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Remote Gambling Act 2014

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An Act to regulate remote gambling and remote gambling services affecting Singapore.

[2 February 2015]

PART 1

PRELIMINARY

Short title

1. This Act is the Remote Gambling Act 2014.

General interpretation

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

"authorised officer", in relation to any provision of this Act, means any police officer or other public officer, or employee of the IMDA or other public authority, appointed under section 32 to perform any function or exercise any power under that provision;

"business" includes a venture or concern in trade or commerce, whether or not conducted on a regular, repetitive or continuous basis;

"certificate of exemption" means a certificate of exemption issued under section 26(1);

"conduct" means any act or omission, or any series of acts or omissions, or both;

"exempt operator" means a person who is the holder of a certificate of exemption;

"facilitate", in relation to the commission of an offence, means any conduct by a person that enables or aids the commission of the offence by another where either —

(*a*) the person intends that the conduct would enable or aid the commission of the offence; or

(*b*) the person is reckless as to whether or not the conduct would enable or aid the commission of the offence,

but does not include mere advertising;

"IMDA" means the Info-communications Media Development Authority established by section 3 of the Info-communications Media Development Authority Act 2016;

"MAS" means the Monetary Authority of Singapore established under the Monetary Authority of Singapore Act 1970;

"public authority" means a body established or constituted by or under a public Act to perform or discharge a public function;

"public place" means a place, or a part of a place, to which the public, or a section of the public, ordinarily has access, whether or not by payment or by invitation, such as but not limited to a shop, restaurant, hotel, cinema or club;

"section of the public" includes the members of a particular club, society or organisation;

"sporting event" includes any race, fight, game, sport or exercise;

"young person" means an individual below 21 years of age.

[22/2016]

Meanings of "financial institution" and "financial transaction provider", etc.

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

"card issuer" means any person carrying on a business of issuing credit cards or charge cards in Singapore, and includes any agent of that person;

"credit card" or "charge card" means any article, whether in physical or electronic form, of a kind commonly known as a credit card or charge card, or any similar article intended for use in purchasing goods or services on credit, whether or not the card or article is valid for immediate use;

"financial institution" means —

(*a*) any bank licensed under the Banking Act 1970;

(*aa*) any merchant bank licensed under the Banking Act 1970;

(*b*) any card issuer licensed under the Banking Act 1970;

(*c*) any operator of a designated payment system under the Payment Services Act 2019; or

(*d*) any other person licensed, approved, registered or regulated by the MAS under any written law,

but does not include such person or class of persons as the Minister, after consulting the MAS, may prescribe by order in the *Gazette*;

"financial transaction provider" means —

(*a*) any creditor;

(*b*) any card issuer;

(*c*) any operator of a terminal at which an electronic fund transfer may be initiated;

(*d*) any operator of a money transmitting business;

(*e*) any operator or any participant in a payment system or network used to effect a credit transaction, an electronic fund transfer, a stored value product transaction or a money transmitting service; or

(*f*) any participant in a prescribed payment system, being a payment system that is used or may be used in connection with or to facilitate payment to a remote gambling service,

but does not include a financial institution.

[2/2019; 1/2020]

(2) A reference to a person being licensed, approved, registered or regulated under any written law referred to in subsection (1) includes a person who is exempted under that written law from being so licensed, approved, registered or regulated.

Meaning of "gambling" and associated terms

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

"betting" means the staking of money or money's worth —

(*a*) on the outcome of a horse-race or sporting event (whether or not the horse-race or sporting event has already occurred or been completed); or

(*b*) on any other event, thing or matter specified or described by the Minister, by notification in the *Gazette*, to be betting for the purposes of this Act;

"gambling" means all or any of the following:

(*a*) betting;

(*b*) gaming;

(*c*) participating in a lottery;

"gambling service" means —

(*a*) a service for the conduct of a public lottery;

(*b*) a service for the supply of any public lottery tickets;

(*c*) a service for the negotiating, placing, making, receiving or accepting of bets; or

(*d*) a service for the conduct of a game of chance where the game is played for money or money's worth, and a customer of the service gives or agrees to give money or money's worth to play or enter the game;

"game of chance" includes —

(*a*) a game that involves both an element of chance and an element of skill; or

(*b*) a game that is presented as involving an element of chance,

but does not include any game, method, device, scheme or competition specified or described by the Minister, by order in the *Gazette*, as not to be a game of chance for the purposes of this Act;

"gaming" means playing a game of chance for money or money's worth;

"lottery" —

(*a*) means any game, method, device, scheme or competition whereby money or money's worth is distributed or allotted in any manner depending upon or to be determined by chance or lot, whether the

same is held, drawn, exercised or managed inside or outside Singapore; and

(*b*) includes any other game, method, device, scheme or competition specified or described by the Minister, by notification in the *Gazette*, to be a lottery for the purposes of this Act;

"money's worth" means any thing recognised as equivalent to money and includes virtual credits, virtual coins, virtual tokens, virtual objects or any similar thing that is purchased within, or as part of, or in relation to, a game of chance;

"public lottery" means a lottery to which the public or any section of the public in Singapore has or may have access, and every lottery is to be treated as a public lottery until the contrary is proved;

"telephone betting service" means a gambling service provided on the basis that dealings with customers are wholly by way of voice calls (whether or not involving a recorded or synthetic voice) made using a standard telephone service.

(2) For the purposes of this Act, a person plays a game of chance if the person participates in a game of chance whether or not there are other participants in the game of chance, and whether or not a computer generates images or data taken to represent the actions of other participants in the game of chance.

(3) To avoid doubt, a person plays a game of chance for money or money's worth if the person plays a game of chance and thereby acquires a chance of winning any money or money's worth, whether or not the person risks losing anything at the game.

Meanings of "remote gambling", "remote communication", etc.

5.—(1) In this Act, "remote gambling" means gambling in which a person participates by the use of remote communication, even if the gambling is done only partly by means of remote communication.

(2) In this Act, "remote communication" means communication through —

(*a*) the Internet;

(*b*) telephone;

(*c*) television or radio; or

(*d*) any other kind of electronic or other technology for facilitating communication,

but does not include any specific system or method of communication that the Minister declares, by order in the *Gazette*, as not to be treated as remote communication for the purposes of this Act.

(3) In this Act, a "remote gambling service" means a gambling service provided to customers for them to participate in gambling by the use of remote communication.

(4) In this Act, a person provides a remote gambling service where the person does any of the following in the course of carrying on a business:

(*a*) provides facilities for remote gambling by others in accordance with arrangements made by the person;

(*b*) organises, manages or supervises remote gambling by others in accordance with arrangements made by the person, which may include inviting others to gamble, or placing, making, receiving or accepting bets, using remote communication in accordance with those arrangements;

(*c*) distributes a prize offered in remote gambling in accordance with arrangements made by the person;

(*d*) distributes money or money's worth paid or staked by others in remote gambling in accordance with arrangements made by the person;

(*e*) facilitates participation by others in remote gambling in accordance with arrangements made by the person (including by allowing others to participate in such remote gambling);

(*f*) uses a document, device, piece of equipment or other thing for the purposes of enabling remote gambling by others to take place in accordance with arrangements made by the person.

(5) For the purposes of this Act, a person provides facilities for remote gambling if the person makes facilities for remote communication available for use, being facilities which are adapted or presented in such a way as to facilitate, or to draw attention to the possibility of, their use for gambling, and the nature, adaptation or presentation of the facilities is such that —

(*a*) they cannot reasonably be expected to be used for purposes other than gambling; or

(*b*) they are intended to be used wholly or partly for gambling.

