



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;

[Act 26 of 2015 wef 01/06/2016]

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

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

[Act 26 of 2015 wef 01/06/2016]

(c) a confiscation order within the meaning of Part 9 of the Organised Crime Act 2015;

[Act 26 of 2015 wef 01/06/2016]

“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 proceedings to which the request relates.

[Act 26 of 2015 wef 01/06/2016]

(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 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.

[Act 26 of 2015 wef 01/06/2016]

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 any 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,

[Act 26 of 2015 wef 01/06/2016]

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

[6/2006 wef 01/04/2006]

(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 |
| 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 |
| 8. Section 11 | Person in charge of place or premises permitting drug activities at that place or premises |
| 9. Section 11A | Arranging or planning gatherings for drug activities |
| 10. Section 12A | Causing or procuring young or vulnerable person to commit drug trafficking, etc. |

FIRST SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|----------------|--|
| 11. Section 13 | Abetting or procuring commission of drug offence outside Singapore |

[S 349/2015 wef 03/06/2015]

[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 transhipment 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 |
| Air Navigation Act (Cap. 6) | |
| 6A. Section 4(3) | Requirement for aviation safety instrument |
| 6B. Section 4J(3) | Failure to comply with requirements of notice |
| 6C. Section 4M(3) | Failure to do anything required by notice |
| 6D. Section 4M(4) | Intentionally altering, suppressing information, etc., or furnishing false information, etc. |
| 6E. Section 14C(1) | Obstructing investigations, etc. |
| 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 |
| 31A. Section 11(2) | Restrictions on children and young persons taking part in public entertainment |
| 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 |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|---|--|
| (c) section 45 | Dissemination of information about false trading |
| (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 |
| Companies Act (Cap. 50) | |
| 38A. Section 340(5) | Fraudulent trading by responsible person |
| 38B. Section 404(3) | Obtaining payment of moneys, etc., to company by false promise of officer or agent of company |
| 38C. Section 406(a) | Fraud by officer of company to induce person to give credit to the company |
| Computer Misuse 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 |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|---|---|
| 44. Section 8 | Unauthorised disclosure of access code |
| 44A. Section 8A | Supplying, etc., personal information obtained in contravention of certain provisions |
| 44B. Section 8B | Obtaining, etc., items for use in certain offences |
| 45. Section 10 | Abetments and attempts punishable as offences |
| Control of Plants Act (Cap. 57A) | |
| 46. Section 7 | Importation or transshipment of fresh fruits or vegetables without licence |
| 47. Section 8 | Importation or transshipment of fresh fruits or vegetables without permit |
| 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 |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|--|--|
| 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) | |
| 57. Section 3 | Supplies |
| Criminal Procedure Code (Cap. 68) | |
| 57AA. Section 103(5) | Absconding or breaking conditions of bail or personal bond, etc. |
| Customs Act (Cap. 70) | |
| 57A. Section 128A(1)(a) | Falsification or use of falsified documents |
| 57B. Section 128A(1)(b) | Fraudulent alteration of document, or counterfeiting of seal, signature, etc., used for verification by officer of customs |
| 57C. Section 128D | Fraudulent evasion of, or attempt to fraudulently evade, customs duty or excise duty |
| 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 |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|--|---|
| 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) | Offences in relation to possession, storage, conveying and harbouring of goods |
| 62A. Section 131 | Evading duty by unauthorised modification of computer program or data |
| 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 Agencies Act (Cap. 92) | |
| 65A. Section 6(4) | Carrying on employment agency, or performing employment agency-related work or activity, without valid licence |
| 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 |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|---|--|
| | employment inspector; selling, forging or unlawfully altering a work pass, etc.; or using or having in possession without lawful authority any work pass, etc., that is forged, unlawfully altered or issued to another person |
| 68A. Section 22A(2) | Restrictions on receipt, etc., of moneys in connection with employment of foreign employee |
| 68B. Section 22B(1) | Obtaining work pass for foreign employee for non-existent trade or business and failing to employ the foreign employee |
| 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. |
| Estate Agents Act (Cap. 95A) | |
