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Remote Gambling Bill

Bill No. 23/2014.

Read the first time on 8 September 2014.

REMOTE GAMBLING ACT 2014

(No. of 2014)

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A BILL

intituled

An Act to regulate remote gambling and remote gambling services affecting Singapore and to make related amendments to certain other written laws.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART 1
PRELIMINARY

Short title and commencement

1. This Act may be cited as the Remote Gambling Act 2014 and
5 shall come into operation on such date as the Minister may, by
notification in the *Gazette*, appoint.

General interpretation

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

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

15 “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);

20 “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;

25 “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,

30 but does not include mere advertising;

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

“MDA” means the Media Development Authority of Singapore established under the Media Development Authority of Singapore Act (Cap. 172);

“public authority” means a body established or constituted by or under a public Act to perform or discharge a public function; 5

“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; 10

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

“young person” means an individual below 21 years of age.

Meanings of “financial institution” and “financial transaction provider”, etc. 15

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; 20

“financial institution” means — 25

(a) any bank licensed under the Banking Act (Cap. 19);

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

(c) any holder of a stored value facility under the Payment Systems (Oversight) Act (Cap. 222A);

(d) any operator of a payment system designated under the Payment Systems (Oversight) Act; or 30

(e) 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) 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; 5
 (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; 10
 (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 15
 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 20
 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; 25

“gaming” means playing a game of chance for money or money’s worth;

“lottery” —

5 (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

10 (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;

15 “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;

20 “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.

25 (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.

30 (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 — 5

(a) the Internet;

(b) telephone;

(c) television or radio; or

(d) any other kind of electronic or other technology for facilitating communication, 10

but does not include any specific system or method of communication that the Minister declares, by order in the *Gazette*, is 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. 15

(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: 20

(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; 25

(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; 30

(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);

5 (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

15 (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

20 (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 —

30 (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. 5

(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; 10
- (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. 15

(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. 20

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 — 25

- (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 30

- (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 published in the *Gazette*.

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

- 10 (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;
- 15 (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;
- 20 (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;
- 25 (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.
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(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 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 published 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,

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

(5) In subsection (1), “words” includes abbreviations, initials and numbers.

Purpose of Act

10 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
- 15 (b) protecting young persons and other vulnerable persons from being harmed or exploited by remote gambling.

PART 2

OFFENCES

Unlawful remote gambling

20 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,

25 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 5
 - (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. 10

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 — 15
 - (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; 20
- (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; 25
- (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 30

(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 —

- 5 (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;
- 10 (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
- 15 (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.
- 20

(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 —

- 25 (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

30 **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

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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;

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(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;

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(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;

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(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),

25

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 referred to 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 referred to 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

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

Defence of reasonable belief of individual's age

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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 15

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

PART 3

REMOTE GAMBLING ADVERTISING AND PROMOTION

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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. 25

(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.

5 (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

10 **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.

15 (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
- 20 (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.

25 (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
- 30 (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. 5

(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. 10

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 15
- (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 20

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 (Cap. 323); 25
- (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;

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(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

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(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,

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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) —

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

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(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;

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“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 —

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(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;

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(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,

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

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(2) Before directing the MDA 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:

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(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

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(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;

5 (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;

10 (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;

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

20 (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;

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

(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.

30 (4) In addition, before directing the MDA 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 MDA to issue an access blocking order if the relevant online location proprietor does not, within the prescribed period — 5
- (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; 10
 - (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. 15

(5) An Internet service provider which does not comply with any access blocking order issued against it by the MDA 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. 20 25

(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) — 30

- (a) direct the MAS to give a financial institution a payment blocking order; or
- (b) give a financial transaction provider a payment blocking order.

5 (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 —

- 10 (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
- 15 (d) to block payments, or otherwise prevent or prohibit transactions, generally where these use merchant category codes (or equivalents) customarily associated with gambling transactions.

20 (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.

25 (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:

- 30 (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; 5
- (d) whether access to the online location on which any bank account information is specified has been disabled by orders from any court or competent authority of another country or territory on the ground of or related to remote gambling; 10
- (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; 15
- (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 the financial transaction provider or class of financial transaction providers; 20
- (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. 25

(6) A financial institution or 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 — 30

- (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

- 5 (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

10 **22.**—(1) After a direction is given under section 20(1) to the MDA or under section 21(1)(a) to the MAS, or a payment blocking order under section 21(1)(b) is given, an authorised officer must, unless not practicable, serve —

15 (a) on an owner or operator of an online location, a notice of every access blocking order given by the MDA 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).

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(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 —

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

30 (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. 5

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

(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 10

(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: 15

(a) public interest considerations balanced against the technical or commercial feasibility of disabling access or blocking payment; 20

(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 — 25

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

(b) that there has been a material change in circumstances; 30

(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 MDA 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.

