



THE STATUTES OF THE REPUBLIC OF SINGAPORE

**MUTUAL ASSISTANCE IN CRIMINAL
MATTERS ACT 2000**

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Mutual Assistance in Criminal Matters Act 2000

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

[1 April 2000]

PART 1

PRELIMINARY

Short title

1. This Act is the Mutual Assistance in Criminal Matters Act 2000.

General 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 foreign offence, as the case may be; or
- (b) the obtaining, enforcement or satisfaction of a Singapore confiscation order or 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, a Deputy Director, a Divisional Director or any other officer, of the Central Narcotics Bureau, appointed under section 3(1) of the Misuse of Drugs Act 1973;
- (b) any special investigator of the Corrupt Practices Investigation Bureau appointed under section 3(2) of the Prevention of Corruption Act 1960;
- (c) any Commercial Affairs Officer appointed under section 64 of the Police Force Act 2004;
- (d) any police officer; 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 of that country 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 on Narcotic Drugs signed at New York on 30 March 1961;
- (b) the production, supply, use, export and import of dangerous or otherwise harmful drugs pursuant to any treaty, convention or other agreement or arrangement to which the Government 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);

“criminal investigation” means an investigation —

- (a) into a Singapore offence or 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;

“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;

“financial institution” has the meaning given by section 27A(6) of the Monetary Authority of Singapore Act 1970 read with section 27A(7) of that Act;

“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

mentioned in sub-paragraph (i), or the value of any such property; and

(b) includes an instrumentality forfeiture order;

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

“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;

“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;

“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;

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

“Monetary Authority of Singapore” means the Monetary Authority of Singapore established under section 3 of the Monetary Authority of Singapore Act 1970;

“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
- (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;

“Singapore confiscation order” means —

- (a) a confiscation order made under section 6 or 7 of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992;
- (b) a substitute property confiscation order made under section 34 of that Act; or
- (c) a confiscation order within the meaning of Part 9 of the Organised Crime Act 2015;

“Singapore offence” means —

- (a) a drug dealing offence; or
- (b) a serious offence;

“thing” includes material;

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

[24/2004; 8/2006; 5/2014; 23/2014; 26/2015; 44/2018]

(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, however 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 1 April 2006, the date the order under section 17(1) making such declaration came into force; or

(b) in any other case, 1 April 2006.

[8/2006]

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 or her employer, in connection with the lawyer giving legal advice to the client or the legal counsel giving legal advice to the employer, as the case may be;

(b) it is a communication made between 2 or more lawyers acting for a client, or 2 or more legal counsel acting as such

for their employer, in connection with one or more of the lawyers giving legal advice to the client or one or more of the legal counsel giving legal advice to the employer, as the case may be;

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

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

[23/2014]

(2) In this section —

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

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

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

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

(c) an employee or officer of the employer;

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

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

[23/2014]

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 2

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 the 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 of the thing; and
- (b) to arrange for the thing or the photograph or copy of the thing to be sent to the Attorney-General,

if the Attorney-General is satisfied that there are reasonable grounds for believing that the 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 2010 and the Evidence Act 1893, be admitted as evidence at any proceedings to which the request relates.

[26/2015]

(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 is to 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 that 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 that 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, under 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 must 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 were 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 —

- (c) must 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
- (d) may be admitted or used against him or her in any proceedings in Singapore —
 - (i) for the purpose of impeaching his or her credibility; or
 - (ii) as evidence of any fact stated in that statement, of which direct oral evidence by him or her would be admissible,

if in giving evidence he or she makes a statement inconsistent with that statement.

[26/2015]

*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,

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.

[26/2015]

(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 must 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,

is, in any judicial proceedings, 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) is 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 is 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 3

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.

[8/2006]

(2) Despite subsection (1)(b) but subject to the provisions of this Part, any assistance mentioned 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.

[8/2006]

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

[8/2006; 23/2014]

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 apply to the foreign country subject to the conditions, exceptions or qualifications specified in the order, and in that event the provisions of this Part 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 must be made to the Attorney-General.

(2) Every request must —

(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 or she 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 must 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 firstmentioned offence;
- (f) the offence to which the request relates is not an offence of sufficient gravity;
- (g) the thing requested for is of insufficient importance to the investigation or could reasonably be obtained by other means;

- (h) it is contrary to public interest to provide the assistance;
- (i) 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;
- (j) 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 the Attorney-General's request, any thing obtained pursuant to the request upon completion of the criminal matter in respect of which the request was made; or
- (k) the provision of the assistance could prejudice a criminal matter in Singapore.

[23/2014]

(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]

(3) Subject to subsections (4) and (5), a request by a foreign country for assistance under Division 2, 5 or 6 must 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.

[23/2014]

(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.

[23/2014]

(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 1947, or an international tax compliance agreement as defined in section 105I of that Act, has been made with the government of that foreign country.

[23/2014]

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 written notice, subject to any conditions that 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 is to —

- (a) take the evidence of each witness appearing before the Magistrate 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 the Magistrate; 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 the person's legal representative, if any.

(4) The certificate referred to in subsection (2) must state whether the person to whom the criminal proceedings in the foreign country relates or the person's 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 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) A person who is required under this section to give evidence for the purposes of any criminal proceedings in a foreign country must not 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 is not admissible in evidence, and must not be 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 the Attorney-General 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 or VCC must be made only to the General Division of the High Court.

[44/2018; 40/2019]

(3) If, on such an application, the court is satisfied that the conditions 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 must —

- (a) produce the thing to an authorised officer for the authorised officer to take away; or
- (b) give an authorised officer access to the thing,

within 7 days of the date of the order or any other period that the court considers appropriate.

(4) The conditions mentioned 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 the person's legal representative, if any.

(6) A 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 must not 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) must be heard in private.

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

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 the authorised officer to be entitled to grant entry to the premises to allow an authorised officer to enter the premises to obtain access to the 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) has 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) has 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) does not confer any right to the production of, or of access to, items subject to legal privilege; and
 - (b) has effect despite 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), the officer may retain the thing, photograph or copy for 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 those 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); or
- (d) can be used to retrieve information whether the information is recorded or stored in the equipment itself or in other equipment (wherever situated).

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 the person had produced or given access to the thing in good faith in compliance with an order made against the person under section 22; or
- (b) doing or omitting to do any act if the person 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 is not to 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. A person who —

- (a) without reasonable excuse contravenes or fails to comply with an order under section 22; or
- (b) in purported compliance with that 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 under 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 1933; or

- (ii) otherwise under detention in a prescribed institution;
and

- (e) the appropriate authority has given adequate undertakings
in respect of the matters mentioned 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 must 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 were 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 —

- (iv) the person has left the foreign country; or
 - (v) 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) any other matters that the Attorney-General thinks appropriate.

(4) Where, under 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 must 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 firstmentioned 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 the person's 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 is sufficient authority for that person's removal from Singapore by any means that 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 mentioned in subsection (1).

(3) A person who has been arrested must 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 under 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
- (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 apply accordingly.

[23/2014]

(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.

[23/2014]

Registration of foreign confiscation order

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

[40/2019]

(2) The General Division of 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 the person to defend them; and
- (c) that enforcing the order in Singapore would not be contrary to the interests of justice.

[40/2019]

(3) In 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 General Division of the High Court is to cancel the registration of a foreign confiscation order if it appears to the General Division of the High 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.

[40/2019]

(5) Where an amount of money (if any) payable or remaining to be paid under a foreign confiscation order registered in the General Division of the High Court under this section is expressed in a currency other than that of Singapore, the amount must, 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.

[40/2019]

(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 is 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 or her capacity as a judge, magistrate or officer of the court, is 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 is deemed without further proof to be a true copy.

[23/2014]

(2) A document is duly authenticated for the purpose of subsection (1)(b) if it purports to be certified by any person in his or her 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
 - (B) any property derived or realised, directly or indirectly, from any payment or other reward mentioned in sub-paragraph (A), or the value of any such property; or

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

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

[23/2014]

(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, is 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 or her 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 prejudices 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 under 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 the Attorney-General, may apply to the court for a warrant under section 34 in respect of specified premises.

(3) An application for a warrant under section 34 in respect of any thing in the possession of a financial institution or VCC must be made to the General Division of the High Court.

[44/2018; 40/2019]

(4) An application for a warrant under section 34 in respect of any thing in the possession of a financial institution or VCC must not be made unless that thing can be particularised.

[44/2018]

Search warrants

34.—(1) On an application under 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 mentioned in subsection (1)(b) are —

- (a) that there are reasonable grounds for suspecting that a specified person has carried on or has 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 is 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 warrant to be issued.

[6/2006]

(3) A warrant issued under this section is subject to any conditions that 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 or she 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 or she may retain the thing, photograph or copy for 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 the person 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 the person 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 is not to 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 must forward the request to the appropriate agency in Singapore.

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

(5) On receipt of such advice, the Attorney-General must 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) that the country has provided 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 must 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 must —

- (a) use his or her 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 the 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 mentioned in subsection (3)(b)(i) and the statement mentioned 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 must, 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, despite 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 must 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, despite any contrary statement in the summons.

PART 4

MISCELLANEOUS PROVISIONS

Attorney-General to give notice to Minister

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

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

- (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) any other matters and information that the Minister may require.

(3) Upon receipt of a notice under subsection (1), the Minister may, if he or she 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 must comply with the instruction; or
- (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 must, despite the provisions of this Act, comply with the instruction.

(4) Where a foreign request has been complied with, the Attorney-General must, 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 3 for assistance in a criminal matter;

“Minister” includes a public officer authorised by the Minister for the purposes of this section;

[Act 31 of 2022 wef 01/11/2022]

“Singapore request” means a request by Singapore to a foreign country under Part 2 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 or her powers under this Act.

