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(CHAPTER 339)

UNITED NATIONS
(SANCTIONS — IRAN)
REGULATIONS 2014

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In exercise of the powers conferred by section 2(1) of the United Nations Act, the Minister for Law hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the United Nations (Sanctions — Iran) Regulations 2014 and shall come into operation on 30 September 2014.

Object

2. The object of these Regulations is to assist in giving effect to Resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1929 (2010) of the Security Council of the United Nations.

Application

3. These Regulations shall not apply to any financial institution or class of financial institutions to the extent that the financial institution or class of financial institutions is or may be subject to any direction of the Monetary Authority of Singapore under section 27A of the Monetary Authority of Singapore Act (Cap. 186).

Definitions

4.—(1) In these Regulations, unless the context otherwise requires —

“bunkering service”, in relation to a vessel, includes —

- (a) the provision of fuel to the vessel;
- (b) the provision of supplies to the vessel; and
- (c) other servicing of the vessel;

“Committee” means the Committee of the Security Council of the United Nations established under paragraph 18 of Resolution 1737 (2006);

“designated export item” means any item, material, equipment, goods or technology —

- (a) falling within the class or description specified in the third column of the Seventh Schedule to the Regulation of Imports and Exports Regulations (Cap. 272A, Rg 1) in relation to Iran (specified in the first column of that Schedule); and
- (b) the export from or transit through Singapore of which is prohibited under regulation 6(2)(d) of the Regulation of Imports and Exports Regulations in relation to Iran;

“designated import item” means any item, material, equipment, goods or technology —

- (a) falling within the class or description specified in the second column of the Seventh Schedule to the Regulation of Imports and Exports Regulations in relation to Iran (specified in the first column of that Schedule); and
- (b) the import into Singapore of which is prohibited under regulation 6(2)(d) of the Regulation of Imports and Exports Regulations in relation to Iran;

“designated item” means a designated export item or designated import item;

“designated person” means any individual or entity set out in the UN List subject to the conditions set out in paragraph (2);

“Director-General” means the Director-General of Customs appointed under section 4(1) of the Customs Act (Cap. 70);

“Director of Marine” means the Director of Marine appointed under section 4(1) of the Merchant Shipping Act (Cap. 179) and includes the Deputy Director of Marine appointed under that subsection and such other officers appointed under section 4(3) of that Act as the Director of Marine may authorise to carry out any of his duties under these Regulations;

“funds” includes cheques, bank deposits and other financial resources;

“Iranian vessel” means a vessel that is —

- (a) registered in Iran; or
- (b) Iranian-owned or Iranian-contracted, including by charter;

“property” means real or personal property, movable or immovable property, and includes a lease of immovable property as well as a right or an interest in such property;

“Resolution” means a Resolution of the Security Council of the United Nations;

“UN List” means collectively the lists of individuals or entities identified by the Security Council of the United Nations or the Committee as individuals or entities to whom or which apply the measures referred to in —

- (a) paragraphs 12, 13, 14 and 15 of Resolution 1737 (2006);
- (b) paragraph 4 of Resolution 1747 (2007);
- (c) paragraph 7 of Resolution 1803 (2008); or
- (d) paragraphs 11, 12 and 19 of Resolution 1929 (2010),

and includes any such list as updated from time to time by the Security Council of the United Nations or the Committee, and made available on the Internet through the official United Nations website at <http://www.un.org/>.

(2) The conditions referred to in the definition of “designated person” in paragraph (1) are —

- (a) where any individual or entity is added to the UN List on or after 7 March 2007, the individual or entity is taken to be a designated person with effect from the date immediately following the date of addition to the UN List;

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- (b) where any individual or entity is removed from the UN List, the individual or entity ceases to be a designated person with effect from the date of removal from the UN List; and
 - (c) where the particulars of any individual or entity in the UN List are modified on or after 7 March 2007, the particulars of the individual or entity are taken to be modified for the purposes of these Regulations with effect from the date immediately following the date of modification of the UN List.