(6) For the purposes of subsection (4) or (5), it does not matter whether facilities for remote gambling are provided —

(*a*) only partly by means of remote communication; or

(*b*) outside Singapore or partly inside and partly outside Singapore.

(7) However, a person does not provide a remote gambling service or provide facilities for remote gambling, and is not an agent referred to in section 9(1) or (2), merely because the person provides, or operates facilities for network access, or provides services relating to, or provides connections for, the transmission or routing of data.

(8) For the purposes of this Act —

(*a*) a remote gambling service has a foreign-customer link if none of the customers is physically present in Singapore, whether or not an individual who is physically present in Singapore is capable of becoming a customer of that service; and

(*b*) a remote gambling service has a Singapore-customer link if any of the customers is physically present in Singapore,

and in determining for the purposes of paragraph (*a*) whether an individual who is physically present in Singapore is capable of becoming a customer of a service, it is to be assumed that the

individual will not falsify or conceal the individual's identity or location.

(9) For the purposes of this Act, a remote gambling service is a Singapore-based remote gambling service if —

(*a*) the service is provided in the course of carrying on a business in Singapore;

(*b*) the central management and control of the service is in Singapore; or

(*c*) where the service is provided to customers using an Internet carriage service, all or any of the relevant Internet content is hosted in Singapore.

(10) In subsection (9)(*c*), "relevant Internet content", in relation to a remote gambling service, means Internet content that is accessed, or available for access, by an end user in the capacity of a customer of that remote gambling service.

Definitions for remote gambling advertising, etc.

6.—(1) In this Act, a "remote gambling service advertisement" means any writing, still or moving picture, sign, symbol (whether 3-dimensional or 2-dimensional) or other visual image, or any audible message, or any combination of 2 or more of those things, that gives publicity to, or otherwise promotes or is intended to promote —

(*a*) a particular remote gambling service;

(*b*) remote gambling services in general;

(*c*) a domain name or uniform resource locator (URL) that relates to a particular remote gambling service; or

(*d*) any words that are closely associated with a particular remote gambling service (whether or not also closely associated with other kinds of services or products),

unless excluded by the Minister by an order in the *Gazette*.

(2) For the purposes of this Act, a person publishes a remote gambling service advertisement if the person does any of the following things:

(*a*) the person includes the advertisement, or something that contains the advertisement, on an online location or in any way that renders the advertisement accessible from the Internet;

(*b*) the person includes the advertisement in a newspaper, magazine, leaflet, ticket or other document that is available, or distributed, to the public or a section of the public;

(*c*) the person includes the advertisement in a film, video, television programme or radio programme that is, or is intended to be, seen or heard by the public or a section of the public;

(*d*) the person displays, screens or plays the advertisement, or something that contains the advertisement, so that it can be seen or heard in or from a public place, any vehicle, vessel, train or aircraft or any workplace;

(*e*) the person sells, hires or supplies the advertisement, or something containing the advertisement, to the public or a section of the public, or offers the advertisement, or something containing the advertisement, for sale or supply to, or hire by, the public or a section of the public;

(*f*) the person makes known the advertisement to the public or a section of the public in any other manner or by any other means.

(3) However, none of the following, of itself, amounts to publication of a remote gambling service advertisement:

(*a*) the communication of information that is or includes a remote gambling service advertisement to a group of people all of whom are involved in the provision of remote gambling services;

(*b*) the publication in a telephone directory of the name of a person who provides a remote gambling service unless —

(i) the publication is on the Internet; and

(ii) the entry for the person contains a link to an online location for the person that relates to the remote gambling service;

(*c*) an index of online search results which links or refers an end user in Singapore to remote gambling services or facilities for the access to or use of remote gambling services, which is made available to that person only because that person initiates a search through an online information location service, such as but not limited to a search engine service;

(*d*) any other activity specified or described by the Minister in an order in the *Gazette*.

(4) For the purposes of this Act, a person promotes remote gambling if —

(*a*) the person does anything to encourage one or more persons to take advantage (whether directly or through an agent) of facilities for remote gambling;

(*b*) with a view to increasing the use of facilities for remote gambling, the person brings those facilities or information about those facilities to the attention of one or more persons; or

(*c*) the person participates in or facilitates an activity knowing or believing that it is designed —

(i) to encourage one or more persons to take advantage (whether directly or through an agent) of facilities for remote gambling; or

(ii) to increase the use of facilities for remote gambling by bringing those facilities or information about those facilities to the attention of one or more persons,

but that person does not promote remote gambling merely because that person publishes a remote gambling service advertisement.

(5) In subsection (1)(*d*), "words" includes abbreviations, initials and numbers.

Purpose of Act

7. The purpose of this Act is to regulate remote gambling and remote gambling services affecting Singapore with the object of —

(*a*) preventing remote gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime or disorder; and

(*b*) protecting young persons and other vulnerable persons from being harmed or exploited by remote gambling.

PART 2

OFFENCES

Unlawful remote gambling

8.—(1) An individual who, in Singapore, gambles —

(*a*) using remote communication; and

(*b*) using a remote gambling service that is not provided by —

(i) an exempt operator; or

(ii) a person otherwise exempt under section 40 from section 10 or 11,

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.

(2) For the purposes of subsection (1), it does not matter —

(*a*) whether the gambling —

(i) is by the individual alone or together with any other individual or person; or

(ii) is directly by the individual or indirectly through any other individual or person; and

(*b*) whether the gambling is done partly inside and partly outside Singapore provided that that gambling, if done wholly in Singapore, would constitute an offence under subsection (1).

(3) An offence under subsection (1) is an arrestable offence.

Providing unlawful remote gambling service for another

9.—(1) A person (called an agent) who, inside or outside Singapore —

(*a*) organises, manages or supervises remote gambling by others in accordance with arrangements made by a principal of the agent, which may include —

(i) inviting others to gamble using remote communication in accordance with those arrangements; or

(ii) placing, making, receiving or accepting bets using remote communication in accordance with those arrangements;

(*b*) distributes a prize offered in remote gambling by others in accordance with arrangements made by a principal of the agent;

(*c*) distributes money or money's worth paid or staked by others in remote gambling in accordance with arrangements made by a principal of the agent;

(*d*) facilitates participation by others in remote gambling in accordance with arrangements made by a principal of the

agent, which may include allowing a person to participate in such remote gambling; or

(*e*) assists in any conduct described in paragraph (*a*), (*b*), (*c*) or (*d*),

and as a result facilitates one or more individuals to commit an offence under section 8, shall be guilty of an offence and shall be liable on conviction to a fine of not less than $20,000 and not more than $200,000 or to imprisonment for a term not exceeding 5 years or to both.

(2) A person who, in Singapore —

(*a*) organises, manages or supervises remote gambling by others in accordance with arrangements made by a principal of the agent, which may include —

(i) inviting others to gamble using remote communication in accordance with those arrangements; or

(ii) placing, making, receiving or accepting bets using remote communication in accordance with those arrangements;

(*b*) distributes a prize offered in remote gambling by others in accordance with arrangements made by a principal of the agent;

(*c*) distributes money or money's worth paid or staked by others in remote gambling in accordance with arrangements made by a principal of the agent;

(*d*) facilitates participation by others in remote gambling in accordance with arrangements made by a principal of the agent, which may include allowing a person to participate in such remote gambling; or

(*e*) assists in any conduct described in paragraph (*a*), (*b*), (*c*) or (*d*),

and as a result facilitates one or more individuals outside Singapore to gamble using remote communication, shall be guilty of an offence and shall be liable on conviction to a fine of not less than $20,000 and

not more than $200,000 or to imprisonment for a term not exceeding 5 years or to both.

