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MONETARY AUTHORITY OF SINGAPORE ACT
(CHAPTER 186)

MONETARY AUTHORITY OF SINGAPORE (SANCTIONS —
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA)
REGULATIONS 2009

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

Citation and commencement

1. These Regulations may be cited as the Monetary Authority of Singapore (Sanctions — Democratic People's Republic of Korea) Regulations 2009 and shall come into operation on 13th August 2009.

Object

2. The object of these Regulations is to assist in giving effect to Resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013) of the Security Council of the United Nations.

[S 632/2013 wef 02/10/2013]

Application

3. These Regulations shall apply to every financial institution within the meaning of section 27A(6) of the Act (including a branch outside Singapore of any such financial institution incorporated or established in Singapore).

[S 632/2013 wef 02/10/2013]

Definitions

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

“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 the Democratic People’s Republic of Korea (specified in the first column of that Schedule); and
- (b) the exportation 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 the Democratic People’s Republic of Korea;

“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 the Democratic People’s Republic of Korea (specified in the first column of that Schedule); and

- (b) the importation into Singapore of which is prohibited under regulation 6(2)(d) of the Regulation of Imports and Exports Regulations in relation to the Democratic People's Republic of Korea.

Prohibition against entering into financial transactions or providing financial assistance, services, etc., in relation to designated import items

5. No financial institution shall, directly or indirectly (including through any provider of any brokering or other intermediary services) —

- (a) enter into any financial transaction with; or
 (b) provide, facilitate the provision of, or procure the provision of any financial assistance or services to,

any person which relates to the provision, manufacture, maintenance or use of any designated import item procured from —

- (i) the Democratic People's Republic of Korea;
 (ii) any person in the Democratic People's Republic of Korea; or
 (iii) any national of the Democratic People's Republic of Korea.

[S 632/2013 wef 02/10/2013]

Prohibition against entering into financial transactions or providing financial assistance, services, etc., in relation to designated export items

6.—(1) No financial institution shall, directly or indirectly (including through any provider of any brokering or other intermediary services) —

- (a) enter into any financial transaction with; or
 (b) provide, facilitate the provision of, or procure the provision of any financial assistance or services to,

any person which relates to the provision, manufacture, maintenance or use of any designated export item procured by —

- (i) the Democratic People's Republic of Korea;
 (ii) any person in the Democratic People's Republic of Korea; or

- (iii) any national of the Democratic People's Republic of Korea.
[S 632/2013 wef 02/10/2013]

(2) For the purposes of this regulation, a designated export item shall not include small arms and light weapons and their related matériel.

Prohibition against provision of certain financial services

7.—(1) No financial institution shall, directly or indirectly (including through any provider of any brokering or other intermediary services) —

- (a) provide any financial services (including but not limited to the granting of export credits, guarantees or insurance) or any other related services; or
- (b) transfer financial assets or resources (including but not limited to bulk cash), or other assets or resources,

that could contribute —

- (i) to the nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programmes or activities of the Democratic People's Republic of Korea; or
- (ii) to the evasion of any measures imposed by Resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013) of the Security Council of the United Nations.

[S 632/2013 wef 02/10/2013]

(2) Every financial institution shall apply enhanced monitoring to prevent financial transactions that are associated with the nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programmes or activities of the Democratic People's Republic of Korea.

[S 632/2013 wef 02/10/2013]

(3) Any financial institution which, on or after 13th August 2009, has in its possession, custody or control in Singapore, any financial assets or resources, or other assets or resources that are associated with the nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programmes or activities of the Democratic

People's Republic of Korea, shall immediately freeze all such assets or resources.

[S 632/2013 wef 02/10/2013]

Prohibition against certain activities

7A.—(1) No financial institution shall —

- (a) open any representative office in the Democratic People's Republic of Korea;
- (b) incorporate or establish any subsidiary in the Democratic People's Republic of Korea; or
- (c) open any bank account in the Democratic People's Republic of Korea,

if the financial institution has information that provides reasonable grounds to believe that doing so could contribute to the nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programmes or activities of the Democratic People's Republic of Korea.

(2) No financial institution shall —

- (a) establish or maintain any joint venture with a prohibited bank;
- (b) permit any ownership interest in the financial institution to be acquired by a prohibited bank; or
- (c) establish or maintain a correspondent relationship with a prohibited bank,

if the financial institution has information that provides reasonable grounds to believe that doing so could contribute —

- (i) to the nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programmes or activities of the Democratic People's Republic of Korea; or
- (ii) to the evasion of any measures imposed by Resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013) of the Security Council of the United Nations.

(3) In this regulation, “prohibited bank” means any bank incorporated or established in the Democratic People’s Republic of Korea (including any branch, subsidiary or representative office of any such bank).

[S 632/2013 wef 02/10/2013]

General prohibition

8. No financial institution 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 or 7A.

[S 632/2013 wef 02/10/2013]

Duty to provide information

9. Every financial institution which has any fact or information about any transaction, proposed transaction, act or thing prohibited by regulation 5, 6, 7 or 7A shall immediately inform the Authority of that fact or information, and provide such further information relating to the transaction, proposed transaction, act or thing, as the Authority may require.

[S 632/2013 wef 02/10/2013]

Made this 7th day of August 2009.

HENG SWEE KEAT
Managing Director,
Monetary Authority of Singapore.

[FSG.SLS.1/2002; AG/LEG/SL/186/2005/1 Vol. 3]