if the request relates to the investigation, prosecution or punishment of a person in respect of a foreign tax evasion offence of that country.

[Act 23 of 2014 wef 01/09/2014]

(5) Subsection (3) does not apply to a request by a foreign country for assistance under Division 5 or 6, if —

- (a) the request relates to the investigation, prosecution or punishment of a person in respect of a foreign tax evasion offence of that country; and
- (b) the Attorney-General is satisfied that an arrangement having effect under section 49 or 105BA of the Income Tax Act (Cap. 134), or an international tax compliance agreement as defined in section 105I of that Act, has been made with the government of that foreign country.

[Act 23 of 2014 wef 01/09/2014]

Division 2 — Assistance in Obtaining Evidence

Taking of evidence for criminal proceedings

21.—(1) Where a request is made by the appropriate authority of a foreign country that evidence be taken in Singapore for the purposes of any criminal proceedings pending in a court in the foreign country, the Attorney-General may by notice in writing, subject to such conditions as the Attorney-General may specify in the notice,

authorise a Magistrate to take the evidence and transmit the evidence to the appropriate authority.

(2) Upon receipt of the notice made under subsection (1), the Magistrate shall —

- (a) take the evidence of each witness appearing before him to give evidence in relation to the criminal matter as if the witness were giving evidence on a charge against a person for an offence against the law of Singapore;
- (b) cause the evidence to be reduced in writing and certify at the end of that writing that the evidence was taken by him; and
- (c) cause the writing, so certified, to be sent to the Attorney-General.

(3) The proceedings may be conducted in the presence or absence of the person to whom the criminal proceedings in the foreign country relates or of his legal representative (if any).

(4) The certificate referred to in subsection (2) shall state whether the person to whom the criminal proceedings in the foreign country relates or his legal representative (if any) was present at the proceedings.

(5) The laws for the time being in force with respect to the compelling of persons to attend before a Magistrate, and to give evidence, answer questions and produce documents, upon the hearing of a charge against a person for an offence against the law of Singapore shall apply, so far as they are capable of application, with respect to the compelling of persons to attend before a Magistrate, and to give evidence, answer questions and produce documents, for the purposes of this section.

(6) For the purposes of this section, the person to whom the criminal proceedings in the foreign country relates is competent, but not compellable, to give evidence.

(7) No person who is required under this section to give evidence for the purposes of any criminal proceedings in a foreign country

shall be required to answer any question that the person could not be compelled to answer in those proceedings in that country.

(8) A duly certified foreign law immunity certificate is admissible in proceedings under this section as prima facie evidence of the matters stated in the certificate.

(9) Evidence taken under this section shall not be admissible in evidence, or otherwise used, for the purposes of any judicial proceedings, disciplinary proceedings, or other proceedings, in Singapore except a prosecution of the person who gave that evidence for the offence of perjury, or contempt of court, in respect of that evidence.

Production orders for criminal matters

22.—(1) Where a request is made by the appropriate authority of a prescribed foreign country that any particular thing or description of thing in Singapore be produced for the purposes of any criminal matter in that country, the Attorney-General or a person duly appointed by him may apply to the court for an order under subsection (3).

(2) An application for an order under subsection (3) in relation to any thing in the possession of a financial institution shall be made only to the High Court.

(3) If, on such an application, the court is satisfied that the conditions referred to in subsection (4) are fulfilled, it may make an order that the person who appears to the court to be in possession of the thing to which the application relates shall —

(a) produce the thing to an authorised officer for him to take away; or

(b) give an authorised officer access to the thing,

within 7 days of the date of the order or such other period as the court considers appropriate.

- (4) The conditions referred to in subsection (3) are —
- (a) that there are reasonable grounds for suspecting that a specified person has carried on or benefited from a foreign offence;
 - (b) that there are reasonable grounds for believing that the thing to which the application relates —
 - (i) is likely to be of substantial value (whether by itself or together with another thing) to the criminal matter in respect of which the application was made; and
 - (ii) does not consist of or include items subject to legal privilege; and
 - (c) that the court is satisfied that it is not contrary to the public interest for the thing to be produced or that access to it be given.
- (5) The proceedings referred to in subsection (3) may be conducted in the presence or absence of the person to whom the criminal proceedings in the foreign country relates or of his legal representative (if any).
- (6) No person who is required by an order under this section to produce or make available any thing for the purposes of any criminal proceedings in a foreign country shall be required to produce any thing that the person could not be compelled to produce in the proceedings in that country.
- (7) A duly certified foreign law immunity certificate is admissible in proceedings under this section as prima facie evidence of the matters stated in the certificate.
- (8) Proceedings under subsection (3) shall be heard in camera.

Supplementary provisions regarding production orders

23.—(1) Where a court orders a person under section 22 to give an authorised officer access to any thing on any premises, it may, on the same or a subsequent application of an authorised officer, order any person who appears to him to be entitled to grant entry to the premises

to allow an authorised officer to enter the premises to obtain access to the thing.

(2) Where any material to which an order under section 22 relates consists of information contained in or accessible by means of any data equipment —

(a) an order under section 22(3)(a) shall have effect as an order to produce the material in a form which can be taken away and which is visible and legible; and

(b) an order under section 22(3)(b) shall have effect as an order to give access to the material in a form which is visible and legible.

(3) A person is not excused from producing or making available any thing by an order under section 22 on the ground that —

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

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

(4) An order under section 22 —

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

(b) shall have effect notwithstanding any obligations as to secrecy or other restrictions upon the disclosure of information imposed by statute or otherwise.

(5) An authorised officer may photograph or make copies of any thing produced or to which access is granted pursuant to an order made under section 22.

(6) Where an authorised officer takes possession of any thing under an order made under section 22 or takes any photograph or makes any copy of the thing under subsection (5), he may retain the thing, photograph or copy for a period of up to one month pending a written direction from the Attorney-General as to the manner in which the

thing, photograph or copy is to be dealt with (which may include a direction that the thing, photograph or copy be sent to the appropriate authority of the foreign country concerned).

(7) Rules of Court may provide for —

- (a) the discharge and variation of orders under section 22; and
- (b) proceedings relating to such orders.

(8) In this section, “data equipment” means any equipment which —

- (a) automatically processes information;
- (b) automatically records or stores information;
- (c) can be used to cause information to be automatically recorded, stored or otherwise processed on other equipment (wherever situated);
- (d) can be used to retrieve information whether the information is recorded or stored in the equipment itself or in other equipment (wherever situated).

Immunities

24.—(1) No civil or criminal action, other than a criminal action for an offence under section 25, shall lie against any person for —

- (a) producing or giving access to any thing if he had produced or given access to the thing in good faith in compliance with an order made against him under section 22; or
- (b) doing or omitting to do any act if he had done or omitted to do the act in good faith and as a result of complying with such an order.

(2) Any person who complies with an order made under section 22 shall not be treated as being in breach of any restriction upon the disclosure of information or thing imposed by law, contract or rules of professional conduct.

Failure to comply with production order

25. Any person who —

- (a) without reasonable excuse contravenes or fails to comply with an order under section 22; or
- (b) in purported compliance with such an order, produces or makes available to an authorised officer any material known to the person to be false or misleading in a material particular without —
 - (i) indicating to the authorised officer that the material is false or misleading and the part that is false or misleading; or
 - (ii) providing correct information to the authorised officer if the person is in possession of, or can reasonably acquire, the correct information,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

*Division 3 — Assistance in Arranging Attendance of Person in
Foreign Country*

Requests for attendance of person in foreign country

26.—(1) The appropriate authority of a prescribed foreign country may request the Attorney-General to assist in arranging the attendance, in that country, of a person in Singapore for the purposes of giving or providing evidence or assistance in relation to a criminal matter in that country.

(2) Where, on receipt of a request referred to in subsection (1), the Attorney-General is satisfied that —

- (a) the request relates to a criminal matter in the foreign country involving a foreign offence;
- (b) there are reasonable grounds to believe that the person concerned is capable of giving or providing evidence or assistance relevant to the criminal matter;

- (c) the person concerned has freely consented to attend as requested;
- (d) the person is not —
 - (i) a prisoner within the meaning of section 2 of the Prisons Act (Cap. 247); or
 - (ii) otherwise under detention in a prescribed institution; and
- (e) the appropriate authority has given adequate undertakings in respect of the matters referred to in subsection (3),

the Attorney-General may assist in making arrangements for the travel of the person to the foreign country.

(3) The matters in relation to which undertakings are to be given by the appropriate authority are —

- (a) that the person shall not —
 - (i) be detained, prosecuted or punished for any offence against the law of the foreign country that is alleged to have been committed, or that was committed, before the person's departure from Singapore;
 - (ii) be subjected to any civil suit in respect of any act or omission of the person that is alleged to have occurred, or that had occurred, before the person's departure from Singapore, being a civil suit to which the person could not be subjected if that person was not in the foreign country; or
 - (iii) be required to give evidence or assistance in relation to any criminal matter in the foreign country other than the criminal matter to which the request relates,unless —
 - (A) the person has left the foreign country; or
 - (B) the person has had the opportunity of leaving the foreign country and has remained in the foreign country otherwise than for the purpose of giving or

providing evidence or assistance in relation to the criminal matter to which the request relates;

- (b) that any evidence given by the person in the criminal proceedings to which the request relates (if any) will be inadmissible or otherwise disqualified from use in the prosecution of the person for an offence against the law of the foreign country, other than for the offence of perjury, or contempt of court, in relation to the giving of that evidence;
- (c) that the person will be returned to Singapore in accordance with arrangements agreed to by the Attorney-General; and
- (d) such other matters as the Attorney-General thinks appropriate.

(4) Where, pursuant to this section, the appropriate authority of a foreign country requests the assistance of the Attorney-General in arranging the attendance, in that country, of any person, the person to whom the request relates shall not be subject to any penalty or liability or otherwise prejudiced in law by reason only of that person's refusal or failure to consent to attend as requested.

Division 4 — Custody of Persons in Transit through Singapore

Custody of persons in transit

27.—(1) A person who is in custody in a foreign country and has consented to give evidence or assistance in relation to a criminal matter in another foreign country may be transported through Singapore, in the custody of another person, to that other foreign country, if the first-mentioned foreign country gives prior notice of this to the Attorney-General.

(2) Where one of the foreign countries is a prescribed foreign country, the person being transported through Singapore in custody may, if an aircraft, vessel or train by which the person is being transported lands or calls in Singapore, be kept in such custody in Singapore with such authorised officer as the Attorney-General directs in writing until his transportation is continued.

(3) Where —

- (a) a person is being held in custody pursuant to a direction under subsection (2); and
- (b) the person's transportation is not, in the opinion of the Attorney-General, continued within a reasonable time,

the Attorney-General may direct that the person be transported in custody to the foreign country from which the person was first transported, and such direction shall be sufficient authority for that person's removal from Singapore by such means as the Attorney-General directs.

