



THE STATUTES OF THE REPUBLIC OF SINGAPORE

PASSPORTS ACT

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Passports Act

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An Act to provide for the issue of Singapore passports and other travel documents to be used as evidence of identity and citizenship by citizens of Singapore who are travelling internationally and for matters connected therewith.

[1st December 2007]

PART I
PRELIMINARY

Short title

1. This Act may be cited as the Passports Act.

Interpretation

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

“applicant”, in relation to an application for a Singapore passport or a Singapore travel document, means the person who will be the holder of the Singapore passport or Singapore travel document if the application is granted;

“approved form” means any form approved by the Controller for the purposes of any of the provisions of this Act;

“authorised officer”, in relation to any provision in this Act or the regulations, means —

- (a) the Controller;
- (b) any immigration officer authorised in that behalf by the Minister for the purposes of that provision;
- (c) any diplomatic or consular officer of the Government in any foreign country, or any Trade Commissioner of Singapore in any foreign country, authorised in that behalf by the Minister for the purposes of that provision; or
- (d) any other public officer authorised in that behalf by the Minister for the purposes of that provision;

“biometric passport” means a passport which contains unique biological data specific to the holder;

“child” means a person who is below 16 years of age;

“conduct” means an act, an omission to perform an act or a state of affairs;

“Controller” means the Controller of Immigration appointed under section 3 of the Immigration Act (Cap. 133);

“customs officer” has the same meaning as “officer of customs” in the Customs Act (Cap. 70);

“document” includes —

- (a) any paper or other material where there is writing;
- (b) any paper or other material on which there are marks, figures, symbols or perforations that are —
 - (i) capable of being given a meaning by persons qualified to interpret them; or
 - (ii) capable of being responded to by a computer, a machine or an electronic device; or
- (c) any article or material from which information is capable of being reproduced with or without the aid of any other article or device;

“engage in conduct” means to do an act or omit to perform an act;

“fingerprint”, in relation to an individual, means a record (in any form and produced by any method) of the skin pattern and other physical characteristics or features of any of his thumbs or fingers;

“foreign travel document” means —

- (a) a passport; or
- (b) a document issued for travel purposes (whether or not also issued for another purpose),

that is issued by or on behalf of the government of a foreign country or such international organisation as the Minister may approve;

“holder”, in relation to a Singapore passport or a Singapore travel document, means the person in whose name the Singapore passport or Singapore travel document has been issued;

“immigration officer” means an immigration officer appointed under section 3 of the Immigration Act (Cap. 133);

“public authority” means any board or authority established by or under any written law to perform or discharge any public function;

“regulations” means the regulations made under this Act;

“repealed Act” means the Passports Act (Cap. 220, 1985 Ed.) repealed by this Act;

“Singapore document of identity” means a document issued under section 16 to any person who is a citizen of Singapore for the purposes of urgently facilitating the person’s entry into or exit from any country, and purporting to establish the identity and nationality of that person;

“Singapore passport” means —

- (a) a Singapore ordinary passport;
- (b) a Singapore diplomatic passport; or
- (c) a Singapore official passport,

issued by or on behalf of the Government under this Act;

“Singapore temporary travel document” means a Singapore temporary travel document issued under section 13 to any person who is a citizen of Singapore for the purposes of facilitating the person’s entry into or exit from any country, and purporting to establish the identity and nationality of that person;

“Singapore travel document” means —

- (a) a Singapore temporary travel document;
- (b) a Singapore document of identity or other emergency travel document issued under section 16; or
- (c) a Singapore travel document of the kind prescribed under section 18.

(2) A reference in this Act to a false Singapore passport or a false Singapore travel document shall be a reference to —

- (a) a document —
 - (i) that is not a Singapore passport but purports to be a Singapore passport; or
 - (ii) that is not a Singapore travel document but purports to be a Singapore travel document; or
- (b) a document that is a Singapore passport or a Singapore travel document that has been altered by a person who is not authorised to alter that document, or that purports to have been altered on a date on which, or at a place at which, or otherwise in circumstances in which, it was not in fact made or altered.

(3) A reference in this Act to a false foreign travel document shall be a reference to —

- (a) a document that purports to be a passport, or a document for travel purposes, issued by or on behalf of —
 - (i) the government of a foreign country; or
 - (ii) such international organisation as the Minister may approve for the purposes of the definition of “foreign travel document” under subsection (1),
but that was not issued by or on behalf of that government or international organisation; or
- (b) a document that is a foreign travel document that has been altered by a person who is not authorised to alter that document.

(4) For the purposes of this Act, a person has parental responsibility for a child if, and only if —

- (a) the person is the child's parent;
- (b) under any order of court, the child is to live with the person; or
- (c) the person is entitled to guardianship or custody of the child under any written law.

Meaning of “personal identifier”

3.—(1) In this Act, “personal identifier” means any of the identifiers specified in the Schedule (including any in digital form).

(2) The Minister may, by order published in the *Gazette*, amend the Schedule, except that any other personal identifier so prescribed in the order must —

- (a) be an image of, or a measurement or recording of, an external part of the human body or a person's voice; and
- (b) not be an identifier the obtaining of which would involve the taking of an intimate sample within the meaning of section 13A of the Registration of Criminals Act (Cap. 268).

Extra-territorial operation of Act

4. Except as otherwise expressly provided in this Act, this Act extends —

- (a) to acts, omissions, matters and things outside Singapore; and
- (b) to all persons, irrespective of their nationality or citizenship.

Controller and authorised officers

5.—(1) The Controller shall, subject to any general or special directions of the Minister, be responsible for the administration of this Act and may perform such duties as are imposed and may exercise such powers as are conferred upon him by this Act.

(2) The Minister may from time to time give the Controller directions of a general character, and not inconsistent with the provisions of this Act, as to the exercise of the powers and discretions conferred on the Controller by, and the duties required to be discharged by the Controller under, this Act; and the Controller shall give effect to all such directions given.

(3) The Controller may delegate the exercise of all or any of the powers conferred or duties imposed upon him by this Act (except the power of delegation conferred by this subsection) to any authorised officer, subject to such conditions or limitations as set out in this Act or as the Controller may specify by directions; and any reference in this Act to the Controller shall include a reference to such an authorised officer.

(4) In exercising any powers or functions under a delegation under subsection (3), an authorised officer must comply with the directions of the Controller.

PART II

ISSUE OF SINGAPORE PASSPORTS AND TRAVEL DOCUMENTS

Division 1 — Singapore passports

Application for Singapore passport

6. An application for a Singapore passport shall —
- (a) be made to the Controller in the approved form;
 - (b) be accompanied by the applicant's prescribed particulars (which may include personal identifiers), and such other particulars, information and documents as may be specified by the Controller in any particular case; and
 - (c) be accompanied by the fee prescribed (if any).

Issue of Singapore passport

7.—(1) Before issuing a Singapore passport to an applicant, the Controller must be satisfied —

- (a) that the applicant is a citizen of Singapore in the case of a Singapore ordinary passport;
- (b) that the applicant is a citizen of Singapore who is travelling for diplomatic or official purposes, or is a dependent of a person who is travelling for diplomatic or official purposes, in the case of a Singapore diplomatic passport or a Singapore official passport; and
- (c) of the identity of the applicant in all cases.

(2) Every Singapore passport shall be issued by the Controller for and on behalf of the Government.

(3) A Singapore passport may be issued under this section subject to —

- (a) such conditions as may be prescribed for that class of Singapore passport; and
- (b) such other conditions as the Controller may specify in any particular case.