(3) On the trial of any person (called the accused) for an offence under subsection (1), it is not necessary for the prosecution to prove the identity of any particular individual facilitated by the accused to gamble in Singapore in contravention of section 8 if —

(*a*) the remote gambling transactions are carried out by anyone using equipment or facilities provided by the accused; and

(*b*) those facilities are accessed, or are available for access, by end users in Singapore.

(4) It does not matter whether the conduct referred to in subsection (1) or (2) is done or made partly inside and partly outside Singapore provided that that conduct, if done or made wholly in Singapore, would constitute an offence under subsection (1) or (2), as the case may be.

(5) For the purposes of subsections (1) and (2), a reference to a principal of a person includes —

(*a*) a reference to the employer of the person; and

(*b*) a reference to the principal or employer of the person's principal or employer, and so on.

(6) An offence under subsection (1) or (2) is an arrestable offence.

Prohibition against overseas remote gambling service with Singapore-customer link

10.—(1) A person who provides outside Singapore a remote gambling service with a Singapore-customer link shall be guilty of an offence and shall be liable on conviction to a fine of not less than $20,000 and not more than $500,000 or to imprisonment for a term not exceeding 7 years or to both.

(2) Where a person is charged with an offence under subsection (1) of providing a remote gambling service with a Singapore-customer link, it is a defence for the person charged to prove that the person did not know, and could not with reasonable diligence have ascertained, that the service had a Singapore-customer link.

(3) For the purposes of subsection (2), a person could not, with reasonable diligence, have ascertained that a remote gambling service provided by the person had a Singapore-customer link, if the person had —

(*a*) informed prospective customers that Singapore law prohibits the provision of the service to customers who are physically present in Singapore;

(*b*) required customers to enter into contracts that were subject to an express condition that the customer was not to use the service if the customer was physically present in Singapore;

(*c*) required customers to provide personal details and those details suggested that the customer was not physically present in Singapore;

(*d*) obtained data that indicates that customers were physically present outside Singapore when the relevant customer accounts were opened, and throughout the period when the service was provided to the customers; and

(*e*) taken such other measures as far as reasonably practicable to ensure that the service did not, or could not reasonably have, a Singapore-customer link.

(4) In determining whether any measure taken by a person under subsection (3)(*e*) is reasonably practicable, it is for that person to prove that —

(*a*) it was not reasonably practicable to do more than what was in fact done; and

(*b*) there was no better practicable means than was in fact used.

(5) An offence under subsection (1) is an arrestable offence.

Prohibition against Singapore-based remote gambling service

11.—(1) A person who provides a Singapore-based remote gambling service shall be guilty of an offence and shall be liable on conviction to a fine of not less than $20,000 and not more than

$500,000 or to imprisonment for a term not exceeding 7 years or to both.

(2) For the purposes of subsection (1), it does not matter whether the remote gambling service has a foreign-customer link or a Singapore-customer link.

(3) An offence under subsection (1) is an arrestable offence.

Unlawful employment of young person in remote gambling

12.—(1) A person who employs in Singapore a young person —

(*a*) to provide in Singapore facilities for remote gambling by others;

(*b*) to organise, manage or supervise in Singapore remote gambling by others in accordance with arrangements made by that person;

(*c*) to distribute in Singapore a prize offered in remote gambling by others in accordance with arrangements made by that person;

(*d*) to distribute in Singapore money or money's worth paid or staked in remote gambling by others in accordance with arrangements made by that person;

(*e*) to facilitate participation by others in remote gambling in accordance with arrangements made by that person;

(*f*) to make or use in Singapore a document, device, piece of equipment or other thing for the purposes of enabling remote gambling to take place in accordance with arrangements made by that person;

(*g*) to promote in Singapore remote gambling by others; or

(*h*) to directly assist in any activity referred to in paragraph (*a*), (*b*), (*c*), (*d*), (*e*), (*f*) or (*g*),

shall be guilty of an offence and shall be liable on conviction to a fine of not less than $20,000 and not more than $300,000 or to imprisonment for a term not exceeding 6 years or to both.

(2) For the purposes of subsection (1) —

(*a*) the conduct of a young person mentioned in subsection (1)(*a*), (*b*), (*c*), (*d*), (*e*), (*f*), (*g*) or (*h*) includes an act done or an omission made partly inside and partly outside Singapore; and

(*b*) it does not matter whether the remote gambling mentioned in that subsection is done partly inside and partly outside Singapore.

(3) A reference in subsection (1) to employing a young person includes, in particular, a reference —

(*a*) to employing or engaging the young person whether or not under a contract of employment; and

(*b*) to causing or permitting the young person to be employed or engaged.

(4) An offence under subsection (1) is an arrestable offence.

Unlawful invitation, etc., to young person to gamble remotely

13.—(1) A person who invites, or causes or permits, a young person to gamble in Singapore by means of remote communication shall be guilty of an offence and shall be liable on conviction to a fine of not less than $20,000 and not more than $300,000 or to imprisonment for a term not exceeding 6 years or to both.

(2) A reference in subsection (1) to inviting a young person to gamble by means of remote communication includes, in particular, a reference to —

(*a*) intentionally sending to the young person any remote gambling service advertisement; or

(*b*) intentionally bringing to the attention of the young person information about remote gambling with a view to encouraging the young person to gamble by means of remote communication.

(3) For the purposes of subsection (1), it does not matter whether or not the gambling actually carried out by a young person —

(*a*) is the same as that in the invitation; or

(*b*) is in the manner so invited,

provided that the gambling actually carried out is a probable consequence of that invitation.

(4) For the purposes of subsection (1), it also does not matter whether the gambling done or to be done by a young person pursuant to an invitation is only partly by means of remote communication or is partly inside and partly outside Singapore.

(5) An offence under subsection (1) is an arrestable offence.

Defence of reasonable belief of individual's age

14. Where an individual (called the accused) is charged with an offence under section 12(1) or 13(1) of doing anything in relation to an individual who is a young person, it is a defence for the accused to prove that —

(*a*) the accused took all reasonable steps to determine the individual's age; and

(*b*) the accused reasonably believed that the individual was not a young person.

PART 3

REMOTE GAMBLING ADVERTISING AND PROMOTION

Offence of publishing remote gambling service advertisement

15.—(1) A person who publishes, or authorises the publication of, a remote gambling service advertisement in Singapore shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $20,000.

(2) For the purposes of this section, a remote gambling service advertisement that is included on an online location may be regarded as published in Singapore only if the online location is accessed, or is available for access, by end users in Singapore.

(3) This section does not apply to an exempt operator who publishes, or authorises the publication of, a remote gambling

service advertisement in accordance with the conditions of its certificate of exemption.

(4) To avoid doubt, this section does not affect the operation of any provision in Part 2.

Defences to offence of publishing remote gambling service advertisement

16.—(1) Where a person is charged with an offence under section 15(1), it is a defence for the person charged to prove that the person published a remote gambling service advertisement for or on the direction of an exempt operator.

(2) Where a person is charged with an offence under section 15(1) for publishing a remote gambling service advertisement, it is a defence for the person charged to prove that —

(*a*) the remote gambling service advertisement was so published as an accidental or incidental accompaniment to the publication of other matter not forming part of any promotion of remote gambling; and

(*b*) the person does not receive any direct or indirect benefit (whether financial or not) for publishing that advertisement, in addition to any direct or indirect benefit that the person receives for publishing that other matter.

(3) Where a person is charged with an offence under section 15(1), it is also a defence for the person charged to prove that —

(*a*) the person is acting in the course of a business of delivering, transmitting or broadcasting communications (in whatever form or by whatever means) or making data available; and

(*b*) the nature of the business is such that persons undertaking it have no control over the nature or content of the communications or data.