(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. 5

(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. 10

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: 15

- (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. 20

(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. 25

(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. 30

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

10 (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

15 **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.

20 (2) The Minister is not bound by the Appeals Advisory Committee's views 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:

25 (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;

30 (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.

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

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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,

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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.

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(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.

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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

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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.

5 (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:

10 (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;

15 (b) whether any director or key officer of the applicant has been convicted of one or more offences in Singapore which, in the opinion of the Minister, 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;

20 (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.

25 (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 —

30 (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. 5

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. 10

(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 — 15

- (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; 20
- (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; 25
- (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; 30

(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 (not being less than 14 days after the date of service of notice on such 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 direction in writing to the exempt operator in question 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

5 **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 —

- 10 (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
- 15 (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;
- 20 (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;
 - 25 (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; 5

(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. 10

(4) The Minister may, after considering any written representation 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. 15

(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. 20

(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. 25

(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 — 30

(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 shall 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 his or her 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

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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 MDA or other public authority,

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

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(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.

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(4) Every authorised officer acting under this Act shall be deemed to be a public servant for the purposes of the Penal Code (Cap. 224).

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:

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- (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;

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(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;

5 (c) require, by order in writing, 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;

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

15 (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.

20 (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.

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

(a) be reduced to writing;

(b) be read over to the person;

30 (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 that 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 —

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(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,

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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.

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(6) To avoid doubt, nothing in this section affects a police officer's powers or duties under the Criminal Procedure Code (Cap. 68), and any other powers conferred on a police officer or an authorised officer under any other provision in this Act.

Power to enter premises

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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

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(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.

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

5 (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;

10 (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;

15 (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) —

20 (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.

25 (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 —

30 (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. 5

(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 — 10

- (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, 15

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

- (i) to enter and search the premises and to break open and search anything, whether a fixture or not, in the premises; and 20

- (ii) 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. 25

(5) To avoid doubt, nothing in this section affects a police officer's powers or duties under the Criminal Procedure Code (Cap. 68), and any other powers conferred on a police officer or an authorised officer under any other provision in this Act. 30

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,

5 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 the member's functions of management as if the member were a director of the body corporate.

10 (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,

15 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 —

20 (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,

25 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 —

30 "body corporate" includes a limited liability partnership which has the same meaning as in section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

“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 5
- (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; 10

“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. 15

Composition of offences 20

36.—(1) An authorised officer may compound any offence under this Act which 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; 25
- (b) \$5,000.

(2) On payment of such 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 are to be paid into the Consolidated Fund. 30

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 pre-paid 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 pre-paid 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 — 5
- (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 pre-paid registered post to, the body corporate's registered office or principal office; 10
 - (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 — 15
- (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 pre-paid registered post, 2 days 20 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 — 25
- “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 partnership), the partnership's principal or last known 30 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 published 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 which 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, savings and other consequential, incidental and supplemental provisions as the Minister considers necessary or expedient.

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

Transitional and savings provision

42.—(1) Despite anything in this Act, any person who, on the date of commencement of section 11, is providing a telephone betting service or a remote gambling service using any mobile application software and is exempted under the Betting Act (Cap. 21) and the Common Gaming Houses Act (Cap. 49) to provide that service may continue to provide that service —

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(a) for 6 months; and

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(b) if, within that period in paragraph (a), the person applies for a certificate of exemption under Part 5, the person may continue to do so until the earlier of the following:

(i) the date on which the Minister issues a certificate of exemption to the person;

20

(ii) the date that the application is refused or withdrawn.

(2) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a savings or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

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Related amendments to other written laws

43.—(1) The Betting Act (Cap. 21, 2011 Ed.) is amended by inserting, immediately after section 2, the following section:

“Act not applicable to remote gambling

2A. The provisions of this Act do not apply to or in relation to any remote gambling within the meaning of the Remote Gambling Act 2014.”.

5 (2) Section 2 of the Betting and Sweepstake Duties Act (Cap. 22, 2012 Ed.) is amended by inserting, immediately before the words “any person or organisation” in the definition of “exempt organisation”, the words “any person who is an exempt operator within the meaning of the Remote Gambling Act 2014 or any person
10 who is otherwise exempt from section 10 or 11 of that Act, or”.