Regulations

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

(2) Without limiting 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 any prescribed international criminal tribunal 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.

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

- (a) provide for the application of the provisions of Part 3 to the international criminal tribunal subject to any modifications that 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) despite the provisions of the Act, provide for forms of assistance other than those set out in Part 3, including assistance by way of arresting any accused person, keeping

him or her in custody and surrendering him or her 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.

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.

[23/2014]

Amendment of Schedules

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

[23/2014]

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 1992	
1. Section 50 (previously section 43 (Cap. 65A, 2000 Revised Edition))	Assisting another to retain benefits of drug dealing

FIRST SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
2. Section 53 (previously section 46 (Cap. 65A, 2000 Revised Edition))	Acquiring, possessing, using, concealing or transferring benefits of drug dealing
Misuse of Drugs Act 1973	
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 11C	Introducing drug trafficker to another person
11. Section 11D(1)	Instructing person to cultivate cannabis, etc., or to manufacture or consume controlled drugs, etc.
12. Section 11D(2)	Disseminating or publishing information on the cultivation of cannabis, etc., or the manufacture or consumption of controlled drugs, etc.
13. Section 11E	Causing or procuring young person or vulnerable person to commit certain offences
14. Section 13	Abetting or procuring commission of drug offence outside Singapore

[23/2014; S 349/2015; S 525/2019]

SECOND SCHEDULE

Sections 2(1) and 47

SERIOUS OFFENCES

<i>Offence</i>	<i>Description</i>
Animals and Birds Act 1965	
1. Section 7	Contravention of order with regard to import, etc.
2. Section 8	Import or transshipment of any animal, bird or veterinary biologics without licence
3. Section 9	Import 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	Export of any animal or bird without licence
Air Navigation Act 1966	
7. Section 14(3) (previously section 4(3) (Cap. 6, 2014 Revised Edition))	Contravention of requirement for aviation safety instrument
8. Section 24(3) (previously section 4J(3) (Cap. 6, 2014 Revised Edition))	Failure to comply with requirements of notice
9. Section 27(4) (previously section 4M(3) (Cap. 6, 2014 Revised Edition))	Failure to do anything required by notice
10. Section 27(5) (previously section 4M(4) (Cap. 6, 2014 Revised Edition))	Intentionally altering, suppressing information, etc., or furnishing false information, etc.
11. Section 58(1) (previously section 14C(1) (Cap. 6, 2014 Revised Edition))	Obstructing investigations, etc.

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
Arms and Explosives Act 1913	
12. Section 6	Possession or transfer of possession of unmarked plastic explosives
13. Section 7	Import or export of unmarked plastic explosives
14. Section 9	Export or removal of article in contravention of notification by Minister
15. Section 10(2)	Manufacture, possession or import of explosive in contravention of notification by Minister
16. Section 11	Contravention of notification relating to poisonous or noxious gas or noxious substance
17. Section 12	Offence by master of ship, etc., used for certain offences
18. Section 22	Knowingly concealing arms, etc., imported without licence
19. Section 23	Knowingly purchasing guns or arms from person not licensed
Arms Offences Act 1973	
20. Section 6	Trafficking in arms
Betting Act 1960	
21. Section 3	Offences relating to common betting houses and betting information centres
22. Section 4	Advancing money for conducting business of common betting house
23. Section 5	Betting in common betting house
Biological Agents and Toxins Act 2005	
24. Section 5	Use of biological agents for non-peaceful purpose, etc.
25. Section 30	Use of toxins for non-peaceful purpose, etc.

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
Casino Control Act 2006	
26. Section 110	Organisation or conduct of prohibited casino marketing arrangements
27. Section 110A	Person acting as international market agent or international market agent representative without licence
28. Section 171	Possession, use, etc., of certain things prohibited
29. Section 172	Unlawful interference with gaming equipment
30. Section 172A	Cheating at play
31. Section 173	Possession of chips outside designated site
32. Section 174	Forgery and counterfeiting
Chemical Weapons (Prohibition) Act 2000	
33. Section 8	Use, etc., of chemical weapons
Children and Young Persons Act 1993	
34. Section 6(1) (previously section 5(1) (Cap. 38, 2001 Revised Edition))	Ill-treatment of child or young person
35. Section 7(1) (previously section 6(1) (Cap. 38, 2001 Revised Edition))	Contribution to delinquency of child or young person
36. Section 8 (previously section 7 (Cap. 38, 2001 Revised Edition))	Sexual exploitation of child or young person
37. Section 14(2) (previously section 11(2) (Cap. 38, 2001 Revised Edition))	Causing, procuring or allowing child or young person to take part in public entertainment
38. Section 16 (previously section 12 (Cap. 38, 2001 Revised Edition))	Unlawful transfer of possession, custody or control of child

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
39. Section 17 (previously section 13 (Cap. 38, 2001 Revised Edition))	Import of child by false pretences
Commodity Trading Act 1992	
40. Section 49 for contravention of any of the following:	
(a) section 43	False trading
(b) section 44	Bucketing
(c) section 45	Dissemination of information about false trading
(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 1961	
41. Section 4	Offences relating to a common gaming house, etc.
42. Section 5	Assisting in carrying on a public lottery, etc.
43. Section 6	Advancing or furnishing money for establishing or conducting business of common gaming house, etc.
44. Section 8	Gaming in public
Companies Act 1967	
44A. Section 204(1), if the offence is committed with intent to defraud creditors of the company or creditors of any other person or for a fraudulent purpose, for contravention of any of the following:	

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
(a) section 201(2)	Financial statements laid before company at its annual general meeting do not comply with section 201(2)
(b) section 201(5)	Consolidated financial statements and balance sheet caused to be made out and laid before parent company at its annual general meeting do not comply with section 201(5)
45. Section 404(3)	Obtaining payment of moneys, etc., to company by false promise of officer or agent of company
46. Section 406(a)	Fraud by officer of company to induce person to give credit to the company
Computer Misuse Act 1993	
47. Section 3	Unauthorised access to computer material
48. Section 4	Access with intent to commit or facilitate commission of offence
49. Section 5	Unauthorised modification of computer material
50. Section 6	Unauthorised use or interception of computer service
51. Section 7	Unauthorised obstruction of use of computer
52. Section 8	Unauthorised disclosure of access code
53. Section 9 (previously section 8A (Cap. 50A, 2007 Revised Edition))	Supplying, etc., personal information obtained in contravention of certain provisions
54. Section 10 (previously section 8B (Cap. 50A, 2007 Revised Edition))	Obtaining, etc., items for use in certain offences
55. Section 12 (previously section 10 (Cap. 50A, 2007 Revised Edition))	Abetments and attempts punishable as offences
Control of Plants Act 1993	
56. Section 7	Import or transshipment of fresh fruits or vegetables without licence

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
57. Section 8	Import or transshipment of fresh fruits or vegetables without permit
58. Section 34 for contravention of any order made under section 28	Export of plants contrary to order by Minister
59. Section 34 for contravention of section 41	Failure to give access to documents, etc.
Control of Plants Act 1993 Control of Plants (Plant Importation) Rules	
60. Rule 17 for contravention of rule 5(1)	Import of regulated plant, etc., without a permit
Copyright Act (Cap. 63, 2006 Revised Edition)	
61. Section 136(1), (2), (3), (4) and (6) (as in force before 21 November 2021)	Offences relating to copyright
62. Section 260(6) (as in force before 21 November 2021)	Removal or alteration of rights management information
63. Section 261C(4) and (5) (as in force before 21 November 2021)	Relating to circumvention of technological measures
Copyright Act 2021 (Act 22 of 2021) — Offences included with effect from 21 November 2021	
63A. Section 417	Removal or alteration of rights management information, etc.
63B. Section 439	Circumvention of technological measures, etc.

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
63C. Sections 444(1), 446(1), 448 and 450(1)	Offences relating to copyright works
Corrosive and Explosive Substances and Offensive Weapons Act 1958	
64. Section 3	Possession of corrosive or explosive substance for purpose of causing hurt
Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992	
65. Section 51 (previously section 44 (Cap. 65A, 2000 Revised Edition))	Assisting another to retain benefits from criminal conduct
66. Section 54 (previously section 47 (Cap. 65A, 2000 Revised Edition))	Acquiring, possessing, using, concealing or transferring benefits of criminal conduct
Criminal Law (Temporary Provisions) Act 1955	
67. Section 3	Offences relating to supplies
Criminal Procedure Code 2010	
68. Section 103(5)	Absconding or breaking conditions of bail or personal bond, etc.
Customs Act 1960	
69. Section 128A(1)(a)	Falsification or use of falsified documents
70. Section 128A(1)(b)	Fraudulent alteration of document, or counterfeiting of seal, signature, etc., used for verification by officer of customs
71. Section 128D	Fraudulent evasion of, or attempt to fraudulently evade, customs duty or excise duty
72. Section 128E	Offences in relation to goods found in person's baggage or upon his person, etc.