Offence of promoting remote gambling

17.—(1) A person who promotes in Singapore, or by any conduct (inside or outside Singapore) authorises a promotion in Singapore of, any remote gambling shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $20,000.

(2) This section does not apply to an exempt operator promoting or authorising the promotion of the remote gambling service it is authorised to provide under and in accordance with the conditions of its certificate of exemption.

(3) To avoid doubt, this section does not affect the operation of any provision in Part 2.

Defence to offence of promoting remote gambling

18. Where a person is charged with an offence under section 17(1), it is a defence for the person charged to prove that —

(*a*) the promotion was not in the course of any business; and

(*b*) the person does not receive any direct or indirect benefit (whether financial or not) for promoting remote gambling.

PART 4

BLOCKING OF ACCESS AND PAYMENT TRANSACTIONS

Interpretation of this Part

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

"access blocking order" means an order under section 20(1) to disable access to an online location;

"Internet service provider" means —

(*a*) an Internet Access Service Provider licensed under section 5 of the Telecommunications Act 1999;

(*b*) a person (commonly referred to as a Localised Internet Service Reseller) —

(i) who obtains Internet access from an Internet Access Service Provider or from a Non-localised Internet Service Reseller;

(ii) who provides Internet services obtained from the Internet Access Service Provider, or the Non-localised Internet Service Reseller, to all or part of the public; and

(iii) whose Internet services are available for reception only within a single building, a dwelling house, a hospital, an educational institution, a residential complex, a commercial complex or an industrial complex, or any other single temporary or permanent structure,

but does not include a person who provides Internet services to that person's own employees for use solely within that person's firm or corporation; or

(*c*) a person (commonly referred to as a Non-localised Internet Service Reseller) —

(i) who obtains Internet access from an Internet Access Service Provider; and

(ii) who provides Internet services obtained from the Internet Access Service Provider to all or part of the public by leased telecommunication lines, integrated services digital networks, modems or by any other wired or wireless means,

but does not include a person who provides Internet services to that person's own employees for use solely within that person's firm or corporation;

"payment blocking order" means an order under section 21(1)(*b*) or (3) to block specified transactions;

"unlawful remote gambling activity" means any conduct that is an offence under section 8, 9, 10 or 11.

Blocking of access to online remote gambling services, etc.

20.—(1) Where an authorised officer, after receiving a complaint or on the officer's initiative, is satisfied that the services of an Internet service provider have been or are being used to access or facilitate access to —

(*a*) an online location through which a remote gambling service is provided in contravention of section 10 or 11;

(*b*) an online location that is or may be used by individuals present in Singapore to gamble in contravention of section 8;

(*c*) an online location that contains an invitation to young persons to gamble in contravention of section 13;

(*d*) an online location that is otherwise a remote gambling service advertisement published in Singapore in contravention of section 15; or

(*e*) an online location that contains material promoting remote gambling in contravention of section 17,

the authorised officer may, after having regard to the matters referred to in subsection (2), direct the IMDA to order the Internet service provider to take reasonable steps to disable access to that online location (called an access blocking order); and the IMDA must then give that Internet service provider an access blocking order.

[22/2016]

(2) Before directing the IMDA to make an access blocking order with respect to an online location, an authorised officer must have regard to, and give such weight as the officer considers appropriate to, all of the following matters:

(*a*) whether, having regard to the content of the online location and the way the online location is advertised or promoted, the primary purpose of the online location —

(i) is for use by others to commit an offence under section 8, 9, 10, 11 or 13; or

(ii) is to publish a remote gambling service advertisement or promote remote gambling in contravention of section 15 or 17, as the case may be,

and the online location is available for access by end users in Singapore;

(*b*) whether the online location makes available or contains directories or indexes of other online locations which may be used to, or categories of the means to, commit an offence under section 8, 9, 10, 11 or 13;

(*c*) whether the owner or operator of the online location demonstrates a disregard for the prohibitions and restrictions in this Act against remote gambling generally;

(*d*) whether access to the online location has been disabled by any order of any court of another country or territory, or any foreign competent authority, on the ground of or related to remote gambling;

(*e*) whether the online location contains guides or instructions to circumvent any measure, or any order of any such court or competent authority, to disable access to the online location on the ground of or related to remote gambling;

(*f*) the volume of traffic at the online location by end users in Singapore;

(*g*) the burden that the making of the access blocking order will place on the Internet service provider;

(*h*) the technical feasibility of complying with the access blocking order.

[22/2016]

(3) To avoid doubt, an authorised officer is not confined to consideration of matters specified in subsection (2) and may take into account such other matters and evidence as may be relevant.

(4) In addition, before directing the IMDA to make an access blocking order with respect to an online location referred to in subsection (1)(*c*), (*d*) or (*e*), the authorised officer —

(*a*) must send a notice to the owner or operator of the online location (called the relevant online location proprietor), stating the intention to direct the IMDA to issue an access blocking order if the relevant online location proprietor does not, within the prescribed period —

(i) stop the invitation on that online location to young persons to gamble in contravention of section 13;

(ii) stop the publishing of a remote gambling service advertisement in contravention of section 15 on that online location; or

(iii) stop promoting remote gambling in contravention of section 17 on that online location; and

(*b*) must be satisfied that, upon or after the end of that prescribed period or after reasonable efforts are made to send the notice referred to in paragraph (*a*) to the relevant online location proprietor, the relevant online location proprietor does not stop the activity referred to in paragraph (*a*)(i), (ii) or (iii), as the case may be.

[22/2016]

(5) An Internet service provider which does not comply with any access blocking order issued against it by the IMDA under this section shall be guilty of an offence for each online location specified in the access blocking order and not blocked in accordance with the terms of that order, and shall be liable on conviction to a fine not exceeding $20,000 for each day during any part of which that access blocking order is not fully complied with, up to a total of $500,000 for each offence.

[22/2016]

(6) It is not necessary to publish any access blocking order in the *Gazette*.

Blocking of payment transactions

21.—(1) Where an authorised officer, after receiving a complaint or on the officer's initiative, is satisfied that a person is participating or has participated in any unlawful remote gambling activity, the

authorised officer may, after having regard to the matters referred to in subsection (4) —

(*a*) direct the MAS to give a financial institution a payment blocking order; or

(*b*) give a financial transaction provider a payment blocking order.

(2) A payment blocking order given to a financial institution or a financial transaction provider in relation to a person's participation in any unlawful remote gambling activity may order the financial institution or the financial transaction provider concerned —

(*a*) not to accept credit, or proceeds of credit, extended to that person;

(*b*) not to accept any cheque, bank draft or similar instrument which is drawn by or in favour of that person;

(*c*) not to make or accept any electronic funds transfer, or any funds transmission, to or from that person; or

(*d*) to block payments, or otherwise prevent or prohibit transactions, generally where these use merchant category codes (or equivalents) customarily associated with gambling transactions.

(3) Where an authorised officer directs the MAS to make a payment blocking order under subsection (1)(*a*), the MAS must then give the financial institution concerned a payment blocking order.