(3) Section 5 of the Civil Law Act (Cap. 43, 1999 Ed.) is amended —

(a) by inserting, immediately after paragraph (b) of subsection (3A), the following paragraph:

15 “(ba) a contract by way of gaming, wagering or betting using remote communication that is conducted, promoted, organised or administered by —

20 (i) an exempt operator within the meaning of the Remote Gambling Act 2014; or

(ii) a person that is exempted under section 40 of that Act from section 10 or 11 of that Act;”;

25 (b) by inserting, immediately after subsection (3D), the following subsection:

30 “(3DA) In the case of an exempt operator or person exempted under section 40 of the Remote Gambling Act 2014 in respect of any gaming, wagering or betting conducted, promoted, organised or administered for or on behalf of another person or organisation, subsection (3A)(ba) applies only if the contract is for betting conducted, promoted, organised or administered by that person or organisation for or on behalf of that other person or organisation.”.

(4) The Common Gaming Houses Act (Cap. 49, 1985 Ed.) is amended by inserting, immediately after section 2, the following section:

“Act not applicable to remote gambling

2A. The provisions of this Act do not apply to or in relation to any remote gambling within the meaning of the Remote Gambling Act 2014.”

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EXPLANATORY STATEMENT

This Bill seeks to regulate remote gambling and remote gambling services affecting Singapore. The Bill also makes related amendments to the Betting Act (Cap. 21), the Betting and Sweepstake Duties Act (Cap. 22), the Civil Law Act (Cap. 43) and the Common Gaming Houses Act (Cap. 49).

Part 1 introduces the fundamental concepts used in the Bill, including definitions for “gambling”, “gaming”, “remote gambling”, “remote gambling service advertisement” and “exempt operator”.

Part 2 sets out the general offences, the 3 key offences of which are unlawful remote gambling, the provision of unauthorised remote gambling services and inviting young persons to gamble remotely.

Part 3 sets out offences that are connected with remote gambling advertising and promotion.

Part 4 provides for access blocking orders and payment blocking orders.

Part 5 contains the framework for regulating the provision of remote gambling services by exempt operators.

Part 6 contains a variety of provisions needed for the proper enforcement and administration of the Bill, transitional arrangements and related amendments to other Acts.

PART 1

PRELIMINARY

Clause 1 relates to the short title and commencement.

Clause 2 is a general interpretation provision. It contains definitions of terms used in more than one provision in the Bill.

The term “business” is defined in clause 2 to include a venture or concern in trade or commerce, whether or not conducted on a regular, repetitive or continuous basis. This seeks to make clear that a person would be providing a service in the course of carrying on a business for the purposes of the Bill even if the person conducted a one-off or irregular commercial activity.

For example, a commercial enterprise that provides a service with a view to profit is clearly providing a service in the course of carrying on a business.

The term “exempt operator” refers to the person who is issued a certificate of exemption under clause 26 to provide a Singapore-based remote gambling service with a Singapore-customer link.

Clause 3 defines the terms “financial institution” and “financial transaction provider” which are used in Part 4 in connection with payment blocking orders.

Clause 4 defines the key terms used in the Bill associated with gambling. The basic expression “gambling” is defined in clause 4(1) to mean betting, gaming or participating in a lottery. “Gaming” is in turn defined to mean playing a game of chance for money or money’s worth.

A “game of chance” is further defined in clause 4(1) to include a game that involves both an element of chance and an element of skill, or that is presented as involving an element of chance. An example of a game of chance is Roulette. There is no skill involved in a game of Roulette. An example of a game of mixed chance and skill is Blackjack.

Clause 4(2) provides that a person can play a game of chance even if there are no other players, or the actions of a computer stand in for another player. This ensures that gaming on a machine or with virtual games for money or money’s worth is brought within the scope of the Bill.

However, the Minister is empowered to exclude any game, method, device, scheme or competition from being regarded as a game of chance by specifying that in an order published in the *Gazette*.

A “gambling service” has been defined in clause 4(1) to mean a service for the conduct of a public lottery or for the supply of any public lottery tickets, a service for the negotiating, placing, making, receiving or accepting of bets, or 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. For example, 2 individuals merely having a bet between themselves over the Internet would not be a gambling service.

A gambling service is an integral part of the meaning of a “remote gambling service” in clause 5 which is in turn an integral part of the offence provisions in clauses 10 and 11.

Clause 5 contains definitions to terms like “remote gambling” and “remote communication” and defines when a person provides a “remote gambling service” and what constitutes a “Singapore-based remote gambling service”.

The term “remote gambling” is defined in clause 5(1) to mean gambling where people participate by means of “remote communication”.

The systems or methods of “remote communication” in clause 5(2) are the Internet, telephone, television, radio or any other kind of electronic or other technology for facilitating communication. This encompasses modern means of communication such as interactive television and mobile telephony. By virtue of clause 5(2)(d), the definition will be able to keep up with future developments in this field. However, in order to ensure clarity, the Minister is given power to specify that any system or method of communication is not to be treated as a form of remote communication for the purpose of the Bill.