(4) The Controller may, before issuing a Singapore passport, require the applicant to furnish to the Controller a monetary deposit or such other security (by bond or otherwise) as the Controller may think sufficient to secure the performance or due observance by the applicant of any conditions imposed under subsection (3).

Validity of Singapore passport

8.—(1) Subject to subsection (2) or unless earlier cancelled, every Singapore ordinary passport shall be valid —

- (a) for a period not exceeding 11 years for Singapore ordinary passports issued before 1st April 2005; or
- (b) for a period not exceeding 6 years for Singapore ordinary passports issued on or after 1st April 2005.

(2) Unless earlier cancelled, every Singapore diplomatic passport or Singapore official passport shall be valid for such period as may be specified therein.

(3) Notwithstanding subsection (1), the Minister may, in any particular case, if satisfied that good reasons exist and that it would be in the interests of the proper administration of this Act to do so, direct that any Singapore ordinary passport shall be issued for a period shorter than that stated in that subsection.

(4) The Minister may, by notification published in the *Gazette*, increase the validity period specified in subsection (1)(b) for all Singapore ordinary passports issued on or after such date as is specified in the notification.

Extension of non-biometric Singapore passport

9.—(1) Singapore passports that are biometric passports shall not be extended.

(2) The Controller may, on the application of the holder of a Singapore passport that is not a biometric passport, extend that passport, but so that the original period for which that Singapore passport was issued plus the extension period does not exceed —

(a) 11 years in total for Singapore ordinary passports issued before 1st April 2005; or

(b) 6 years in total for Singapore ordinary passports issued on or after 1st April 2005 but before 15th August 2006.

(3) A Singapore passport that is not a biometric passport may be extended under this section subject to —

(a) such conditions as may be prescribed for that class of Singapore passport; and

(b) such other conditions as the Controller may specify in any particular case.

(4) The Controller may, before extending a Singapore passport that is not a biometric passport, require the holder thereof to furnish to the Controller a monetary deposit or such other security (by bond or otherwise) as the Controller may think sufficient to secure the performance or due observance by the holder of any conditions imposed under subsection (3).

Endorsement of Singapore passport

10.—(1) The Controller may at any time endorse on any Singapore passport —

- (a) such alterations or additions as may be necessary to render accurate the particulars recorded therein regarding the identity or status of the holder of that Singapore passport; and
- (b) such conditions as may be prescribed for that class of Singapore passport or such other conditions as the Controller may specify in that particular case.

(2) The Controller may at any time delete any endorsement made under subsection (1).

Division 2 — Singapore temporary travel document

Purpose of Singapore temporary travel document

11. Subject to section 13 and Part III, the Controller may issue a Singapore temporary travel document for and on behalf of the Government to a citizen of Singapore where —

- (a) for reasons of passport security and integrity, the Controller considers that it is not desirable to issue that citizen with a Singapore passport; or
- (b) the Controller is satisfied that there are other exceptional circumstances where that citizen is already the holder of a Singapore passport.

Application for Singapore temporary travel document

12. An application for a Singapore temporary travel document shall —

- (a) be made to the Controller in the approved form;
- (b) be accompanied by the applicant's prescribed particulars (which may include personal identifiers), and such other particulars, information and documents as may be specified by the Controller in any particular case; and

(c) be accompanied by the fee prescribed (if any).

Issue of Singapore temporary travel document

13.—(1) Before issuing a Singapore temporary travel document to any person, the Controller must be satisfied —

- (a) that the applicant is a citizen of Singapore; and
- (b) of the identity of the person.

(2) Every Singapore temporary travel document shall be issued by the Controller for and on behalf of the Government.

(3) A Singapore temporary travel document may be issued under this section subject to —

- (a) such conditions as may be prescribed for temporary travel documents; and
- (b) such other conditions as the Controller may specify in any particular case.

(4) The Controller may, before issuing a Singapore temporary travel document, require the applicant to furnish to the Controller a monetary deposit or such other security (by bond or otherwise) as the Controller may think sufficient to secure the performance or due observance by the applicant of any conditions imposed under subsection (3).

Validity of Singapore temporary travel document

14.—(1) A Singapore temporary travel document shall be valid for one year.

(2) Notwithstanding subsection (1), the Minister may, in any particular case, if satisfied that good reasons exist and that it would be in the interests of the proper administration of this Act to do so, direct that any Singapore temporary travel document shall be issued for a period shorter than that stated in that subsection.

(3) The Minister may, by notification published in the *Gazette*, increase the validity period stated in subsection (1) for all Singapore temporary travel documents issued on or after such date as is specified in the notification.

No extension of Singapore temporary travel document

15. Singapore temporary travel documents shall not be extended.

*Division 3 — Emergency and other travel documents***Issue of Singapore document of identity, etc.**

16.—(1) Except as otherwise provided in Part III, the Controller may issue a Singapore document of identity or other emergency travel document to any person where —

- (a) the Controller has reasonable cause to believe that the person is a citizen of Singapore;
- (b) the Controller has reasonable cause to believe that —
 - (i) the person's Singapore passport has been lost or stolen or destroyed or is temporarily unavailable; or
 - (ii) an emergency has affected the availability of the information necessary to ascertain whether or not that person is already the holder of a Singapore passport; and
- (c) the person wishes to travel immediately, but, for reasons of passport security and integrity, the Controller considers that it is not desirable to issue that person with a Singapore passport.

(2) An application for any Singapore document of identity or other emergency travel document shall —

- (a) be made to the Controller in the approved form;
- (b) be accompanied by the applicant's prescribed particulars (which may include personal identifiers), and such other particulars, information and documents as may be specified by the Controller in any particular case; and
- (c) be accompanied by the fee prescribed (if any).

Validity of Singapore document of identity, etc.

17. A Singapore document of identity or other emergency travel document in section 16 shall be valid for such a time as, in the opinion of the Controller, will be sufficient to enable the person —

- (a) to leave and return to Singapore;
- (b) to return to Singapore; or
- (c) to complete his specified journey,

as the case may require.

Issue of other Singapore travel documents

18.—(1) Subject to subsection (2) and Part III, the Controller may, on application to him in circumstances prescribed, issue the applicant with a Singapore travel document of a kind prescribed, being a document issued for the purposes of travel.

(2) Before issuing a Singapore travel document under subsection (1) to any person, the Controller must be satisfied of the identity of the person.

(3) A Singapore travel document may be issued under this section subject to —

- (a) such conditions as may be prescribed for Singapore travel documents of that kind; and
- (b) such other conditions as the Controller may specify in any particular case.

(4) The Controller may, before issuing a Singapore travel document, require the applicant to furnish to the Controller a monetary deposit or such other security (by bond or otherwise) as the Controller may think sufficient to secure the performance or due observance by the applicant of any conditions imposed under subsection (3).

(5) An application for any Singapore travel document in subsection (1) shall —

- (a) be made to the Controller in the approved form;

- (b) be accompanied by the applicant's prescribed particulars (which may include personal identifiers), and such other particulars, information and documents as may be specified by the Controller in any particular case; and
- (c) be accompanied by the fee prescribed (if any).

PART III

REFUSING OR CANCELLING SINGAPORE PASSPORTS AND TRAVEL DOCUMENTS

Division 1 — General

When Singapore passport may be refused

19.—(1) The Controller may, by notice in writing, refuse a Singapore passport to any citizen of Singapore.