| 74A. Section 28(2) | Carrying on the business of doing estate agency work as an estate agent, etc., by person who is not a licensed estate agent |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|---|---|
| 74B. Section 29(3) | Acting as a salesperson for any licensed estate agent, etc., by person who is not a registered salesperson |
| 74C. Section 39(2) | Appointing, etc., as a salesperson any person who is not a registered salesperson |
| 74D. Section 41(3) | Permitting an individual to carry out estate agency work for a licensed estate agent, etc., without an agreement in writing |
| 74E. Section 64(1) | Making a false statement in relation to an application under the Estate Agents Act, 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 |
| 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 |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|---|---|
| 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 |
| 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. |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|--|---|
| 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) | |
| 103A. Section 37J(3) | Giving false information to Comptroller of Income Tax, etc., to obtain, or to assist another person to obtain, cash payout or PIC bonus (or both), etc. |
| 103B. Section 37J(4) | Falsifying records or using contrivances, etc., to obtain, or assist another person to obtain, cash payout or PIC bonus (or both), etc. |
| 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 |
| Infrastructure Protection Act 2017 (Act 41 of 2017) | |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|----------------------------------|--|
| 105A. Section 20(2) | Unauthorised entry to protected place |
| 105B. Section 21(6) | Non-compliance with direction of authority or authorised officer of protected area or protected place |
| 105C. Section 27(5) | Non-compliance with request or direction of authorised officer of protected area or protected place |
| 105D. Section 28(2) | Non-compliance with request of authorised officer of protected area or protected place |
| 105E. Section 29(4) | Unauthorised photography of protected area or protected place, or non-compliance with direction of authorised officer of protected area or protected place |
| 105F. Section 30(4) | Unauthorised photography of protected area or protected place using unmanned aircraft |
| 105G. Section 30(5) | Non-compliance with direction of designated authorised officer of protected area or protected place |
| 105H. Section 37(7) | Non-compliance with notice of Commissioner of Infrastructure Protection |
| 105I. Section 44(7) | Non-compliance with notice of Commissioner of Infrastructure Protection |
| 105J. Section 56(3) | Non-compliance with direction in security directive |
| 105K. Section 56(4) | Non-compliance with notice of Commissioner of Infrastructure Protection |
| 105L. Section 68(5) | Non-compliance with notice of Commissioner of Infrastructure Protection |
| 105M. Section 70 | Making false or misleading statement, or furnishing false or misleading information or document |
| 105N. Section 71(2) | Obstructing exercise of power, discharge of duty, etc. |
| Inquiries Act (Cap. 139A) | |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|--|--|
| 105O. The Schedule, item 5 | Wilfully giving false evidence, etc. |
| 105P. The Schedule, item 6 | Threats, etc., to witnesses |
| 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 in relation to ships or safe navigation |
| 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 acts in relation to ships or safe navigation |
| 117A. Section 7(4) | Abetment of an offence under section 3, 4, 5 or 6 |
| 117B. Section 7(5) | Attempt to commit an offence under section 3, 4, 5 or 6 |
| 117C. Section 7A | Hijacking of fixed platforms |
| 117D. Section 7B | Destroying or damaging fixed platforms, etc. |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|---|--|
| 117E. Section 7C | Offences involving threats in relation to fixed platforms |
| 117F. Section 7D(1) | Act of violence done in connection with an offence under section 7A or 7B |
| 117G. Section 7D(2) | Abetment of certain acts in relation to fixed platforms |
| 117H. Section 7D(3) | Abetment of an offence under section 7A, 7B or 7C |
| 117I. Section 7D(4) | Attempt to commit an offence under section 7A, 7B or 7C |
| Medicines Act (Cap. 176) | |
| 118. Section 35 for contravention of any of the following: | |
| (a) section 31 | Sale of adulterated medicinal products |
| (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 |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|--|---|
| 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 |
| Oaths and Declaration Act (Cap. 211) | |
| 124A. Section 14(1)(i) | Use of false statutory declaration in a judicial proceeding |
| Organised Crime Act 2015 (Act 26 of 2015) | |
| 124B. Section 5(1) | Being or acting as a member of a locally-linked organised criminal group |
| 124C. Section 6(1) | Recruiting, while in Singapore, another person for an organised criminal group |
| 124D. Section 6(2) | Recruiting, while outside Singapore, another person for a locally-linked organised criminal group |
| 124E. Section 6(4) | Recruiting vulnerable person or young person for an organised criminal group |
| 124F. Section 7(1) | Instructing, while in Singapore, the commission of an offence for an organised criminal group, etc. |