A “remote gambling service” is defined by clause 5(3) simply to mean a gambling service provided to customers for them to participate in gambling by the use of remote communication. Examples include a telephone betting service and a gambling service provided using an Internet service.

Clause 5(4) sets out the circumstances in which a person is to be treated as providing a remote gambling service. The list of circumstances in paragraphs (a) to (f) is aimed at people and companies who are in the business of providing gambling, such as a person who offers the opportunity for people to gamble remotely, such as through a website; such a person will expressly or by implication be inviting others to gamble in accordance with arrangements made by them. The reference to arrangements made by a person for gambling is a wide concept carrying a general flavour of control.

Clause 5(5) and (6) expands on what is meant by providing facilities for remote gambling. This will be where, because of the way in which the facilities have been adapted or presented, either they cannot reasonably be expected to be used for purposes other than gambling, or they are intended to be used wholly or partly for gambling.

This might include, for example, where an Internet-connected personal computer is adapted so that it has a home page menu dedicated to providing links to gambling websites. It could also cover the situation where an Internet-connected personal computer is surrounded by signs indicating that it is available for use for gambling, and giving details of specific web pages where gambling is available.

Clause 5(7) explains that a person does not provide a remote gambling service or provide facilities for remote gambling, or become an agent within the meaning of clause 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. An example of such a person is an Internet service provider.

Clause 5(8) defines what is meant by a remote gambling service with a foreign-customer link or with a Singapore-customer link. These expressions are integral to the offences in clauses 10 and 11.

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.

This should be interpreted in the context of an ordinary person. In determining whether a person physically present in Singapore is capable of becoming a customer of a gambling service, it is to be assumed by the investigating authorities that the person will not falsify or conceal his or her identity or location.

A remote gambling service has a Singapore-customer link if any of the customers is physically present in Singapore.

Finally, clause 5(9) and (10) provides that a remote gambling service will be Singapore-based if the service is provided in the course of carrying on a business in Singapore, the central management and control of the service is in Singapore or, where the service is provided to customers using an Internet carriage service, all or any of the relevant Internet content is hosted in Singapore. This expression is integral to the offence in clause 11.

The relevant Internet content in relation to a remote gambling service is Internet content that is accessed or available for access by an end-user in the capacity of customer of the service.

An example of the central management and control of a service being in Singapore is that of a company that provides an online gambling service such as a casino which has its website maintained in an offshore jurisdiction and the company executives (or principal company executives) are based in Singapore.

One or more of these conditions are all that is required to establish a Singapore base. Residency or citizenship issues are irrelevant in relation to whether one of the above conditions is satisfied.

Clause 6 sets out the definitions for offences in Part 3 relating to advertising and promotion of remote gambling.

The term “remote gambling service advertisement” is defined broadly to mean any writing, still or moving picture, sign, symbol (whether 3-dimensional or 2-dimensional) or other visual image or 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 particular remote gambling service, remote gambling services in general, a domain name or uniform resource locator (URL) that relates to a particular remote gambling service, or any other words that are closely associated

with a particular remote gambling service, whether or not also closely associated with other kinds of services or products.

The term “remote gambling service advertisement” is intended to cover more than just the advertising of an individual remote gambling service. For example, an advertisement that refers to a website or a website where details of remote gambling services can be found should be regarded as a remote gambling service advertisement.

The Minister is empowered to exclude any writing, picture, sign, symbol, image or message from the definition, by order published in the *Gazette*. For example, the Minister may exclude things like words, signs or symbols that appear on business documents of remote gambling service providers, such as any invoice, statement, order form, letterhead, business card, cheque, manual or other document ordinarily used in the course of business, and signs or symbols appearing on land or buildings occupied by remote gambling service providers.

Clause 6(2) broadly defines what is meant by publishing a remote gambling service advertisement and clause 6(3) excludes some of the activities that may fall within the broad definition. Examples of what constitutes publishing a remote gambling service advertisement are including the advertisement on a website, including the advertisement in a document (like a newspaper, magazine, leaflet or ticket) that is available or distributed to the public, and including the advertisement in a film, video, television programme or radio programme that is or is intended to be seen or heard by the public. The definition also includes a person selling or hiring the advertisement to the public, or offering it for sale, supply or hire to the public, or displaying, screening or playing the advertisement so that it can be seen or heard in a public place, on public transport or in a workplace.

Clause 6(4) also defines what is meant by promoting remote gambling. The definition is very broad and covers anything which is done to encourage people to take advantage of facilities for remote gambling. It also covers bringing information about remote gambling facilities to people’s attention with a view to increasing the use of those facilities. The definition also includes those who participate in or facilitate such activities. The definition of what is meant by promoting remote gambling does not include publishing remote gambling service advertising as defined in clause 6(1) and (2).