Prohibition against supplying or procuring certain items

5. Unless permitted under paragraph 9 of Resolution 1737 (2006), no person in Singapore, and no citizen of Singapore outside Singapore, shall —

- (a) supply, sell or transfer, directly or indirectly, any designated export item to any person in Iran, or for use in or for the benefit of Iran, whether or not the item originated in Singapore; or
- (b) procure any designated import item from any person in Iran, whether or not the item originated in Iran.

Prohibition against using Singapore ship or aircraft to supply or procure certain items

6. Unless permitted under paragraph 9 of Resolution 1737 (2006), no —

- (a) owner or master of a Singapore ship as defined in section 2(1) of the Merchant Shipping Act (Cap. 179); or
- (b) owner or operator of an aircraft registered in Singapore,

shall carry, or cause or permit to be carried, on board or on or in any part of the ship or aircraft —

- (i) any designated export item for supply, sale or transfer to any person in Iran, or for use in or for the benefit of Iran, whether or not the item originated in Singapore; or
- (ii) any designated import item which has been procured from any person in Iran, whether or not the item originated in Iran.

Prohibition against provision of technical training, financial assistance, services, etc.

7. Unless permitted under paragraph 9 of Resolution 1737 (2006), no person in Singapore, and no citizen of Singapore outside Singapore, shall —

(a) provide technical assistance or training, financial assistance, or investment, brokering or other services; or

(b) transfer financial resources or services,

relating to the supply, sale, transfer, provision, manufacture, maintenance or use of any designated export item, to any person in Iran or any citizen of Iran.

Prohibition against dealing with property of designated person

8. No person in Singapore, and no citizen of Singapore outside Singapore, shall deal, directly or indirectly, in any property (including funds derived or generated from such property) that is owned or controlled, directly or indirectly, by or on behalf of —

(a) a designated person;

(b) any entity or individual who acts on behalf of or under the direction of a designated person; or

(c) any entity owned or controlled by a designated person.

Prohibition against provision of funds, financial assets and economic resources to or for benefit of designated person, etc.

9. No person in Singapore, and no citizen of Singapore outside Singapore, shall make available any funds or other financial assets or economic resources, directly or indirectly, to or for the benefit of —

(a) a designated person;

(b) any entity or individual who acts on behalf of or under the direction of a designated person; or

(c) any entity owned or controlled by a designated person.

Prohibition against provision of specialised teaching or training to citizens of Iran

10. No person in Singapore, and no citizen of Singapore outside Singapore, shall provide specialised teaching or training to citizens of Iran of disciplines which would contribute to the proliferation-sensitive nuclear activities of, or the development of nuclear weapon delivery systems by, Iran.

Prohibition against selling or making available interest in certain commercial activities

11. No person in Singapore, and no citizen of Singapore outside Singapore, shall sell or otherwise make available to —

- (a) Iran;
- (b) any person who is in Iran or who is a citizen of Iran;
- (c) any entity that is incorporated in Iran or that is subject to the jurisdiction of Iran;
- (d) any person or entity acting on behalf or at the discretion of Iran or of any person or entity referred to in paragraph (b) or (c), respectively; or
- (e) any entity owned or controlled by Iran or by any person or entity referred to in paragraph (b) or (c), respectively,

an interest in any commercial activity involving —

- (i) uranium mining;
- (ii) uranium production; or
- (ii) the use of nuclear materials or technology listed in INFCIRC/254/Rev.9/Part 1, including in particular —
 - (A) uranium-enrichment and reprocessing activities;
 - (B) all heavy-water activities; and
 - (C) the development of technology related to ballistic missiles capable of delivering nuclear weapons.

Prohibition against transfer of technology or technical assistance relating to ballistic missiles

12. No person in Singapore, and no citizen of Singapore outside Singapore, shall engage in conduct that assists or results in the transfer or provision to —

- (a) Iran;
- (b) any person who is in Iran or who is a citizen of Iran;
- (c) any entity that is incorporated in Iran or that is subject to the jurisdiction of Iran;
- (d) any person or entity acting on behalf or at the discretion of Iran or of any person or entity referred to in paragraph (b) or (c), respectively; or
- (e) any entity owned or controlled by Iran or by any person or entity referred to in paragraph (b) or (c), respectively,

of any technology or technical assistance that is for, or in relation to, any activity related to the development or use of ballistic missiles capable of delivering nuclear weapons, including any launch using ballistic missile technology.