(4) Before giving a direction or a payment blocking order under subsection (1), an authorised officer must have regard to, and give such weight as the officer considers appropriate to, all of the following matters:

(*a*) whether, having regard to the content of the online location on which any bank account information is specified, that the bank account is used or is to be used to commit an offence under section 8, 9, 10 or 11 or to promote remote gambling in Singapore in contravention of section 17;

(*b*) whether the merchant category codes (or equivalents) customarily associated with gambling transactions are

used by credit card systems or other payment systems to determine if a transaction is or is likely to be related to any unlawful remote gambling activity;

(*c*) whether the owner or operator of the online location on which any bank account information is specified demonstrates a disregard for the prohibitions and restrictions in this Act against remote gambling generally;

(*d*) whether access to the online location on which any bank account information is specified has been disabled by any order of any court or competent authority of another country or territory on the ground of or related to remote gambling;

(*e*) whether the online location on which any bank account information is specified contains guides or instructions to circumvent any measure, or any order of any such court or competent authority, to disable access to the online location on the ground of or related to remote gambling;

(*f*) the volume of traffic at the online location by end users in Singapore;

(*g*) the burden that the making of the payment blocking order will place on the financial institution or class of financial institutions, or on the financial transaction provider or class of financial transaction providers;

(*h*) the technical feasibility of complying with the payment blocking order.

(5) To avoid doubt, an authorised officer is not confined to consideration of matters specified in subsection (4) and may take into account such other matters and evidence as may be relevant.

(6) A financial institution or a financial transaction provider to which a payment blocking order is given under this section and which does not comply with the order shall be guilty of an offence and shall be liable on conviction —

(*a*) for a payment blocking order that specifies an account of any person who is participating or has participated in any unlawful remote gambling activity, to a fine not exceeding $20,000 for each transaction specified in the payment blocking order but not blocked, up to a total of $500,000 per account to or from which the transaction is made or to be made; or

(*b*) for a payment blocking order that specifies any transaction, to a fine not exceeding $20,000 for each transaction specified in the blocking order but not blocked, up to a total of $500,000.

(7) It is not necessary to publish any payment blocking order in the *Gazette*.

Review of blocking orders

22.—(1) After a direction is given under section 20(1) to the IMDA or under section 21(1)(*a*) to the MAS, or a payment blocking order is given under section 21(1)(*b*) to a financial transaction provider, an authorised officer must, unless not practicable, serve —

(*a*) on an owner or operator of an online location, a notice of every access blocking order given by the IMDA to an Internet service provider with respect to that online location; and

(*b*) on a person to or from whom the transactions specified in section 21(2)(*a*), (*b*) or (*c*) are to be blocked under a payment blocking order, a notice of every payment blocking order given by the MAS to any financial institution with respect to that person, or a notice of every payment blocking order given by the authorised officer to any financial transaction provider with respect to that person, as the case may be.

[22/2016]

(2) Any person referred to in subsection (1)(*a*) or (*b*), and any Internet service provider, financial institution or financial transaction provider given an access blocking order or a payment blocking order (called an affected person), may —

(*a*) apply to the authorised officer to review the access blocking order or payment blocking order concerned; and

(*b*) make written representations to the authorised officer, stating why access to the online location should be restored or why transactions for payment should be processed, as the case may be.

(3) An application to review an access blocking order or a payment blocking order must be made —

(*a*) within the period specified in the order or notice of the order, if served, being not less than 14 days; or

(*b*) within 28 days after the effective date of the order, in any other case.

(4) Subject to subsection (5), an authorised officer may, after considering the written representations made under subsection (2)(*b*) —

(*a*) confirm or vary the access blocking order or payment blocking order (as the case may be) with effect from such date as may be specified; or

(*b*) revoke the access blocking order or payment blocking order (as the case may be) with effect from such date as may be specified.

(5) Before making any decision under subsection (4), an authorised officer must have regard to, and give such weight as the officer considers appropriate to, the matters in section 20(2) or 21(4) (as the case may be) and all or any of the following matters:

(*a*) public interest considerations balanced against the technical or commercial feasibility of disabling access or blocking payment;

(*b*) any other matter which the authorised officer considers relevant.

(6) An authorised officer may, on the application at any time of an affected person or on the officer's initiative, vary or revoke an access blocking order or a payment blocking order (as the case may be) if the authorised officer is satisfied —

(*a*) upon further evidence, that the order ought not to have been made;

(*b*) that there has been a material change in circumstances;

(*c*) for an access blocking order, that the online location has stopped being —

(i) an online location through which a remote gambling service is provided in contravention of section 10 or 11;

(ii) an online location that is or may be used by individuals present in Singapore to gamble in contravention of section 8;

(iii) an online location that contains an invitation to young persons to gamble in contravention of section 13;

(iv) an online location that is otherwise a remote gambling service advertisement published in Singapore in contravention of section 15; and

(v) an online location that contains material promoting remote gambling in contravention of section 17;

(*d*) for a payment blocking order, that —

(i) the bank account is closed or is no longer used by a person in connection with any participation in unlawful remote gambling activity; or

(ii) the merchant category code (or equivalent) customarily associated with a gambling transaction, is no longer customarily associated with gambling; or

(*e*) that it is otherwise appropriate in the circumstances to do so.

(7) Upon an authorised officer's decision under subsection (4) or (6) with respect to an access blocking order, the IMDA is to accordingly inform the Internet service provider concerned, and the authorised officer is to accordingly inform the person served with a

notice of the access blocking order under subsection (1), of the authorised officer's decision.

[22/2016]

(8) Upon an authorised officer's decision under subsection (4) or (6) with respect to a payment blocking order, the MAS is to accordingly inform the financial institution or class of financial institutions to which that order relates, and the authorised officer is to accordingly inform the person served with a notice of the payment blocking order under subsection (1), of the authorised officer's decision.

(9) Upon an authorised officer's decision under subsection (4) or (6) with respect to a payment blocking order, the authorised officer is to accordingly inform the financial transaction provider or class of financial transaction providers to which that order relates, and the person served with a notice of the payment blocking order under subsection (1), of the authorised officer's decision.

(10) An application for review of the authorised officer's decision does not affect the operation of the decision or prevent the taking of action to implement the decision, and unless otherwise provided by the authorised officer, that decision must be complied with until the determination of the review.

Appeal to Minister

23.—(1) The following persons may appeal to the Minister against an access blocking order or a payment blocking order that is confirmed or varied under section 22:

(*a*) the Internet service provider against whom the access blocking order is made;

(*b*) the financial institution or financial transaction provider against whom the payment blocking order is made;

(*c*) the person served with a notice of the access blocking order or payment blocking order under section 22(7), (8) or (9), as the case may be.

(2) An appeal must be in writing and specify the grounds on which it is made, and must be made within a prescribed period after the date of receipt of the decision that is appealed against.

(3) The Minister may reject an appeal against an access blocking order or a payment blocking order by an appellant —

(*a*) who does not comply with subsection (2); or

(*b*) who did not first make a request under section 22 for a review of the access blocking order or the payment blocking order.

(4) After consideration of an appeal, the Minister may —

(*a*) reject the appeal and confirm the authorised officer's decision; or

(*b*) allow the appeal and substitute or vary the authorised officer's decision,

and the Minister's decision is final.

(5) The appellant is to be notified of the Minister's decision under subsection (4).

(6) An appeal against an access blocking order or a payment blocking order does not affect the operation of the order or prevent the taking of action to implement the order, and unless otherwise provided by the Minister, the order appealed against must be complied with until the determination of the appeal.

Appeals Advisory Committee

24.—(1) Where the Minister considers that an appeal made under section 23 involves issues of such nature or complexity that the Minister ought to consider the views of individuals with particular specialised knowledge, the Minister may refer the appeal to an Appeals Advisory Committee comprising one or more of such individuals to provide advice to the Minister with regard to the appeal for the Minister's consideration.

(2) The Minister is not bound by the Appeals Advisory Committee's views provided under subsection (1) and may determine the appeal as the Minister considers appropriate.

(3) The Minister may do all or any of the following for the purposes of establishing an Appeals Advisory Committee:

(*a*) determine or vary the terms of reference of the Appeals Advisory Committee;

(*b*) appoint the individual or individuals of the Appeals Advisory Committee, and the chairperson if it consists of more than one individual;

(*c*) determine the procedure to be adopted by the Appeals Advisory Committee in considering any appeal referred to it.