| 124G. Section 7(2) | Instructing, while outside Singapore, the commission of an offence for a locally-linked organised criminal group, etc. |
| 124H. Section 8(1) | Procuring, while in Singapore, expenditure or application of property to support, aid or promote the commission of certain offences related to an organised criminal group |
| 124I. Section 8(2) | Procuring, while outside Singapore, expenditure or application of property to support, aid or promote the commission of certain offences related to a locally-linked organised criminal group |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|---------------------|---|
| 124J. Section 9(1) | Expending or applying property, while in Singapore, to support, aid or promote the commission of certain offences related to an organised criminal group |
| 124K. Section 9(2) | Expending or applying property, while outside Singapore, to support, aid or promote the commission of certain offences related to a locally-linked organised criminal group |
| 124L. Section 10(1) | Allowing, while in Singapore, an organised criminal group to use premises to support, aid or promote the commission of certain offences related to the organised criminal group |
| 124M. Section 10(2) | Allowing, while outside Singapore, a locally-linked organised criminal group to use premises to support, aid or promote the commission of certain offences related to the locally-linked organised criminal group |
| 124N. Section 11(3) | Dealing with property of organised criminal group |
| 124O. Section 12(1) | Facilitating, while in Singapore, the commission of certain offences related to an organised criminal group |
| 124P. Section 12(2) | Facilitating, while outside Singapore, the commission of certain offences related to a locally-linked organised criminal group |
| 124Q. Section 26(3) | Failure to comply with an organised crime prevention order or a financial reporting order |
| 124R. Section 26(5) | Providing false or misleading information for an organised crime prevention order or a financial reporting order |
| 124S. Section 39(5) | Acting in contravention of a disqualification order |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|---------------------------------|--|
| 124T. Section 44(1) | Disclosing information which is likely to prejudice an investigation or proposed investigation |
| 124U. Section 73(12) | Non-compliance with an examination order, or supplying false or misleading information pursuant to an examination order |
| 124V. Section 74(2) | Failure to give information of certain matters relating to an offence under the Organised Crime Act 2015 |
| 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. |
| 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 |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|-------------------|---|
| 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 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 |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|-------------------|---|
| 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 |
| 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 |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|-------------------|---|
| 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 |
| 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 |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|-------------------|---|
| 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 |
| 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 |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|-------------------|---|
| 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 |
| 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 |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|-------------------|--|
| 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 |
| 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 |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|---------------------|---|
| 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 |
| 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 |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|-------------------|---|
| 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 |
| 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 |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|-------------------|---|
| 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 |
| 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 |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|------------------|--|
| 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 |
| 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 |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|-------------------|--|
| 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 |
| 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. |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|------------------|--|
| 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 |
| 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 |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|-------------------|---|
| 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 |
| 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 |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|-------------------|--|
| 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 |
| 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 |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|--|--|