Escape from custody

28.—(1) Any person who, being a person held in custody pursuant to a direction under section 27(2), escapes from custody shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) Any police officer may, without warrant, arrest a person if the police officer has reasonable grounds to believe that the person was a person referred to in subsection (1).

(3) A person who has been arrested shall be returned to custody in accordance with the direction.

Division 5 — Enforcement of Foreign Confiscation Order, etc.

Requests for enforcement of foreign confiscation order

29.—(1) The appropriate authority of a prescribed foreign country may request the Attorney-General to assist in —

- (a) the enforcement and satisfaction of a foreign confiscation order, made in any judicial proceedings instituted in that country, against property that is reasonably believed to be located in Singapore; or
- (b) where a foreign confiscation order may be made in judicial proceedings which have been or are to be instituted in that country, the restraining of dealing in any property that is

reasonably believed to be located in Singapore and against which the order may be enforced or which may be available to satisfy the order.

(2) On receipt of a request referred to in subsection (1), the Attorney-General may —

(a) in the case of subsection (1)(a), act or authorise the taking of action under section 30 and the provisions of the Third Schedule; or

[Act 23 of 2014 wef 01/09/2014]

(b) in the case of subsection (1)(b), act or authorise the taking of action under the provisions of the Third Schedule,

and in that event the provisions of the Third Schedule shall apply accordingly.

[Act 23 of 2014 wef 01/09/2014]

(3) For the purposes of this section and the provisions of the Third Schedule, judicial proceedings that are criminal proceedings are instituted in a prescribed foreign country when a person is produced and charged in court with a foreign offence.

[Act 23 of 2014 wef 01/09/2014]

Registration of foreign confiscation order

30.—(1) The Attorney-General or a person authorised by him may apply to the High Court for the registration of a foreign confiscation order.

(2) The High Court may, on an application referred to in subsection (1), register the foreign confiscation order if it is satisfied —

(a) that the order is in force and not subject to further appeal in the foreign country;

(b) where a person affected by the order did not appear in the proceedings, that the person received notice of the proceedings in sufficient time to enable him to defend them; and

(c) that enforcing the order in Singapore would not be contrary to the interests of justice.

- (3) For the purposes of subsection (2), “appeal” includes —
- (a) any proceedings by way of discharging or setting aside a judgment; and
 - (b) an application for a new trial or a stay of execution.
- (4) The High Court shall cancel the registration of a foreign confiscation order if it appears to the Court that the order has been satisfied by payment of the amount due under it or by the person against whom it was made serving imprisonment in default of payment or other means.
- (5) Where an amount of money (if any) payable or remaining to be paid under a foreign confiscation order registered in the High Court under this section is expressed in a currency other than that of Singapore, the amount shall, for the purpose of any action taken in relation to that order, be converted into the currency of Singapore on the basis of the exchange rate prevailing on the date of registration of the order.
- (6) For the purposes of subsection (5), a certificate issued by the Monetary Authority of Singapore and stating the exchange rate prevailing on a specified date shall be admissible in any judicial proceedings as evidence of the facts so stated.

Proof of orders, etc., of prescribed foreign country

31.—(1) For the purposes of sections 29 and 30 and the Third Schedule —

- (a) any order made or judgment given by a court of a prescribed foreign country purporting to bear the seal of that court or to be signed by any person in his capacity as a judge, magistrate or officer of the court, shall be deemed without further proof to have been duly sealed or, as the case may be, to have been signed by that person; and
- (b) a document, duly authenticated, that purports to be a copy of any order made or judgment given by a court of a prescribed foreign country shall be deemed without further proof to be a true copy.

[Act 23 of 2014 wef 01/09/2014]

(2) A document is duly authenticated for the purpose of subsection (1)(b) if it purports to be certified by any person in his capacity as a judge, magistrate or officer of the court in question or by or on behalf of the appropriate authority of that country.

Evidence in relation to proceedings and orders in prescribed foreign country

32.—(1) For the purposes of sections 29 and 30 and the Third Schedule, a certificate purporting to be issued by or on behalf of the appropriate authority of a prescribed foreign country stating that —

- (a) judicial proceedings have been instituted and have not been concluded, or that judicial proceedings are to be instituted, in that country;
- (b) a foreign confiscation order is in force and is not subject to appeal;
- (c) all or a certain amount of the sum payable under a foreign confiscation order remains unpaid in that country, or that other property recoverable under a foreign confiscation order remains unrecovered in that country;
- (d) a person has been notified of any judicial proceedings in accordance with the law of that country; or
- (e) an order (however described) made by a court of that country has the purpose of —
 - (i) recovering, forfeiting or confiscating —
 - (A) any payment or other reward received in connection with an offence against the law of that country, or the value of any such payment or reward; or
[Act 23 of 2014 wef 01/09/2014]
 - (B) any property derived or realised, directly or indirectly, from any payment or other reward referred to in sub-paragraph (A), or the value of any such property; or
[Act 23 of 2014 wef 01/09/2014]

(ii) forfeiting, and destroying or otherwise disposing of —

(A) any drug or other substance in respect of which an offence against the corresponding drug law of that country has been committed; or

[Act 23 of 2014 wef 01/09/2014]

(B) any property which was used in connection with the commission of any offence against the law of that country,

shall, in any proceedings in a court, be admissible as evidence of the facts so stated.

[Act 23 of 2014 wef 01/09/2014]

(2) In any such proceedings, a statement contained in a duly authenticated document, which purports to have been received in evidence or to be a copy of a document so received, or to set out or summarise evidence given in proceedings in a court in a prescribed foreign country, shall be admissible as evidence of any fact stated therein.

(3) A document is duly authenticated for the purposes of subsection (2) if it purports to be certified by any person in his capacity as a judge, magistrate or officer of the court in the prescribed foreign country, or by or on behalf of an appropriate authority of that country.

(4) Nothing in this section shall prejudice the admissibility of any evidence, whether contained in any document or otherwise, which is admissible apart from this section.

Division 6 — Assistance in Search and Seizure

Request for search and seizure

33.—(1) The appropriate authority of a prescribed foreign country may request the Attorney-General to assist in obtaining any thing by search or seizure.

(2) Where, on receipt of a request referred to in subsection (1), the Attorney-General is satisfied that —

- (a) the request relates to a criminal matter in that country in respect of a foreign offence; and
- (b) there are reasonable grounds for believing that the thing to which the request relates is relevant to the criminal matter and is located in Singapore,

the Attorney-General, or an authorised officer directed by him, may apply to the court for a warrant referred to in section 34 in respect of specified premises.

(3) An application for a warrant referred to in section 34 in respect of any thing in the possession of a financial institution shall be made to the High Court.

(4) An application for a warrant referred to in section 34 in respect of any thing in the possession of a financial institution shall not be made unless that thing can be particularised.

Search warrants

34.—(1) On an application referred to in section 33, the court may issue a warrant authorising an authorised officer to enter and search the specified premises if the court is satisfied that —

- (a) an order made under section 22 in relation to any thing on the premises has not been complied with; or
- (b) the conditions in subsection (2) are fulfilled.

(2) The conditions referred to in subsection (1)(b) are that —

- (a) there are reasonable grounds for suspecting that a specified person has carried on or has benefited from a foreign offence;
- (b) there are reasonable grounds for believing that the thing to which the application relates —
 - (i) is likely to be of substantial value (whether by itself or together with another thing) to the criminal matter in respect of which the application is made; and
 - (ii) does not consist of or include items subject to legal privilege; and

[6/2006 wef 01/04/2006]

(c) the court is satisfied that it is not contrary to the public interest for the warrant to be issued.

(3) A warrant issued under this section shall be subject to such conditions as the court may specify in the warrant.

Additional powers of person executing search warrant, etc.

35.—(1) Where an authorised officer has entered premises in the execution of a warrant issued under section 34, he may seize and retain any thing that is specified in the warrant, other than items subject to legal privilege.

(2) An authorised officer may photograph or make a copy of any thing seized under subsection (1).

(3) Where an authorised officer seizes, photographs or makes a copy of any thing under a warrant, he may retain the thing, photograph or copy for a period of up to one month pending a written direction from the Attorney-General as to the manner in which the thing, photograph or copy is to be dealt with (which may include a direction that that thing, photograph or copy be sent to the appropriate authority of the foreign country concerned).

(4) Any person who hinders or obstructs an authorised officer in the execution of a warrant issued under section 34 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

Immunities

36.—(1) No civil or criminal action shall lie against any person for —

(a) producing or giving access to any thing if he had produced or given access to the thing in good faith in compliance with a warrant issued under section 34; or

(b) doing or omitting to do any act if he had done or omitted to do the act in good faith and as a result of complying with such a warrant.

(2) A person who complies with a warrant issued under section 34 shall not be treated as being in breach of any restriction upon the disclosure of information or thing imposed by law, contract or rules of professional conduct.

Division 7 — Assistance in Locating or Identifying Persons

Assistance in locating or identifying persons

37.—(1) The appropriate authority of a foreign country may request the Attorney-General to assist in locating, or identifying and locating, a person who is believed to be in Singapore.

(2) Where, on the receipt of a request made under subsection (1), the Attorney-General is satisfied that —

- (a) the request relates to a criminal matter in the foreign country;
- (b) there are reasonable grounds for believing that the person to whom the request relates —
 - (i) is or might be concerned in, or could give or provide evidence or assistance relevant to, the criminal matter; and
 - (ii) is in Singapore,

the Attorney-General may authorise, in writing, assistance in accordance with this section.

(3) Where, in relation to a request made under subsection (1), the Attorney-General authorises assistance in accordance with this section, the Attorney-General shall forward the request to the appropriate agency in Singapore.

(4) The agency referred to in subsection (3) shall use its best endeavours to locate or, as the case may be, identify and locate the person to whom the request relates, and shall advise the Attorney-General of the outcome of those endeavours.

(5) On receipt of such advice, the Attorney-General shall inform the appropriate authority of the result of the inquiries made pursuant to the request.

Division 8 — Assistance in Service of Process

Assistance in service of process

38.—(1) The appropriate authority of a foreign country may request the Attorney-General to assist in effecting the service of process on a person in Singapore.

(2) Where, on receipt of a request made under subsection (1), the Attorney-General is satisfied —

- (a) that the request relates to a criminal matter in that country;
- (b) that there are reasonable grounds for believing that the person to be served is in Singapore;
- (c) the country has furnished sufficient details of the consequences of a failure to comply with such process; and
- (d) where the request relates to the service of a summons to appear as a witness in that country, that that country has given an adequate undertaking in respect of the matters specified in section 39,

the Attorney-General may authorise assistance in accordance with this section.