(2) Without prejudice to subsection (1), the Controller may, by notice in writing, refuse a Singapore passport to any citizen of Singapore if —

- (a) the citizen of Singapore is the holder of another Singapore passport or a Singapore travel document that is still valid at the time when the Singapore passport applied for is to be issued;
- (b) a competent authority makes a request under section 24(1) to the Controller to refuse the Singapore passport, and section 24(4) does not apply;
- (c) the Controller believes on reasonable grounds that the citizen —
 - (i) is a person mentioned in section 23(1) or 24(5); or
 - (ii) has, in the 10 years before the application for the Singapore passport is made, been convicted of an offence under this Act or the repealed Act, or of a seizable offence against any written law which is prescribed; or

- (d) the Controller is aware of a circumstance in section 25, 26 or 27 whereby it would be lawful for the Controller to refuse to issue the Singapore passport to the citizen.

When Singapore travel document may be refused

20.—(1) The Controller may refuse a Singapore travel document to any person.

(2) Without prejudice to subsection (1), the Controller may, by notice in writing, refuse a Singapore travel document to any person if —

- (a) the person is the holder of another Singapore travel document of the same kind and that Singapore travel document is still valid at the time when the Singapore travel document applied for is to be issued;
- (b) a competent authority makes a request under section 24(1) to the Controller to refuse the Singapore travel document, and section 24(4) does not apply;
- (c) the Controller believes on reasonable grounds that the person —
- (i) is a person mentioned in section 23(1) or 24(5); or
 - (ii) has, in the 3 years before the application for the Singapore travel document is made, been convicted of an offence under this Act or the repealed Act, or of a seizable offence against any written law which is prescribed; or
- (d) the Controller is aware of a circumstance in section 27 whereby it would be lawful for the Controller to refuse to issue the Singapore travel document to the person.

When Singapore passport, etc., may be cancelled

21.—(1) The Controller may, by notice in writing, cancel a Singapore passport or a Singapore travel document that has been issued to any person.

(2) Without prejudice to subsection (1), the Controller may, by notice in writing, cancel a Singapore passport or a Singapore travel document that has been issued to any person if —

- (a) the Singapore passport or Singapore travel document has been reported lost or stolen, or is so damaged or defaced as to render it, in the opinion of the Controller, unsuitable for use;
- (b) the Singapore passport or Singapore travel document is still valid at the time when the person applies for, or is issued with, another Singapore passport or Singapore travel document;
- (c) there is reasonable cause to believe that the particulars recorded in the Singapore passport or Singapore travel document are incorrect;
- (d) the holder of the Singapore passport or Singapore travel document is convicted of —
 - (i) in the case of the holder of a Singapore passport, a seizable offence against any written law which is prescribed for the purposes of section 19(2)(c);
 - (ii) in the case of the holder of a Singapore travel document, a seizable offence against any written law which is prescribed for the purposes of section 20(2)(c); or
 - (iii) in any case, an offence under this Act or the repealed Act;
- (e) a competent authority makes a request under section 24(1) to the Controller to cancel the Singapore passport or Singapore travel document, and section 24(4) does not apply;
- (f) the Controller believes on reasonable grounds that the holder is a person mentioned in section 23(1) or 24(5);
- (g) the Controller becomes aware of a circumstance that would have required or permitted the Controller to refuse to issue a Singapore passport or a Singapore travel document to the

person because of section 7(1) or 13(1) or of any provision in this Part, had the Controller been aware of the circumstance immediately before issuing the Singapore passport or Singapore travel document, as the case may be; or

(h) in the case of a Singapore passport or a Singapore temporary travel document — the holder has ceased to be a citizen of Singapore.

(3) The Controller may, without notice, cancel a Singapore passport or a Singapore travel document that has been issued to any person if the person dies, or the Singapore passport or Singapore travel document has expired.

(4) Every Singapore passport or Singapore travel document that is cancelled under subsection (1), (2) or (3) shall thereupon be invalid.

Cancellation of Singapore document of identity, etc.

22.—(1) Without prejudice to section 21, the Controller may, by notice in writing, recall any Singapore document of identity and cancel it or retain possession of it where —

- (a) a Singapore passport is issued to the holder of the Singapore document of identity;
- (b) another Singapore document of identity is issued under section 16 to the holder thereof in substitution for the first one;
- (c) there is reasonable cause to believe that the particulars recorded in the Singapore document of identity are incorrect;
- (d) there is reasonable cause to believe that the Singapore document of identity has been obtained by means of any false statement or any statement that is false in a material particular;
- (e) the Singapore document of identity has expired;

- (f) the Singapore document of identity is so damaged or defaced as to render it, in the opinion of the Controller, unsuitable for use; or
- (g) the Singapore document of identity has been reported lost or stolen.

(2) Every Singapore document of identity that is cancelled under subsection (1) shall thereupon be invalid.

(3) A reference to a Singapore document of identity in this section shall include a reference to any other emergency travel document issued under section 16.

Division 2 — Law enforcement reasons for refusing or cancelling

Reasons relating to law enforcement

23.—(1) The Controller may cancel any Singapore passport or Singapore travel document that has been issued to a person, or refuse to issue any Singapore passport or Singapore travel document to a person, if the Controller believes on reasonable grounds that —

- (a) the person is the subject of a warrant of arrest issued in Singapore in respect of a seizable offence against any written law which is prescribed; or
- (b) the person (including a person who is in prison) is prevented from travelling internationally by force of —
 - (i) a condition of parole, or of a recognisance, surety, bail bond or licence for early release from prison, granted under any written law; or
 - (ii) any written law, or an order or other direction (however described) under any written law.

(2) In this section, “prevented from travelling internationally” includes being —

- (a) required to remain in Singapore;
- (b) required to surrender a Singapore passport or a Singapore travel document;

- (c) not permitted to apply for a Singapore passport or a Singapore travel document; or
- (d) not permitted to obtain a Singapore passport or a Singapore travel document.

Reasons relating to potential for harmful conduct

24.—(1) If a competent authority believes on reasonable grounds that —

- (a) if a Singapore passport or a Singapore travel document were issued to a person, the person would be likely to engage in conduct that —
 - (i) might prejudice the security of Singapore or any other country;
 - (ii) might endanger the health or physical safety of other persons (whether in Singapore or another country);
 - (iii) might constitute an offence under this Act; or
 - (iv) might constitute a seizable offence against any written law which is prescribed; and
- (b) the person should be refused a Singapore passport or a Singapore travel document in order to prevent the person from engaging in the conduct,

the competent authority may make a written request to the Controller —

- (A) to cancel any Singapore passport or Singapore travel document that has been issued to the person; or
- (B) to refuse to issue any Singapore passport or Singapore travel document to the person.

(2) A competent authority may make a written request to the Controller under subsection (1) —

- (a) whether or not the person has applied for a Singapore passport or a Singapore travel document;
- (b) whether or not a Singapore passport or a Singapore travel document has been issued to the person; and

(c) whether or not the person is a citizen of Singapore.

(3) If a competent authority makes a written request to the Controller under subsection (1) in relation to any person, the Controller may, as the case may be —

- (a) cancel the Singapore passport or Singapore travel document of the person; or
- (b) refuse to issue a Singapore passport or a Singapore travel document to the person.

(4) Notwithstanding subsection (3), where a competent authority makes a written request to the Controller under subsection (1) in relation to any person, the Controller shall not —

- (a) cancel the Singapore passport or Singapore travel document of the person; or
- (b) refuse to issue a Singapore passport or a Singapore travel document to the person,

if that request relating to the person has been withdrawn by the competent authority or is no longer considered by the Controller to be current.