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
73. Section 128F	Offences in relation to import of uncustomed or prohibited goods
74. Section 128G	Offences in relation to export of uncustomed or prohibited goods
75. Section 128H	Offences in relation to shipping, unshipping, loading, unloading, etc., of uncustomed or prohibited goods
76. Section 128I(1)	Offences in relation to possession, storage, conveying and harbouring of goods
77. Section 131	Evading duty by unauthorised modification of computer program or data
78. Section 132	Knowingly advancing or furnishing money for business comprising sale, purchase, etc., of uncustomed goods
Dangerous Fireworks Act 1972	
79. Section 4	Sale, transport, delivery, distribution or import of dangerous fireworks
80. Section 6 for contravention of section 3	Possession or discharge of dangerous fireworks
Employment Agencies Act 1958	
81. Section 6(4)	Carrying on employment agency, or performing employment agency-related work or activity, without valid licence
Employment of Foreign Manpower Act 1990	
82. Section 5(6)	Employment of foreign employee without a valid work pass
83. Section 5(8) (previously section 5(7A) (Cap. 91A, 2009 Revised Edition))	Employment of foreign employee in contravention of a condition of the foreign employee's work pass

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
84. Section 22(1)(a), (d), (e) and (f)	Contravention of a condition of a work pass, etc.; making false statement or furnishing false information to the Controller of Work Passes, an authorised officer or an employment inspector; selling, forging or unlawfully altering a work pass, etc.; or using or having in possession without lawful authority any work pass, etc., that is forged, unlawfully altered or issued to another person
85. Section 22A(2)	Restrictions on receipt, etc., of moneys in connection with employment of foreign employee
86. 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 2006	
87. Section 4	Importation, exportation, etc., of scheduled species without permit
88. Section 5	Scheduled species in transit unaccompanied by CITES permit, etc.
89. Section 19 for contravention of section 4 or 5	Abetment of an offence under section 4 or 5
Environmental Protection and Management Act 1999	
90. Section 22	Import, manufacture or sale of hazardous substances without licence, etc.
91. Section 23	Import, manufacture or sale of hazardous substances not in accordance with licence, etc.
92. Section 24	Storage, use or dealing with hazardous substances in a manner that threatens health, etc.
Estate Agents Act 2010	

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
93. 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
94. Section 29(3)	Acting as a salesperson for any licensed estate agent, etc., by person who is not a registered salesperson
95. Section 39(2)	Appointing, etc., as a salesperson any person who is not a registered salesperson
96. Section 41(3)	Permitting an individual to carry out estate agency work for a licensed estate agent, etc., without an agreement in writing
97. Section 64(1)	Making a false statement in relation to an application under the Estate Agents Act 2010, etc.
Explosive Substances Act 1924	
98. Section 3	Causing explosion likely to endanger life or property
99. Section 4	Attempt to cause explosion, or for making or keeping explosives, with intent to endanger life or property
100. Section 5	Making or possessing explosives under suspicious circumstances
Feeding Stuffs Act 1965	
101. Section 4(5)	Import, manufacture, etc., of animal feeds without licence
Films Act 1981	
102. Section 29	Offences involving dealings in obscene films
103. Section 30	Possession of obscene films
104. Section 31	Advertising obscene films
105. Section 32	Offences involving children and young persons
Goods and Services Tax Act 1993	

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
106. Section 62	Fraud, etc.
107. Section 63	Improperly obtaining refund
Hazardous Waste (Control of Export, Import and Transit) Act 1997	
108. Section 25	Import of hazardous waste without permit, etc.
109. Section 26	Export of hazardous waste without permit, etc.
110. Section 27	Bringing waste into Singapore in course of carrying out transit proposal without permit, etc.
111. Section 37	Making false statements
Maintenance of Religious Harmony Act 1990*	
111A. Section 17E(1), (2), (3) or (4)	Urging violence on religious grounds or against religious group, etc.
111B. Section 17F(1), (2), (3) or (4)	Inciting hatred, ill-will, etc.
Health Products Act 2007	
112. Section 16	Prohibition against supply of health products that are adulterated, counterfeits, etc.
Hijacking of Aircraft and Protection of Aircraft and International Airports Act 1978	
113. Section 3(3)	Hijacking
114. Section 4	Violence against passengers or crew
115. Section 5	Destroying, damaging or endangering safety of aircraft
115A. Section 5A	Using aircraft to cause death, serious bodily injury, etc.
115B. Section 5B	Release of BCN weapon, etc., from aircraft

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
115C. Section 5C	Using BCN weapon, etc., against or on board aircraft
115D. Section 5D	Transporting or facilitating transport of BCN weapon, etc., on board aircraft
116. Section 7	Endangering safety at aerodromes
116A. Section 8	Threats to commit offences and screening offenders
Hostage-Taking Act 2010	
117. Section 3	Hostage-taking
118. Section 5(1)	Failure to disclose information relating to hostage-taking offence
Human Organ Transplant Act 1987	
119. Section 13(2) (previously section 14(2) (Cap. 131A, 2012 Revised Edition))	Contracting for sale or supply of organ or blood, etc.
120. Section 13(3) (previously section 14(2A) (Cap. 131A, 2012 Revised Edition))	Organ trading by middlemen or syndicates
Immigration Act 1959	
121. Section 5(5)	Entering or leaving Singapore other than at authorised entry or departure points
122. Section 6(3) for contravention of section 6(1)	Entry or attempted entry into Singapore without a valid pass
123. Section 57(1)(aa), (b) and (c)	Abetting unlawful entry or departure, or engaging in business of conveying prohibited immigrant
124. Section 57(1)(d)	Harbouring offenders of Immigration Act 1959 or its regulations

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
125. 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 herself or for other person
126. 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 1947	
127. Section 37M(3) (previously section 37J(3) (Cap. 134, 2014 Revised Edition))	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.
128. Section 37M(4) (previously section 37J(4) (Cap. 134, 2014 Revised Edition))	Falsifying records or using contrivances, etc., to obtain, or assist another person to obtain, cash payout or PIC bonus (or both), etc.
129. Section 96	Tax evasion and wilful action to obtain PIC bonus
130. Section 96A	Serious fraudulent tax evasion and action to obtain PIC bonus
Infrastructure Protection Act 2017	
131. Section 20(2)	Unauthorised entry to protected place
132. Section 21(6)	Non-compliance with direction of authority or authorised officer of protected area or protected place
133. Section 27(5)	Non-compliance with request or direction of authorised officer of protected area or protected place
134. Section 28(2)	Non-compliance with request of authorised officer of protected area or protected place

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
135. 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
136. Section 30(4)	Unauthorised photography of protected area or protected place using unmanned aircraft
137. Section 30(5)	Non-compliance with direction of designated authorised officer of protected area or protected place
138. Section 37(7)	Non-compliance with notice of Commissioner of Infrastructure Protection
139. Section 44(7)	Non-compliance with notice of Commissioner of Infrastructure Protection
140. Section 56(3)	Non-compliance with direction in security directive
141. Section 56(4)	Non-compliance with notice of Commissioner of Infrastructure Protection
142. Section 68(5)	Non-compliance with notice of Commissioner of Infrastructure Protection
143. Section 70	Making false or misleading statement, or furnishing false or misleading information or document
144. Section 71(2)	Obstructing exercise of power, discharge of duty, etc.
Inquiries Act 2007	
145. The Schedule, item 5	Wilfully giving false evidence, etc.
146. The Schedule, item 6	Threats, etc., to witnesses
Insolvency, Restructuring and Dissolution Act 2018	
147. Section 238(4)	Fraudulent trading by responsible person
148. Section 239(6)	Wrongful trading by responsible person
Internal Security Act 1960	
149. Section 4	Wearing of prohibited uniform, etc.

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
150. Section 5	Membership of quasi-military organisations
151. Section 6	Illegal drilling
Kidnapping Act 1961	
152. Section 3	Abduction, wrongful restraint or wrongful confinement for ransom
153. Section 4	Knowingly receiving ransom
154. Section 5	Knowingly negotiating to obtain or for payment of ransom
Maritime Offences Act 2003	
155. Section 3	Hijacking of ships
156. Section 4	Destroying or damaging ships, etc.
157. Section 5	Commission of other acts endangering or likely to endanger safe navigation
158. Section 6	Offences involving threats in relation to ships or safe navigation
159. Section 7(1)	Act of violence done in connection with an offence under section 3, 4 or 5
160. Section 7(3)	Abetment of certain acts in relation to ships or safe navigation
161. Section 7(4)	Abetment of an offence under section 3, 4, 5 or 6
162. Section 7(5)	Attempt to commit an offence under section 3, 4, 5 or 6
163. Section 8 (previously section 7A (Cap. 170B, 2004 Revised Edition))	Hijacking of fixed platforms
164. Section 9 (previously section 7B (Cap. 170B, 2004 Revised Edition))	Destroying or damaging fixed platforms, etc.
165. Section 10 (previously section 7C (Cap. 170B, 2004 Revised Edition))	Offences involving threats in relation to fixed platforms

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
166. Section 11(1) (previously section 7D(1) (Cap. 170B, 2004 Revised Edition))	Act of violence done in connection with an offence under section 8 or 9
167. Section 11(2) (previously section 7D(2) (Cap. 170B, 2004 Revised Edition))	Abetment of certain acts in relation to fixed platforms
168. Section 11(3) (previously section 7D(3) (Cap. 170B, 2004 Revised Edition))	Abetment of an offence under section 8, 9 or 10
169. Section 11(4) (previously section 7D(4) (Cap. 170B, 2004 Revised Edition))	Attempt to commit an offence under section 8, 9 or 10
Medicines Act 1975	
170. 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 1970	
171. 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 2008	

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
172. Section 19(1) (previously section 14(1) (Cap. 188, 2010 Revised Edition))	Unlicensed moneylending
173. Section 47 (previously section 28 (Cap. 188, 2010 Revised Edition))	Harassing borrower, besetting borrower's residence, etc.
Multi-Level Marketing and Pyramid Selling (Prohibition) Act 1973	
174. Section 3(2)	Promotion of or participation in a pyramid selling scheme, or arrangement, or holding out the same
175. Section 4(2)	Registration of business designed to promote a pyramid selling scheme or arrangement
176. Section 5(2)	Registration of company which proposes to promote a pyramid selling scheme or arrangement
Oaths and Declarations Act 2000	
177. Section 14(1)(c) (previously section 14(1)(i) (Cap. 211, 2001 Revised Edition))	Use of false statutory declaration in a judicial proceeding
Organised Crime Act 2015	
178. Section 5(1)	Being or acting as a member of a locally-linked organised criminal group
179. Section 6(1)	Recruiting, while in Singapore, another person for an organised criminal group
180. Section 6(2)	Recruiting, while outside Singapore, another person for a locally-linked organised criminal group
181. Section 6(4)	Recruiting vulnerable person or young person for an organised criminal group