| 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 |
| Prevention of Human Trafficking Act 2014 (Act 45 of 2014) | |
| 363A. Section 3 | Trafficking in persons |
| 363B. Section 6 | Persons who receive payments in connection with exploitation of trafficked victims |
| 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 |
| 368. Section 12 | Accumulation of radioactive waste |
| 369. Section 14 | Transport of radioactive waste |
| 370. Section 31 | False or misleading statements and documents |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|--|--|
| 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 |
| Remote Gambling Act 2014 (Act 34 of 2014) | |
| 373A. Section 8 | Unlawful remote gambling |
| 373B. Section 9 | Providing unlawful remote gambling service for another |
| 373C. Section 10 | Prohibition against overseas remote gambling service with Singapore-customer link |
| 373D. Section 11 | Prohibition against Singapore-based remote gambling service |
| 373E. Section 12 | Unlawful employment of young person in remote gambling |
| 373F. Section 13 | Unlawful invitation, etc., to young person to gamble remotely |
| 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) | |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|---|---|
| 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 |
| (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 |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|--|---|
| 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 |
| 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) | |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|--|---|
| 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. |
| 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 |
| Terrorism (Suppression of Misuse of Radioactive Material) Act 2017 (Act 27 of 2017) | |
| 404A. Section 4 | Possessing radioactive material or Convention device |
| 404B. Section 5 | Making Convention device |
| 404C. Section 6(1) | Using radioactive material or Convention device |
| 404D. Section 7(1) | Using or damaging nuclear facility in manner that causes, or creates risk of, release of radioactive material |
| 404E. Section 8 | Threatening to do act that would be offence under section 6 or 7 |
| 404F. Section 9 | Making demands relating to radioactive material, Convention device or nuclear facility |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|--|---|
| 404G. Section 10 | Attempting to commit offence under section 4, 5, 6 or 7 |
| 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 |
| Transboundary Haze Pollution Act 2014 (Act 24 of 2014) | |
| 408A. Section 5(1) and (3) | Offences for causing, etc., haze pollution in Singapore |
| United Nations Act (Cap. 339) United Nations (Anti-Terrorism Measures) Regulations (Rg 1) | |
| 409. Regulation 11 | Offences |
| United Nations Act (Cap. 339) United Nations (Freezing of Assets of Former President of Liberia and Connected Persons) Regulations 2004 (G.N. No. S 601/2004) | |
| 409A. Regulation 9(1) | Offences |
| United Nations Act (Cap. 339) United Nations (Freezing of Assets of Persons — Cote d'Ivoire) Regulations 2006 (G.N. No. S 156/2006) | |
| 409B. Regulation 9(1) | Offences |
| United Nations Act (Cap. 339) | |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|--|--|
| United Nations (Freezing of Assets of Persons — Democratic Republic of the Congo) Regulations 2006 (G.N. No. S 157/2006) | |
| 409C. Regulation 9(1) | Offences |
| United Nations Act (Cap. 339) United Nations (Freezing of Assets of Persons — Sudan) Regulations 2006 (G.N. No. S 554/2006) | |
| 409D. Regulation 9(1) | Offences |
| United Nations Act (Cap. 339) United Nations (Sanctions — Democratic People’s Republic of Korea) Regulations 2010 (G.N. No. S 570/2010) | |
| 409E. Regulation 16(1) | Offences |
| United Nations Act (Cap. 339) United Nations (Sanctions — Iran) Regulations 2014 (G.N. No. S 633/2014) | |
| 409F. Regulation 19(1) | Offences |
| 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 transhipment of meat products or fish products without licence, etc. |
| 412. Section 6 | Importation, exportation or transhipment of meat products or fish products without permit, etc. |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|--|---|
| Wild Animals and Birds Act (Cap. 351) | |
| 413. Section 10 | Importation of wild animals and birds without authorisation, etc. |
| Women's Charter (Cap. 353) | |
| 413A. Section 36 | Forcing a person to marry against the person's will, or preventing a person from contracting a valid marriage |
| 413B. Section 37 | Making a false declaration or signing a false notice, etc., required by the Women's Charter |
| 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(1) | Persons living on or trading in prostitution |
| 418A. Section 146(1A) | Knowingly soliciting, receiving or agreeing to receive gratification as inducement or reward for providing any service, where the defendant does or will aid the prostitution of another person (being a woman or girl) by providing that service |
| 418B. Section 146A(1) | Operating or maintaining in Singapore, in the course of business, a remote communication service that offers or facilitates the provision by a woman or girl to another person of sexual services in return for payment or reward, etc. |
| 419. Section 147 | Keeping or management of places of assignation |