(5) Without prejudice to subsection (1), the Controller may cancel any Singapore passport or Singapore travel document that has been issued to a person, or refuse to issue any Singapore passport or Singapore travel document to a person, if the Controller believes on reasonable grounds that —

- (a) if a Singapore passport or a Singapore travel document were issued to the person, the person would be likely to engage in conduct that —
 - (i) might prejudice the security of Singapore or any other country;
 - (ii) might endanger the health or physical safety of other persons (whether in Singapore or another country);
 - (iii) might constitute an offence under this Act; or
 - (iv) might constitute a seizable offence referred to in subsection (1)(a)(iv); and

- (b) the person should be refused a Singapore passport or a Singapore travel document in order to prevent the person from engaging in the conduct.

(6) In this section, “competent authority”, in relation to a circumstance mentioned in subsection (1) or (5) that relates to Singapore, means such public authority or public officer as is prescribed by the regulations to be a competent authority in relation to that circumstance.

Division 3 — Other reasons for refusing or cancelling

Repeated loss or thefts of Singapore passports

25. The Controller may refuse to issue a Singapore passport to a person if, before the passport application under consideration is made, 2 or more Singapore passports issued to the person have been lost or stolen and for reasons of passport security and integrity, the Controller considers that it is not desirable to issue that person with another Singapore passport.

Concurrently valid Singapore passports, etc.

26.—(1) The Controller shall not issue a Singapore passport to a person if the person has already been issued with a Singapore passport or a Singapore travel document and that document is still valid.

(2) Subsection (1) shall not prevent the Controller from issuing a Singapore passport to the person in such circumstances as are specified in the Minister’s directions under section 5(2).

Children

27. The Controller shall not issue a Singapore passport or a Singapore travel document to a child unless —

- (a) a person who has parental responsibility for the child consents to the child travelling internationally; or
- (b) an order of a court permits the child to travel internationally.

*Division 4 — Appeals against refusals and cancellations***Appeal to Minister**

28.—(1) If a person is aggrieved by the Controller's decision under this Act —

- (a) to refuse to issue a Singapore passport or a Singapore travel document;
- (b) to refuse to extend a Singapore passport or a Singapore travel document; or
- (c) to cancel a Singapore passport or a Singapore travel document,

other than a decision made because of a warrant of arrest issued in Singapore against the person, the person may, within 14 days after being notified of the decision (or such longer period as the Minister allows in exceptional circumstances, whether before or after the end of the 14 days), appeal to the Minister, whose decision shall be final.

(2) An appeal must be in writing, and specify the grounds on which it is made.

(3) After receiving an appeal under subsection (1), the Minister shall consider the appeal and —

- (a) reject the appeal and confirm the Controller's decision;
- (b) allow the appeal in whole or in part and vary the Controller's decision; or
- (c) set aside the Controller's decision,

and the appellant shall be notified in writing of the Minister's decision in respect of his appeal accordingly.

(4) [*Deleted by Act 16 of 2016 wef 10/06/2016*]

Minister may designate others to hear appeals

28A.—(1) The Minister may designate any of the following persons to hear and determine, in the Minister's place, any appeal or a specific appeal under section 28:

- (a) the Second Minister, if any, for his Ministry;

- (b) any Minister of State for his Ministry;
 - (c) any Parliamentary Secretary to his Ministry.
- (2) Any reference to the Minister in section 28 includes a reference to a person designated under subsection (1).
- (3) To avoid doubt, in this section —
- “Minister of State” includes a Senior Minister of State;
 - “Parliamentary Secretary” includes a Senior Parliamentary Secretary.

[Act 16 of 2016 wef 10/06/2016]

PART IV

POWERS OF ENFORCEMENT

Demand for surrender of suspicious Singapore passports, etc.

29.—(1) An authorised officer or a police officer may demand that a person surrender a document to the officer if —

- (a) the document is a Singapore passport or a Singapore travel document that has been obtained, or that the authorised officer or police officer suspects on reasonable grounds has been obtained, by means of a false or misleading statement, any false or misleading information or a false or misleading document;
 - (b) the document is a Singapore passport or a Singapore travel document, or other document that has been used or that the authorised officer or police officer suspects on reasonable grounds has been used, in the commission of any offence under this Act; or
 - (c) the document is —
 - (i) a false Singapore passport or a false Singapore travel document; or
 - (ii) a false foreign travel document.
- (2) Any person having possession or control of any document that an authorised officer or a police officer demands to be surrendered to

the officer under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both if the person fails to immediately comply with the demand of the authorised officer or police officer made under that subsection.

Demand for surrender of cancelled Singapore passports, etc.

30.—(1) An authorised officer may demand that a person surrender a Singapore passport or a Singapore travel document to the authorised officer if —

- (a) the document has been cancelled under section 21 or 22; or
- (b) the document has otherwise ceased to be valid.

(2) Any person having possession or control of any document that an authorised officer demands to be surrendered to the officer under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both if the person fails to immediately comply with the demand of the authorised officer made under that subsection.

Search and seizure of cancelled Singapore passports, etc.

31.—(1) Any authorised officer, police officer or customs officer may seize a document if —

- (a) the document is not in the possession or control of any person; and
- (b) the officer suspects on reasonable grounds that the document is a false Singapore passport, a false Singapore travel document or a false foreign travel document, or a document that has been used in the commission of an offence under this Act.

(2) If —

- (a) any authorised officer, police officer or customs officer suspects on reasonable grounds that a false Singapore passport, a false Singapore travel document or a false foreign travel document, or a document that has been used

in the commission of an offence under this Act, is in a container (whether on board any train, vehicle, vessel or aircraft, or in any premises); and

- (b) the container is not in the possession or control of any person,

the officer may search the container for the purposes of determining whether the document is inside the container.

(3) If any authorised officer, police officer or customs officer suspects on reasonable grounds that a false Singapore passport, a false Singapore travel document or a false foreign travel document, or a document that has been used in the commission of an offence under this Act, is in any premises, or in any train, vehicle, vessel or aircraft, the officer may, for the purposes of determining whether the document is inside the train, vehicle, vessel, aircraft or premises, as the case may be —

- (a) without warrant, enter and search the premises, or stop, board and search the train, vehicle, vessel or aircraft in or on which he reasonably suspects that such a document is to be found;
- (b) search any person found in such premises, train, vehicle, vessel or aircraft;
- (c) remove by force any obstruction to such entry or search; and
- (d) seize, remove and detain any document referred to in this subsection found in the premises, train, vehicle, vessel or aircraft.

(4) For the purpose of exercising his power under subsection (2) or (3), an authorised officer, a police officer or a customs officer may, with such assistance as he thinks necessary, break open any door, window, lock, fastener, compartment, box, container or any other thing.

(5) Any search of a person under this section shall be conducted by an officer of the same sex as the person.

(6) Nothing in this section shall prevent any authorised officer, police officer or customs officer conducting a search of a person from requiring a person to remove any of the person's clothing.

(7) In this section —

“container” includes baggage, a mail receptacle, and any other thing that could be used for the carriage of goods (whether or not designed for that purpose);

“train” means —

(a) a railway locomotive, wagon or carriage; and

(b) a track vehicle or railway maintenance machine, such as a trolley or crane,

and includes a part of any of the above;

“vehicle” means a conveyance that is designed to be propelled or drawn by any means, whether or not capable of being so propelled or drawn, and includes any trailer, bicycle or other pedal-powered vehicle, but does not include any train;

“vessel” means any kind of craft used in navigation by sea or water, however propelled or moved, and includes —

(a) a barge, lighter or other floating vessel;

(b) an air-cushion vehicle, or other similar craft, used wholly or primarily in navigation by water;

(c) a vessel engaged in a towing operation or in any dredging, surveying or underwater operations; and

(d) an installation capable of being attached to the seabed and that is bound for, or is at, a port,

and includes a part of any of the above.