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
182. Section 7(1)	Instructing, while in Singapore, the commission of an offence for an organised criminal group, etc.
183. Section 7(2)	Instructing, while outside Singapore, the commission of an offence for a locally-linked organised criminal group, etc.
184. 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
185. 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
186. 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
187. 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
188. 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
189. 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
190. Section 11(3)	Dealing with property of organised criminal group

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
191. Section 12(1)	Facilitating, while in Singapore, the commission of certain offences related to an organised criminal group
192. Section 12(2)	Facilitating, while outside Singapore, the commission of certain offences related to a locally-linked organised criminal group
193. Section 26(3)	Failure to comply with an organised crime prevention order or a financial reporting order
194. Section 26(5)	Providing false or misleading information for an organised crime prevention order or a financial reporting order
195. Section 39(5)	Acting in contravention of a disqualification order
196. Section 44(1)	Disclosing information which is likely to prejudice an investigation or proposed investigation
197. Section 73(12)	Non-compliance with an examination order, or supplying false or misleading information pursuant to an examination order
198. Section 74(2)	Failure to give information of certain matters relating to an offence under the Organised Crime Act 2015
Passports Act 2007	
199. Section 36	Falsifying Singapore passports, etc.
200. Section 38	Bringing, taking or sending false Singapore passports, etc., across international borders
201. Section 39	Making or giving false or misleading statements or information
202. Section 40	Furnishing false or misleading documents
203. Section 41	Improper use or possession of Singapore passports, etc.
204. Section 42	Selling Singapore passport, etc.
205. Section 44	Dishonestly obtaining Singapore passport, etc.

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
206. Section 47	Offences relating to false foreign travel documents
Penal Code 1871	
207. 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 15 November 2000
208. 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 15 November 2000
209. 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 15 November 2000
210. 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”

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
	and “transnational” have the meanings given to them in the United Nations Convention against Transnational Organised Crime, done at New York on 15 November 2000
211. 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 15 November 2000
212. Section 130	Aiding escape of, rescuing, or harbouring of certain prisoners
213. Section 130B	Piracy by law of nations
214. Section 130C	Piratical acts
215. Section 130E	Genocide
216. Section 143	Membership of unlawful assembly
217. Section 144	Joining an unlawful assembly armed with any deadly weapon
218. Section 145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse
219. Section 146	Force used by one member in prosecution of common object
220. Section 147	Rioting
221. Section 148	Rioting, armed with a deadly weapon
222. Section 149	Every member of an unlawful assembly to be deemed guilty of any offence committed in prosecution of common object
223. Section 150	Hiring, or conniving at hiring, of persons to join an unlawful assembly

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
224. Section 151	Knowingly joining or continuing in any assembly of 5 or more persons after it has been commanded to disperse
225. Section 152	Assaulting or obstructing public servant when suppressing riot, etc.
226. Section 161	Public servant taking a gratification, other than legal remuneration, in respect of an official act
227. Section 162	Taking a gratification in order, by corrupt or illegal means, to influence a public servant
228. Section 164	Punishment for abetment by public servant of offence under section 162 or 163
229. Section 165	Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant
230. Section 181	False statement on oath to public servant or person authorised to administer an oath
231. Section 193	Punishment for giving or fabricating false evidence
232. Section 194	Giving or fabricating false evidence with intent to procure conviction of a capital offence
233. Section 195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with imprisonment
234. Section 196	Using evidence known to be false
235. Section 201	Causing disappearance of evidence of an offence committed, or giving false information touching it, to screen the offender
236. Section 203	Giving false information respecting an offence committed
237. Section 204	Destruction of document to prevent its production as evidence

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
238. Section 204A (as in force before 1 January 2020)	Obstructing, preventing, perverting or defeating course of justice
239. Section 204B	Bribery of witnesses
240. Section 205	False personation for the purpose of any act or proceeding in a suit
241. Section 206	Fraudulent removal or concealment of property to prevent its seizure as a forfeiture, in execution of a decree or under or pursuant to an enforcement order
242. Section 207	Fraudulent claim to property to prevent its seizure as a forfeiture, in execution of a decree or under or pursuant to an enforcement order
243. Section 208	Fraudulently suffering a decree for a sum not due
244. Section 209 (as in force before 1 January 2020)	Fraudulently or dishonestly making a false claim before a court of justice
245. Section 210	Fraudulently obtaining a decree for a sum not due
246. Section 212	Harbouring an offender
247. Section 213	Taking gift, etc., to screen an offender from punishment
248. Section 214	Offering gift or restoration of property in consideration of screening offender
249. Section 215	Taking gift to help to recover stolen property, etc.
250. Section 216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered
251. Section 216A	Harbouring robbers or gang-robbers, etc.
252. Section 217	Public servant disobeying a direction of law with intent to save person from punishment or property from forfeiture

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
253. Section 218	Public servant framing an incorrect record or writing with intent to save person from punishment or property from forfeiture
254. Section 221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend
255. 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
256. Section 225A	Public servant omitting to apprehend or suffering other persons to escape in cases not already provided for
257. Section 231 (as in force before 1 January 2020)	Counterfeiting coin
258. Section 232 (as in force before 1 January 2020)	Counterfeiting current coin
259. Section 233 (as in force before 1 January 2020)	Making or selling instrument for counterfeiting coin
260. Section 234 (as in force before 1 January 2020)	Making or selling instrument for counterfeiting current coin
261. Section 235 (as in force before 1 January 2020)	Possession of instrument or material for the purpose of using the same for counterfeiting coin
262. Section 236 (as in force before 1 January 2020)	Abetting in Singapore the counterfeiting out of Singapore of coin or current coin
263. Section 237 (as in force before 1 January 2020)	Import or export of counterfeit coin
264. Section 238 (as in force before 1 January 2020)	Import or export of counterfeits of current coin
265. Section 239 (as in force before 1 January 2020)	Delivery to another of coin, possessed with the knowledge that it is counterfeit
266. Section 240 (as in force before 1 January 2020)	Delivery of current coin, possessed with the knowledge that it is counterfeit

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
267. Section 241 (as in force before 1 January 2020)	Delivery to another of coin as genuine, which when first possessed the deliverer did not know to be counterfeit
268. Section 241A (as in force before 1 January 2020)	Delivery to another of current coin as genuine, which when first possessed the deliverer did not know to be counterfeit
269. Section 242 (as in force before 1 January 2020)	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof
270. Section 246 (as in force before 1 January 2020)	Fraudulently or dishonestly diminishing the weight or altering the composition of any coin
271. Section 248 (as in force before 1 January 2020)	Altering appearance of any coin with intent that it shall pass as a coin of a different description
272. Section 252 (as in force before 1 January 2020)	Possession of altered coin by a person who knew it to be altered when he became possessed thereof
273. Section 254 (as in force before 1 January 2020)	Delivery to another of coin as genuine, which when first possessed the deliverer did not know to be altered
274. Section 254A (as in force before 1 January 2020)	Delivery to another of current coin as genuine, which when first possessed the deliverer did not know to be altered
275. 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
276. Section 262	Using a Government stamp known to have been before used
277. Section 263	Erasure of mark denoting that stamp has been used
278. Section 264 (as in force before 1 January 2020)	Fraudulent use of false instrument for weighing
279. Section 265 (as in force before 1 January 2020)	Fraudulent use of false weight or measure

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
280. Section 266 (as in force before 1 January 2020)	Being in possession of false weights or measures
281. Section 267 (as in force before 1 January 2020)	Making or selling false weights or measures
282. Section 271	Disobedience to a quarantine rule
283. Section 279	Rash driving or riding on a public way
284. Section 292	Sale of obscene books, etc.
285. Section 298	Uttering words, etc., with deliberate intent to wound the racial feelings of any person
286. Section 298A	Promoting enmity between different groups on grounds of race and doing acts prejudicial to maintenance of harmony
287. Section 302	Punishment for murder
288. Section 304	Punishment for culpable homicide not amounting to murder
289. Section 304A	Causing death by rash or negligent act
290. Section 307(1)	Attempt to murder
291. Section 307(2)	Other offences by convicts
292. Section 308	Attempt to commit culpable homicide
293. Section 312	Causing miscarriage
294. Section 313	Causing miscarriage without woman's consent
295. Section 315(1)	Child destruction before, at or immediately after birth
296. Section 316	Causing death of a quick unborn child by an act amounting to culpable homicide
297. Section 323	Punishment for voluntarily causing hurt
298. Section 324	Voluntarily causing hurt by dangerous weapons or means
299. Section 325	Punishment for voluntarily causing grievous hurt

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
300. Section 326	Voluntarily causing grievous hurt by dangerous weapons or means
301. Section 327	Voluntarily causing hurt to extort property or to constrain to an illegal act
302. Section 328	Causing hurt by means of poison, etc., with intent to commit an offence
303. Section 329	Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act
304. Section 330	Voluntarily causing hurt to extort confession or to compel restoration of property
305. Section 331	Voluntarily causing grievous hurt to extort confession or to compel restoration of property
306. Section 332	Voluntarily causing hurt to deter public servant from duty
307. Section 333	Voluntarily causing grievous hurt to deter public servant from duty
308. Section 335	Causing grievous hurt on provocation
309. Section 338	Causing grievous hurt by an act which endangers life or personal safety of others
310. Section 343 (as in force before 1 January 2020)	Wrongful confinement for 3 or more days
311. Section 344 (as in force before 1 January 2020)	Wrongful confinement for 10 or more days
312. Section 345	Wrongful confinement of person for whose liberation a writ has been issued
313. Section 346	Wrongful confinement in secret
314. Section 347	Wrongful confinement for the purpose of extorting property or constraining to an illegal act
315. Section 348	Wrongful confinement for the purpose of extorting confession or of compelling restoration of property