(3) Where service is authorised under subsection (2), the Attorney-General shall direct an authorised officer or a process server of the Supreme Court to arrange service, and in such a case the authorised officer or process server shall —

- (a) use his best endeavours to have the process served —
 - (i) in accordance with procedures proposed in the request; or
 - (ii) if those procedures would be unlawful or inappropriate in Singapore, or if no procedures are so proposed, in accordance with the Rules of Court; and
- (b) if the document —
 - (i) is served, transmit to the Attorney-General for transmission to the appropriate authority a

certificate by the Registrar of the Supreme Court as to service; or

- (ii) is not served, transmit to the Attorney-General for transmission to the appropriate authority a statement by the Registrar of the Supreme Court of the reasons which prevented the service.

(4) Rules of Court may provide for —

- (a) the documents and other information to accompany the service of process; and
- (b) the form of the certificate referred to in subsection (3)(b)(i) and the statement referred to in subsection (3)(b)(ii).

Undertaking by foreign country

39. Where, pursuant to a request under section 38, the appropriate authority of a foreign country requests the assistance of the Attorney-General in effecting the service on any person of a summons to appear as a witness in that country, the Attorney-General shall, before authorising assistance in accordance with that section, obtain from the appropriate authority an undertaking that that person will not be subject to any penalty or liability or otherwise prejudiced in law by reason only of that person's refusal or failure to accept or comply with the summons, notwithstanding any contrary statement in the summons.

Penalty not to be imposed for failure to comply with summons

40. Where, pursuant to a request under section 38, the appropriate authority of a foreign country requests the assistance of the Attorney-General in effecting the service on any person of a summons to appear as a witness in that country, that person shall not be subject to any penalty or liability or otherwise prejudiced in law by reason only of that person's refusal or failure to accept or comply with the summons, notwithstanding any contrary statement in the summons.

PART IV

MISCELLANEOUS PROVISIONS

Attorney-General to give notice to Minister

41.—(1) Unless the Minister otherwise directs, the Attorney-General shall cause a notice to be given to the Minister of every Singapore request and foreign request.

(2) A notice under subsection (1) shall —

- (a) in the case of a Singapore request, be given before the request is made;
- (b) in the case of a foreign request, be given as soon as reasonably practicable after receipt of the request and before the request is processed; and
- (c) be accompanied by —
 - (i) a copy of the request;
 - (ii) copies of all relevant documents;
 - (iii) a summary of the material facts supporting the request; and
 - (iv) such other matters and information as may be required by the Minister.

(3) Upon receipt of a notice under subsection (1), the Minister may, if he thinks that —

- (a) the taking of any action in relation to a Singapore request or foreign request is in the interests of the sovereignty, security or public order of Singapore, instruct the Attorney-General to take such action, and the Attorney-General shall comply with such instruction;
- (b) the taking of any action in relation to a Singapore request or foreign request is against the interests of the sovereignty, security or public order of Singapore, instruct the Attorney-General not to take such action, and the Attorney-General shall, notwithstanding the provisions of this Act, comply with such instruction.

(4) Where a foreign request has been complied with, the Attorney-General shall, if the Minister so requires, provide the Minister with particulars of any evidence, documents or other assistance provided pursuant to the request.

(5) In this section —

“foreign request” means a request from a foreign country to Singapore under Part III for assistance in a criminal matter;

“Singapore request” means a request by Singapore to a foreign country under Part II for assistance in a criminal matter.

Authentication of documents

42.—(1) Subject to sections 13, 31 and 32 and the rules of law relating to the admissibility of evidence, any document that is obtained, provided, or produced pursuant to a request made under this Act and that is duly authenticated is admissible in evidence in any criminal proceedings.

(2) A document is duly authenticated for the purposes of subsection (1) if —

(a) it purports to be signed or certified by a judge, magistrate, or official in or of a foreign country; and

(b) either —

(i) it is verified by the oath of a witness, or of an official of the government of that country; or

(ii) it purports to be sealed with an official or public seal of that country or of a Minister of State, or of a department or official of the government, of that country.

(3) Nothing in this section prevents the proof of any matter, or the admission in evidence of any document, in accordance with any other provision of this Act or any other law of Singapore.

Delegation

43. The Attorney-General may delegate to a public officer any of his powers under this Act.

Regulations

44.—(1) The Minister may make such regulations as are necessary or expedient to give full effect to or for carrying out the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), regulations may be made —

- (a) to prescribe anything that is required or permitted to be prescribed under this Act; and
- (b) to provide that any person who contravenes the regulations shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

Regulations for provision of assistance to certain bodies

45.—(1) The Minister may make regulations for the provision by Singapore of assistance in criminal matters to such international criminal tribunal as may be prescribed in order to discharge or facilitate the discharge of any obligation binding on Singapore by virtue of its being a member of an international organisation or a party to an international agreement.

[28/2000]

(2) Without prejudice to the generality of subsection (1), regulations may —

- (a) provide for the application of the provisions of Part III to the international criminal tribunal subject to such modifications as may be specified in the regulations, including the provision of different or additional grounds for refusing assistance, providing assistance in respect of different offences, and a different manner of providing any form of assistance;
- (b) notwithstanding the provisions of the Act, provide for forms of assistance other than those set out in Part III, including assistance by way of arresting any accused

person, keeping him in custody and surrendering him to the international criminal tribunal;

- (c) confer and impose on authorised officers powers and duties which may be necessary or expedient for the purpose of providing any assistance; and
- (d) provide that any person who contravenes the regulations shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

[44A
[28/2000]

Rules of Court

46. Rules of Court may provide for the practice and procedure in relation to proceedings under this Act and the Third Schedule, including the summoning of witnesses, the production of documents, the taking of evidence on oath, the administering of oaths, the payment of expenses and allowances of witnesses.

[45
[Act 23 of 2014 wef 01/09/2014]

Amendment of Schedules

47. The Minister may, by notification in the *Gazette*, amend all or any of the First, Second and Third Schedules.

[Act 23 of 2014 wef 01/09/2014]

FIRST SCHEDULE

Sections 2(1) and 47

DRUG DEALING OFFENCES

<i>Offence</i>	<i>Description</i>
Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap. 65A)	
1. Section 43	Assisting another to retain benefits of drug dealing

FIRST SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
2. Section 46	Acquiring, possessing, using, concealing or transferring benefits of drug dealing
Misuse of Drugs Act (Cap. 185)	
3. Section 5	Trafficking in controlled drugs
4. Section 6	Manufacture of controlled drugs
5. Section 7	Import and export of controlled drugs
6. Section 10	Cultivation of cannabis, opium and coca plants
7. Section 10A	Manufacture, supply, possession, import or export of equipment, materials or substances useful for manufacture of controlled drugs

[Act 23 of 2014 wef 01/09/2014]

SECOND SCHEDULE

Sections 2(1) and 47

SERIOUS OFFENCES

<i>Offence</i>	<i>Description</i>
Animals and Birds Act (Cap. 7)	
1. Section 7	Contravention of order with regard to importation, etc.
2. Section 8	Importation or transshipment of any animal, bird or veterinary biologics without licence
3. Section 9	Importation or possession of noxious insects, pests or genetically modified organisms, etc.
4. Section 11	Failure to report arrival of animal or bird, etc.
5. Section 13	Failure to confine animal or bird on board ship, etc.
6. Section 16	Exportation of any animal or bird without licence
Arms and Explosives Act (Cap. 13)	

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
7. Section 6	Possession or transfer of possession of unmarked plastic explosives
8. Section 7	Importation or exportation of unmarked plastic explosives
9. Section 9	Exportation or removal of article in contravention of notification by Minister
10. Section 10(2)	Manufacture, possession or import of explosive in contravention of notification by Minister
11. Section 11	Contravention of notification relating to poisonous or noxious gas or noxious substance
12. Section 12	Offence by master of ship, etc., used for certain offences
13. Section 22	Knowingly concealing arms, etc., imported without licence
14. Section 23	Knowingly purchasing guns or arms from person not licensed
Arms Offences Act (Cap. 14)	
15. Section 6	Trafficking in arms
Betting Act (Cap. 21)	
16. Section 3	Offences relating to common betting-houses and betting information centres
17. Section 4	Advancing money for conducting business of common betting-house
18. Section 5	Betting in common betting-house
Biological Agents and Toxins Act (Cap. 24A)	
19. Section 5	Use of biological agents for non-peaceful purpose, etc.
20. Section 30	Use of toxins for non-peaceful purpose, etc.
Casino Control Act (Cap. 33A)	

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
21. Section 110	Prohibited casino marketing arrangements
22. Section 110A	No one to act as international market agent or international market agent representative without licence
23. Section 171	Possession, use, etc., of certain things prohibited
24. Section 172	Unlawful interference with gaming equipment
25. Section 172A	Cheating at play
26. Section 173	Possession of chips outside designated site
27. Section 174	Forgery and counterfeiting
Chemical Weapons (Prohibition) Act (Cap. 37B)	
28. Section 8	Use, etc., of chemical weapons
Children and Young Persons Act (Cap. 38)	
29. Section 5(1)	Ill-treatment of child or young person
30. Section 6(1)	Contribution to delinquency of child or young person
31. Section 7	Sexual exploitation of child or young person
32. Section 12	Unlawful transfer of possession, custody or control of child
33. Section 13	Importation of child by false pretences
Commodity Trading Act (Cap. 48A)	
34. Section 49 for contravention of any of the following:	
(a) section 43	False trading
(b) section 44	Bucketing
(c) section 45	Dissemination of information about false trading

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
(d) section 46	Manipulation of price and cornering
(e) section 47	Employment of fraudulent or deceptive devices, etc.
(f) section 48	Fraudulently inducing trading
Common Gaming Houses Act (Cap. 49)	
35. Section 4	Offences relating to a common gaming house, etc.
36. Section 5	Assisting in carrying on a public lottery, etc.
37. Section 6	Advancing or furnishing money for establishing or conducting business of common gaming house, etc.
38. Section 8	Gaming in public
Computer Misuse and Cybersecurity Act (Cap. 50A)	
39. Section 3	Unauthorised access to computer material
40. Section 4	Access with intent to commit or facilitate commission of offence
41. Section 5	Unauthorised modification of computer material
42. Section 6	Unauthorised use or interception of computer service
43. Section 7	Unauthorised obstruction of use of computer
44. Section 8	Unauthorised disclosure of access code
45. Section 10	Abetments and attempts punishable as offences
Control of Plants Act (Cap. 57A)	
46. Section 7	Importation or transhipment of fresh fruits or vegetables without licence
47. Section 8	Importation or transhipment of fresh fruits or vegetables without permit

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
48. Section 34 for contravention of any order made under section 28	Export of plants contrary to order by Minister
49. Section 34 for contravention of section 41	Failure to give access to documents, etc.
Control of Plants Act (Cap. 57A) Control of Plants (Plant Importation) Rules (R 4)	
50. Rule 17 for contravention of rule 5(1)	Importation of regulated plant, etc., without a permit
Copyright Act (Cap. 63)	
51. Section 136(1), (2), (3), (4) and (6)	Offences relating to copyright
52. Section 260(6)	Removal or alteration of rights management information
53. Section 261C(4) and (5)	Relating to circumvention of technological measures
Corrosive and Explosive Substances and Offensive Weapons Act (Cap. 65)	
54. Section 3	Possession of corrosive or explosive substance for purpose of causing hurt
Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap. 65A)	
55. Section 44	Assisting another to retain benefits from criminal conduct
56. Section 47	Acquiring, possessing, using, concealing or transferring benefits of criminal conduct
Criminal Law (Temporary Provisions) Act (Cap. 67)	