Powers of arrest and prosecution

32.—(1) The Controller, an immigration officer, or a police officer may arrest without warrant any person committing or attempting to commit, or whom he reasonably suspects of being engaged in committing or attempting to commit, any offence under this Act.

(2) Where any person is arrested under subsection (1), the Controller, immigration officer or police officer making the arrest shall comply with sections 67 and 68 of the Criminal Procedure Code 2010 as if he were a police officer.

[15/2010 wef 02/10/2011]

(3) In any case relating to the commission of an offence under this Act, an immigration officer shall have all the powers of a police officer under the Criminal Procedure Code in relation to an investigation into a seizable offence.

(3A) For the purposes of subsection (3), when an immigration officer is exercising the powers of a police officer under the Criminal Procedure Code 2010, the immigration officer shall be deemed to be an officer not below the rank of inspector of police.

[15/2010 wef 02/01/2011]

(4) The Controller and an immigration officer who is an authorised officer shall have the authority to appear in court and may, with the authorisation of the Public Prosecutor, conduct any prosecution in respect of any offence under this Act.

[15/2010 wef 02/01/2011]

Identification to be produced during enforcement

33.—(1) When exercising any powers under this Act, every immigration officer, police officer and customs officer shall —

- (a) if not in uniform, declare his office; and
- (b) on demand, produce to any person affected by the exercise of those powers such identification card as the Controller, the Commissioner of Police or the Director-General of Customs, respectively, may direct to be carried by the immigration officers, police officers or customs officers.

(2) Notwithstanding any provision in this Act, it shall not be an offence for any person to refuse to comply with any request, demand or order made or given by any immigration officer, police officer or customs officer, not in uniform who fails to declare his office and refuses to produce his identification card on demand being made by that person.

PART V

OFFENCES RELATING TO SINGAPORE PASSPORTS AND
TRAVEL DOCUMENTS*Division 1 — Application and definitions***Geographical application of this Part**

34. This Part (except section 47) shall apply —

- (a) whether or not the conduct constituting the alleged offence occurred within Singapore; and
- (b) whether or not a result of the conduct constituting the alleged offence occurred in Singapore.

Interpretation of this Part

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

“gain” means —

- (a) a gain in property or a supply of services (whether temporary or permanent); or
- (b) an opportunity to earn remuneration or greater remuneration or to gain a financial advantage otherwise than by way of remuneration;

“loss” means —

- (a) a loss of property or a supply of services (whether temporary or permanent); or
- (b) any deprivation of an opportunity to earn remuneration or greater remuneration or an opportunity to gain a financial advantage otherwise than by way of remuneration;

“public duty” means a function that is given to —

- (a) a public officer;
- (b) an employee or a member of a public authority, board or tribunal established by or under written law for the purposes of a public function; or

(c) a contractor who exercises a function or performs work for the Government or public authority referred to in paragraph (b),

as such, and includes every person who is in actual possession of the situation of a person referred to in paragraph (a), (b) or (c), whatever legal defect there may be in his right to hold that situation.

(2) A person shall be treated for the purposes of this Part as making a false Singapore passport, a false Singapore travel document or a false foreign travel document if he alters a document so as to make it false in any respect (whether or not it was already a false document before the alteration or is false in some other respect apart from that alteration).

(3) In this Part, any reference to inducing a person to accept a false document as genuine, or a copy of a false document as a copy of a genuine one, includes a reference to inducing a machine to respond to the document or copy as if it were a genuine document or copy of a genuine one.

Division 2 — Offences

Falsifying Singapore passports, etc.

36.—(1) If a person —

- (a) makes a false Singapore passport or a false Singapore travel document; or
- (b) makes a copy of a document which he knows, or ought reasonably to know, to be a false Singapore passport or a false Singapore travel document,

with the intention of dishonestly inducing another person to accept it as genuine, and by reason of the other person so accepting it as genuine, dishonestly —

- (i) obtains a gain (whether for himself or someone else);
- (ii) causes a loss to the other person or someone else; or
- (iii) influences the exercise of a public duty,

the person 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 10 years or to both.

(2) If a person —

(a) uses a false Singapore passport or a false Singapore travel document which he knows, or ought reasonably to have known, to be a false Singapore passport or a false Singapore travel document; or

(b) uses a copy of a document which he knows, or ought reasonably to have known, to be a copy of a false Singapore passport or a false Singapore travel document,

with the intention of dishonestly inducing another person to accept it as genuine, and by reason of the other person so accepting it as genuine, dishonestly —

(i) obtains a gain (whether for himself or someone else);

(ii) causes a loss to the other person or someone else; or

(iii) influences the exercise of a public duty,

the person 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 10 years or to both.

(3) If a person —

(a) makes or adapts; or

(b) has in his possession or under his control,

a device, machine, paper, material or other thing —

(i) knowing that the device, machine, paper, material or other thing is or has been specially designed or adapted for the making of a false Singapore passport or a false Singapore travel document; and

(ii) with the intention that the person or someone else will use the device, machine, paper, material or other thing, to make a false Singapore passport or a false Singapore travel

document, or a copy of a Singapore passport or a Singapore travel document,

the person 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 10 years or to both.

(4) If a person —

(a) makes or adapts; or

(b) has in his possession or under his control,

a device, machine, paper, material or other thing knowing that the device, machine, paper, material or other thing is or has been specially designed or adapted for the making of a false Singapore passport or a false Singapore travel document, or a copy of a Singapore passport or a Singapore travel document, the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both.

(5) Subsections (3)(b) and (4)(b) shall not apply if the person has a reasonable excuse.

(6) In this section, any reference to a machine shall include a reference to any disk, tape, drive or other device on or in which a program is recorded or stored by mechanical, electronic or other means, being a program designed or adapted to enable a document to be made or to assist in its making.

Possessing false Singapore passports, etc.

37.—(1) If —

(a) a person has possession or control of a false Singapore passport or a false Singapore travel document; and

(b) the person knows or ought reasonably to have known that the document is a false Singapore passport or a false Singapore travel document,

the person 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 10 years or to both.

(2) Subsection (1) shall not apply if the person has a reasonable excuse.

Bringing, taking or sending false Singapore passports, etc., across international borders

38.—(1) If —

(a) a person —

- (i) brings a document into a country;
- (ii) takes a document out of a country; or
- (iii) sends a document to or from a country; and

(b) the person knows or ought reasonably to have known that —

- (i) the document is a false Singapore passport or a false Singapore travel document; or
- (ii) the document is a Singapore passport or a Singapore travel document that is not issued to that person,

the person 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 10 years or to both.

(2) Subsection (1) shall not apply if the person has a reasonable excuse.

Making or giving false or misleading statements or information

39.—(1) If —

(a) a person makes a statement (whether orally, in writing or any other way) or gives information to another person;

(b) the statement or information —

- (i) is false or misleading; or
- (ii) omits any matter or thing without which the statement or information, as the case may be, is misleading;

- (c) the person knows that the statement or information is as described in paragraph (b); and
- (d) the statement is made or the information is given in, or in connection with —
 - (i) an application for a Singapore passport or a Singapore travel document (whether for that person or for another);
 - (ii) an application for an endorsement or extension of a Singapore passport or a Singapore travel document (whether for that person or for another); or
 - (iii) a report of the loss, theft or destruction of a Singapore passport or a Singapore travel document (whether or not belonging to that person),

the person 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 10 years or to both.