(4) An Appeals Advisory Committee may otherwise regulate its proceedings as it considers appropriate.

(5) An Appeals Advisory Committee may, on its initiative —

(*a*) require any party to the appeal referred to it to answer any question, or produce any document or other material in the party's possession or under the party's control, which relates to any issue or matter in question in the appeal; or

(*b*) invite any person who, in the opinion of the Committee, can give information in respect of any particular matter which is likely to be of assistance to the Committee.

(6) An Appeals Advisory Committee must be impartial in the performance of its functions.

Immunity for complying with blocking orders

25.—(1) No criminal or civil liability is to be incurred —

(*a*) by an Internet service provider or an officer or agent of such provider; or

(*b*) by a financial institution, a financial transaction provider, or an officer or agent of a financial institution or financial transaction provider,

for anything done or omitted to be done with reasonable care and in good faith in complying with any access blocking order or payment

blocking order, or purported access blocking order or payment blocking order, as the case may be.

(2) In this section, an "officer" of an Internet service provider, a financial institution or a financial transaction provider includes an employee of the Internet service provider, financial institution or financial transaction provider.

PART 5

EXEMPT OPERATORS

Certificate of exemption

26.—(1) Subject to this Part, the Minister may, upon the application of any person, issue a certificate of exemption that authorises the person to provide a Singapore-based remote gambling service with a Singapore-customer link of such type as is specified in the certificate.

(2) A certificate of exemption may be issued only if the Minister is satisfied that it is in the public interest to do so.

(3) In determining whether it is in the public interest to issue a certificate of exemption, the Minister may have regard to, and give such weight as the Minister considers appropriate to, all of the following matters:

(*a*) whether the applicant is established, incorporated, registered or otherwise based in Singapore so as to aid the enforcement of any condition of the certificate of exemption, if issued;

(*b*) whether any director or key officer of the applicant has been convicted of one or more offences in Singapore which, in the Minister's opinion, renders the director or key officer unsuitable to be a director or key officer of an exempt operator;

(*c*) whether the applicant is a not-for-profit entity that distributes the moneys forming part of its funds to public, social or charitable purposes in Singapore;

(*d*) whether the applicant has a consistent track record of compliance with legal and regulatory requirements applicable to it, whether in relation to remote gambling or otherwise and whether in Singapore or elsewhere.

(4) To avoid doubt, the Minister is not confined to consideration of the matters specified in subsection (3) and may take into account such other matters and evidence as may be relevant.

(5) In this section, a "key officer" includes a chief executive officer, chief financial officer, chief operating officer and any person, by whatever name described, who —

(*a*) is in the direct employment of, or acting for or by arrangement with, an applicant for a certificate of exemption; and

(*b*) is responsible for the management and operation of the business of the applicant relating to remote gambling,

and includes any person for the time being performing all or any of the functions or duties of the chief executive officer, chief financial officer or chief operating officer.

Term and transferability of certificate of exemption

27.—(1) Every certificate of exemption issued is valid for such period as may be specified in the certificate and may be extended thereafter, with or without additional conditions, for such further periods as may be specified.

(2) Every certificate of exemption is not transferable and is not assignable; and any transfer or assignment, or purported transfer or assignment, of a certificate of exemption is void.

Conditions of exemption

28.—(1) In issuing a certificate of exemption to any exempt operator to provide a remote gambling service, the Minister may impose such conditions as the Minister considers appropriate, in particular (but not limited to), conditions —

(*a*) to ensure that the management and operation of a remote gambling service remain free from criminal influence or

exploitation, and are carried out by employees, officers, agents or contractors of an exempt operator who are suitable;

(*b*) to ensure that the integrity of remote gambling transactions is maintained;

(*c*) to contain and control the potential of remote gambling to cause harm to young persons, vulnerable persons and society at large;

(*d*) requiring payment of a fee on the issue of a certificate of exemption or periodic fees during the validity of the certificate of exemption, or both, of such amount as may be determined by or under the certificate of exemption;

(*e*) requiring the exempt operator to furnish to any authorised officer or the Minister, in such manner and at such times as may be specified, with such information as appears to the authorised officer or Minister to be requisite or expedient for the proper administration of this Part;

(*f*) providing for the type of remote gambling service and corresponding remote gambling products that may be offered by the exempt operator; and

(*g*) providing for controls over advertising or promotional activities that may be published or carried out by the exempt operator.

(2) Subject to this section, the Minister may add to, delete or modify the conditions of a certificate of exemption.

(3) Before making any addition, deletion or modification to the conditions of a certificate of exemption, the Minister must give notice to the exempt operator providing a remote gambling service under that certificate —

(*a*) stating that the Minister proposes to make the addition, deletion or modification in the manner as specified in the notice; and

(*b*) specifying the time (being not less than 14 days after the date of service of notice on the exempt operator) within

which the exempt operator may make written representations to the Minister with respect to the proposed addition, deletion or modification.

(4) Upon receipt of any written representation referred to in subsection (3)(*b*), the Minister is to consider the representation and may —

(*a*) reject the representation;

(*b*) amend the proposed addition, deletion or modification to the conditions of the certificate of exemption in such manner as the Minister thinks fit having regard to the representation; or

(*c*) withdraw the proposed addition, deletion or modification to those conditions.

(5) Where —

(*a*) the Minister rejects any written representation under subsection (4)(*a*);

(*b*) the Minister amends any proposed addition, deletion or modification to the conditions of a certificate of exemption under subsection (4)(*b*); or

(*c*) no written representation is received by the Minister within the time specified in subsection (3)(*b*), or any written representation made under that subsection is subsequently withdrawn, and the exempt operator has not given immediate effect to the addition, deletion or modification,

the Minister must issue a written direction to the exempt operator concerned requiring the exempt operator, within the time specified by the Minister, to give effect to the addition, deletion or modification as specified in the notice under subsection (3) or as amended by the Minister, as the case may be.

Directions affecting exempt operators

29.—(1) The Minister may give any direction to be complied with by an exempt operator in relation to the conduct, supervision or control of that exempt operator's operations relating to remote

gambling, whether within the premises occupied by the exempt operator or elsewhere, and the exempt operator must comply with the direction as soon as it takes effect.

(2) Any direction given under subsection (1) —

(*a*) may require the exempt operator concerned (according to the circumstances of the case) to do, or to refrain from doing, such things as are specified in the direction or are of a description as specified in the direction;

(*b*) is to take effect at such time, being the earliest practicable time, as is determined by or under that direction; and

(*c*) may be revoked at any time by the Minister.

(3) Every exempt operator must comply with every direction given to the exempt operator by the Minister under this section.

(4) It is not necessary to publish any direction given under subsection (1) in the *Gazette*.

Regulatory sanctions

30.—(1) The Minister may impose one or more regulatory sanctions under subsection (2) on an exempt operator if the Minister is satisfied that the exempt operator —

(*a*) has contravened or failed to comply with, or failed to secure the compliance by its employees, officers, agents or contractors with, any of the conditions of its certificate of exemption in the provision of a remote gambling service;

(*b*) has failed to comply with any direction given by the Minister under section 29 or 30(2)(*d*);

(*c*) is convicted of any offence under this Act; or

(*d*) has done anything which, in the Minister's opinion, is injurious to the public interest or security of Singapore.