Clause 7 sets out the purpose of the Bill, which is to regulate remote gambling and remote gambling services affecting Singapore with the object of 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 protecting young persons and other vulnerable persons from being harmed or exploited by remote gambling. The Bill recognises the potential of new communication technologies, such as the Internet, to greatly increase the accessibility to gambling and exacerbate problem gambling in Singapore.

PART 2
OFFENCES

Part 2 sets out the most serious offences in the Bill. All offences in Part 2 are arrestable.

Clause 8 makes it an offence for an individual to gamble in Singapore using remote communication and using a remote gambling service that is not provided by an exempt operator, or a person otherwise exempt from clause 10 or 11 by ministerial order made under clause 40. It does not matter whether the gambling is by the individual alone or together with any other individual or person, or is directly by the individual or indirectly through any other individual or person. It also does not matter whether the gambling is done only partly by means of remote communication or partly inside and partly outside Singapore.

The penalty is a fine not exceeding \$5,000 or imprisonment for a term not exceeding 6 months or both such fine and imprisonment.

Clause 9 is aimed at persons who are involved at a different level and in different aspects of the operation of remote gambling than the provider, which is the subject of the other offences in clauses 10 and 11, respectively. Clause 9 concerns persons who are involved in the gambling operation itself arranged by the provider, or who participate in the administration of the gambling operation, and so facilitate the commission by one or more individuals of the offence under clause 8(1) or facilitate one or more individuals to gamble using remote communication.

Clause 9(1) concerns an offence where the accused, inside or outside Singapore, facilitates the commission by one or more individuals in Singapore of an offence under clause 8(1). It does not matter whether the conduct 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 clause 9(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 clause 8 if the remote gambling transactions are carried out by anyone using equipment or facilities provided by the accused and those facilities are accessed, or are available for access, by end-users in Singapore.

Clause 9(2) concerns an offence where the accused, in Singapore, facilitates one or more individuals outside Singapore to gamble using remote communication.

The penalty for clause 9(1) or (2) is a fine of not less than \$20,000 and not more than \$200,000 or imprisonment for a term not exceeding 5 years or both such fine and imprisonment.

Clause 10 has extra-territorial application. It makes it an offence for a person to provide outside Singapore a remote gambling service with a Singapore-customer

link. The penalty is a fine of not less than \$20,000 and not more than \$500,000 or imprisonment for a term not exceeding 7 years or both such fine and imprisonment.

It is a defence for an accused in a prosecution for the offence if the accused is able to adduce or point to evidence that suggests the accused did not know that the service had a Singapore-customer link and could not, with reasonable diligence, have ascertained that the service had a Singapore-customer link.

Clause 11 makes it an offence for a person to provide a Singapore-based remote gambling service. The meaning of what is a Singapore-based remote gambling service is set out in clause 5(9) and (10). It does not matter whether the remote gambling service has a Singapore-customer link or a foreign-customer link as defined in clause 5(8).

The penalty for an offence under clause 11 is a fine of not less than \$20,000 and not more than \$500,000 or imprisonment for a term not exceeding 7 years or both such fine and imprisonment.

Clause 12 makes it an offence for a person to employ in Singapore a young person to carry out certain activities in connection with the provision of remote gambling services. These include providing in Singapore facilities for remote gambling by others, and organising, managing or supervising in Singapore remote gambling by others in accordance with arrangements made by the employer. It is also an offence for a person to employ in Singapore a young person to distribute in Singapore a prize offered in remote gambling by others in accordance with arrangements made by that person, 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, to facilitate participation by others in remote gambling in accordance with arrangements made by that person, 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, to promote in Singapore remote gambling by others or to directly assist in any of the mentioned activities. The reference to arrangements made by an employer of a young person is a concept carrying a general flavour of control.

The reference to employing a young person is not limited to employing or engaging the young person and includes causing or permitting the young person to be employed or engaged.

The penalty for so employing a young person is a fine of not less than \$20,000 and not more than \$300,000 or imprisonment for a term not exceeding 6 years or both such fine and imprisonment.

Clause 13 makes it an offence for a person to invite, or cause or permit, a young person to gamble in Singapore by means of remote communication. The penalty is a fine of not less than \$20,000 and not more than \$300,000 or imprisonment for a term not exceeding 6 years or both such fine and imprisonment.

Inviting a young person is defined to include, in particular, intentionally sending to the young person any remote gambling service advertisement, or 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. The offence of inviting a young person to gamble therefore includes advertising and other actions that bring attention to the facilities available for gambling.

Clause 14 contains a defence for the offences in clause 12 or 13 relating to young persons. Where a person (called the accused) is charged with an offence under clause 12 or 13 of doing anything in relation to a young person, it is a defence for the accused to prove that the accused took all reasonable steps to determine the relevant person's age and the accused reasonably believed that the person was not a young person.