Prohibition against provision of bunkering services

13. No person in Singapore, and no citizen of Singapore outside Singapore, shall provide any bunkering service to any Iranian vessel if the person has information from the Maritime and Port Authority of Singapore, or other information, that provides reasonable grounds to believe that the Iranian vessel is carrying any designated item in contravention of —

- (a) regulation 5 or 6; or
- (b) regulation 6 of the Regulation of Imports and Exports Regulations (Cap. 272A, Rg 1).

Prohibition against provision of financial services and other resources

14. No person in Singapore, and no citizen of Singapore outside Singapore, shall —

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- (a) provide any financial services or other related services, including insurance or re-insurance; or
 - (b) transfer any financial assets or resources, or any other assets or resources,

that may reasonably be used to contribute to the proliferation-sensitive nuclear activities of, or the development of nuclear weapon delivery systems by, Iran.

Duty to exercise vigilance

15.—(1) An applicable person or entity shall exercise vigilance when doing business with any Iran-related individual or entity, if the applicable person or entity has information that provides reasonable grounds for him to believe that such business could —

- (a) contribute to the proliferation-sensitive nuclear activities of, or the development of nuclear weapon delivery systems by, Iran; or
- (b) violate Resolution 1737 (2006), 1747 (2007), 1803 (2008) or 1929 (2010).

(2) An applicable person or entity shall be deemed to have exercised vigilance for the purposes of paragraph (1), if the applicable person or entity does all of the following when doing business with any Iran-related individual or entity:

- (a) keeps a record of the identity of the Iran-related individual or entity;
- (b) takes reasonable steps to ascertain the identity of the Iran-related individual or entity;
- (c) keeps a record of the general nature of the business, but not necessarily every transaction that forms part of, or the precise volumes and values of, the business; and
- (d) takes reasonable steps to verify the information referred to in paragraph (1).

(3) In this regulation —

“applicable person or entity” means —

- (a) any person who is in Singapore;
- (b) any citizen of Singapore who is outside Singapore; and
- (c) any entity which is incorporated in Singapore or that is subject to the jurisdiction of Singapore;

“Iran-related individual or entity” means —

- (a) any entity incorporated in Iran or subject to the jurisdiction of Iran, including those of the Islamic Revolutionary Guard Corps (also known as the “Army of the Guardians of the Islamic Revolution”) and the Islamic Republic of Iran Shipping Lines;
- (b) any entity owned or controlled by any entity referred to in paragraph (a); or
- (c) any individual or entity acting on behalf of or at the direction of any entity referred to in paragraph (a).

General prohibition

16. No person in Singapore, and no citizen of Singapore outside Singapore, shall knowingly do anything that —

- (a) causes, assists or promotes; or
- (b) is intended to cause, assist or promote,

any act or thing prohibited by regulation 5, 6, 7, 8, 9, 10, 11, 12, 13 or 14.

Duty to provide information

17.—(1) Every person in Singapore, and every citizen of Singapore outside Singapore, who —

- (a) has possession, custody or control of any property belonging to —
 - (i) a designated person;

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- (ii) any entity or individual who acts on behalf of or under the direction of a designated person; or
 - (iii) any entity owned or controlled by a designated person;
 - (b) has information about any transaction or proposed transaction in respect of any property belonging to any designated person, entity or individual referred to in sub-paragraph (a); or
 - (c) has information about any act or thing prohibited by regulation 5, 6 or 7,

shall —

- (A) immediately inform the Commissioner of Police or any authorised person of that fact or information; and
- (B) provide such further information relating to the property, transaction, proposed transaction, act or thing as the Commissioner of Police or authorised person may require.

(2) No criminal or civil proceedings shall lie against a person for any disclosure made in good faith under paragraph (1).