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
57. Section 3	Supplies
Customs Act (Cap. 70)	
58. Section 128E	Offences in relation to goods found in person's baggage or upon his person, etc.
59. Section 128F	Offences in relation to importation of uncustomed or prohibited goods
60. Section 128G	Offences in relation to exportation of uncustomed or prohibited goods
61. Section 128H	Offences in relation to shipping, unshipping, loading, unloading, etc., of uncustomed or prohibited goods
62. Section 128I(1)(a) and (c)	Offences in relation to possession, storage and harbouring of goods
63. Section 132	Knowingly advancing or furnishing money for business comprising sale, purchase, etc., of uncustomed goods
Dangerous Fireworks Act (Cap. 72)	
64. Section 4	Prohibition on sale, transport, delivery, distribution or import of dangerous fireworks
65. Section 6 for contravention of section 3	Prohibition on possession or discharge of dangerous fireworks
Employment of Foreign Manpower Act (Cap. 91A)	
66. Section 5(6)	Employment of foreign employee without a valid work pass
67. Section 5(7A)	Employment of foreign employee in contravention of a condition of his work pass
68. Section 22(1)(a), (d), (e) and (f)	Contravention of a condition of a work pass, etc.; making false statement or furnishing false information to the Controller of Work Passes, an authorised officer or an employment inspector; selling, forging or unlawfully altering a work pass, etc.; or

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
	using or having in possession without lawful authority any work pass, etc., that is forged, unlawfully altered or issued to another person
Endangered Species (Import and Export) Act (Cap. 92A)	
69. Section 4	Importation, exportation, etc., of scheduled species without permit
70. Section 5	Scheduled species in transit unaccompanied by CITES permit, etc.
71. Section 19 for contravention of section 4 or 5	Abetment of an offence under section 4 or 5
Environmental Protection and Management Act (Cap. 94A)	
72. Section 22	Importation, manufacture or sale of hazardous substances without licence, etc.
73. Section 23	Importation, manufacture or sale of hazardous substances not in accordance with licence, etc.
74. Section 24	Storage, use or dealing with hazardous substances in a manner that threatens health, etc.
Explosive Substances Act (Cap. 100)	
75. Section 3	Causing explosion likely to endanger life or property
76. Section 4	Attempt to cause explosion, or for making or keeping explosives, with intent to endanger life or property
77. Section 5	Making or possessing explosives under suspicious circumstances
Feeding Stuffs Act (Cap. 105)	
78. Section 4(5)	Importation, manufacture, etc., of animal feeds without licence

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
Films Act (Cap. 107)	
79. Section 29	Offences involving dealings in obscene films
80. Section 30	Possession of obscene films
81. Section 31	Advertising obscene films
82. Section 32	Offences involving children and young persons
Goods and Services Tax Act (Cap. 117A)	
83. Section 62	Fraud, etc.
84. Section 63	Improperly obtaining refund
Hazardous Waste (Control of Export, Import and Transit) Act (Cap. 122A)	
85. Section 25	Importation of hazardous waste without permit, etc.
86. Section 26	Exportation of hazardous waste without permit, etc.
87. Section 27	Bringing waste into Singapore in course of carrying out transit proposal without permit, etc.
88. Section 37	Making false statements
Health Products Act (Cap. 122D)	
89. Section 16	Prohibition against supply of health products that are adulterated, counterfeits, etc.
Hijacking of Aircraft and Protection of Aircraft and International Airports Act (Cap. 124)	
90. Section 3(3)	Hijacking
91. Section 4	Violence against passengers or crew

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
92. Section 5	Destroying, damaging or endangering safety of aircraft
93. Section 7	Endangering safety at aerodromes
Hostage-Taking Act (Cap. 126C)	
94. Section 3	Hostage-taking
95. Section 5	Failure to disclose information relating to hostage-taking offence
Human Organ Transplant Act (Cap. 131A)	
96. Section 14(2)	Contracting for sale or supply of organ or blood, etc.
97. Section 14(2A)	Organ trading by middlemen or syndicates
Immigration Act (Cap. 133)	
98. Section 5(5)	Entering or leaving Singapore other than at authorised entry or departure points
99. Section 6(3) for contravention of section 6(1)	Entry or attempted entry into Singapore without a valid pass
100. Section 57(1)(aa), (b) and (c)	Abetting unlawful entry or departure, or engaging in business of conveying prohibited immigrant
101. Section 57(1)(d)	Harbouring offenders of Immigration Act or Regulations
102. Section 57(1)(k)	Making a false statement to obtain or attempting to obtain an entry permit, re-entry permit, pass or certificate for himself or for other person
103. Section 57(1)(l)	Using or without lawful authority having possession of any forged, unlawfully altered or irregular entry or re-entry permit, pass or certificate, etc.
Income Tax Act (Cap. 134)	

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
104. Section 96	Tax evasion and wilful action to obtain PIC bonus
105. Section 96A	Serious fraudulent tax evasion and action to obtain PIC bonus
Internal Security Act (Cap. 143)	
106. Section 4	Wearing of prohibited uniform, etc.
107. Section 5	Membership of quasi-military organisations
108. Section 6	Illegal drilling
Kidnapping Act (Cap. 151)	
109. Section 3	Abduction, wrongful restraint or wrongful confinement for ransom
110. Section 4	Knowingly receiving ransom
111. Section 5	Knowingly negotiating to obtain or for payment of ransom
Maritime Offences Act (Cap. 170B)	
112. Section 3	Hijacking of ships
113. Section 4	Destroying or damaging ships, etc.
114. Section 5	Other acts endangering or likely to endanger safe navigation
115. Section 6	Offences involving threats
116. Section 7(1)	Act of violence done in connection with an offence under section 3, 4 or 5
117. Section 7(3)	Abetment of certain offences
Medicines Act (Cap. 176)	
118. Section 35 for contravention of any of the following:	
(a) section 31	Sale of adulterated medicinal products

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
(b) section 32	Sale of medicinal products not of nature or quality demanded by purchaser
Monetary Authority of Singapore Act (Cap. 186)	
119. Section 27A(5)	Failure or refusal to comply with direction, or contravention of regulations, issued or made to discharge Government's international obligations, etc.
Moneylenders Act (Cap. 188)	
120. Section 14	Unlicensed moneylending
121. Section 28	Harassing borrower, besetting his residence, etc.
Multi-Level Marketing and Pyramid Selling (Prohibition) Act (Cap. 190)	
122. Section 3	Promotion of or participation in a pyramid selling scheme, or arrangement or holding out the same
123. Section 4	Registration of business designed to promote a pyramid selling scheme or arrangement
124. Section 5	Registration of company which proposes to promote a pyramid selling scheme or arrangement
Passports Act (Cap. 220)	
125. Section 36	Falsifying Singapore passports, etc.
126. Section 38	Bringing, taking or sending false Singapore passports, etc., across international borders
127. Section 39	Making or giving false or misleading statements or information
128. Section 40	Furnishing false or misleading documents
129. Section 41	Improper use or possession of Singapore passports, etc.
130. Section 42	Selling Singapore passport, etc.

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
131. Section 44	Dishonestly obtaining Singapore passport, etc.
132. Section 47	Offences relating to false foreign travel documents
Penal Code (Cap. 224)	
133. Section 109	Abetment of a serious crime, where the serious crime is transnational in nature and involves an organised criminal group, and the terms “serious crime”, “organised criminal group” and “transnational” have the meanings given to them in the United Nations Convention against Transnational Organised Crime, done at New York on 15th November 2000
134. Section 115	Abetment of an offence punishable with death or imprisonment for life, being a serious crime, where the serious crime is transnational in nature and involves an organised criminal group, and the terms “serious crime”, “organised criminal group” and “transnational” have the meanings given to them in the United Nations Convention against Transnational Organised Crime, done at New York on 15th November 2000
135. Section 116	Abetment of an offence punishable with imprisonment, being a serious crime, where the serious crime is transnational in nature and involves an organised criminal group, and the terms “serious crime”, “organised criminal group” and “transnational” have the meanings given to them in the United Nations Convention against Transnational Organised Crime, done at New York on 15th November 2000
136. Section 118	Concealing a design to commit an offence punishable with death or imprisonment for life, being a serious crime, where the serious crime is transnational in nature and involves

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
	an organised criminal group, and the terms “serious crime”, “organised criminal group” and “transnational” have the meanings given to them in the United Nations Convention against Transnational Organised Crime, done at New York on 15th November 2000
137. Section 120B	Criminal conspiracy to commit a serious crime, where the serious crime is transnational in nature and involves an organised criminal group, and the terms “serious crime”, “organised criminal group” and “transnational” have the meanings given to them in the United Nations Convention against Transnational Organised Crime, done at New York on 15th November 2000
138. Section 130	Aiding escape of, rescuing, or harbouring such prisoner
139. Section 130B	Piracy by law of nations
140. Section 130C	Piratical acts
141. Section 130E	Genocide
142. Section 143	Membership of unlawful assembly
143. Section 144	Joining an unlawful assembly armed with any deadly weapon
144. Section 145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse
145. Section 146	Force used by one member in prosecution of common object
146. Section 147	Rioting
147. Section 148	Rioting, armed with a deadly weapon
148. Section 149	Every member of an unlawful assembly to be deemed guilty of any offence committed in prosecution of common object

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
149. Section 150	Hiring, or conniving at hiring, of persons to join an unlawful assembly
150. Section 151	Knowingly joining or continuing in any assembly of 5 or more persons after it has been commanded to disperse
151. Section 152	Assaulting or obstructing public servant when suppressing riot, etc.
152. Section 161	Public servant taking a gratification, other than legal remuneration, in respect of an official act
153. Section 162	Taking a gratification in order, by corrupt or illegal means, to influence a public servant
154. Section 164	Punishment for abetment by public servant of offence under section 162 or 163
155. Section 165	Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant
156. Section 181	False statement on oath to public servant or person authorised to administer an oath
157. Section 193	Punishment for giving or fabricating false evidence
158. Section 194	Giving or fabricating false evidence with intent to procure conviction of a capital offence
159. Section 195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with imprisonment
160. Section 196	Using evidence known to be false
161. Section 201	Causing disappearance of evidence of an offence committed, or giving false information touching it, to screen the offender
162. Section 203	Giving false information respecting an offence committed

