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UNITED NATIONS ACT (CHAPTER 339)

UNITED NATIONS (SANCTIONS — SOUTH SUDAN) REGULATIONS 2019

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

Citation and commencement

1. These Regulations are the United Nations (Sanctions — South Sudan) Regulations 2019 and come into operation on 28 May 2019.

Object

2. The object of these Regulations is to assist in giving effect to Resolutions 2206 (2015), 2271 (2016), 2280 (2016), 2290 (2016), 2304 (2016), 2327 (2016), 2353 (2017), 2418 (2018), 2428 (2018) and 2471 (2019).

[S 510/2019 wef 02/08/2019]

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 42/2020 wef 14/01/2020]

Definitions

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

“Committee” means the Committee of the Security Council of the United Nations established under paragraph 16 of Resolution 2206 (2015);

“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 28 May 2019, in relation to South Sudan (specified in the first column of that Schedule); and

(b) the exporting 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 South Sudan;

“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);

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

“officer of customs” has the meaning given by the Customs Act;

“property” means real or personal property, movable or immovable, 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 to which the measures specified in paragraph 12 of Resolution 2206 (2015) apply, 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 mentioned 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 28 May 2019, 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 28 May 2019, 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 designated export items

5. 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 South Sudan.

Prohibition against using Singapore ship or aircraft to supply designated export items

6. An owner or 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 South Sudan.

Prohibition against provision of technical assistance, training, etc.

7. A person in Singapore or a citizen of Singapore outside Singapore must not provide to any person in South Sudan —

- (a) any technical assistance, training or financial or other assistance related to —
- (i) military activities; or
 - (ii) the provision, maintenance or use of any designated export item; or

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- (b) any armed mercenary personnel, whether or not originating in Singapore.

Prohibition against dealing with property of designated person

8. A person in Singapore or a citizen of Singapore outside Singapore must not 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 owned or controlled by a designated person; or
- (c) any individual or entity which acts on behalf of or under the direction of a designated person.

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

9. A person in Singapore or a citizen of Singapore outside Singapore must not 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 owned or controlled by a designated person; or
- (c) any individual or entity which acts on behalf of or under the direction of a designated person.

General prohibition

10. A person in Singapore or a citizen of Singapore outside Singapore must not 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 or 9.

Duty to provide information

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

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- (a) has possession, custody or control of any property belonging to —
- (i) a designated person;
 - (ii) any entity owned or controlled by a designated person; or
 - (iii) any individual or entity which acts on behalf or under the direction of 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 mentioned in sub-paragraph (a); or
- (c) has information about any act or thing prohibited by regulation 5, 6, 7, 8, 9 or 10,
- must —
- (d) immediately inform the Commissioner of Police or any authorised person of that fact or information; and
 - (e) provide such further information relating to the property, transaction or 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 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 or her for the purposes of this regulation.

Offences

12.—(1) A person who contravenes regulation 5, 6, 7, 8, 9, 10 or 11 shall be guilty of an offence.

(2) It is a defence for a person charged with an offence for contravening regulation 11(1) to prove that the person had a reasonable excuse for such contravention.

Forfeiture

13.—(1) A court may, on the application of the Attorney-General, order that anything which has been proven to the court's satisfaction on a balance of probabilities to be a designated export item that is —

- (a) the subject of a contravention of regulation 5 or carried on board or on or in any ship or aircraft in contravention of regulation 6; or
- (b) the subject of a contravention of regulation 6 of the Regulation of Imports and Exports Regulations,

is to be forfeited to the Government, and either destroyed or otherwise dealt with in such manner as the court may order.

(2) In particular, the court may order —

- (a) in the case of anything seized by an officer of customs, that the thing be dealt with as the Director-General thinks fit, and in such a case, the Director-General may direct that it be destroyed or otherwise dealt with; or
- (b) in any other case, that the thing be dealt with as the Commissioner of Police thinks fit, and in such a case, the Commissioner of Police may direct that it 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 is not to 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 even though no person has been charged with or convicted of an offence of contravening regulation 5 or 6 of these Regulations or regulation 6 of the Regulation of Imports and Exports Regulations in relation to the property to be forfeited.

Exemption

14.—(1) The Minister or a person designated by the Minister may, if he or she considers that it is appropriate to do so in the circumstances of the case and that it is consistent with the intention of the United Nations Security Council under paragraph 5 of Resolution 2428 (2018), by notice in writing exempt, subject to such conditions as he or she may specify —

- (a) any person or class of persons; or
(b) any activity or class of activities,

from regulation 5, 6 or 7.

(2) The Minister or a person designated by the Minister may, if he or she considers that it is appropriate to do so in the circumstances of the case and that it is consistent with the intention of the United Nations Security Council under paragraph 13 of Resolution 2206 (2015), by notice in writing exempt, subject to such conditions as he or she may specify —

- (a) any person or class of persons; or
(b) any activity or class of activities,

from regulation 8 or 9.

Made on 24 May 2019.

NG HOW YUE
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Ministry of Law,
Singapore.*

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