SECOND SCHEDULE — *continued*

| <i>Offence</i> | <i>Description</i> |
|------------------|-----------------------------------|
| 420. Section 148 | Keeping or management of brothels |

[S 19/2019 wef 08/01/2019]

[S 847/2018 wef 20/12/2018]

[Act 9 of 2018 wef 31/08/2018]

[S 49/2018 wef 30/01/2018]

[S 489/2017 wef 01/09/2017]

[S 305/2016 wef 01/07/2016]

[S 255/2016 wef 01/06/2016]

[S 684/2015 wef 12/11/2015]

[S 349/2015 wef 03/06/2015]

[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

THIRD SCHEDULE — *continued*

- (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
 - (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

THIRD SCHEDULE — *continued*

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
 - (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.

THIRD SCHEDULE — *continued*

(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 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

THIRD SCHEDULE — *continued*

- (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 —

- (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.

THIRD SCHEDULE — *continued***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

(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.

THIRD SCHEDULE — *continued*

(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
- (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;

THIRD SCHEDULE — *continued*

- (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.

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).

THIRD SCHEDULE — *continued*

(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.

(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 —

THIRD SCHEDULE — *continued*

- (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.

(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

THIRD SCHEDULE — *continued*

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).

(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.

THIRD SCHEDULE — *continued*

(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
- (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.

THIRD SCHEDULE — *continued*

(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

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

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

THIRD SCHEDULE — *continued*

- (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 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

THIRD SCHEDULE — *continued*

(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

(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.

THIRD SCHEDULE — *continued*

(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 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;

THIRD SCHEDULE — *continued*

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

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

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

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 published on
18 October 2005)

Date of Second and Third Readings : 21 November 2005

Dates of commencement : 1 January 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 |

9. G.N. No. S 349/2015 — Mutual Assistance in Criminal Matters Act (Amendment of First and Second Schedules) Notification 2015

| | |
|----------------------|---------------|
| Date of commencement | : 3 June 2015 |
|----------------------|---------------|

10. G.N. No. S 684/2015 — Mutual Assistance in Criminal Matters Act (Amendment of Second Schedule) Notification 2015

| | |
|----------------------|--------------------|
| Date of commencement | : 12 November 2015 |
|----------------------|--------------------|

11. Act 26 of 2015 — Organised Crime Act 2015

| | |
|-----------------------------------|--|
| Date of First Reading | : 13 July 2015 (Bill No. 21/2015 published on 13 July 2015) |
| Date of Second and Third Readings | : 17 August 2015 |
| Date of commencement | : 1 June 2016 |

**12. G.N. No. S 255/2016 — Mutual Assistance in Criminal Matters Act
(Amendment of Second Schedule)
Notification 2016**

Date of commencement : 1 June 2016

**13. G.N. No. S 305/2016 — Mutual Assistance in Criminal Matters Act
(Amendment of Second Schedule) (No. 2)
Notification 2016**

Date of commencement : 1 July 2016

**14. G.N. No. S 489/2017 — Mutual Assistance in Criminal Matters Act
(Amendment of Second Schedule)
Notification 2017**

Date of commencement : 1 September 2017

**15. G.N. No. S 49/2018 — Mutual Assistance in Criminal Matters Act
(Amendment of Second Schedule)
Notification 2018**

Date of commencement : 30 January 2018

16. Act 9 of 2018 — Cybersecurity Act 2018

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

Date of Second and Third Readings : 5 February 2018

Date of commencement : 31 August 2018

**17. G.N. No. S 847/2018 — Mutual Assistance in Criminal Matters Act
(Amendment of Second Schedule) (No. 2)
Notification 2018**

Date of commencement : 20 December 2018

**18. G.N. No. S 19/2019 — Mutual Assistance in Criminal Matters Act
(Amendment of Second Schedule)
Notification 2019**

Date of commencement : 8 January 2019

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.

| 2001 Ed. | Act 12 of 2000 |
|-----------------|-----------------------|
| 45 | 44A |
| 46 | 45 |
| 47 | 46 |