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
163. Section 204	Destruction of document to prevent its production as evidence
164. Section 204A	Obstructing, preventing, perverting or defeating course of justice
165. Section 204B	Bribery of witnesses
166. Section 205	False personation for the purpose of any act or proceeding in a suit
167. Section 206	Fraudulent removal or concealment of property to prevent its seizure as a forfeiture or in execution of a decree
168. Section 207	Fraudulent claim to property to prevent its seizure as a forfeiture or in execution of a decree
169. Section 208	Fraudulently suffering a decree for a sum not due
170. Section 209	Fraudulently or dishonestly making a false claim before a court of justice
171. Section 210	Fraudulently obtaining a decree for a sum not due
172. Section 212	Harbouring an offender
173. Section 213	Taking gift, etc., to screen an offender from punishment
174. Section 214	Offering gift or restoration of property in consideration of screening offender
175. Section 215	Taking gift to help to recover stolen property, etc.
176. Section 216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered
177. Section 216A	Harbouring robbers or gang-robbers, etc.
178. Section 217	Public servant disobeying a direction of law with intent to save person from punishment or property from forfeiture

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
179. Section 218	Public servant framing an incorrect record or writing with intent to save person from punishment or property from forfeiture
180. Section 221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend
181. Section 222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of court of justice
182. Section 225A	Public servant omitting to apprehend or suffering other persons to escape in cases not already provided for
183. Section 231	Counterfeiting coin
184. Section 232	Counterfeiting current coin
185. Section 233	Making or selling instrument for counterfeiting coin
186. Section 234	Making or selling instrument for counterfeiting current coin
187. Section 235	Possession of instrument or material for the purpose of using the same for counterfeiting coin
188. Section 236	Abetting in Singapore the counterfeiting out of Singapore of coin or current coin
189. Section 237	Import or export of counterfeit coin
190. Section 238	Import or export of counterfeits of current coin
191. Section 239	Delivery to another of coin, possessed with the knowledge that it is counterfeit
192. Section 240	Delivery of current coin, possessed with the knowledge that it is counterfeit
193. Section 241	Delivery to another of coin as genuine, which when first possessed the deliverer did not know to be counterfeit

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
194. Section 241A	Delivery to another of current coin as genuine, which when first possessed the deliverer did not know to be counterfeit
195. Section 242	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof
196. Section 246	Fraudulently or dishonestly diminishing the weight or altering the composition of any coin
197. Section 248	Altering appearance of any coin with intent that it shall pass as a coin of a different description
198. Section 252	Possession of altered coin by a person who knew it to be altered when he became possessed thereof
199. Section 254	Delivery to another of coin as genuine, which when first possessed the deliverer did not know to be altered
200. Section 254A	Delivery to another of current coin as genuine, which when first possessed the deliverer did not know to be altered
201. Section 261	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it, with intent to cause loss to Government
202. Section 262	Using a Government stamp known to have been before used
203. Section 263	Erasure of mark denoting that stamp has been used
204. Section 264	Fraudulent use of false instrument for weighing
205. Section 265	Fraudulent use of false weight or measure
206. Section 266	Being in possession of false weights or measures
207. Section 267	Making or selling false weights or measures

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
208. Section 271	Disobedience to a quarantine rule
209. Section 279	Rash driving or riding on a public way
210. Section 292	Sale of obscene books, etc.
211. Section 298	Uttering words, etc., with deliberate intent to wound the religious or racial feelings of any person
212. Section 298A	Promoting enmity between different groups on grounds of religion or race and doing acts prejudicial to maintenance of harmony
213. Section 302	Punishment for murder
214. Section 304	Punishment for culpable homicide not amounting to murder
215. Section 304A	Causing death by rash or negligent act
216. Section 307(1)	Attempt to murder
217. Section 307(2)	Other offences by convicts
218. Section 308	Attempt to commit culpable homicide
219. Section 312	Causing miscarriage
220. Section 313	Causing miscarriage without woman's consent
221. Section 315(1)	Child destruction before, at or immediately after birth
222. Section 316	Causing death of a quick unborn child by an act amounting to culpable homicide
223. Section 323	Punishment for voluntarily causing hurt
224. Section 324	Voluntarily causing hurt by dangerous weapons or means
225. Section 325	Punishment for voluntarily causing grievous hurt
226. Section 326	Voluntarily causing grievous hurt by dangerous weapons or means
227. Section 327	Voluntarily causing hurt to extort property or to constrain to an illegal act

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
228. Section 328	Causing hurt by means of poison, etc., with intent to commit an offence
229. Section 329	Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act
230. Section 330	Voluntarily causing hurt to extort confession or to compel restoration of property
231. Section 331	Voluntarily causing grievous hurt to extort confession or to compel restoration of property
232. Section 332	Voluntarily causing hurt to deter public servant from his duty
233. Section 333	Voluntarily causing grievous hurt to deter public servant from his duty
234. Section 335	Causing grievous hurt on provocation
235. Section 338	Causing grievous hurt by an act which endangers life or personal safety of others
236. Section 343	Wrongful confinement for 3 or more days
237. Section 344	Wrongful confinement for 10 or more days
238. Section 345	Wrongful confinement of person for whose liberation a writ has been issued
239. Section 346	Wrongful confinement in secret
240. Section 347	Wrongful confinement for the purpose of extorting property or constraining to an illegal act
241. Section 348	Wrongful confinement for the purpose of extorting confession or of compelling restoration of property
242. Section 354	Assault or use of criminal force to a person with intent to outrage modesty
243. Section 354A	Outraging modesty in certain circumstances
244. Section 355	Assault or criminal force with intent to dishonour otherwise than on grave and sudden provocation

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
245. Section 363	Punishment for kidnapping
246. Section 363A	Punishment for abduction
247. Section 364	Kidnapping or abducting in order to murder
248. Section 365	Kidnapping or abducting with intent secretly and wrongfully to confine a person
249. Section 366	Kidnapping or abducting a woman to compel her marriage, etc.
250. Section 367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc.
251. Section 368	Wrongfully concealing or keeping in confinement a kidnapped person
252. Section 369	Kidnapping or abducting child under 10 years with intent to steal moveable property from the person of such child
253. Section 370	Buying or disposing of any person as a slave
254. Section 371	Habitual dealing in slaves
255. Section 372	Selling minor for purposes of prostitution, etc.
256. Section 373	Buying minor for purposes of prostitution, etc.
257. Section 373A	Importing woman for purposes of prostitution, etc.
258. Section 374	Unlawful compulsory labour
259. Section 375	Rape
260. Section 376	Sexual assault by penetration
261. Section 376A	Sexual penetration of minor under 16
262. Section 376B	Commercial sex with minor under 18
263. Section 376C	Commercial sex with minor under 18 outside Singapore
264. Section 376D	Tour outside Singapore for commercial sex with minor under 18

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
265. Section 376E	Sexual grooming of minor under 16
266. Section 376F	Procurement of sexual activity with person with mental disability
267. Section 379	Punishment for theft
268. Section 379A	Punishment for theft of a motor vehicle
269. Section 380	Theft in dwelling-house, etc.
270. Section 381	Theft by clerk or servant of property in possession of master
271. Section 382	Theft after preparation made for causing death or hurt in order to commit theft
272. Section 384	Punishment for extortion
273. Section 385	Putting person in fear of harm in order to commit extortion
274. Section 386	Extortion by putting a person in fear of death or grievous hurt
275. Section 387	Putting person in fear of death or of grievous hurt in order to commit extortion
276. Section 388	Extortion by threat of accusation of an offence punishable with death, or imprisonment, etc.
277. Section 389	Putting person in fear of accusation of offence, in order to commit extortion
278. Section 392	Punishment for robbery
279. Section 393	Attempt to commit robbery
280. Section 394	Voluntarily causing hurt in committing robbery
281. Section 395	Punishment for gang-robbery
282. Section 396	Gang-robbery with murder
283. Section 397	Robbery when armed or with attempt to cause death or grievous hurt
284. Section 399	Making preparation to commit gang-robbery

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
285. Section 400	Punishment for belonging to gang-robbers
286. Section 401	Belonging to wandering gang of thieves
287. Section 402	Assembling for purpose of committing gang-robbery
288. Section 403	Dishonest misappropriation of property
289. Section 404	Dishonest misappropriation of property possessed by a deceased person at the time of his death
290. Section 406	Punishment of criminal breach of trust
291. Section 407	Criminal breach of trust by carrier, etc.
292. Section 408	Criminal breach of trust by clerk or servant
293. Section 409	Criminal breach of trust by public servant, or by banker, merchant or agent
294. Section 411	Dishonestly receiving stolen property
295. Section 412	Dishonestly receiving property stolen in the commission of a gang-robbery
296. Section 413	Habitually dealing in stolen property
297. Section 414	Assisting in concealment or disposal of stolen property
298. Section 417	Punishment for cheating
299. Section 418	Cheating with knowledge that wrongful loss may be thereby caused to a person whose interest the offender is bound to protect
300. Section 419	Punishment for cheating by personation
301. Section 420	Cheating and dishonestly inducing a delivery of property
302. Section 421	Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors
303. Section 422	Dishonestly or fraudulently preventing a debt or demand due to the offender from being made available for his creditors

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
304. Section 423	Dishonest or fraudulent execution of deed of transfer containing a false statement of consideration
305. Section 424	Dishonest or fraudulent removal or concealment of property or release of claim
306. Section 430A	Mischief affecting railway engine, train, etc.
307. Section 431	Mischief by injury to public road, bridge or river
308. Section 431A	Mischief by injury to telegraph cable, wire, etc.
309. Section 432	Mischief by causing inundation or obstruction to public drainage, attended with damage
310. Section 433	Mischief by destroying or moving or rendering less useful a lighthouse or sea-mark
311. Section 435	Mischief by fire or explosive substance with intent to cause damage
312. Section 436	Mischief by fire or explosive substance with intent to destroy a house, etc.
313. Section 438	Punishment for the mischief described in section 437 when committed by fire or any explosive substance
314. Section 439	Punishment for intentionally running vessel aground or ashore with intent to commit theft, etc.
315. Section 440	Mischief committed after preparation made for causing death or hurt
316. Section 449	House-trespass in order to commit an offence punishable with death
317. Section 450	House-trespass in order to commit an offence punishable with imprisonment for life
318. Section 451	House-trespass in order to commit an offence punishable with imprisonment

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
319. Section 452	House-trespass after preparation made for causing hurt, etc.
320. Section 453	Punishment for lurking house-trespass or house-breaking
321. Section 454	Lurking house-trespass or house-breaking in order to commit an offence punishable with imprisonment
322. Section 455	Lurking house-trespass or house-breaking after preparation made for causing hurt, etc.
323. Section 456	Punishment for lurking house-trespass by night or house-breaking by night
324. Section 457	Lurking house-trespass by night or house-breaking by night in order to commit an offence punishable with imprisonment
325. Section 458	Lurking house-trespass by night or house-breaking by night after preparation made for causing hurt, etc.
326. Section 459	Grievous hurt caused while committing lurking house-trespass or house-breaking
327. Section 460	Lurking house-trespass by night or house-breaking by night when death or grievous hurt is caused
328. Section 461	Dishonestly breaking open any closed receptacle containing or supposed to contain property
329. Section 462	Punishment for same offence when committed by person entrusted with custody
330. Section 465	Punishment for forgery
331. Section 466	Forgery of record of a court of justice, or a public register of births, etc.
332. Section 467	Forgery of a valuable security or will
333. Section 468	Forgery for the purpose of cheating
334. Section 469	Forgery for the purpose of harming the reputation of any person