(2) Subsection (1) shall not apply —

- (a) if the statement or information is not false or misleading in a material particular; or
- (b) if the statement or information did not omit any matter or thing without which the statement or information, as the case may be, is misleading in a material particular.

(3) In this section, “information” includes any personal identifier.

Furnishing false or misleading documents

40.—(1) If —

- (a) a person furnishes a document to another person;
- (b) the document is false or misleading;
- (c) the person knows that the document is false or misleading; and
- (d) the document is furnished in, or in connection with, an application for a Singapore passport or a Singapore travel document (whether for that person or for another),

the person 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 10 years or to both.

(2) Subsection (1) shall not apply if the document is not false or misleading in a material particular.

Improper use or possession of Singapore passports, etc.

41.—(1) If —

- (a) a person uses a Singapore passport or a Singapore travel document in connection with travel or identification;
- (b) the Singapore passport or Singapore travel document has been cancelled; and
- (c) the person knows or ought reasonably to have known that the Singapore passport or Singapore travel document has been cancelled,

the person 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 10 years or to both.

(2) If —

- (a) a person uses a Singapore passport or a Singapore travel document in connection with travel or identification;
- (b) the Singapore passport or Singapore travel document was not issued to that person; and
- (c) the person knows or ought reasonably to have known that the Singapore passport or Singapore travel document was not issued to him,

the person 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 10 years or to both.

(3) If —

- (a) a person furnishes another person with a Singapore passport or a Singapore travel document that was issued to the first-mentioned person; and

- (b) the person is reckless as to whether the document is or will be used by the other person in connection with travel or identification,

the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both.

(4) If —

- (a) a person has or retains possession or control of a Singapore passport or a Singapore travel document; and
- (b) the person knows that the Singapore passport or Singapore travel document was not issued to him,

the person 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 10 years or to both.

(5) Subsections (1), (2), (3) and (4) shall not apply if the person has a reasonable excuse.

Selling Singapore passport, etc.

42.—(1) A person who sells a Singapore passport or a Singapore travel document 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 10 years or to both.

(2) A person who engages in the business or trade of selling Singapore passports or Singapore travel documents shall be guilty of an offence and shall be punished with imprisonment for a term of not less than 2 years but not more than 15 years and shall also be punished with a fine not exceeding \$20,000.

(3) In this section, “sell” includes barter and exchange, offering or attempting to sell, exposing for sale, or receiving or sending or delivering for sale.

Damaging Singapore passport, etc.

43. If a person, without reasonable excuse, damages or destroys a Singapore passport or a Singapore travel document, the person shall

be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 2 years or to both.

Dishonestly obtaining Singapore passport, etc.

44.—(1) If a person —

- (a) buys or offers to buy a Singapore passport or a Singapore travel document; or
- (b) obtains a Singapore passport or a Singapore travel document dishonestly, or by threats,

the person 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 10 years or to both.

(2) In this section —

“obtain” includes —

- (a) obtain for another person; and
- (b) induce a third person to do something that results in another person obtaining;

“threat” includes a threat that is express or implied, conditional or unconditional.

Failure to notify loss of Singapore passport, etc.

45.—(1) A person to whom a Singapore passport or a Singapore travel document is issued shall be guilty of an offence if —

- (a) the Singapore passport or Singapore travel document issued to the person is lost, stolen or destroyed;
- (b) the person knows that the Singapore passport or Singapore travel document has been either lost, stolen or destroyed; and
- (c) the person fails to report the loss, theft or destruction to an authorised officer within 14 days after the first time the person knows that the Singapore passport or Singapore travel document has been either lost, stolen or destroyed.

(2) In the case where the person to whom a Singapore passport or a Singapore travel document is issued is a child, any person who has parental responsibility for the child shall be guilty of an offence if —

- (a) the Singapore passport or Singapore travel document issued to the child is lost, stolen or destroyed;
- (b) the person who has parental responsibility for the child knows that the Singapore passport or Singapore travel document has been either lost, stolen or destroyed; and
- (c) the person who has parental responsibility for the child fails to report the loss, theft or destruction to an authorised officer within 14 days after the first time the person knows that the Singapore passport or Singapore travel document has been either lost, stolen or destroyed.

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

(4) Subsections (1) and (2) shall not apply if the person, or the person who has parental responsibility for the child, as the case may be, has a reasonable excuse.

Failure to surrender cancelled or invalid Singapore passport, etc.

46.—(1) If —

- (a) the person to whom a Singapore passport or a Singapore temporary travel document ceases to be a citizen of Singapore;
- (b) the person knows that he has ceased to be a citizen of Singapore; and
- (c) the person fails to surrender his Singapore passport or Singapore temporary travel document to an authorised officer within 24 hours after the first time the person knows that he ceased to be a citizen of Singapore,

the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) In the case where the person to whom a Singapore passport or a Singapore temporary travel document is issued is a child, any person who has parental responsibility for the child shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 2 years or to both if —

- (a) the child ceases to be a citizen of Singapore;
- (b) the person who has parental responsibility for the child knows that the child has ceased to be a citizen of Singapore; and
- (c) the person who has parental responsibility for the child fails to surrender the child's Singapore passport or Singapore temporary travel document to an authorised officer within 24 hours after the first time the person knows that the child ceased to be a citizen of Singapore.

(3) Subsections (1) and (2) shall not apply if the person, or the person who has parental responsibility for the child, as the case may be, has a reasonable excuse.

Offences relating to false foreign travel documents

47.—(1) If —

- (a) a person makes a false foreign travel document in Singapore, or furnishes a false foreign travel document to another person in Singapore;
- (b) the person does so with the intention of dishonestly inducing another person to use or accept the false foreign travel document as if it were a genuine foreign travel document; and
- (c) by reason of the other person so using or accepting the false foreign travel document as genuine, the person dishonestly —

- (i) obtains a gain (whether for himself or someone else);
- (ii) causes a loss to the other person or someone else; or
- (iii) influences the exercise of a public duty,

the person 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 10 years or to both.

(2) If —

- (a) a person uses in Singapore a foreign travel document in connection with travel or identification;
- (b) the foreign travel document has been cancelled; and
- (c) the person knows or ought reasonably to have known that the foreign travel document has been cancelled,

the person 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 10 years or to both.

(3) If —

- (a) a person uses in Singapore a foreign travel document in connection with travel or identification;
- (b) the foreign travel document was not issued to that person; and
- (c) the person knows or ought reasonably to have known that the foreign travel document was not issued to him,

the person 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 10 years or to both.

(4) If —

- (a) a person furnishes another person in Singapore with a foreign travel document that was issued to the first-mentioned person; and
- (b) the person is reckless as to whether the document is or will be used by the other person in connection with travel or identification,

the person 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 10 years or to both.

(5) If —

- (a) a person has or retains possession or control in Singapore of a foreign travel document; and
- (b) the person knows that the foreign travel document was not issued to him,

the person 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 10 years or to both.

(6) If —

- (a) a person has possession or control of a document; and
- (b) the person knows or ought reasonably to have known that the document is a false foreign travel document,

the person 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 10 years or to both.

(7) Subsections (2) to (6) shall not apply if the person has a reasonable excuse.

Unauthorised issue of Singapore passports, etc.

48. If —

- (a) the Controller; or
- (b) an authorised officer to whom the Controller has delegated the function of issuing Singapore passports or Singapore travel documents,

does any of the following acts, the Controller or authorised officer, as the case may be, 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 10 years or to both:

- (i) issuing a Singapore passport or a Singapore travel document or part thereof knowing that the issue of the

Singapore passport or Singapore travel document or that part thereof is contrary to a provision of this Act; or

- (ii) endorsing a Singapore passport or a Singapore travel document knowing that the endorsement of the Singapore passport or Singapore travel document is contrary to a provision of this Act.

