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MONETARY AUTHORITY OF SINGAPORE ACT (CHAPTER 186)

MONETARY AUTHORITY OF SINGAPORE (SANCTIONS AND FREEZING OF ASSETS OF PERSONS — DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA) (AMENDMENT NO. 2) REGULATIONS 2018

In exercise of the powers conferred by section 27A(1)(b) of the Monetary Authority of Singapore Act, the Monetary Authority of Singapore makes the following Regulations:

Citation and commencement

1. These Regulations are the Monetary Authority of Singapore (Sanctions and Freezing of Assets of Persons — Democratic People's Republic of Korea) (Amendment No. 2) Regulations 2018 and come into operation on 7 December 2018.

Amendment of regulation 5

2. Regulation 5 of the Monetary Authority of Singapore (Sanctions and Freezing of Assets of Persons — Democratic People's Republic of Korea) Regulations 2016 (G.N. No. S 275/2016) (called in these Regulations the principal Regulations) is amended by inserting, immediately after paragraph (4), the following paragraph:

“(5) In proceedings for an offence of contravening paragraph (1) or (3) —

- (a) it is not necessary for the prosecution to prove that the financial institution knew or had reason to believe that the financial services or other related services, financial assets or resources, other assets or resources, or financial transactions (as the case may be) are associated with, or may contribute to, any

prohibited activity of the Democratic People's Republic of Korea; and

- (b) it is a defence for the financial institution to prove, on a balance of probabilities, that the financial institution did not know, and could not by the exercise of due diligence have known, that the financial services or other related services, financial assets or resources, other assets or resources, or financial transactions (as the case may be) are associated with, or may contribute to, any prohibited activity of the Democratic People's Republic of Korea.”.

Amendment of regulation 6

3. Regulation 6 of the principal Regulations is amended by inserting, immediately after paragraph (2), the following paragraph:

“(3) In proceedings for an offence of contravening paragraph (1) —

- (a) it is not necessary for the prosecution to prove that the financial institution knew or had reason to believe that the financial services or other related services, financial assets or resources, or other assets or resources (as the case may be) relate to any activity specified in paragraph (2); and
- (b) it is a defence for the financial institution to prove, on a balance of probabilities, that the financial institution did not know, and could not by the exercise of due diligence have known, that the financial services or other related services, financial assets or resources, or other assets or resources (as the case may be) relate to any activity specified in paragraph (2).”.

Amendment of regulation 7

4. Regulation 7 of the principal Regulations is amended by inserting, immediately after paragraph (2), the following paragraph:

“(3) In proceedings for an offence of contravening paragraph (1) —

- (a) it is not necessary for the prosecution to prove that the financial institution knew or had reason to believe that the financial transaction, or financial assistance or services (as the case may be) relate to any activity specified in paragraph (2); and
- (b) it is a defence for the financial institution to prove, on a balance of probabilities, that the financial institution did not know, and could not by the exercise of due diligence have known, that the financial transaction, or financial assistance or services (as the case may be) relate to any activity specified in paragraph (2).”.

Amendment of regulation 7A

5. The principal Regulations are amended by renumbering regulation 7A as paragraph (1) of that regulation, and by inserting immediately thereafter the following paragraph:

“(2) In proceedings for an offence of contravening paragraph (1) —

- (a) it is not necessary for the prosecution to prove that the financial institution knew or had reason to believe that the financial transaction, or financial assistance or services (as the case may be) relate to a designated vessel; and
- (b) it is a defence for the financial institution to prove, on a balance of probabilities, that the financial institution did not know, and could not by the exercise of due diligence have known, that the financial transaction, or financial assistance or services (as the case may be) relate to a designated vessel.”.

Amendment of regulation 7B

6. The principal Regulations are amended by renumbering regulation 7B as paragraph (1) of that regulation, and by inserting immediately thereafter the following paragraph:

“(2) In proceedings for an offence of contravening paragraph (1) —

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- (a) it is not necessary for the prosecution to prove that the financial transaction, financial assistance or services, financial assets or resources, or other assets or resources (as the case may be) are associated with, or may contribute to, any trade with the Democratic People's Republic of Korea or any person in, or national of, the Democratic People's Republic of Korea; and
- (b) it is a defence for the financial institution to prove, on a balance of probabilities, that the financial institution did not know, and could not by the exercise of due diligence have known, that the financial transaction, financial assistance or services, financial assets or resources, or other assets or resources (as the case may be) are associated with, or may contribute to, any trade with the Democratic People's Republic of Korea or any person in, or national of, the Democratic People's Republic of Korea.”

[G.N. Nos. S 481/2017; S 637/2017; S 267/2018]

Made on 6 December 2018.

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