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
335. Section 471	Using as genuine a forged document or forged electronic record
336. Section 472	Making or possessing a counterfeit seal, plate, etc., with intent to commit a forgery punishable under section 467
337. Section 473	Making or possessing a counterfeit seal, plate, etc., with intent to commit a forgery punishable otherwise
338. Section 473A	Making or possessing equipment for making a false instrument
339. Section 473B	Making or possessing equipment for making a false instrument with intent to induce prejudice
340. Section 474	Having possession of a valuable security or will known to be forged, with intent to use it as genuine
341. Section 475	Counterfeiting a device or mark used for authenticating documents described in section 467, or possessing counterfeit marked material
342. Section 476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467, or possessing counterfeit marked material
343. Section 477	Fraudulent cancellation, destruction, etc., of a will
344. Section 477A	Falsification of accounts
345. Section 489A	Forging or counterfeiting currency notes or bank notes
346. Section 489B	Using as genuine forged or counterfeit currency notes or bank notes
347. Section 489C	Possession of forged or counterfeit currency notes or bank notes
348. Section 500	Punishment for defamation

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
349. Section 501	Printing or engraving matter known to be defamatory
350. Section 502	Sale of printed or engraved substance containing defamatory matter
351. Section 504	Intentional insult with intent to provoke a breach of the peace
352. Section 505	Statements conducing to public mischief
353. Section 506	Punishment for criminal intimidation
354. Section 507	Criminal intimidation by an anonymous communication
355. Section 509	Word or gesture intended to insult the modesty of a woman
Prevention of Corruption Act (Cap. 241)	
356. Section 5	Punishment for corruption
357. Section 6	Punishment for corrupt transactions with agents
358. Section 10	Corruptly procuring withdrawal of tenders
359. Section 11	Bribery of Member of Parliament
360. Section 12	Bribery of member of public body
361. Section 29	Abetment of offences
362. Section 30	Attempts
363. Section 31	Conspiracy
Protected Areas and Protected Places Act (Cap. 256)	
364. Section 7	Penalty for contravening section 4 or 5, etc.
Radiation Protection Act (Cap. 262)	
365. Section 5	Import, export, etc., of radioactive materials
366. Section 6	Import, export, etc., of irradiating apparatus
367. Section 11	Disposal of radioactive waste

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
368. Section 12	Accumulation of radioactive waste
369. Section 14	Transport of radioactive waste
370. Section 31	False or misleading statements and documents
Railways Act (Cap. 263)	
371. Section 87	Wilful act or omission endangering passenger
Rapid Transit Systems Act (Cap. 263A)	
372. Section 25	Wilfully endangering safety of railway passenger
373. Section 26	Damage to railway or railway premises
Road Traffic Act (Cap. 276)	
374. Section 43(4)	Driving while under disqualification
375. Section 64	Reckless or dangerous driving
376. Section 65A	Collision of heavy motor vehicles and public service vehicles with buildings or structures
377. Section 67	Driving while under influence of drink or drugs
378. Section 79(1)	Offence for driving heavy motor vehicle without police escort
Sale of Food Act (Cap. 283) Food Regulations (Rg 1)	
379. Regulation 261 for contravention of regulation 14	Imported food to be registered
Securities and Futures Act (Cap. 289)	
380. Section 140	Offences relating to take-over offers
381. Section 204 for contravention of any of the following:	
(a) section 197	False trading and market rigging transactions

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
(b) section 198	Securities market manipulation
(c) section 199	False or misleading statements, etc.
(d) section 200	Fraudulently inducing persons to deal in securities
(e) section 201	Employment of manipulative and deceptive devices
(f) section 202	Dissemination of information about illegal transactions
(g) section 203	Failure to make disclosure to securities exchange
382. Section 212 for contravention of any of the following:	
(a) section 206	False trading
(b) section 207	Bucketing
(c) section 208	Manipulation of price of futures contract and cornering
(d) section 209	Fraudulently inducing persons to trade in futures contracts
(e) section 210	Employment of fraudulent or deceptive devices, etc.
(f) section 211	Dissemination of information about illegal transactions
383. Section 221 for contravention of section 218 or 219	Insider trading
Sedition Act (Cap. 290)	
384. Section 4	Offences
Societies Act (Cap. 311)	
385. Section 14(2) and (3)	Management or membership of unlawful society, etc.
386. Section 15	Allowing unlawful assembly in premises

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
387. Section 16	Inciting, etc., a person to become a member of unlawful society
388. Section 17	Procuring subscription or aid for unlawful society
389. Section 18	Publishing, etc., propaganda of unlawful society
390. Section 23(2)	Possession of books, etc., of triad society
Strategic Goods (Control) Act (Cap. 300)	
391. Section 5	Transfer of strategic goods, etc.
392. Section 6	Brokering of strategic goods, etc.
Termination of Pregnancy Act (Cap. 324)	
393. Section 3(4)	Medical termination of pregnancy
394. Section 5	Coercion or intimidation
Terrorism (Suppression of Bombings) Act (Cap. 324A)	
395. Section 3	Terrorist bombing
396. Section 4	Failure to disclose information about acts of terrorist bombing
Terrorism (Suppression of Financing) Act (Cap. 325)	
397. Section 3	Providing or collecting property for terrorist acts
398. Section 4	Provision of property and services for terrorist purposes
399. Section 5	Use or possession of property for terrorist purposes
400. Section 6	Dealing with property of terrorists
401. Section 8	Failure to disclose information on property belonging to terrorist or transaction relating to such property, etc.

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
402. Section 9	Failure to comply with order requiring continuing audit on whether in possession of property belonging to terrorist, etc.
403. Section 10	Failure to disclose information about acts of terrorism financing
404. Section 14	Contravention of order for restraint of property
Trade Marks Act (Cap. 332)	
405. Section 46	Counterfeiting a trade mark
406. Section 47	Falsely applying a registered trade mark to goods or services
407. Section 48	Making or possessing of article for committing offence
408. Section 49	Importing or selling, etc., goods with falsely applied trade mark
United Nations Act (Cap. 339) United Nations (Anti-Terrorism Measures) Regulations (Rg 1)	
409. Regulation 11 for contravention of any of the following:	
(a) regulation 7A	Prohibition against sale, supply, etc., of arms and related material to terrorists
(b) regulation 7B	Prohibition against carriage of arms and related material by Singapore ships and aircraft for terrorists
(c) regulation 7C	Prohibition against provision of technical advice, assistance, etc., related to military activities of terrorists
(d) regulation 8	Prohibition against false threats of terrorist acts

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
(e) regulation 9	General prohibition against causing, assisting or promoting an act prohibited by regulation 7A, 7B, 7C or 8
Vandalism Act (Cap. 341)	
410. Section 3	Penalty for acts of vandalism
Wholesome Meat and Fish Act (Cap. 349A)	
411. Section 5	Importation, exportation or transshipment of meat products or fish products without licence, etc.
412. Section 6	Importation, exportation or transshipment of meat products or fish products without permit, etc.
Wild Animals and Birds Act (Cap. 351)	
413. Section 10	Importation of wild animals and birds without authorisation, etc.
Women’s Charter (Cap. 353)	
414. Section 140	Offences relating to prostitution
415. Section 141	Trafficking in women and girls
416. Section 142	Importation of woman or girl by false pretences
417. Section 145	Causing or encouraging prostitution of, sexual penetration with, or indecent assault on, girl below the age of 16
418. Section 146	Persons living on or trading in prostitution
419. Section 147	Keeping or management of places of assignation
420. Section 148	Keeping or management of brothels

[Act 23 of 2014 wef 01/09/2014]

THIRD SCHEDULE

Sections 16(3), 29(2) and (3), 31(1),
32(1), 46 and 47

ENFORCEMENT OF FOREIGN CONFISCATION ORDERS

PART I

Preliminary

Interpretation

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

“charging order” means an order made under paragraph 8(1);

“defendant” means the person against whom, or in relation to whose property, the foreign confiscation order concerned has been or may be made;

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

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

“realisable property” means —

(a) where a foreign confiscation order (not being an instrumentality forfeiture order) has been made, any property in respect of which the order was made; or

(b) where a foreign confiscation order (not being an instrumentality forfeiture order) may be made in proceedings which have been, or are to be, instituted in the prescribed foreign country concerned, any property in respect of which such an order could be made.

(2) A reference to a restraint order in Part II of this Schedule is a reference to an order made under paragraph 7(1), and a reference to a restraint order in Part III of this Schedule is a reference to an order made under paragraph 18.

(3) For the purposes of this Schedule —

(a) property is held by any person if he holds any interest in it;

(b) a reference to property held by a person includes a reference to property vested in his trustee in bankruptcy or liquidator;

(c) a reference to an interest held by a person beneficially in property includes a reference to an interest which would be held by him beneficially if the property were not so vested in his trustee in bankruptcy or liquidator; and

THIRD SCHEDULE — *continued*

(d) property is transferred by one person to another if the first person transfers or grants to the other any interest in the property.

(4) For the purposes of this Schedule, judicial proceedings instituted in a prescribed foreign country that are criminal proceedings are concluded on the occurrence of one of the following events:

- (a) the discontinuance of the proceedings;
- (b) the acquittal of the defendant;
- (c) the quashing of the defendant's conviction for the offence;
- (d) the grant of a pardon in respect of the defendant's conviction for the offence;
- (e) the court sentencing or otherwise dealing with the defendant in respect of his conviction for the offence without having made a foreign confiscation order;
- (f) the satisfaction of a foreign confiscation order made in the proceedings, whether by payment of the amount due under the order, by the defendant serving imprisonment in default, by the recovery of all property liable to be recovered, or otherwise.

(5) For the purposes of this Schedule, a foreign confiscation order is subject to appeal as long as an appeal or further appeal is pending against the order or (if it was made on a conviction) against the conviction; and for this purpose, an appeal or further appeal shall be treated as pending (where one is competent but has not been brought) until the expiration of the time for bringing the appeal.

Application

2. This Schedule shall only apply to any matter which is the subject of a request under section 29, and in relation to which the Attorney-General has decided to act, or has authorised that action be taken, under the provisions of this Schedule.

