
First published in the *Government Gazette*, Electronic Edition, on 19th September 2006 at 5:00 pm.

No. S 554

UNITED NATIONS ACT (CHAPTER 339)

UNITED NATIONS (SANCTIONS — SUDAN) 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 — Sudan) Regulations 2006 and shall come into operation on 20th September 2006.

[S 977/2020 wef 02/12/2020]

Object

2. The object of these Regulations is to assist in giving effect to Resolutions 1556 (2004), 1591 (2005), 1945 (2010) and 2035 (2012) of the Security Council of the United Nations.

[S 977/2020 wef 02/12/2020]

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 38/2020 wef 14/01/2020]

Definitions

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

“1591 List” means the list of individuals or entities identified by the United Nations Security Council or the Committee as individuals or entities to whom or which the measures referred to in paragraph 3 of Resolution 1591 (2005) of the Security Council of the United Nations apply, which list is updated from time to time by the United Nations Security Council or 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 3 of Resolution 1591 (2005) 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 2 December 2020, in relation to 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 Sudan;

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“designated person” means any individual or entity set out in the 1591 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;

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“specified person” means —

- (a) an individual or entity, other than the Government of Sudan, operating in the states of North Darfur, South Darfur and West Darfur;
- (b) a party to the N’djamena Ceasefire Agreement; or
- (c) a belligerent in the states of North Darfur, South Darfur and West Darfur.

[S 977/2020 wef 02/12/2020]

(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 1591 List on or after 20th September 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 1591 List;
- (b) where any individual or entity is removed from the 1591 List, the individual or entity ceases to be a designated person with effect from the date of removal from the 1591 List; and
- (c) where the particulars of any individual or entity in the 1591 List are modified on or after 20th September 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 1591 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 designated export items

6A. A person in Singapore or a citizen of Singapore outside Singapore must not sell or supply any designated export item to any specified person.

[S 977/2020 wef 02/12/2020]

Prohibition against using Singapore ship or aircraft to supply designated export 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 or sale to any specified person.

[S 977/2020 wef 02/12/2020]

Prohibition against provision of technical assistance, training, etc.

6C. A person in Singapore or a citizen of Singapore outside Singapore must not provide to any specified person any technical training or assistance related to the provision, manufacture, maintenance or use of any designated export item.

[S 977/2020 wef 02/12/2020]

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 977/2020 wef 02/12/2020]

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;

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(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 or 6C,

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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.

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.

[S 977/2020 wef 02/12/2020]

(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 9 of Resolution 1556 (2004) or paragraph 3 of Resolution 1591 (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.

[S 977/2020 wef 02/12/2020]

Made this 11th day of September 2006.

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

[LAW 15/007/11.1 V 7; AG/LEG/SL/339/2005/1 Vol. 1]

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