PART 3

REMOTE GAMBLING ADVERTISING AND PROMOTION

Part 3 contains offences that relate to remote gambling advertising and promotion.

Clause 15 makes it an offence for a person to publish or authorise the publication of a remote gambling service advertisement in Singapore. The penalty is a fine not exceeding \$20,000.

The prohibition extends to all forms of media, both electronic and non-electronic, including advertising via the Internet, broadcasting, print media, billboards and hoardings. In the case of a remote gambling service advertisement that is included on an online location, the remote gambling service advertisement may be regarded as published in Singapore only if the online location is accessed, or is available for access, by end-users in Singapore.

However, 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 will not be liable for an offence under this clause.

Clause 16 sets out 3 defences to an offence under clause 15(1). The first defence is for a person who publishes a remote gambling service advertisement for or on the direction of an exempt operator.

The second is a general defence. The person charged has to prove that —

- (a) the remote gambling service advertisement was 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.

Thus, a remote gambling service advertisement may be broadcast as an accidental or incidental accompaniment to another matter and the defence can apply provided the broadcaster does not receive any benefit additional to the benefit it receives for broadcasting the other matter. The benefit need not be financial. For example, this would permit the broadcast of an international sporting event at an overseas venue where a remote gambling service advertisement might be permitted. If however, the broadcaster receives some benefit for the advertising, additional to the benefit arising from broadcasting the sporting event, the defence will not be available to the broadcaster.

The last defence is where the person charged proves that 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 the nature of the business is such that persons undertaking it have no control over the nature or content of the communications or data.

Clause 17 contains the offence of promoting in Singapore, or authorising the promotion in Singapore of, remote gambling. The penalty is similar to that of clause 15. Clause 17 does not apply to an exempt operator promoting the remote gambling service it is authorised to provide under and in accordance with the conditions of its certificate of exemption.

Clause 18 contains a defence for a person charged with the offence under clause 17(1) of promoting in Singapore any remote gambling. It is a defence for the person charged to prove that the promotion was not in the course of any business and 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

Clause 19 contains various definitions used only in connection with Part 4. The term “unlawful remote gambling activity” is defined as any conduct that is an offence under clause 8, 9, 10 or 11. This refers to providing a remote gambling service not exempted from clause 10 or 11, unlawful gambling under clause 8 and facilitating unlawful remote gambling in the manner proscribed by clause 9. This term is integral to the operation of clause 21 relating to the giving of payment blocking orders.

Clause 20 empowers an authorised officer to direct the Media Development Authority of Singapore (MDA) to give an Internet service provider an access blocking order. An access blocking order requires an Internet service provider to take reasonable steps to disable access to a particular online location. The MDA

must give such an access blocking order when an authorised officer makes such a direction.

An authorised officer can make a direction after receiving a complaint or on the officer's initiative. However, the authorised officer can only do so if satisfied that the services of an Internet service provider have been or are being used to access or facilitate access to certain online locations, procedures in clause 20(4) (where applicable) have been taken to require the owner or operator of the online location to take down material on that online location that offend the Bill and the officer has balanced the various considerations in clause 20(2).

The types of online locations that may be the subject of an access blocking order are —

- (a) an online location through which a remote gambling service is provided in contravention of clause 10 or 11;
- (b) an online location that is or may be used by individuals present in Singapore to gamble in contravention of clause 8;
- (c) an online location that contains an invitation to young persons to gamble in contravention of clause 13;
- (d) an online location that is otherwise a remote gambling service advertisement published in Singapore in contravention of clause 15; and
- (e) an online location that contains material promoting remote gambling in contravention of clause 17.

Before directing the MDA to make an access blocking order with respect to an online location, an authorised officer has to take into account and give such weight as the officer considers appropriate to the matters set out in clause 20(2). These include —

- (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 is for use by others to commit an offence under clause 8, 9, 10, 11 or 13 or is to publish a remote gambling service advertisement or promote remote gambling in contravention of clause 15 or 17, as the case may be, and whether the online location is available for access by end-users physically present in Singapore;
- (b) whether the online location makes available or contains directories or indexes of other online locations, or categories of the means, to commit an offence under clause 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 the Bill against remote gambling generally;

- (d) whether access to the online location has been disabled by orders from 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; and
- (h) the technical feasibility of complying with the access blocking order.

However, the authorised officer is not confined to considering these matters. The authorised officer may take into account such other matters and evidence as may be relevant.