Obstructing authorised officer, etc.

49. Any person who refuses to give access to, or obstructs, hinders or delays any authorised officer, police officer or customs officer in the performance and execution of his duty or of anything he is required to do by virtue or in consequence of or under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

Division 3 — General provisions

Offences by bodies corporate, etc.

50.—(1) Where an offence under this Act committed by a body corporate is proved —

- (a) to have been committed with the consent or connivance of an officer; or
- (b) to be attributable to any act or default on his part,

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

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

[2/2012 wef 01/03/2012]

(3) Where an offence under this Act committed by a partnership is proved —

- (a) to have been committed with the consent or connivance of a partner; or

(b) to be attributable to any act or default on his part, the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by a limited liability partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner or manager of the limited liability partnership, the partner or manager (as the case may be) as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

(a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or

(b) to be attributable to any act or default on the part of such an officer or a member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(6) In this section —

“body corporate” and “partnership” exclude a limited liability partnership within the meaning of the Limited Liability Partnerships Act (Cap. 163A);

“officer” —

(a) in relation to a body corporate, means any director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; and

(b) in relation to an unincorporated association (other than a partnership), means the president, the secretary or any member of the committee of the unincorporated association, or any person holding a

position analogous to that of the president, secretary or member of the committee and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

(7) The regulations may provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate or unincorporated association formed or recognised under the law of a territory outside Singapore.

Jurisdiction of court

51. Notwithstanding any provision to the contrary in the Criminal Procedure Code (Cap. 68), a District Court shall have jurisdiction to try any offence under this Act and shall have power to impose the full penalty or punishment in respect of the offence.

Composition of offences

52.—(1) The Controller may, in his discretion, compound such offence under this Act as may be prescribed as being an offence which may be compounded by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$500.

(2) On payment of such sum of money under subsection (1), no further proceedings shall be taken against that person in respect of the offence.

(3) All sums collected under this section shall be paid into the Consolidated Fund.

PART VI

OBLIGATIONS RELATING TO IDENTIFYING INFORMATION

Interpretation of this Part

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

“disclose”, in relation to identifying information that is a personal identifier, includes providing access to the identifying information;

“identifying information” means —

- (a) any personal identifier;
- (b) any meaningful identifier derived from any personal identifier;
- (c) any record of a result of analysing any personal identifier or meaningful identifier derived from any personal identifier; or
- (d) any other information, derived from any personal identifier or meaningful identifier derived from any personal identifier, or from any record of a kind referred to in paragraph (c), that could be used to discover a particular person’s identity or to get information about a particular person.

Methods and technologies for travel documents

54.—(1) The Minister may approve the methods and technologies (including biometric technologies) to be used by the Controller —

- (a) for the purposes of confirming the validity of evidence of the identity of an applicant for a Singapore passport or a Singapore travel document or to whom a Singapore passport or a Singapore travel document has been issued;
- (b) for the purposes of issuing biometric passports and travel documents under this Act; or
- (c) for performing other functions in connection with this Act.

(2) Subsection (1) does not imply that methods or technologies not approved shall not be used for performing functions in connection with this Act.

Authorising disclosure of or access to identifying information

55.—(1) The Minister may, in writing, authorise a specified person, or any person included in a specified class of persons —

- (a) to access identifying information of the kind specified in the Minister's authorisation; or
- (b) to disclose, on written request, identifying information of the kind specified in the Minister's authorisation, to another specified person, or another person included in a specified class of persons, in the Minister's authorisation,

for the purpose or purposes specified in the Minister's authorisation.

(2) The Minister shall specify in an authorisation under this section, as the purpose or purposes for which access or disclosure is authorised, one or more of the following purposes, and no other:

- (a) assisting in the identification of, and authenticating the identity of, any applicant for or holder of a Singapore passport or a Singapore travel document;
- (b) facilitating or otherwise assisting the international travel of a person to whom a Singapore travel document has been issued;
- (c) enforcement of the criminal law, including investigating or prosecuting a person for an offence against any written law;
- (d) combating document and identity fraud in immigration matters;
- (e) administering or managing the storage of identifying information;
- (f) modifying identifying information to enable it to be matched with other identifying information, or in order to correct errors or ensure compliance with appropriate standards;

- (g) identifying persons who are of national security concern, or who are associated with activities of a criminal nature and whose detention or supervision may be necessary in the interests of public safety, peace and good order;
- (h) any other purpose the disclosure of which is required or authorised by or under written law;
- (i) making decisions under this Act or the Immigration Act (Cap. 133) or under the regulations made under either Act.

(3) For the purposes of subsection (1)(b), the specified person or specified class of persons to whom identifying information may be disclosed may include a police force, a law enforcement body or a border control body of a foreign country.

Accessing or disclosing identifying information

56.—(1) If a person accesses identifying information, and the person —

- (a) is not authorised under section 55 to access any identifying information; or
- (b) is not authorised under section 55 to access the identifying information for the purpose for which the person accessed it,

the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both.

(2) If a person's conduct causes disclosure of identifying information, and the disclosure is not a disclosure that is for any of the purposes specified in section 55(2), the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both.

PART VII

MISCELLANEOUS

Singapore passports, etc., are property of Government

57.—(1) Every Singapore passport and every Singapore travel document, whether issued before, on or after 1st December 2007, shall be the property of the Government.

(2) The right in a Singapore passport or a Singapore travel document conferred on the Government by subsection (1) shall not be defeated or affected by any sale of, or any security, pledge, deposit or encumbrance given, made or accepted in respect of the Singapore passport or Singapore travel document, by the holder thereof or by any other person.

(3) No person shall give, make or accept as a security, pledge, deposit or encumbrance, a Singapore passport or a Singapore travel document, and any term of an agreement which would otherwise have that effect shall be void.

Power to exempt

58. The Minister may, by order published in the *Gazette*, with or without conditions, exempt any person or class or description of persons from the operation of any or all of the provisions of this Act.

Service of documents, etc.

59.—(1) Subject to subsection (3), any document required or authorised to be served under this Act may be served —

(a) in the case of an individual —

- (i) by delivering it to the individual personally;
- (ii) by leaving it with an adult person apparently resident at, or by sending it by pre-paid registered post to, the usual or last known address of the place of residence of the individual;
- (iii) by leaving it with an adult person apparently employed at, or by sending it by pre-paid

- registered post to, the usual or last known address of the place of business of the individual;
- (iv) by affixing a copy of the notice in a conspicuous place at the usual or last known address of residence or business of the individual;
 - (v) by sending it by facsimile transmission to the fax transmission number operated at the usual or last known address of the place of residence or business of the individual, or the last fax number given to the Controller or an authorised officer by the individual as the fax transmission number for the service of documents on the individual; or
 - (vi) by electronic communication, by sending an electronic communication of the document to the last email address given to the Controller or an authorised officer by the individual as the email address for the service of documents on the individual;
- (b) in the case of a partnership other than a limited liability partnership —
- (i) by delivering it to any one of the partners or the secretary or other like officer of the partnership;
 - (ii) by leaving it at, or by sending it by pre-paid registered post to, the principal or last known place of business of the partnership in Singapore;
 - (iii) by sending it by facsimile transmission to the fax transmission number operated at the principal or last known place of business of the partnership in Singapore; or
 - (iv) by electronic communication, by sending an electronic communication of the document to the last email address given to the Controller or an authorised officer by the partnership as the email address for the service of documents on the partnership; and

- (c) in the case of any limited liability partnership or any other body corporate —
- (i) by delivering it to the secretary or other like officer of the body corporate or, in the case of a limited liability partnership, the manager thereof;
 - (ii) by leaving it at, or by sending it by pre-paid registered post to, the registered office or principal office of the limited liability partnership or body corporate in Singapore;
 - (iii) by sending it by facsimile transmission to the fax transmission number operated at the registered office or principal office of the limited liability partnership or body corporate in Singapore; or
 - (iv) by electronic communication, by sending an electronic communication of the document to the last email address given to the Controller or an authorised officer by the limited liability partnership or body corporate as the email address for the service of documents on the limited liability partnership or body corporate.

