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No. S 157

UNITED NATIONS ACT (CHAPTER 339)

UNITED NATIONS (SANCTIONS — DEMOCRATIC REPUBLIC OF THE CONGO) REGULATIONS 2006

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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 — Democratic Republic of the Congo) Regulations 2006 and shall come into operation on 10th March 2006.

[S 547/2019 wef 07/08/2019]

Object

2. The object of these Regulations is to assist in giving effect to Resolutions 1596 (2005), 1807 (2008), 2293 (2016) and 2582 (2021) of the Security Council of the United Nations.

[S 547/2019 wef 07/08/2019]

[S 752/2020 wef 07/09/2020]

[S 872/2021 wef 17/11/2021]

Application

3.—(1) These Regulations do not apply to —

(a) 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 the directions issued or regulations made by the Monetary Authority of Singapore under section 27A of the Monetary Authority of Singapore Act (Cap. 186); and

(b) any VCC or class of VCCs to the extent that the VCC or class of VCCs is or may be subject to the directions issued or regulations made by the Monetary Authority of Singapore under section 83 of the Variable Capital Companies Act 2018 (Act 44 of 2018).

(2) In paragraph (1)(b), “VCC” has the meaning given by section 2(1) of the Variable Capital Companies Act 2018.

[S 39/2020 wef 14/01/2020]

Definitions

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

“1533 List” means the list of individuals or entities identified by the Committee as individuals or entities to whom or which the measures referred to in paragraph 15 of Resolution 1596 (2005) of the Security Council of the United Nations apply, which list is updated from time to time by the Committee, and made available on the Internet through the official United Nations website at <http://www.un.org/>;

“Committee” means the Committee of the United Nations Security Council established under paragraph 8 of Resolution 1533 (2004) of the Security Council of the United Nations;

“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), as in force on 7 August 2019, in relation to the Democratic Republic of the Congo (specified in the first column of that Schedule); and

(b) the exportation from, transshipment in, or transit through, Singapore of which is prohibited under regulation 6(2)(c)(ii) of the Regulation of Imports and Exports Regulations in relation to the Democratic Republic of the Congo;

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“designated person” means any individual or entity set out in the 1533 List subject to the conditions set out in paragraph (2);

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

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

(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 1533 List on or after 10th March 2006, the individual or entity is taken to be a designated person with effect from the date immediately following the date of addition to the 1533 List;

(b) where any individual or entity is removed from the 1533 List, the individual or entity ceases to be a designated person with effect from the date of removal; and

- (c) where the particulars of any individual or entity in the 1533 List are modified on or after 10th March 2006, 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 in the 1533 List.

Prohibition against dealing with property of designated person

5. No person in Singapore and no citizen of Singapore outside Singapore shall deal, directly or indirectly, in any property that is owned or controlled, directly or indirectly, by or on behalf of —

- (a) a designated person;
- (b) any entity owned or controlled by a designated person; or
- (c) any individual or entity who acts on behalf of or under the direction of a designated person,

including funds derived or generated from such property.

Prohibition against provision of resources and services for benefit of designated person

6. 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 —

- (a) a designated person;
- (b) any entity owned or controlled by a designated person; or
- (c) any individual or entity who acts on behalf of or under the direction of a designated person.

Prohibition against supplying certain items

6A. A person in Singapore or a citizen of Singapore outside Singapore must not supply, sell or transfer, directly or indirectly, any designated export item to any person in the Democratic Republic of the Congo.

[S 547/2019 wef 07/08/2019]

Prohibition against using Singapore ship or aircraft to supply certain items

6B. An owner or a master of a ship registered as a Singapore ship under the Merchant Shipping Act (Cap. 179), or an owner or operator of an aircraft registered in Singapore under the Air Navigation Act (Cap. 6), must not carry, or cause or permit to be carried, on board or on or in any part of the ship or aircraft any designated export item for supply, sale or transfer to any person in the Democratic Republic of the Congo.

[S 547/2019 wef 07/08/2019]

Prohibition against provision of assistance, advice or training related to military activities, etc.

6C. A person in Singapore or a citizen of Singapore outside Singapore must not, provide, directly or indirectly, any assistance, advice or training related to military activities, including financing and financial assistance, to any person in the Democratic Republic of the Congo.

[S 547/2019 wef 07/08/2019]

General prohibition

7. No person in Singapore and no citizen of Singapore outside Singapore shall knowingly do any thing that —

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

any act or thing prohibited by regulation 5, 6, 6A, 6B or 6C.

[S 547/2019 wef 07/08/2019]

Duty to provide information

8.—(1) Every person in Singapore and any citizen of Singapore outside Singapore who —

- (a) has possession, custody or control of any property belonging to a designated person or any entity owned or controlled by a designated person;

[S 547/2019 wef 07/08/2019]

(b) has information about any transaction or proposed transaction in respect of any property belonging to a designated person or any entity owned or controlled by a designated person; or

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(c) has information about any act or thing prohibited by regulation 5, 6, 6A, 6B, 6C or 7,

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shall —

(i) immediately inform the Commissioner of Police or any authorised person of that fact or information; and

(ii) provide such further information relating to the property, transaction or proposed transaction 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 designate 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 investigate

8A. Any person designated by the Minister for the purposes of this regulation may investigate into any offence under these Regulations and, when investigating any such offence, may exercise all the powers of a police officer under the Criminal Procedure Code (Cap. 68) in relation to arrestable offences.

[S 307/2020 wef 22/04/2020]

Offences

9.—(1) Any person in Singapore or any citizen of Singapore outside Singapore who contravenes regulation 5, 6, 6A, 6B, 6C, 7 or 8(1)(i) or (ii) shall be guilty of an offence.

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(2) It shall be a defence for a person charged with an offence in respect of a contravention of regulation 8(1)(i) or (ii) to prove that he had a reasonable excuse for such contravention.

Exemption

10. 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 paragraph 16 of Resolution 1596 (2005), 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 the operation of any or all provisions of these Regulations.

Made this 6th day of March 2006.

CHAN LAI FUNG
*Permanent Secretary,
Ministry of Law,
Singapore.*

[LAW 06/006/002 Vol. 14; AG/LEG/SL/339/2005/1 Vol. 1]

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