(2) The following are the regulatory sanctions for the purposes of subsection (1):

(*a*) the issue of a letter of censure;

(*b*) the variation of a condition of a certificate of exemption;

(*c*) a financial penalty not exceeding $1 million for —

(i) each instance of non-compliance under subsection (1)(*a*) or (*b*);

(ii) each conviction of any offence under this Act; or

(iii) each act or omission which the Minister considers is injurious to the public interest or security of Singapore;

(*d*) a direction restricting the exempt operator's business of providing a remote gambling service;

(*e*) the revocation, or the suspension (for not more than 6 months), of a certificate of exemption.

(3) Subject to subsections (7) and (8), before exercising any powers under this section, the Minister must give written notice to the exempt operator concerned —

(*a*) stating that the Minister intends to impose a regulatory sanction on the exempt operator;

(*b*) specifying the type of regulatory sanction the Minister proposes to impose, and each instance of non-compliance, conviction or act or omission that is the subject of the regulatory sanction; and

(*c*) specifying the time (being not less than 14 days after the date of service of notice on the exempt operator) within which written representations may be made to the Minister with respect to the proposed regulatory sanction.

(4) The Minister may, after considering any written representation made under subsection (3)(*c*), impose such regulatory sanction on the exempt operator as the Minister considers appropriate by giving written notice to the exempt operator of that regulatory sanction and without payment of any compensation.

(5) Any regulatory sanction specified in the notice given under subsection (4) takes effect from the date on which that notice is given, or on such later date as may be specified in the notice.

(6) A letter of censure may censure the exempt operator in respect of any matter connected with its business of providing a remote gambling service and may include a direction to the exempt operator to rectify within a specified time any matter giving rise to the letter of censure.

(7) If any direction given under subsection (6) is not complied with within the specified time, the Minister may, without giving the exempt operator a further opportunity to make written representations, by written notice given to the exempt operator —

(*a*) revoke or suspend (for not more than 6 months) that exempt operator's certificate of exemption;

(*b*) vary the conditions of that exempt operator's certificate of exemption; or

(*c*) impose a financial penalty not exceeding $1 million.

(8) If an exempt operator fails to pay in full, by the due date for payment, a financial penalty imposed under subsection (4) or (7), the Minister may, by written notice, suspend (for not more than 6 months) that exempt operator's certificate of exemption without giving the exempt operator a further opportunity to make written representations.

(9) The revocation or suspension of any certificate of exemption under this section does not prejudice the enforcement by any person of any right or claim against the exempt operator or former exempt operator, or by the exempt operator or former exempt operator of any right or claim against any person.

(10) If any financial penalty imposed under subsection (4) or (7) in respect of an exempt operator or any part thereof is not paid in full by the due date for payment, interest at the prescribed rate is to be payable by the exempt operator concerned on the outstanding amount of the financial penalty, and the Government may recover as a debt in a court of competent jurisdiction the amount that has become due and payable but has not been paid.

PART 6

MISCELLANEOUS

Designation of persons by Minister

31.—(1) The Minister may designate any of the persons specified in subsection (2) —

(*a*) to hear and determine in the Minister's place any appeal or a specific appeal under section 23;

(*b*) to refer any appeal or a specific appeal to an Appeals Advisory Committee under section 24(1); or

(*c*) to exercise all or any of the Minister's powers conferred by Part 5,

and any reference to the Minister in section 23 or 24(1), or the relevant provision in Part 5, includes a reference to the person so designated.

(2) The following are the persons who may be designated by the Minister for the purposes of subsection (1):

(*a*) the Second Minister for his or her Ministry;

(*b*) any Minister of State for his or her Ministry.

Appointment of authorised officers

32.—(1) The Minister may appoint such number of —

(*a*) police officers;

(*b*) public officers who are not police officers; and

(*c*) employees of the IMDA or other public authority,

as the Minister considers appropriate to be authorised officers to administer this Act, either generally or for any particular provision.

[22/2016]

(2) Every authorised officer is to exercise his or her powers under this Act subject to the general or special directions of the Minister.

(3) The Minister must cause to be issued to each authorised officer an identification card, which must be carried at all times by the authorised officer when exercising powers under this Act.

(4) Every authorised officer acting under this Act is deemed to be a public servant for the purposes of the Penal Code 1871.

Powers of enforcement

33.—(1) For the purposes of investigating any offence, or finding out whether the provisions of Part 5 or any condition of a certificate of exemption has been or is being contravened, a police officer or an authorised officer may do all or any of the following in relation to any person after declaring his or her office and, in the case of an authorised officer who is not a police officer, after producing his or her identification card on demand being made by that person:

(*a*) require any person whom the police officer or authorised officer reasonably believes to have committed that offence or contravention to furnish evidence of the person's identity;

(*b*) require any person to furnish any information or produce any record, document or copy thereof in the possession of that person, and may, without giving any fee or reward, inspect, copy or take extracts from such record or document;

(*c*) require, by written order, the attendance before the police officer or authorised officer of any person within the limits of Singapore who, from any information given, or otherwise obtained by the police officer or authorised officer, appears to be acquainted with the circumstances of the case;

(*d*) examine orally any person who appears to be acquainted with the facts and circumstances of matters under this Act —

(i) whether before or after that person or anyone else is charged with an offence, or whether proceedings under section 30 with a view to any regulatory sanction have started, in connection with the matter; and

(ii) whether or not that person is to be called as a witness in any inquiry or trial, or in proceedings under section 30 with a view to any regulatory sanction, in connection with the matter.

(2) Any person examined under this section is bound to state truly what the person knows of the facts and circumstances concerning matters under this Act, except that the person need not say anything that might expose him or her to a criminal charge, penalty or forfeiture.

(3) A statement made by any person examined under this section must —

(*a*) be reduced to writing;

(*b*) be read over to the person;

(*c*) if the person does not understand English, be interpreted for the person in a language that he or she understands; and

(*d*) after correction (if necessary), be signed by the person.

(4) If any person fails to attend as required by an order under subsection (1)(*c*), the police officer or authorised officer may report such failure to a Magistrate who may then issue a warrant to secure the attendance of that person as required by the order.

(5) Any person who —

(*a*) wilfully mis-states or without lawful excuse refuses to give any information or produce any record, document or copy thereof required of the person by a police officer or an authorised officer under subsection (1); or

(*b*) fails to comply with a lawful demand of a police officer or an authorised officer in the discharge by the police officer or authorised officer of the officer's duties under this section,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $20,000 or to imprisonment for a term not exceeding 2 years or to both.

(6) To avoid doubt, nothing in this section affects a police officer's powers or duties under the Criminal Procedure Code 2010, and any other powers conferred on a police officer or an authorised officer under any other provision in this Act.

Power to enter premises

34.—(1) A police officer or an authorised officer may, after declaring his or her office and, in the case of an authorised officer who is not a police officer, after producing his or her identification card on demand being made —

(*a*) enter without notice any premises owned or occupied by any person reasonably suspected of committing an offence under this Act; or

(*b*) enter at any reasonable time without notice any premises owned or occupied by an exempt operator, for the purpose of investigating any contravention of Part 5 or any condition of its certificate of exemption which may result in any regulatory sanction under section 30 against the exempt operator.

(2) A police officer or an authorised officer who enters any premises under subsection (1) may do all or any of the following:

(*a*) search the premises and take possession of any thing found in there and reasonably believed to be connected to the commission of the offence or the contravention;

(*b*) require the production of records and documents relating or reasonably believed to relate to the commission of the offence or the contravention, wherever and by whomsoever kept, and take and retain extracts or copies of those records and documents;

(*c*) compel any person who is able to operate any equipment at the premises to do so for the purpose of enabling the police officer or authorised officer to ascertain whether the equipment, or a disk, tape or other storage device that can be used or associated with the equipment, contains information that is relevant to the investigation;

(*d*) if such information is found in exercise of the power in paragraph (*c*) —

(i) produce, or compel the production of, the information in documentary form, and keep or copy the documents so produced; or

(ii) transfer, or compel the transfer of, the information to a disk, tape or other storage device, and remove it from the premises.