PART II

Enforcement of Foreign Confiscation Orders other than
Instrumentality Forfeiture Orders

Interpretation of this Part

3.—(1) For the purposes of this Part, the value of property (other than cash) in relation to any person holding the property —

- (a) where any other person holds an interest in the property, shall be —
 - (i) the market value of the first-mentioned person's beneficial interest in the property; less

THIRD SCHEDULE — *continued*

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

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

(2) References in this Part to the value at any time (referred to in this paragraph as the material time) of a gift caught by this Schedule are references to —

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

(b) where sub-paragraph (3) applies, the value mentioned therein,

whichever is the greater.

(3) If at the material time the recipient holds —

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

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

the value referred to in sub-paragraph (2)(b) shall be the value to him at the material time of the property mentioned in sub-paragraph (a) or, as the case may be, of the property mentioned in sub-paragraph (b), so far as it so represents the property which he received, but disregarding in either case any charging order.

(4) For the purposes of this Part, “foreign confiscation order” excludes an instrumentality forfeiture order.

Gifts caught by Schedule

4.—(1) A reference in this Part to a gift caught by this Schedule is a reference to a gift made, whether before, on or after 1st April 2000 —

(a) by the defendant since the beginning of the period of 6 years ending when the judicial proceedings were instituted against him; or

(b) by the defendant at any time, being a gift of property which is or is part of the benefits derived by the defendant from criminal conduct.

(2) For the purposes of this Part —

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

(b) in those circumstances, this section shall apply as if the defendant had made a gift of such share in the property as bears to the whole property

THIRD SCHEDULE — *continued*

the same proportion as the difference between the values referred to in sub-paragraph (a) bears to the value of the consideration provided by the defendant.

- (3) For the purposes of sub-paragraph (1), “criminal conduct” means —
- (a) doing or being concerned in any act constituting a foreign offence;
 - (b) entering into or being otherwise concerned in, whether in Singapore or elsewhere, an arrangement whereby —
 - (i) the retention or control by or on behalf of another person of that other person’s benefits of an act referred to in sub-paragraph (a) is facilitated; or
 - (ii) the benefits from an act referred to in sub-paragraph (a) by another person are used to secure funds that are placed at that other person’s disposal, directly or indirectly, or are used for that other person’s benefit to acquire property by way of investment or otherwise;
 - (c) the concealing or disguising by a person of any property which is, or in part, directly or indirectly represents, his benefits from an act referred to in sub-paragraph (a); or
 - (d) the conversion or transfer by a person of any property referred to in sub-paragraph (c) or the removal of such property from the jurisdiction.

Interest on amounts to be recovered under foreign confiscation orders

5.—(1) Where a fixed amount is payable under a foreign confiscation order which has been registered under section 30, that amount shall be treated as a judgment debt and the provisions of any written law relating to the payment of interest on judgment debts shall apply to it.

(2) For the purposes of sub-paragraph (1), the date of registration of the order shall be treated as the date of the judgment debt.

(3) Where by virtue of sub-paragraph (1) any interest accrues on the amount payable under a foreign confiscation order, the defendant shall be liable to pay that interest and the amount of the interest shall for the purposes of enforcement be treated as part of the amount payable under the foreign confiscation order.

Cases in which restraint orders and charging orders may be made

6.—(1) The powers conferred on the High Court by paragraph 7(1) to make a restraint order and by paragraph 8(1) to make a charging order are exercisable where —

THIRD SCHEDULE — *continued*

- (a) judicial proceedings have been instituted in a prescribed foreign country;
- (b) the proceedings have not been concluded; and
- (c) either a foreign confiscation order has been made in the proceedings or it appears to the High Court that there are reasonable grounds for believing that such an order may be made in them.

(2) Those powers are also exercisable where the High Court is satisfied that judicial proceedings are to be instituted in a prescribed foreign country and that there are reasonable grounds for believing that a foreign confiscation order may be made in them.

(3) Where the High Court has made an order under paragraph 7(1) or 8(1) by virtue of sub-paragraph (2), the Court shall discharge the order if the proposed judicial proceedings are not instituted within such time as the Court considers reasonable and which shall not in any event exceed a period of 3 months.

(4) The High Court shall not make an order under paragraph 7(1) or 8(1) if it is of the opinion that it is contrary to the public interest for the order to be made.

Restraint orders

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

(2) A restraint order may apply —

- (a) to all realisable property held by a specified person, whether the property is described in the restraint order or not; and
- (b) to all realisable property held by a specified person, being property transferred to him after the making of the restraint order.

(3) This section shall not have effect in relation to any property for the time being subject to a charge under paragraph 8.

(4) A restraint order —

- (a) may be made only on an application by the Attorney-General or, in a case where a foreign confiscation order has been registered under section 30, by a receiver appointed under paragraph 10 or the Attorney-General;
- (b) may be made on an ex parte application to a Judge in chambers; and

THIRD SCHEDULE — *continued*

(c) notwithstanding anything in Order 11 of the Rules of Court, may provide for service on, or the provision of notice to, persons affected by the order in such manner as the High Court may direct.

(5) A restraint order may be discharged or varied in relation to any property.

(6) A restraint order shall be discharged when judicial proceedings in relation to which the order was made are concluded.

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

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

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

subject to such exceptions and conditions as may be specified by the Court.

(8) The High Court may require any person having possession of property in respect of which the receiver is appointed under sub-paragraph (7) to give possession of it to the Public Trustee or such receiver.

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

(10) Property seized under sub-paragraph (9) shall be dealt with in accordance with the directions of the High Court.

Charging orders

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

(a) where a fixed amount is payable under a foreign confiscation order, of an amount not exceeding the amount so payable; or

(b) in any other case, of an amount equal to the value from time to time of the property charged.

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

(3) A charging order may be made —

(a) only on an application by the Attorney-General, or in a case where a foreign confiscation order has been registered under section 30, a receiver appointed under paragraph 10 or the Attorney-General; and

THIRD SCHEDULE — *continued*

- (b) on an ex parte application to a Judge in chambers.
- (4) Subject to sub-paragraph (6), a charge may be imposed by a charging order only on —
- (a) any interest in realisable property, being an interest held beneficially by the defendant or by a person to whom the defendant has, directly or indirectly, made a gift caught by this Schedule —
 - (i) in any asset of a kind mentioned in sub-paragraph (5); or
 - (ii) under any trust; or
 - (b) any interest in realisable property held by a person as trustee of a trust if the interest is in such an asset or is an interest under another trust, and a charge may, by virtue of sub-paragraph (a), be imposed by a charging order on the whole beneficial interest under the first-mentioned trust.
- (5) The assets referred to in sub-paragraph (4) are —
- (a) immovable property in Singapore; or
 - (b) securities of any of the following kinds:
 - (i) securities of the Government or of any public authority;
 - (ii) stock of any body incorporated in Singapore;
 - (iii) stock of any body incorporated outside Singapore or of any country or territory outside Singapore, being stock registered in a register kept at any place within Singapore; and
 - (iv) units of any unit trust in respect of which a register of the unit holders is kept at any place within Singapore.
- (6) In any case where a charge is imposed by a charging order on any interest in an asset of a kind mentioned in sub-paragraph (5)(b), the High Court may provide for the charge to extend to any interest or dividend payable in respect of the asset.
- (7) Where the High Court has made a charging order, the Court may give such directions to the Public Trustee or any person as the Court thinks fit to safeguard the assets under the charging order.
- (8) The High Court may make an order discharging or varying the charging order and shall make an order discharging the charging order if the judicial proceedings against the defendant in the prescribed foreign country are concluded or the amount, payment of which is secured by the charge, is paid into the Court.

THIRD SCHEDULE — *continued*

Charging orders: supplementary provisions

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

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

(3) Subject to any provision made under paragraph 12 or by the Rules of Court, a charge imposed by a charging order shall have the like effect and shall be enforceable in the same manner as an equitable charge created by the person holding the beneficial interest or, as the case may be, the trustees by writing under their hand.

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

Realisation of property

10.—(1) Where a foreign confiscation order has been registered in the High Court under section 30, the High Court may, on the application of the Attorney-General, exercise the powers conferred by sub-paragraphs (2) to (7).

(2) In respect of any sum of money payable under the foreign confiscation order, the High Court may make a garnishee order as if the sum were due to the Government in pursuance of a judgment or order of the High Court, but any such order shall direct that the sum payable be paid to the High Court.

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

(4) The High Court may empower the Public Trustee or any receiver appointed under sub-paragraph (3) or paragraph 7 or in pursuance of a charging order —

(a) to enforce any charge imposed under paragraph 8 on realisable property or on interest or dividends payable in respect of such property; and

(b) in relation to any realisable property other than property for the time being subject to a charge under paragraph 8, to take possession of the property subject to such conditions or exceptions as may be specified by the Court.

THIRD SCHEDULE — *continued*

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

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

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

(8) Sub-paragraphs (5) to (7) shall not apply to property for the time being subject to a charge under paragraph 8.

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

Application of proceeds of realisation and other sums

11.—(1) Subject to sub-paragraph (2), the following sums in the hands of the Public Trustee or any receiver pursuant to paragraph 7 or 10 or in pursuance of a charging order, that is —

- (a) the proceeds of the enforcement of any charge imposed under paragraph 8;
- (b) the proceeds of the realisation, other than by the enforcement of such a charge, of any property under paragraph 7 or 10; and
- (c) any other sums, being property held by the defendant,

shall, after such payments (if any) as the High Court may direct have been made out of those sums, be paid to the Court and applied for the purposes specified in sub-paragraph (2) and in the order so specified.

(2) Where a fixed amount is payable under the foreign confiscation order and after that amount has been fully paid, any other sums remain in the hands of the Public Trustee or receiver, he shall distribute those sums —

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

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

THIRD SCHEDULE — *continued*

(3) Any sums remaining after all the payments required to be made under sub-paragraphs (1) and (2) have been made shall be paid into the Consolidated Fund.

Exercise of powers by High Court, etc.

12.—(1) This paragraph shall apply to the powers conferred on the High Court by paragraphs 7 to 11 or on the Public Trustee or any receiver pursuant to paragraph 7 or 10 or in pursuance of a charging order.

(2) Subject to sub-paragraphs (3) to (6), the powers shall be exercised with a view to recovering property which is liable to be recovered under a foreign confiscation order registered under section 30 or, as the case may be, with a view to making available for recovery property which may become liable to be recovered under any foreign confiscation order which may be made.

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

(4) Except in the case of realisable property referred to in sub-paragraph (a) of the definition of “realisable property” in paragraph 1(1), the powers shall be exercised with a view to allowing any person other than the defendant or the recipient of any such gift to retain or recover the value of any property held by him.

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

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

Bankruptcy of defendant, etc.

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

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

(b) any proceeds of property realised by virtue of paragraph 7(7) or 10(6) or (7) for the time being in the hands of the Public Trustee or a receiver pursuant to paragraph 7 or 10,

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

THIRD SCHEDULE — *continued*

(2) Where a person has been adjudged bankrupt, the powers conferred on the High Court by paragraphs 7 to 11 or on the Public Trustee or a receiver shall not be exercised in relation to —

- (a) property for the time being comprised in the bankrupt's estate for the purposes of the Bankruptcy Act;
- (b) property which is not comprised in the bankrupt's estate by virtue of section 78(2) of the Bankruptcy Act; and
- (c) property which is to be applied for the benefit of creditors of the bankrupt by virtue of a condition imposed under section 124(3)(c) of the Bankruptcy Act.