Clause 20(4) sets out the procedures for an authorised officer to follow before making the direction to the MDA in relation to an invitation to young persons to gamble, a remote gambling service advertisement or the promotion of remote gambling, as the case may be. A notice must be sent to the owner or operator of the online location that is intended to be the subject of the access blocking order and the Internet service provider. The notice is to require the owner or operator of the online location to stop inviting young persons to gamble, stop publishing a remote gambling service advertisement or stop promoting remote gambling in contravention of clause 13, 15 or 17 (as the case may be) on that online location. A notice to the owner or operator of the online location may be dispensed with if reasonable effort has been made to send the notice to the online location owner or operator.

An Internet service provider which does not comply with any access blocking order issued against it by the MDA will 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. The penalty is 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.

Clause 21 empowers an authorised officer to direct the Monetary Authority of Singapore (MAS) to give a financial institution a payment blocking order, or an authorised officer to give a financial transaction provider a payment blocking order, in relation to a person if the authorised officer is satisfied that the person is participating or has participated in any unlawful remote gambling activity (as defined in clause 19).

A payment blocking order requires a financial institution or a financial transaction provider —

- (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.

The MAS must give such a payment blocking order to a financial institution when an authorised officer directs it to do so.

Clause 22 allows persons affected by an access blocking order or a payment blocking order to apply to the authorised officer to reconsider the officer's direction to the MDA or MAS, or the officer's order, as the case may be. An affected person may only appeal to the Minister under clause 23 after the authorised officer has notified the affected person of the outcome of the authorised officer's review under this clause.

Clause 23 provides that the affected person must comply with procedural and administrative requirements for the appeal, such as applying within a prescribed period and submitting an appeal in writing which includes the grounds of appeal. The Minister may confirm, vary or substitute the authorised officer's decision upon an appeal. Despite an appeal, the affected person must comply with an access blocking order or a payment blocking order until the Minister's decision on the appeal.

Clause 24 allows the Minister to refer an 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, where the Minister considers that the appeal involves issues of such nature or complexity that require the views of persons with particular specialised knowledge. The Minister is not bound by the Committee's views and may determine the appeal as the Minister considers appropriate.

The Minister may determine the Appeals Advisory Committee's terms of reference and its procedure, and appoint the members of the Committee. The Committee may otherwise regulate its proceedings. The Committee may request information from any party to an appeal or any other person who, in the Committee's opinion, may give information likely to be of assistance to the Committee. The Committee must also be impartial in performing its functions.

Clause 25 provides immunity from suit for an Internet service provider or an officer or agent of such provider, or 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. The immunity extends to cover such acts or omission in compliance with purported access blocking orders or payment blocking orders, since the orders may be invalidated on judicial review.

PART 5

EXEMPT OPERATORS

Clause 26 provides that the Minister may, upon the application of any person, issue a certificate of exemption that authorises a person to provide a Singapore-based remote gambling service with a Singapore-customer link of such type as is specified in the certificate. The Minister may issue such a certificate to an applicant only if the Minister is satisfied that it is in the public interest to do so.

In determining whether it is in the public interest to do so, the Minister is required to have regard to, and give such weight as the Minister considers appropriate to, matters like —

- (a) whether the applicant is established, incorporated, registered or otherwise based in Singapore so as to aid the enforcement of any condition of a 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 opinion of the Minister, 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; and
- (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.

Clause 27 deals with the term of validity of a certificate of exemption. It also provides that every certificate of exemption is not transferable and is not assignable, and that any transfer or assignment, or purported transfer or assignment, of a certificate of exemption is of no effect.

Clause 28 provides for conditions to be imposed on a certificate of exemption, 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 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 that person; and
- (g) providing for controls over advertising or promotional activities that may be published or carried out by that person.

This clause also allows the Minister, after observing the process prescribed, to add to, delete or modify the conditions of a certificate of exemption issued.

Clause 29 empowers the Minister to give directions, from time to time, 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. Non-compliance with a direction can result in a regulatory sanction against the exempt operator under clause 30.

Clause 30 deals with the types of regulatory sanctions that may be imposed on an exempt operator by the Minister in the event the exempt operator fails to comply with directions under clause 29 or 30(2)(d) or contravenes or fails to comply with, or fails to secure the compliance by its employees, officers, agents or contractors with, any of the conditions of its certificate of exemption, or with any provision of the Bill which is applicable to that exempt operator, in the provision of a remote gambling service. Other grounds for applying a regulatory sanction are where the exempt operator is convicted of any offence under the Bill or has done anything which in the Minister's opinion is injurious to the public interest or security of Singapore.

The types of regulatory sanctions are the issue of a letter of censure, the variation of a condition of a certificate of exemption, a financial penalty not exceeding \$1 million for each instance of non-compliance under clause 30(1)(a) or (b), each conviction of any offence under this Act, or each act or omission which the Minister considers is injurious to the public interest or security of Singapore, and a direction restricting the exempt operator's business of providing a remote gambling service. The most extreme regulatory sanctions are revocation, or the suspension (for not more than 6 months), of a certificate of exemption.