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
316. Section 354	Assault or use of criminal force to a person with intent to outrage modesty
317. Section 354A	Outraging modesty in certain circumstances
318. Section 355	Assault or criminal force with intent to dishonour otherwise than on grave and sudden provocation
319. Section 363	Punishment for kidnapping
320. Section 363A	Punishment for abduction
321. Section 364	Kidnapping or abducting in order to murder
322. Section 365	Kidnapping or abducting with intent secretly and wrongfully to confine a person
323. Section 366	Kidnapping or abducting a woman to compel her marriage, etc.
324. Section 367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc.
325. Section 368	Wrongfully concealing or keeping in confinement a kidnapped person
326. Section 369 (as in force before 1 January 2020)	Kidnapping or abducting child under 10 years with intent to steal movable property from the person of such child
327. Section 370	Buying or disposing of any person as a slave
328. Section 371	Habitual dealing in slaves
329. Section 372	Selling minor for purposes of prostitution, etc.
330. Section 373	Buying minor for purposes of prostitution, etc.
331. Section 373A	Importing woman for purposes of prostitution, etc.
332. Section 374	Unlawful compulsory labour
333. Section 375	Rape
334. Section 376	Sexual assault by penetration
335. Section 376A	Sexual penetration of minor under 16

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
336. Section 376B	Commercial sex with minor under 18
337. Section 376C	Commercial sex with minor under 18 outside Singapore
338. Section 376D	Tour outside Singapore for commercial sex with minor under 18
339. Section 376E	Sexual grooming of minor under 16
340. Section 376F	Procurement of sexual activity with person with mental disability
341. Section 379	Punishment for theft
342. Section 379A	Punishment for theft of a motor vehicle
343. Section 380	Theft in dwelling house, etc.
344. Section 381	Theft by clerk or servant of property in possession of master
345. Section 382	Theft after preparation made for causing death or hurt in order to commit theft
346. Section 384	Punishment for extortion
347. Section 385	Putting person in fear of harm in order to commit extortion
348. Section 386	Extortion by putting a person in fear of death or grievous hurt
349. Section 387	Putting person in fear of death or of grievous hurt in order to commit extortion
350. Section 388	Extortion by threat of accusation of an offence punishable with death, or imprisonment, etc.
351. Section 389	Putting person in fear of accusation of offence, in order to commit extortion
352. Section 392	Punishment for robbery
353. Section 393	Attempt to commit robbery
354. Section 394	Voluntarily causing hurt in committing robbery
355. Section 395	Punishment for gang-robbery

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
356. Section 396	Gang-robbery with murder
357. Section 397	Robbery when armed or with attempt to cause death or grievous hurt
358. Section 399	Making preparation to commit gang-robbery
359. Section 400	Punishment for belonging to gang-robbers
360. Section 401	Belonging to gang of thieves
361. Section 402	Assembling for purpose of committing gang-robbery
362. Section 403	Dishonest misappropriation of property
363. Section 404	Dishonest misappropriation of property possessed by a deceased person at the time of death
364. Section 406	Punishment of criminal breach of trust
365. Section 407 (as in force before 1 January 2020)	Criminal breach of trust by carrier, etc.
366. Section 408 (as in force before 1 January 2020)	Criminal breach of trust by clerk or servant
367. Section 409 (as in force before 1 January 2020)	Criminal breach of trust by public servant, or by banker, merchant or agent
368. Section 411	Receiving stolen property
369. Section 412	Receiving property stolen in the commission of a gang-robbery
370. Section 413	Habitually dealing in stolen property
371. Section 414	Assisting in concealment or disposal of stolen property
372. Section 417	Punishment for cheating
373. Section 418	Cheating with knowledge that wrongful loss may be thereby caused to a person whose interest the offender is bound to protect
374. Section 419	Punishment for cheating by personation
375. Section 420	Cheating and dishonestly inducing a delivery of property

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
376. Section 421	Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors
377. Section 422	Dishonestly or fraudulently preventing a debt or demand due to the offender from being made available for the offender's creditors
378. Section 423	Dishonest or fraudulent execution of deed of transfer containing a false statement of consideration
379. Section 424	Dishonest or fraudulent removal or concealment of property or release of claim
380. Section 430A (as in force before 1 January 2020)	Mischief affecting railway engine, train, etc.
381. Section 431 (as in force before 1 January 2020)	Mischief by injury to public road, bridge or river
382. Section 431A (as in force before 1 January 2020)	Mischief by injury to telegraph cable, wire, etc.
383. Section 432 (as in force before 1 January 2020)	Mischief by causing inundation or obstruction to public drainage, attended with damage
384. Section 433 (as in force before 1 January 2020)	Mischief by destroying or moving or rendering less useful a lighthouse or sea-mark
385. Section 435	Mischief by fire or explosive substance with intent to cause damage
386. Section 436	Mischief by fire or explosive substance with intent to destroy a house, etc.
387. Section 438	Punishment for the mischief described in section 437 when committed by fire or any explosive substance
388. Section 439	Punishment for intentionally running vessel aground or ashore with intent to commit theft, etc.

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
389. Section 440	Mischief committed after preparation made for causing death or hurt
390. Section 449	House-breaking in order to commit an offence punishable with death
391. Section 450	House-breaking in order to commit an offence punishable with imprisonment for life
392. Section 451	House-breaking in order to commit an offence punishable with imprisonment
393. Section 452	House-breaking after preparation made for causing hurt, etc.
394. Section 453 (as in force before 1 January 2020)	Punishment for lurking house-trespass or house-breaking
395. Section 454 (as in force before 1 January 2020)	Lurking house-trespass or house-breaking in order to commit an offence punishable with imprisonment
396. Section 455 (as in force before 1 January 2020)	Lurking house-trespass or house-breaking after preparation made for causing hurt, etc.
397. Section 456 (as in force before 1 January 2020)	Punishment for lurking house-trespass by night or house-breaking by night
398. Section 457 (as in force before 1 January 2020)	Lurking house-trespass by night or house-breaking by night in order to commit an offence punishable with imprisonment
399. Section 458 (as in force before 1 January 2020)	Lurking house-trespass by night or house-breaking by night after preparation made for causing hurt, etc.
400. Section 459	Grievous hurt caused while committing house-breaking
401. Section 460	House-breaking when death or grievous hurt is caused
402. Section 461	Dishonestly breaking open any closed receptacle containing or supposed to contain property
403. Section 462	Punishment for same offence when committed by person entrusted with custody

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
404. Section 465	Punishment for forgery
405. Section 466	Forgery of record of a court of justice, or a public register of births, etc.
406. Section 467	Forgery of a valuable security or will
407. Section 468	Forgery for the purpose of cheating
408. Section 469	Forgery for the purpose of harming the reputation of any person
409. Section 471	Using as genuine a forged document or forged electronic record
410. Section 472	Making or possessing a counterfeit seal, plate, etc., with intent to commit a forgery punishable under section 467
411. Section 473	Making or possessing a counterfeit seal, plate, etc., with intent to commit a forgery punishable otherwise
412. Section 473A	Making or possessing equipment for making a false instrument
413. Section 473B	Making or possessing equipment for making a false instrument with intent to induce prejudice
414. Section 474	Having possession of a valuable security or will known to be forged, with intent to use it as genuine
415. Section 475	Counterfeiting a device or mark used for authenticating documents described in section 467, or possessing counterfeit marked material
416. Section 476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467, or possessing counterfeit marked material
417. Section 477	Fraudulent cancellation, destruction, etc., of a will
418. Section 477A	Falsification of accounts

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
419. Section 489A (as in force before 1 January 2020)	Forging or counterfeiting currency notes or bank notes
420. Section 489B	Using as genuine forged or counterfeit currency or bank notes
421. Section 489C	Possession of forged or counterfeit currency or bank notes
422. Section 500	Punishment for defamation
423. Section 501	Printing or engraving matter known to be defamatory
424. Section 502	Sale of printed or engraved substance containing defamatory matter
425. Section 504	Intentional insult with intent to provoke a breach of the peace
426. Section 505	Statements conducing to public mischief
427. Section 506	Punishment for criminal intimidation
428. Section 507	Criminal intimidation by an anonymous communication
429. Section 509 (as in force before 1 January 2020)	Word or gesture intended to insult the modesty of a woman
Penal Code 1871 — Offences included with effect from 1 January 2020	
430. Section 204A	Obstructing, preventing, perverting or defeating course of justice
431. Section 268C	Placing or sending thing causing fear of harm
432. Section 292A	Possession, distribution, etc., of child sex-doll
433. Section 304B	Causing death of child below 14 years of age, domestic worker or vulnerable person by sustained abuse
434. Section 304C	Causing or allowing death of child below 14 years of age, domestic worker or vulnerable person in same household

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
435. Section 308A	Causing death in furtherance of group's object
436. Section 308B	Concealment, desecration or disposal of corpse that impedes discovery, identification, criminal investigations or prosecutions
437. Section 342	Punishment for wrongful confinement
438. Section 376AA	Exploitative sexual penetration of minor of or above 16 but below 18 years of age
439. Section 376EA	Exploitative sexual grooming of minor of or above 16 but below 18 years of age
440. Section 376EB	Sexual communication with minor below 16 years of age
441. Section 376EC	Exploitative sexual communication with minor of or above 16 but below 18 years of age
442. Section 376ED	Sexual activity or image in presence of minor below 16 years of age
443. Section 376EE	Exploitative sexual activity or image in presence of minor of or above 16 but below 18 years of age
444. Section 376H	Procurement of sexual activity by deception or false representation
445. Section 377BA	Word or gesture intended to insult modesty of any person
446. Section 377BB	Voyeurism
447. Section 377BC	Distribution of voyeuristic image or recording
448. Section 377BD	Possession of or gaining access to voyeuristic or intimate image or recording
449. Section 377BE	Distributing or threatening to distribute intimate image or recording
450. Section 377BF	Sexual exposure