(3) Where a police officer or an authorised officer has reasonable grounds to suspect that there is, on any premises (including premises other than those referred to in subsection (1)), any record, document or information the production of which has been required under subsection (2) or section 33(1)(*b*), and —

(*a*) which has not been produced in compliance with that requirement; or

(*b*) which the police officer or authorised officer has reasonable grounds to believe will not be produced in compliance with that requirement,

the police officer or authorised officer may apply to a Magistrate for the issue of a warrant to search the premises for such record, document or information.

(4) Whenever it appears to a Magistrate, upon an application made under subsection (3), and after such enquiry as the Magistrate may think necessary, that there are reasonable grounds for suspecting that there is, on any particular premises, any record, document or information the production of which has been required under subsection (2) or section 33(1)(*b*), and —

(*a*) which has not been produced in compliance with that requirement; or

(*b*) which the Magistrate has reasonable grounds to believe will not be produced in compliance with that requirement,

the Magistrate may issue a warrant authorising the police officer or authorised officer or any person named in the warrant, with or without assistance —

(*c*) to enter and search the premises and to break open and search anything, whether a fixture or not, in the premises; and

(*d*) to take possession of, or secure against interference, any record or document, or equipment, disk, tape or other storage device containing information, that appears to be a record or document, or to contain information, the production of which was so required.

(5) To avoid doubt, nothing in this section affects a police officer's powers or duties under the Criminal Procedure Code 2010, and any other powers conferred on a police officer or an authorised officer under any other provision in this Act.

Offences by bodies corporate, etc.

35.—(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 of the body corporate; or

(*b*) to be attributable to any neglect on the officer's 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) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

(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 neglect on the partner's 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 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 neglect on the part of such an officer or 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.

(5) In this section —

"body corporate" includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act 2005;

"officer" —

(*a*) in relation to a body corporate, means any director, partner, 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; or

(*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 president, secretary or member of a committee and includes any person purporting to act in any such capacity;

"partner" includes a person purporting to act as a partner.

(6) Regulations under section 41 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.

Composition of offences

36.—(1) An authorised officer may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

(*a*) one half of the amount of the maximum fine that is prescribed for the offence;

(*b*) $5,000.

(2) On payment of the sum of money, no further proceedings are to be taken against that person in respect of the offence.

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

Jurisdiction of courts

36A. Despite any provision to the contrary in the Criminal Procedure Code 2010, a District Court or a Magistrate's Court has jurisdiction to try any offence under this Act and has power to impose the full penalty or punishment in respect of the offence.

[16/2016]

Money deemed received, etc.

37. Any money or money's worth paid or deposited by any person convicted under section 8 as a bet or wager or in settlement of any bet or wager, or for or in respect of the purchase of a lottery ticket, is to be treated as having been received to, or for the use of, the person from whom it was received.

Service of documents

38.—(1) A document that is permitted or required by this Act to be served on a person may be served as described in this section.

(2) A document permitted or required by this Act to be served on an individual may be served —

(*a*) by giving it to the individual personally;

(*b*) by sending it by prepaid registered post to the address specified by the individual for the service of documents or,

if no address is so specified, to the individual's residential address or business address;

(*c*) by leaving it at the individual's residential address with an adult apparently resident there, or at the individual's business address with an adult apparently employed there;

(*d*) by affixing a copy of the document in a conspicuous place at the individual's residential address or business address;

(*e*) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or

(*f*) by sending it by email to the individual's last email address.

(3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —

(*a*) by giving it to any partner, secretary or other similar officer of the partnership;

(*b*) by leaving it at, or by sending it by prepaid registered post to, the partnership's business address;

(*c*) by sending it by fax to the fax number used at the partnership's business address; or

(*d*) by sending it by email to the partnership's last email address.

(4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) may be served —

(*a*) by giving it to the body corporate's secretary or other similar officer, or the limited liability partnership's manager;

(*b*) by leaving it at, or by sending it by prepaid registered post to, the body corporate's registered office or principal office;

(*c*) by sending it by fax to the fax number used at the body corporate's registered office or principal office; or

(*d*) by sending it by email to the body corporate's last email address.

(5) Service of a document under subsection (1) takes effect —

(*a*) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;

(*b*) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person; and

(*c*) if the document is sent by prepaid registered post, 2 days after the day the document was posted (even if it is returned undelivered).

(6) This section does not apply to documents to be served in proceedings in court.

(7) In this section —

"business address" means —

(*a*) in the case of an individual, the individual's usual or last known place of business; or

(*b*) in the case of a partnership (other than a limited liability partnership), the partnership's principal or last known place of business;

"last email address" means —

(*a*) the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act; or

(*b*) the last email address of the addressee concerned known to the person giving or serving the document;

"residential address" means an individual's usual or last known place of residence.

Protection from personal liability

39. No liability is to lie against —

(*a*) any police officer or authorised officer; or

(*b*) any member of an Appeals Advisory Committee appointed under section 24(3)(*b*),

for anything done or intended to be done with reasonable care and in good faith in the execution or purported execution of this Act.

General exemption

40. The Minister may, by order in the *Gazette*, exempt any person or class of persons from all or any provisions of this Act, either generally or in a particular case and subject to such conditions as the Minister may impose.

Regulations

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

(2) The regulations may —

(*a*) prescribe the offences under this Act that may be compounded;

(*b*) 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; and

(*c*) provide for such transitional, saving and other consequential, incidental and supplemental provisions as the Minister considers necessary or expedient.

(3) All regulations made under this section are to be presented to Parliament as soon as possible after publication in the *Gazette*.

LEGISLATIVE HISTORY

REMOTE GAMBLING ACT 2014

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 34 of 2014 — Remote Gambling Act 2014

Bill	:	23/2014
First Reading	:	8 September 2014
Second Reading	:	7 October 2014
Notice of Amendments	:	7 October 2014
Third Reading	:	7 October 2014
Commencement	:	2 February 2015

2. Act 16 of 2016 — Statutes (Miscellaneous Amendments) Act 2016
(Amendments made by section 35 of the above Act)

Bill	:	15/2016
First Reading	:	14 April 2016
Second and Third Readings	:	9 May 2016
Commencement	:	8 June 2016 (section 35)

3. Act 22 of 2016 — Info-communications Media Development Authority Act 2016
(Amendments made by section 98 of the above Act)

Bill	:	21/2016
First Reading	:	11 July 2016
Second and Third Readings	:	16 August 2016
Commencement	:	1 October 2016 (section 98)

4. Act 2 of 2019 — Payment Services Act 2019
(Amendments made by section 118 of the above Act)

Bill	:	48/2018
First Reading	:	19 November 2018
Second and Third Readings	:	14 January 2019
Commencement	:	28 January 2020 (section 118)

5. Act 1 of 2020 — Banking (Amendment) Act 2020
(Amendments made by section 61 of the above Act)

Bill	:	35/2019
First Reading	:	4 November 2019
Second and Third Readings	:	6 January 2020
Commencement	:	1 July 2021 (section 61)

Abbreviations

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

COMPARATIVE TABLE

REMOTE GAMBLING ACT 2014

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	**Act 34 of 2014**
[*Omitted as spent*]	**42**—(1)
[*Omitted as spent*]	(2)
[*Omitted as having had effect*]	**43**—(1)
[*Omitted as having had effect*]	(2)
[*Omitted as having had effect*]	(3)
[*Omitted as having had effect*]	(4)