Before exercising any powers under this clause, the Minister must notify the exempt operator of the proposed regulatory sanction and give the exempt operator the opportunity to make written representations. The Minister may impose any regulatory sanction after considering the written representations and notify the exempt operator of such regulatory sanction. The regulatory sanction takes effect from the date the notice is given or such other date as specified in the notice.

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. If the exempt operator does not comply with such direction within the specified time, the Minister may, by giving written notice to the exempt operator, revoke or suspend (for not more than 6 months) that exempt operator's certificate of exemption, vary the conditions of that exempt operator's certificate of exemption or impose a financial penalty, without giving the exempt operator a further opportunity to make written representations.

If an exempt operator fails to pay a financial penalty in full by the due date for the payment, 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.

The revocation or suspension of any certificate of exemption will 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.

Clause 30(10) empowers the Government to recover in court any outstanding financial penalty owed to it by the exempt operator. The amount that the Government may recover will include interest at a prescribed rate on that outstanding amount.

PART 6

MISCELLANEOUS

Clause 31 allows the Minister to designate another person to hear appeals or a specific appeal, or to refer appeals or a specific appeal to an Appeals Advisory Committee, or to exercise the Minister's powers under Part 5, in his or her place. The Minister may designate the Second Minister, or a Minister of State, of his or her Ministry for these purposes.

Clause 32 provides for the appointment of authorised officers.

Clause 33 confers various powers on a police officer or an authorised officer for the purposes of investigating any offence under the Bill, or any contravention of a provision of the Bill or a condition of a certificate of exemption which may result in

regulatory sanction. The powers are in addition to the powers vested under the Criminal Procedure Code (Cap. 68) in a police officer.

Clause 34 confers power on a police officer or an authorised officer upon 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 upon demand being made —

- (a) to enter without notice any premises owned or occupied by any person reasonably suspected of committing an offence under the Bill; or
- (b) to enter at any reasonable time without notice any premises owned or occupied by an exempt operator, for the purpose of investigating a contravention of a provision in Part 5 or any condition of a certificate of exemption which may result in regulatory sanction.

At those premises, the police officer or authorised officer may, amongst other matters, search the premises, gather evidence that the officer considers relevant to the suspected commission of the offence or investigation of the contravention (such as copies of records and documents) and compel persons to operate equipment to enable the officer to ascertain whether there is electronic information relevant to the investigation.

Clause 35 relates to corporate offenders.

Clause 36 empowers an authorised officer to compound any offence under the Bill which is prescribed as a compoundable offence. The maximum composition sum that may be collected from a person reasonably suspected of having committed the compoundable offence is one half of the amount of the maximum fine that is prescribed for the offence or \$5,000, whichever is the lower.

Clause 37 provides that any money or money's worth paid or deposited by a person convicted under clause 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. This allows the application of section 5(2) of the Civil Law Act, which provides that no action may be brought or maintained in any court for any unlawful wager.

Clause 38 deals with how documents may be served under the Bill.

Clause 39 is an immunity provision for persons who administer the Bill. It provides that no liability is to lie against any police officer or authorised officer or any member of an Appeals Advisory Committee appointed under clause 24(3)(b), for anything which is done or intended to be done with reasonable care and in good faith in the execution or purported execution of the Bill.

Clause 40 confers power on the Minister to exempt any person or class of persons from all or any of the provisions of the Bill by way of an order published in the *Gazette*.

Clause 41 confers power on the Minister to make regulations that are necessary or convenient to give effect to the Bill.

Clause 42 is a transitional and savings provision that will apply to persons who provide a telephone betting service, or a remote gambling service using any mobile application software, pursuant to an exemption under the Betting Act and the Common Gaming Houses Act when the Bill comes into force. Such a person can continue to provide that service for 6 months and, if, within that period, the person applies for a certificate of exemption under Part 5, the person may continue to provide that service until the date on which the Minister issues a certificate of exemption to the person, or the date that the application is refused or withdrawn.

Clause 43 makes various related amendments to other Acts.

First, the Betting Act and the Common Gaming Houses Act are amended so that they do not apply to or in relation to remote gambling.

Next, the definition of “exempt operator” in the Betting and Sweepstake Duties Act is expanded to include any person who is an exempt operator within the meaning of the Bill or any person who is otherwise exempt from clause 10 or 11 of the Bill.

Finally, section 5 of the Civil Law Act is amended to render valid and enforceable contracts for gaming or betting if such gaming or betting is not prohibited under clause 8 or is otherwise lawful by way of an exemption or exemptions granted under the Bill.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