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
451. Section 377BG	Using or involving child in production of child abuse material
452. Section 377BH	Producing child abuse material
453. Section 377BI	Distributing or selling child abuse material
454. Section 377BJ	Advertising or seeking child abuse material
455. Section 377BK	Possession of or gaining access to child abuse material
456. Section 377BL	Exploitation by abusive material of minor of or above 16 but below 18 years of age
457. Section 407	Criminal breach of trust of property entrusted for purposes of transportation or storage
458. Section 408	Criminal breach of trust by employees
459. Section 409	Criminal breach of trust by public servant, or by banker, merchant, agent, director, officer, partner, key executive or fiduciary
460. Section 416A	Illegally obtained personal information
461. Section 420A	Obtaining services dishonestly or fraudulently
462. Section 424A	Fraud by false representation, non-disclosure or abuse of position not connected with contracts for goods or services
463. Section 427	Punishment for committing mischief causing disruption to key service, etc.
464. Section 453	Possession of house-breaking implements or offensive weapons
465. Section 489A	Forging or counterfeiting currency or bank notes
Prevention of Corruption Act 1960	
466. Section 5	Punishment for corruption
467. Section 6	Punishment for corrupt transactions with agents

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
468. Section 10	Corruptly procuring withdrawal of tenders
469. Section 11	Bribery of Member of Parliament
470. Section 12	Bribery of member of public body
471. Section 29	Abetment of offences
472. Section 30	Attempts to commit offences
473. Section 31	Conspiracy
Prevention of Human Trafficking Act 2014	
474. Section 3	Trafficking in persons
475. Section 6	Receiving payments in connection with exploitation of trafficked victims
Protected Areas and Protected Places Act (Cap. 256, 2013 Revised Edition)	
476. Section 7	Penalty for contravening section 4 or 5, etc.
Radiation Protection Act 2007	
477. Section 6 (previously section 5 (Cap. 262, 2008 Revised Edition))	Import, export, etc., of radioactive materials
478. Section 7 (previously section 6 (Cap. 262, 2008 Revised Edition))	Import, export, etc., of irradiating apparatus
479. Section 12 (previously section 11 (Cap. 262, 2008 Revised Edition))	Disposal of radioactive waste without prior approval of Director-General, etc.
480. Section 13 (previously section 12 (Cap. 262, 2008 Revised Edition))	Accumulation of radioactive waste without prior approval of Director-General, etc.
481. Section 15 (previously section 14 (Cap. 262, 2008 Revised Edition))	Transport of radioactive waste without prior approval of Director-General, etc.

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
482. Section 44 (previously section 31 (Cap. 262, 2008 Revised Edition))	Making or producing false or misleading statements and documents
Railways Act 1905	
483. Section 87	Wilful act or omission endangering passenger
Rapid Transit Systems Act 1995	
484. Section 25	Wilfully endangering safety of railway passenger
485. Section 26	Damage to railway or railway premises
Remote Gambling Act 2014	
486. Section 8	Unlawful remote gambling
487. Section 9	Providing unlawful remote gambling service for another
488. Section 10	Prohibition against overseas remote gambling service with Singapore-customer link
489. Section 11	Prohibition against Singapore-based remote gambling service
490. Section 12	Unlawful employment of young person in remote gambling
491. Section 13	Unlawful invitation, etc., to young person to gamble remotely
Road Traffic Act 1961	
492. Section 43(4)	Driving while under disqualification
493. Section 64	Reckless or dangerous driving
494. Section 65A	Collision of heavy motor vehicles and public service vehicles with buildings or structures
495. Section 67	Driving while under influence of drink or drugs
496. Section 79(1)	Driving heavy motor vehicle without police escort

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
Sale of Food Act 1973 Food Regulations	
497. Regulation 261 for contravention of regulation 14	Importing food not registered with Director-General
Securities and Futures Act 2001	
498. Section 140	Offences relating to take-over offers
499. Section 204 for contravention of any of the following:	
(a) section 197	False trading and market rigging transactions
(b) section 198 (as in force before 8 October 2018)	Securities market manipulation
(c) section 199	Making 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 (as in force before 8 October 2018)	Dissemination of information about illegal transactions
(g) section 203 (as in force before 8 October 2018)	Failure to make disclosure to securities exchange
500. Section 212 (as in force before 8 October 2018) for contravention of any of the following:	
(a) section 206 (as in force before 8 October 2018)	False trading

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
(b) section 207 (as in force before 8 October 2018)	Bucketing
(c) section 208 (as in force before 8 October 2018)	Manipulation of price of futures contract and cornering
(d) section 209 (as in force before 8 October 2018)	Fraudulently inducing persons to trade in futures contracts
(e) section 210 (as in force before 8 October 2018)	Employment of fraudulent or deceptive devices, etc.
(f) section 211 (as in force before 8 October 2018)	Dissemination of information about illegal transactions
501. Section 221 for contravention of section 218 or 219	Insider trading
Sedition Act 1948	
502. Section 4	Offences
Societies Act 1966	
503. Section 14(2) and (3)	Management or membership of unlawful society, etc.
504. Section 15	Allowing unlawful assembly in premises
505. Section 16	Inciting, etc., a person to become a member of unlawful society
506. Section 17	Procuring subscription or aid for unlawful society
507. Section 18	Publishing, etc., propaganda of unlawful society
508. Section 23(2)	Possession of books, etc., of triad society
Strategic Goods (Control) Act 2002	

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
509. Section 5	Transfer of strategic goods, etc.
510. Section 6	Brokering of strategic goods, etc.
Termination of Pregnancy Act 1974	
511. Section 3(4)	Medical termination of pregnancy
512. Section 5	Coercion or intimidation
Terrorism (Suppression of Bombings) Act 2007	
513. Section 3	Terrorist bombing
514. Section 4	Failure to disclose information about acts of terrorist bombing
Terrorism (Suppression of Financing) Act 2002	
515. Section 3	Providing or collecting property for terrorist acts
516. Section 4	Provision of property and services for terrorist purposes
517. Section 5	Use or possession of property for terrorist purposes
518. Section 6	Dealing with property of terrorists
519. Section 8	Failure to disclose information on property belonging to terrorist or transaction relating to such property, etc.
520. Section 9	Failure to comply with order requiring continuing audit on whether in possession of property belonging to terrorist, etc.
521. Section 10	Failure to disclose information about acts of terrorism financing
522. Section 14	Contravention of order for restraint of property
Terrorism (Suppression of Misuse of Radioactive Material) Act 2017	

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
523. Section 4	Possessing radioactive material or Convention device
524. Section 5	Making Convention device
525. Section 6(1)	Using radioactive material or Convention device
526. Section 7(1)	Using or damaging nuclear facility in manner that causes, or creates risk of, release of radioactive material
527. Section 8	Threatening to do act that would be offence under section 6 or 7
528. Section 9	Making demands relating to radioactive material, Convention device or nuclear facility
529. Section 10	Attempting to commit offence under section 4, 5, 6 or 7
Trade Marks Act 1998	
530. Section 46	Counterfeiting a trade mark
531. Section 47	Falsely applying a registered trade mark to goods or services
532. Section 48	Making or possessing of article for committing offence
533. Section 49	Importing or selling, etc., goods with falsely applied trade mark
Transboundary Haze Pollution Act 2014	
534. Section 5(1) and (3)	Offences for causing, etc., haze pollution in Singapore
United Nations Act 2001	
535. Any offence in any regulations made under the United Nations Act 2001	Offences
Vandalism Act 1966	

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
536. Section 3	Vandalism
Variable Capital Companies Act 2018	
537. Section 83(5)	Contravention of direction or regulations issued or made to discharge Government's international obligations, etc.
538. Section 340(5) of the Companies Act 1967 (as in force before 30 July 2020) as applied by section 130(1) of the Variable Capital Companies Act 2018	Fraudulent trading by responsible person
539. Section 144(2)(a)	Fraud by officer or manager of VCC to induce person to give credit to VCC, etc.
540. Section 146(1)	Obtaining payment of moneys, etc., to VCC by false promise of officer, manager or agent of VCC
Wholesome Meat and Fish Act 1999	
541. Section 5	Import, export or transhipment of meat products or fish products without licence, etc.
542. Section 6	Import, export or transhipment of meat products or fish products without permit, etc.
Wild Animals and Birds Act (Cap. 351, 2000 Revised Edition)	
543. Section 10 (as in force before 1 June 2020)	Importation of wild animals and birds without authorisation, etc.
Wildlife Act 1965 — Offences included with effect from 1 June 2020	
544. Section 8	Sale or export of wildlife
545. Section 9	Import of wildlife

SECOND SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
Women's Charter 1961	
546. Section 36	Forcing a person to marry against the person's will, or preventing a person from contracting a valid marriage
547. Section 37	Making a false declaration or signing a false notice, etc., required by the Women's Charter 1961
548. Section 140	Offences relating to prostitution
549. Section 141	Trafficking in women and girls
550. Section 142	Import of woman or girl by false pretences
551. Section 145	Causing or encouraging prostitution of, sexual penetration with, or indecent assault on, girl below the age of 16
552. Section 146(1)	Persons living on or trading in prostitution
553. 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
554. 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.
555. Section 147	Keeping or management of places of assignation
556. Section 148	Keeping or management of brothels

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

*[23/2014; 9/2018; 40/2018; S 349/2015; S 684/2015;
S 255/2016; S 305/2016; S 489/2017; S 49/2018;
S 847/2018; S 19/2019; S 525/2019; S 856/2019;*

SECOND SCHEDULE — *continued*

*S 36/2020; S 429/2020; S 571/2020; S 758/2020;
S 887/2021*

*[*Updated to be consistent with the 2020 Revised Edition]*

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

[S 247/2022 wef 01/04/2022]

[S 704/2022 wef 01/09/2022]

[Act 31 of 2019 wef 01/11/2022]

THIRD SCHEDULE

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

ENFORCEMENT OF FOREIGN CONFISCATION ORDERS

PART 1

Preliminary

Interpretation

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

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

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

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

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

“realisable property” means —

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

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

(2) A reference to a restraint order in Part 2 of this Schedule is a reference to an order made under paragraph 7(1), and a reference to a restraint order in Part 3 of this Schedule is a reference to an order made under paragraph 18.