(3) In this regulation —

“authorised person” means such person as the Minister may authorise for the purposes of this regulation;

“Commissioner of Police” includes —

- (a) any police officer; and
- (b) any person authorised by the Commissioner of Police to act for him for the purposes of this regulation.

Power to direct Singapore ship to proceed for inspection

18.—(1) Where any State, having information that provides reasonable grounds to believe that the cargo of a Singapore ship (as defined in section 2(1) of the Merchant Shipping Act (Cap. 179)) on the high seas includes any designated item in contravention of regulation 5 or 6, wishes to inspect that ship, the Director of Marine may —

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- (a) consent to an inspection of that ship by the appropriate authority of that State, if he is satisfied that such reasonable grounds exist; or
 - (b) direct that ship to proceed to an appropriate and convenient port for inspection by an appropriate authority at that port.

(2) The owner and master of any Singapore ship which has been directed under paragraph (1)(b) to proceed to a port for inspection shall each take all reasonable steps to ensure that the ship complies with that direction.

(3) No criminal or civil proceedings shall lie against the Director of Marine in respect of any grant or refusal of consent or direction given in good faith under paragraph (1).

Offences

19.—(1) Any person who contravenes regulation 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15(1), 16, 17(1)(A) or (B) or 18(2) shall be guilty of an offence.

(2) It shall be a defence for a person charged with an offence in respect of a contravention of regulation 10 or 17(1)(A) or (B) to prove that he had a reasonable excuse for such contravention.

Forfeiture

20.—(1) A court may, on the application of the Attorney-General, order that any property which has been proven on a balance of probabilities to be a designated item that —

- (a) is the subject of a contravention of regulation 5, or is carried on board any aircraft or ship in contravention of regulation 6; or
- (b) is the subject of a contravention of regulation 6 of the Regulation of Imports and Exports Regulations (Cap. 272A, Rg 1),

shall be forfeited to the Government, and either destroyed or otherwise dealt with in such manner as the court, having regard to paragraph 16 of Resolution 1929 (2010), may order.

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- (2) Without prejudice to the generality of paragraph (1) —
- (a) in any case where the property is seized by an officer of customs, the court may order that the property be dealt with in such manner as the Director-General, having regard to paragraph 16 of Resolution 1929 (2010), thinks fit, and in such event the Director-General may direct that the property be destroyed or otherwise dealt with; or
 - (b) in any other case, the court may order that the property be dealt with in such manner as the Commissioner of Police, having regard to paragraph 16 of Resolution 1929 (2010), thinks fit, and in such event the Commissioner of Police may direct that the property be destroyed or otherwise dealt with.
- (3) The court may require notice to be given to any person who, in the opinion of the court, appears to have an interest in the property to be forfeited.
- (4) Where —
- (a) the court proposes to order any property to be forfeited under this regulation; and
 - (b) a person claiming to have an interest in the property has applied to be heard by the court,
- the court shall not order the property to be forfeited unless that person has been given an opportunity to show cause why the order should not be made.
- (5) The court may make an order of forfeiture notwithstanding that no person has been charged with or convicted of an offence of contravening regulation 5 or 6, or of contravening regulation 6 of the Regulation of Imports and Exports Regulations, in relation to the property to be forfeited.

Exemption

21. The Minister or a person designated by the Minister may, if he considers that it is appropriate to do so in the circumstances of the case and that it is consistent with the intention of the Security Council of the United Nations under Resolution 1737 (2006), 1747 (2007), 1803

(2008) or 1929 (2010), by notice in writing exempt, subject to such conditions as he may specify —

(a) any person or class of persons; or

(b) any activity or class of activities,

from any or all of the provisions of these Regulations.

Revocation

22. The United Nations (Sanctions — Iran) Regulations 2007 (G.N. No. S 105/2007) are revoked.

Made on 22 September 2014.

BEH SWAN GIN
Permanent Secretary,
Ministry of Law,
Singapore.

[ICA/06/99; AG/LLRD/SL/339/2010/2 Vol. 1]

(To be presented to Parliament under section 2(4) of the United Nations Act).