(2) Where any notice or other document to be served by the Controller or the Minister is —

- (a) sent by a facsimile transmission to the fax transmission number operated at the last known place of residence or business or registered office or principal office in accordance with subsection (1), it shall be deemed to have been duly served on the person to whom it is addressed on the day of transmission, subject to receipt on the sending facsimile machine of a notification (by electronic or other means) of a successful transmission to the place of residence or business or registered office or principal office, as the case may be;
- (b) sent by electronic communication to an email address in accordance with subsection (1), it shall be deemed to have been duly served on the person to whom it is addressed at

the time of entering the information system addressed to the email address; and

- (c) sent by pre-paid registered post, it shall be deemed to have been duly served on the person to whom it is addressed 2 days after the day the notice or document was posted, whether or not it is returned undelivered.

(3) Service of any document under this Act on a person by electronic communication may be effected only if the person gives as part of his or its address for service an email address.

(4) This section shall not apply to notices and documents to be served in proceedings in court.

Regulations

60.—(1) The Minister may make regulations necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations for or with respect to all or any of the following matters:

- (a) the form or particulars of application for the issue or extension of a Singapore passport or a Singapore travel document, or for an endorsement thereon;
- (b) the conditions subject to which a Singapore passport or a Singapore travel document may be issued or extended;
- (c) the powers of inspection and examination of authorised officers in relation to Singapore passports or Singapore travel documents;
- (d) the procedure as regards the lodging of an appeal under section 28 and the practice and procedure upon the hearing of such an appeal;
- (e) the fees to be paid in respect of any matter or anything done, or any services rendered, by the Controller under or by virtue of this Act, including —

- (i) fees in respect of applications for Singapore passports and Singapore travel documents; and
 - (ii) fees in respect of endorsements on Singapore passports and Singapore travel documents;
 - (f) the waiver or refund, in whole or in part, by authorised officers of any such fees in the circumstances of any particular case; and
 - (g) the prescribing of anything that is required or permitted to be prescribed under this Act.
- (3) The regulations may —
- (a) provide that any contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$5,000 or with imprisonment for a term not exceeding 3 years or with both;
 - (b) prescribe different fees for different classes of applicants for Singapore passports or Singapore travel documents, and for different classes of Singapore travel documents, and any application fee so prescribed need not bear any relationship to the cost of issuing a Singapore passport or a Singapore travel document or endorsing on a Singapore passport or a Singapore travel document; and
 - (c) provide for such transitional, savings and other consequential, incidental and supplemental provisions as the Minister considers necessary or expedient.
- (4) All regulations made under this section shall be presented to Parliament as soon as possible after publication in the *Gazette*.

Savings and transitional provisions

61.—(1) Without prejudice to section 16 of the Interpretation Act (Cap. 1), every visa, passport, certificate of identity, document of identity or other travel document issued, granted or made under the repealed Act before 1st December 2007, and every renewal or endorsement thereof made under the repealed Act before that date, shall —

- (a) continue in full force and effect as if it were issued, granted or made under the corresponding provisions of this Act, and in the case of visas, under the provisions of the Immigration Act as amended by this Act; and
- (b) continue to be valid for the unexpired part of the term it would have had if the repealed Act had not been repealed.

(2) If any application for a visa or a Singapore passport, certificate of identity, document of identity or other travel document made under the provisions of the repealed Act before 1st December 2007 has not been granted before that date, the application shall, where applicable, be deemed to be an application for —

- (a) a Singapore visa under the provisions of the Immigration Act as amended by this Act; or
- (b) a Singapore passport or certificate of identity, certificate of status, document of identity or other travel document, as the case may be, under the corresponding provisions of this Act,

as the case may be.

(3) Every person who, immediately before 1st December 2007, is an authorised officer under the repealed Act shall continue in such appointments as if he is an authorised officer under this Act, and his appointment shall expire on the day his appointment would have expired if this Act had not been enacted.

(4) Any subsidiary legislation made under the repealed Act and in force immediately before 1st December 2007 shall, so far as it is not inconsistent with the provisions of this Act, continue in force as if made under this Act until it is revoked or repealed.

(5) Any written law or document referring to the repealed Act or any provision thereof shall, as far as may be necessary for preserving its effect, be construed as referring or as including a reference to this Act or the corresponding provision in this Act, as the case may be.

(6) For a period of 2 years after 1st December 2007, the Minister may make regulations prescribing additional matters of a transitional nature (including prescribing any saving or application provisions)

arising out of the repeal of the repealed Act and the commencement of this Act.

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THE SCHEDULE

Section 3

PERSONAL IDENTIFIERS

1. Fingerprints or handprints of a person (including those taken using paper and ink or digital livescanning technologies).
2. A photograph or other image of a person's face and shoulders.
3. A person's signature.

LEGISLATIVE HISTORY
PASSPORTS ACT
(CHAPTER 220)

This Legislative History is provided for the convenience of users of the Passports Act. It is not part of the Act.

1. Act 51 of 1970 — Passports Act 1970

Date of First Reading	:	4 November 1970 (Bill No. 53/1970 published on 9 November 1970)
Date of Second and Third Readings	:	30 December 1970
Date of commencement	:	25 January 1971

2. 1985 Revised Edition — Passports Act

Date of operation	:	30 March 1987
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3. Act 33 of 2007 — Passports Act 2007

Date of First Reading	:	21 May 2007 (Bill No. 21/2007 published on 22 May 2007)
Date of Second and Third Readings	:	16 July 2007
Date of commencement	:	1 December 2007

Note: The Passports Act 2007 repealed the Passports Act (Chapter 220, 1985 Revised Edition).

4. 2008 Revised Edition — Passports Act

Date of operation	:	31 December 2008
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5. Act 15 of 2010 — Criminal Procedure Code 2010

Date of First Reading	:	26 April 2010 (Bill No. 11/2010 published on 26 April 2010)
Date of Second and Third Readings	:	19 May 2010
Date of commencement	:	2 January 2011

6. Act 2 of 2012 — Statutes (Miscellaneous Amendments) Act 2012

Date of First Reading	:	21 November 2011 (Bill No. 22/2011 published on 21 November 2011)
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Date of Second and Third Readings : 18 January 2012

Date of commencement : 1 March 2012

7. Act 16 of 2016 — Statutes (Miscellaneous Amendments) Act 2016

Date of First Reading : 14 April 2016 (Bill No. 15/2016
published on 14 April 2016)

Date of Second and Third Readings : 9 May 2016

Date of commencement : 10 June 2016

COMPARATIVE TABLE
PASSPORTS ACT
(CHAPTER 220)

The following provisions in the Passports Act 2007 (Act 33 of 2007) have been renumbered by the Law Revision Commissioners in this 2008 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Passports Act.

2008 Ed.	Act 33 of 2007
<i>Omitted</i>	61
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