THIRD SCHEDULE — *continued*

(3) For the purposes of this Schedule —

- (a) property is held by any person if the person holds any interest in it;
- (b) a reference to property held by a person includes a reference to property vested in the person's 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 the person beneficially if the property were not so vested in the person's 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 the defendant's conviction for the offence without having made a foreign confiscation order;
- (f) the satisfaction of a foreign confiscation order made in the proceedings, whether by payment of the amount due under the order, by the defendant serving imprisonment in default, by the recovery of all property liable to be recovered, or otherwise.

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

Application

2. This Schedule only applies 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.

THIRD SCHEDULE — *continued*

PART 2

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, is —
 - (i) the market value of the firstmentioned person’s beneficial interest in the property; less
 - (ii) the amount required to discharge any incumbrance (other than a charging order) on that interest; and
- (b) in any other case, is its market value.

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

- (a) the value of the gift to the recipient when the recipient received it, adjusted to take account of subsequent changes in the value of money; or
- (b) where sub-paragraph (3) applies, the value mentioned in that sub-paragraph,

whichever is the greater.

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

- (a) the property which the recipient received (not being cash); or
- (b) property which, in whole or in part, directly or indirectly represents in the recipient’s hands the property which the recipient received,

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

(4) In 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 1 April 2000 —

THIRD SCHEDULE — *continued*

- (a) by the defendant since the beginning of the period of 6 years ending when the judicial proceedings were instituted against the defendant; 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 the defendant transfers property to another person, directly or indirectly, for a consideration the value of which is significantly less than the value of the consideration provided by the defendant; and
 - (b) in those circumstances, this section applies as if the defendant had made a gift of such share in the property as bears to the whole property the same proportion as the difference between the values referred to in sub-paragraph (a) bears to the value of the consideration provided by the defendant.
- (3) In 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 mentioned in sub-paragraph (a) is facilitated; or
 - (ii) the benefits from an act mentioned 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, the person’s benefits from an act mentioned in sub-paragraph (a); or
 - (d) the conversion or transfer by a person of any property mentioned 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 registered under section 30, that amount is to be treated as a judgment debt and the

THIRD SCHEDULE — *continued*

provisions of any written law relating to the payment of interest on judgment debts apply to it.

(2) For the purposes of sub-paragraph (1), the date of registration of the order is to 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 is for the purposes of enforcement to 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 General Division of 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 General Division of 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 General Division of 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 General Division of the High Court has made an order under paragraph 7(1) or 8(1) by virtue of sub-paragraph (2), the General Division of the High Court is to discharge the order if the proposed judicial proceedings are not instituted within such time as the General Division of the High Court considers reasonable and which must not in any event exceed 3 months.

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

Restraint orders

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

THIRD SCHEDULE — *continued*

- (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 the person after the making of the restraint order.
- (3) This section does 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 application without notice to a Judge in chambers; and
- [Act 25 of 2021 wef 01/04/2022]*
- (c) despite anything in Order 8 of the Rules of Court 2021, may provide for service on, or the provision of notice to, persons affected by the order in any manner that the General Division of the High Court may direct.
- [S 247/2022 wef 01/04/2022]*
- (5) A restraint order may be discharged or varied in relation to any property.
- (6) A restraint order must be discharged when judicial proceedings in relation to which the order was made are concluded.
- (7) Where the General Division of the High Court has made a restraint order, the General Division of the High Court may at any time appoint the Public Trustee or any person as receiver —
- (a) to take possession of any realisable property; and
 - (b) in accordance with the directions of the General Division of the High Court, to manage or otherwise deal with any property in respect of which the receiver is appointed,
- subject to any exceptions and conditions that may be specified by the General Division of the High Court.
- (8) The General Division of 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.

THIRD SCHEDULE — *continued*

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

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

Charging orders

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

- (a) where a 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 realisable property that 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 application without notice to a Judge in chambers.

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

(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 firstmentioned trust.

(5) The assets mentioned in sub-paragraph (4) are —

- (a) immovable property in Singapore; or

THIRD SCHEDULE — *continued*

(b) securities of any of the following kinds:

- (i) securities of the Government or of any public authority;
- (ii) stock of any body incorporated in Singapore;
- (iii) stock of any body incorporated outside Singapore or of any country or territory outside Singapore, being stock registered in a register kept at any place within Singapore;
- (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 General Division of the High Court may provide for the charge to extend to any interest or dividend payable in respect of the asset.

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

(8) The General Division of the High Court may make an order discharging or varying the charging order and must make an order discharging the charging order if the 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 General Division of the High 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 1993 or an entry may be made under the Registration of Deeds Act 1988 (as the case may be) in respect of a charging order.

(3) Subject to any provision made under paragraph 12 or by the Rules of Court, a charge imposed by a charging order has the like effect and is enforceable in the same manner as an equitable charge created by the person holding the beneficial interest or (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 1993 or by an entry registered under the Registration of Deeds

THIRD SCHEDULE — *continued*

Act 1988, 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 General Division of the High Court under section 30, the General Division of the High Court may, on the application of the Attorney-General, exercise the powers conferred by sub-paragraphs (2) to (7).

(2) In respect of any sum of money payable under the foreign confiscation order, the General Division of the High Court may make an enforcement order for attachment of a debt as if the sum were due to the Government pursuant to a judgment or order of the General Division of the High Court, but any such order must direct that the sum payable be paid to the General Division of the High Court.

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

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

(4) The General Division of the High Court may empower the Public Trustee or any receiver appointed under sub-paragraph (3) or paragraph 7 or pursuant to 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 any conditions or exceptions that the General Division of the High Court may specify.

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

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

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

THIRD SCHEDULE — *continued*

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

(9) The General Division of the High Court is not to 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 General Division of the High 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 pursuant to a charging order, that is —

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

must, after any payments that the General Division of the High Court may direct have been made out of those sums, be paid to the General Division of the High 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, the Public Trustee or receiver must distribute those sums —

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

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

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

THIRD SCHEDULE — *continued***Exercise of powers by General Division of High Court, etc.**

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

(2) Subject to sub-paragraphs (3) to (6), the powers must 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 must 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 mentioned in sub-paragraph (a) of the definition of “realisable property” in paragraph 1(1), the powers must be exercised with a view to allowing any person other than the defendant or the recipient of any such gift to retain or recover the value of any property held by the firstmentioned person.

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

(6) In exercising those powers, no account is to be taken of any obligations of the defendant or of the recipient of any such gift which conflict with the obligation to satisfy the 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 the person 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,

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

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

THIRD SCHEDULE — *continued*

- (a) property for the time being comprised in the bankrupt's estate for the purposes of the Insolvency, Restructuring and Dissolution Act 2018;
 - (b) property which is not comprised in the bankrupt's estate by virtue of section 329(2) of the Insolvency, Restructuring and Dissolution Act 2018; and
 - (c) property which is to be applied for the benefit of creditors of the bankrupt by virtue of a condition imposed under section 394(3)(c) of the Insolvency, Restructuring and Dissolution Act 2018.
- (3) Nothing in the Insolvency, Restructuring and Dissolution Act 2018 is taken as restricting, or enabling the restriction of, the exercise of the powers mentioned in sub-paragraph (2).
- (4) Sub-paragraph (2) does not affect the enforcement of a charging order —
- (a) made before the order adjudging the person bankrupt; or
 - (b) on property which was subject to a restraint order when the order adjudging the person bankrupt was made.
- (5) Where, in the case of a debtor, an interim receiver stands appointed under section 324 of the Insolvency, Restructuring and Dissolution Act 2018 and any property of the debtor is subject to a restraint order —
- (a) the powers conferred on the receiver by virtue of that Act do not apply to property for the time being subject to the restraint order; and
 - (b) any such property in the hands of the receiver must, subject to a lien for any expenses (including the receiver's remuneration) properly incurred in respect of the property, be dealt with in such manner as the General Division of the High Court may direct.
- (6) For the purposes of section 397(2) of the Insolvency, Restructuring and Dissolution Act 2018, amounts payable under foreign confiscation orders are 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) are not exercisable in relation to —
- (a) property for the time being subject to a restraint order made before the relevant time; and

THIRD SCHEDULE — *continued*

- (b) any proceeds of property realised by virtue of paragraph 7(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,

but any expenses (including the remuneration of the liquidator or provisional liquidator) properly incurred in the winding up in respect of the property are payable out of that property.

(2) Where, in the case of a company, such an order has been made or such a resolution has been passed, the powers conferred on the General Division of the High Court by paragraphs 7 to 11 or on a receiver so appointed must 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 the liquidator from exercising those functions for the purpose of distributing any property held by the company to the company's creditors; or
- (b) so as to prevent the payment out of any property of expenses (including the remuneration of the liquidator or any provisional liquidator) properly incurred in the winding up in respect of the property.