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

(4) Sub-paragraph (2) shall not affect the enforcement of a charging order —

- (a) made before the order adjudging the person bankrupt; or
- (b) on property which was subject to a restraint order when the order adjudging him bankrupt was made.

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

- (a) the powers conferred on the receiver by virtue of that Act shall not apply to property for the time being subject to the restraint order; and
- (b) any such property in the hands of the receiver shall, subject to a lien for any expenses (including his remuneration) properly incurred in respect of the property, be dealt with in such manner as the High Court may direct.

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

Winding up of company holding realisable property

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

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

THIRD SCHEDULE — *continued*

- (b) any proceeds of property realised by virtue of paragraph 7(6) or 10(6) or (7) for the time being in the hands of the Public Trustee or a receiver pursuant to paragraph 7 or 10,

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

(2) Where, in the case of a company, such an order has been made or such a resolution has been passed, the powers conferred on the High Court by paragraphs 7 to 11 or on a receiver so appointed shall not be exercised in relation to any realisable property held by the company in relation to which the functions of the liquidator are exercisable —

- (a) so as to inhibit him from exercising those functions for the purpose of distributing any property held by the company to the company's creditors; or
- (b) so as to prevent the payment out of any property of expenses (including the remuneration of the liquidator or any provisional liquidator) properly incurred in the winding up in respect of the property.

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

(4) Sub-paragraph (2) shall not affect the enforcement of a charging order made before the relevant time or on property which was subject to a restraint order at the relevant time.

(5) In this paragraph —

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

“relevant time” means —

- (a) where no order for the winding up of the company has been made, the time of the passing of the resolution for voluntary winding up;
- (b) where such an order has been made and, before the making of the application for the winding up of the company by the High Court, such a resolution has been passed by the company, the time of the passing of the resolution; and

[42/2005 wef 01/04/2006]

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

THIRD SCHEDULE — *continued***Receivers: supplementary provisions**

15. Where the Public Trustee or a receiver appointed under paragraph 7 or 10 or in pursuance of a charging order takes any action in relation to property which is not realisable property, being action which he would be entitled to take if it were such property, believing, and having reasonable grounds for believing, that he is entitled to take that action in relation to that property, he shall not be liable to any person in respect of any loss or damage resulting from his action except in so far as the loss or damage is caused by his negligence.

Compensation

16.—(1) If a criminal investigation is begun in a prescribed foreign country against a person for a foreign offence or offences and any of the following circumstances occur, namely:

- (a) no criminal proceedings are instituted against that person;
- (b) criminal proceedings are instituted against that person but do not result in his conviction for any foreign offence; or
- (c) criminal proceedings are instituted against that person and he is convicted of one or more foreign offences, but —
 - (i) the conviction or convictions concerned are quashed; or
 - (ii) he is granted a pardon in respect of the conviction or convictions concerned,

the High Court may, on application by a person who held property which was realisable property, order compensation to be paid by the Government to the applicant if —

- (A) the applicant has suffered loss in consequence of anything done in relation to the property by, or in pursuance of an order of, the High Court under paragraph 7, 8 or 10; and
- (B) having regard to all the circumstances, the High Court considers it appropriate to make such an order.

(2) The High Court shall not order compensation to be paid under sub-paragraph (1) unless it is satisfied that there has been some serious default on the part of any person concerned in the criminal investigation or prosecution of the offence or offences concerned.

(3) The High Court shall not order compensation to be paid under sub-paragraph (1) in any case where it appears to the Court that the criminal investigation would have been continued, or the criminal proceedings would have

THIRD SCHEDULE — *continued*

been instituted or continued, as the case may be, if the serious default had not occurred.

PART III

Enforcement of Instrumentality Forfeiture Orders

Restraint orders

17.—(1) The High Court may in accordance with this paragraph make a restraint order to prohibit any person, subject to such conditions and exceptions as may be specified in the order, from dealing with any property in respect of which an instrumentality forfeiture order has been made, or in respect of which such an order could be made in the judicial proceedings referred to in sub-paragraph (2) or (3).

(2) A restraint order may be made where —

- (a) judicial proceedings have been instituted in a prescribed foreign country;
- (b) the proceedings have not been concluded; and
- (c) either an instrumentality forfeiture order has been made in the proceedings or it appears to the High Court that there are reasonable grounds for believing that such an order may be made in them.

(3) A restraint order may also be made where the High Court is satisfied that judicial proceedings are to be instituted in a prescribed foreign country and that there are reasonable grounds for believing that an instrumentality forfeiture order may be made in them.

(4) Where the High Court has made a restraint order by virtue of sub-paragraph (3), the Court shall discharge the order if the proposed judicial proceedings are not instituted within such time as the Court considers reasonable and which shall not in any event exceed a period of 3 months.

(5) A restraint order —

- (a) may be made only on an application by the Attorney-General;
- (b) may be made on an ex parte application to a Judge in chambers; and
- (c) notwithstanding anything in Order 11 of the Rules of Court, may provide for service on, or the provision of notice to, persons affected by the order in such a manner as the High Court may direct.

(6) A restraint order —

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

THIRD SCHEDULE — *continued*

(b) shall be discharged when judicial proceedings in relation to which the order was made are concluded.

(7) Where the High Court has made a restraint order, the Court may at any time appoint the Public Trustee or any person as receiver (referred to in this Part as a receiver) —

(a) to take possession of any property specified in the order; and

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

subject to such exceptions and conditions as may be specified by the Court.

(8) The High Court may require any person having possession of property in respect of which a receiver is appointed under sub-paragraph (7) to give possession of it to the receiver.

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

(10) Property seized under sub-paragraph (9) shall be dealt with in accordance with the directions of the High Court.

Disposal of forfeited property

18.—(1) Where an instrumentality forfeiture order has been registered under section 30, the High Court may, on the application of the Attorney-General, order the forfeiture of the property specified in the instrumentality forfeiture order.

(2) Property forfeited under sub-paragraph (1) shall be disposed of in accordance with the High Court's directions.

(3) The High Court shall not in respect of any property exercise the powers conferred by sub-paragraphs (1) and (2) unless a reasonable opportunity has been given for persons holding any interest in the property to make representations to the Court.

Exercise of powers by High Court

19.—(1) This paragraph shall apply to the powers conferred on the High Court by this paragraph and paragraph 18 or on the Public Trustee or person appointed as receiver under paragraph 17.

(2) The powers shall be exercised with a view to recovering property which is liable to be recovered under an instrumentality forfeiture order registered under section 30 or, as the case may be, with a view to recovering property which may

THIRD SCHEDULE — *continued*

become liable to be recovered under any instrumentality forfeiture order which may be made.

Receivers: supplementary provisions

20. Where a receiver appointed under paragraph 17 takes any action in relation to property which is not liable to recovery under an instrumentality forfeiture order, being action which he would be entitled to take if it were such property, believing, and having reasonable grounds for believing, that he is entitled to take that action in relation to that property, he shall not be liable to any person in respect of any loss or damage resulting from his action except in so far as the loss or damage is caused by his negligence.

Compensation

21.—(1) If a criminal investigation is begun in a prescribed foreign country against a person for one or more foreign offences and any of the following circumstances occur, namely:

- (a) no criminal proceedings are instituted against that person;
- (b) criminal proceedings are instituted against that person but do not result in his conviction for any foreign offence; or
[Act 23 of 2014 wef 01/09/2014]
- (c) criminal proceedings are instituted against that person and he is convicted of one or more foreign offences, but —
 - (i) the conviction or convictions concerned are quashed; or
 - (ii) he is granted a pardon in respect of the conviction or convictions concerned,
[Act 23 of 2014 wef 01/09/2014]

the High Court may, on application by a person who held property and who has suffered loss in consequence of anything done in relation to that property in pursuance of an order under paragraph 18, order compensation to be paid by the Government to the applicant if, having regard to all the circumstances, the Court considers it appropriate to make such an order.

(2) The High Court shall not order compensation to be paid under sub-paragraph (1) unless it is satisfied that there has been some serious default on the part of any person concerned in the criminal investigation or prosecution of the offence or offences concerned.

(3) The High Court shall not order compensation to be paid under sub-paragraph (1) in any case where it appears to the Court that the criminal investigation would have been continued, or the criminal proceedings would have

LEGISLATIVE HISTORY
MUTUAL ASSISTANCE IN CRIMINAL MATTERS ACT
(CHAPTER 190A)

This Legislative History is provided for the convenience of users of the Mutual Assistance in Criminal Matters Act. It is not part of the Act.

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

Date of First Reading	:	17 January 2000 (Bill No. 3/2000 published on 18 January 2000)
Date of Second and Third Readings	:	22 February 2000
Date of commencement	:	1 April 2000

2. Act 28 of 2000 — Statutes (Miscellaneous Amendments and Repeal) Act 2000

Date of First Reading	:	25 August 2000 (Bill No. 22/2000 published on 26 August 2000)
Date of Second and Third Readings	:	9 October 2000
Date of commencement	:	1 November 2000

3. 2001 Revised Edition — Mutual Assistance in Criminal Matters Act

Date of operation	:	31 December 2001
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4. Act 24 of 2004 — Police Force Act 2004
(Consequential amendments made to Act by)

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

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

Date of First Reading	:	17 October 2005 (Bill No. 30/2005)
Date of Second and Third Readings	:	21 November 2005
Date of commencement	:	1st April 2006

6. Act 8 of 2006 — Mutual Assistance in Criminal Matters (Amendment) Act 2006

Date of First Reading	:	16 January 2006 (Bill No. 2/2006 published on 17 January 2006)
Date of Second and Third Readings	:	13 February 2006
Date of commencement	:	1 April 2006

7. Act 5 of 2014 — Subordinate Courts (Amendment) Act 2014
(Consequential amendments made to Act by)

Date of First Reading	:	11 November 2013 (Bill No. 26/2013 published on 11 November 2013)
Date of Second and Third Readings	:	21 January 2014
Date of commencement	:	7 March 2014

8. Act 23 of 2014 — Mutual Assistance in Criminal Matters (Amendment) Act 2014

Date of First Reading	:	29 May 2014 (Bill No. 17/2014 published on 29 May 2014)
Date of Second and Third Readings	:	8 July 2014
Date of commencement	:	1 September 2014

COMPARATIVE TABLE
MUTUAL ASSISTANCE IN CRIMINAL MATTERS ACT
(CHAPTER 190A)

The following provisions in the Mutual Assistance in Criminal Matters Act 2000 (Act 12 of 2000) have been renumbered by the Law Revision Commissioners in this 2001 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Mutual Assistance in Criminal Matters Act.

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45	44A
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