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

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

(5) In this paragraph —

“company” means any company which may be wound up under the Insolvency, Restructuring and Dissolution Act 2018;

“relevant time” means —

- (a) where no order for the winding up of the company has been made — the time of the passing of the resolution for voluntary winding up;
- (b) where such an order has been made and, before the making of the application for the winding up of the company by the General Division of the High Court, such a resolution has been passed by the company — the time of the passing of the resolution; and
- (c) in any other case where such an order has been made — the time of the making of the order.

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

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

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 that person's conviction for any foreign offence;
- (c) criminal proceedings are instituted against that person and that person is convicted of one or more foreign offences, but —
 - (i) the conviction or convictions concerned are quashed; or
 - (ii) that person is granted a pardon in respect of the conviction or convictions concerned,

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

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

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

THIRD SCHEDULE — *continued*

the criminal proceedings would have been instituted or continued (as the case may be) if the serious default had not occurred.

PART 3

Enforcement of instrumentality forfeiture orders

Restraint orders

17.—(1) The General Division of the High Court may in accordance with this paragraph make a restraint order to prohibit any person, subject to any conditions and exceptions that 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 mentioned in sub-paragraph (2) or (3).

(2) A restraint order may be made where —

- (a) judicial proceedings have been instituted in a prescribed foreign country;
- (b) the proceedings have not been concluded; and
- (c) either an instrumentality forfeiture order has been made in the proceedings or it appears to the General Division of 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 General Division of 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 General Division of the High Court has made a restraint order by virtue of sub-paragraph (3), the General Division of the High Court is to discharge the order if the proposed judicial proceedings are not instituted within such time as the General Division of the High Court considers reasonable and which must not in any event exceed 3 months.

(5) A restraint order —

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

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

- (c) despite anything in Order 8 of the Rules of Court 2021 (service out of Singapore), may provide for service on, or the provision of notice to,

THIRD SCHEDULE — *continued*

persons affected by the order in any manner that the General Division of the High Court may direct.

[Act 31 of 2022 wef 01/11/2022]

(6) A restraint order —

- (a) may be discharged or varied in relation to any property; and
- (b) must be discharged when judicial proceedings in relation to which the order was made are concluded.

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

- (a) to take possession of any property specified in the order; and
- (b) in accordance with the directions of the General Division of the High Court, to manage or otherwise deal with any property in respect of which the receiver is appointed,

subject to any exceptions and conditions that the General Division of the High Court may specify.

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

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

Disposal of forfeited property

18.—(1) Where an instrumentality forfeiture order has been registered under section 30, the General Division of 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) must be disposed of in accordance with the directions of the General Division of the High Court.

(3) The General Division of the High Court must 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 General Division of the High Court.

THIRD SCHEDULE — *continued***Exercise of powers by General Division of High Court**

19.—(1) This paragraph applies to the powers conferred on the General Division of 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 must 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 the receiver would be entitled to take if it were such property, believing, and having reasonable grounds for believing, that the receiver is entitled to take that action in relation to that property, the receiver shall not be liable to any person in respect of any loss or damage resulting from the receiver's action except insofar as the loss or damage is caused by the receiver's negligence.

Compensation

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

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

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

THIRD SCHEDULE — *continued*

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

[42/2005; 23/2014; 40/2018; 40/2019]

LEGISLATIVE HISTORY
MUTUAL ASSISTANCE IN CRIMINAL
MATTERS ACT 2000

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

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

Bill	:	3/2000
First Reading	:	17 January 2000
Second and Third Readings	:	22 February 2000
Commencement	:	1 April 2000

Note: This Act repealed provisions in the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Chapter 84A, 1993 Revised Edition) relating to mutual assistance, and section 43 of the Extradition Act (Chapter 103, 1985 Revised Edition).

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

(Amendments made by section 10 of the above Act)

Bill	:	22/2000
First Reading	:	25 August 2000
Second and Third Readings	:	9 October 2000
Commencement	:	1 November 2000 (section 10)

3. 2001 Revised Edition — Mutual Assistance in Criminal Matters Act (Chapter 190A)

Operation	:	31 December 2001
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4. Act 24 of 2004 — Police Force Act 2004

(Amendments made by section 123(1) read with item (6) of the Second Schedule to the above Act)

Bill	:	22/2004
First Reading	:	19 May 2004
Second and Third Readings	:	15 June 2004
Commencement	:	12 October 2004 (section 123(1) read with item (6) of the Second Schedule)

5. Act 42 of 2005 — Statutes (Miscellaneous Amendments) (No. 2) Act 2005
(Amendments made by section 5 read with item (25) of the First Schedule to the above Act)

Bill	:	30/2005
First Reading	:	17 October 2005
Second and Third Readings	:	21 November 2005
Commencement	:	1 April 2006 (section 5 read with item (25) of the First Schedule)

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

Bill	:	2/2006
First Reading	:	16 January 2006
Second and Third Readings	:	13 February 2006
Commencement	:	1 April 2006

7. Act 5 of 2014 — Subordinate Courts (Amendment) Act 2014
(Amendments made by section 11(9) read with item 17 of the Schedule to the above Act)

Bill	:	26/2013
First Reading	:	11 November 2013
Second and Third Readings	:	21 January 2014
Commencement	:	7 March 2014 (section 11(9) read with item 17 of the Schedule)

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

Bill	:	17/2014
First Reading	:	29 May 2014
Second and Third Readings	:	8 July 2014
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

Commencement	:	3 June 2015
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**10. G.N. No. S 684/2015 — Mutual Assistance in Criminal Matters Act
(Amendment of Second Schedule)
Notification 2015**

Commencement : 12 November 2015

11. Act 26 of 2015 — Organised Crime Act 2015
(Amendments made by section 84(3) of the above Act)

Bill : 21/2015

First Reading : 13 July 2015

Second and Third Readings : 17 August 2015

Commencement : 1 June 2016 (section 84(3))

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

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**

Commencement : 1 July 2016

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

Commencement : 1 September 2017

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

Commencement : 30 January 2018

16. Act 9 of 2018 — Cybersecurity Act 2018
(Amendments made by section 50(6) of the above Act)

Bill : 2/2018

First Reading : 8 January 2018

Second and Third Readings : 5 February 2018

Commencement : 31 August 2018 (section 50(6))

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

Commencement : 20 December 2018

18. G.N. No. S 19/2019 — 2019

Commencement : 8 January 2019

**19. G.N. No. S 525/2019 — Mutual Assistance in Criminal Matters Act
(Amendment of First Schedule)
Notification 2019**

Commencement : 1 August 2019

**20. G.N. No. S 856/2019 — Mutual Assistance in Criminal Matters Act
(Amendment of Second Schedule) (No. 2)
Notification 2019**

Commencement : 1 January 2020

**21. Act 44 of 2018 — Variable Capital Companies Act 2018
(Amendments made by section 167(4) of the above Act)**

Bill : 40/2018

First Reading : 10 September 2018

Second and Third Readings : 1 October 2018

Commencement : 14 January 2020 (section 167(4))

**22. G.N. No. S 36/2020 — Mutual Assistance in Criminal Matters Act
(Amendment of Second Schedule)
Notification 2020**

Commencement : 14 January 2020

**23. G.N. No. S 758/2020 — Mutual Assistance in Criminal Matters Act
(Amendment of Second Schedule) (No. 4)
Notification 2020**

Commencement : 1 June 2020

**24. G.N. No. S 429/2020 — Mutual Assistance in Criminal Matters Act
(Amendment of Second Schedule) (No. 2)
Notification 2020**

Commencement : 3 June 2020

**25. G.N. No. S 571/2020 — Mutual Assistance in Criminal Matters Act
(Amendment of Second Schedule) (No. 3)
Notification 2020**

Commencement : 30 July 2020

**26. Act 40 of 2018 — Insolvency, Restructuring and Dissolution Act 2018
(Amendments made by section 495 of the above Act)**

Bill : 32/2018

First Reading : 10 September 2018

Second and Third Readings : 1 October 2018

Commencement : 30 July 2020 (section 495)

**27. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019
(Amendments made by section 28(1) read with item 104 of the Schedule to
the above Act)**

Bill : 32/2019

First Reading : 7 October 2019

Second Reading : 5 November 2019

Notice of Amendments : 5 November 2019

Third Reading : 5 November 2019

Commencement : 2 January 2021 (section 28(1) read
with item 104 of the Schedule)

**28. G.N. No. S 887/2021 — Mutual Assistance in Criminal Matters Act
(Amendment of Second Schedule)
Notification 2021**

Commencement : 21 November 2021

**29. 2020 Revised Edition — Mutual Assistance in Criminal
Matters Act 2000**

Operation : 31 December 2021

**30. Act 25 of 2021 — Courts (Civil and Criminal Justice) Reform Act 2021
(Amendments made by)**

Bill : 18/2021

First Reading : 26 July 2021

Second and Third Readings : 14 September 2021

Commencement : 1 April 2022

**31. G.N. No. S 247/2022 — Mutual Assistance in Criminal Matters Act 2000
(Amendment of Second and Third Schedules)
Notification 2022**

Commencement : 1 April 2022

**32. G.N. No. S 704/2022 — Mutual Assistance in Criminal Matters Act 2000
(Amendment of Second Schedule)
Notification 2022**

Date of commencement : 1 September 2022

**33. Act 31 of 2019 — Maintenance of Religious Harmony (Amendment) Act
2019**

Bill : 25/2019

First Reading : 2 September 2019

Second and Third Readings : 7 October 2019

Commencement : 1 November 2022 (Section 18(3))

34. Act 31 of 2022 — Statutes (Miscellaneous Amendments) Act 2022

Bill : 24/2022

First Reading : 12 September 2022

Second and Third Readings : 3 October 2022

Commencement : 1 November 2022 (sections 18 and
22(13))

Abbreviations

(updated on 29 August 2022)

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