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UNITED NATIONS ACT (CHAPTER 339)

UNITED NATIONS (SANCTIONS — LIBYA) REGULATIONS 2021

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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 — Libya) Regulations 2021 and come into operation on 4 October 2021.

Object

2. The object of these Regulations is to assist in giving effect to Resolutions 1970 (2011), 1973 (2011), 2009 (2011), 2095 (2013), 2146 (2014), 2174 (2014) and 2571 (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.

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 24 of Resolution 1970 (2011);

“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 4 October 2021, in relation to Libya (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 Libya;

“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, as in force on 4 October 2021, in relation to Libya (specified in the first column of that Schedule); and
- (b) the importing into, transshipment in, or transit through, Singapore of which is prohibited under regulation 6(2)(c)(i) of the Regulation of Imports and Exports Regulations in relation to Libya;

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

“designated vessel” means any vessel set out in the UN List subject to the conditions set out in paragraph (3);

“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 that property;

“Resolution” means a Resolution of the Security Council of the United Nations;

“UN List” means collectively —

- (a) 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 17 of Resolution 1970 (2011) and paragraph 19 of Resolution 1973 (2011) apply; and
- (b) the list of vessels identified by the Committee as vessels to which the measures specified in paragraph 10 of Resolution 2146 (2014) apply,

and includes any such list 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 4 October 2021, 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;
- (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 4 October 2021, 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.

(3) The conditions mentioned in the definition of “designated vessel” in paragraph (1) are —

- (a) where any vessel is added to the UN List on or after 4 October 2021, the vessel is taken to be a designated

vessel with effect from the date immediately following the date of addition to the UN List;

- (b) where any vessel is removed from the UN List, the vessel ceases to be a designated vessel with effect from the date of removal from the UN List; and
- (c) where the particulars of any vessel in the UN List are modified on or after 4 October 2021, the particulars of the vessel 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 provision of technical assistance, training, etc.

5. A person in Singapore or a citizen of Singapore outside Singapore must not provide to any person in Libya —

- (a) any technical assistance, training, financial or other assistance, related to —
 - (i) military activities; or
 - (ii) the provision, maintenance or use of any designated export item; or
- (b) any armed mercenary personnel, whether or not originating in Singapore.

Prohibition against supplying designated export items

6. 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 a person in Libya.

Prohibition against procuring designated import items

7. A person in Singapore or a citizen of Singapore outside Singapore must not procure, directly or indirectly, any designated import item from a person in Libya, whether or not the item originated in Libya.

Prohibition against using Singapore ship or aircraft to supply or procure certain items

8. 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 —

- (a) any designated export item for supply, sale or transfer to a person in Libya; or
- (b) any designated import item which is procured from any person in Libya, whether or not the item originated in Libya.

Prohibition against dealing with funds, etc., of designated person, etc.

9.—(1) Subject to this regulation, a person in Singapore or a citizen of Singapore outside Singapore must not deal, directly or indirectly, with any funds or other financial assets or economic resources that are owned or controlled, directly or indirectly, by or on behalf of —

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

(2) Paragraph (1) does not apply to funds or other financial assets or economic resources —

- (a) owned or controlled, directly or indirectly, by the Libyan Investment Authority or the Libyan African Investment Portfolio; and
- (b) that came into or under the possession, custody or control of the person in Singapore or the citizen of Singapore outside Singapore after 16 September 2011.

(3) To avoid doubt, paragraph (1) continues to apply to any funds or other financial assets or economic resources —

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- (a) that were owned or controlled, directly or indirectly, by the Libyan Investment Authority or the Libyan African Investment Portfolio on or before 16 September 2011;
 - (b) that came into or under the possession, custody or control of the person in Singapore or the citizen of Singapore outside Singapore on or before that date; and
 - (c) that are not subject to any exemption from paragraph (1) granted under regulation 18 in relation to those funds or other financial assets or economic resources.

Prohibition against making available funds, etc., to or for benefit of designated person, etc.

10. 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) an individual or entity that acts on behalf of or under the direction of a designated person; or
- (c) an entity owned or controlled by a designated person.

Prohibition against provision of bunkering services

11. A person in Singapore or a citizen of Singapore outside Singapore must not provide bunkering services, supplies or servicing of vessels to a designated vessel.

Prohibition against engaging in financial transactions with respect to crude oil illicitly exported from Libya

12.—(1) A person in Singapore or a citizen of Singapore outside Singapore must not engage in any financial transaction with respect to crude oil illicitly exported from Libya aboard a designated vessel.

(2) In proceedings for an offence for contravening paragraph (1), it is not necessary for the prosecution to prove that an accused knew or had reason to believe that the financial transaction is with respect to crude oil illicitly exported from Libya.

(3) However, it is a defence to the charge for an offence for contravening paragraph (1) for the accused to prove, on a balance of probabilities, that the accused did not know, and could not by the exercise of due diligence have known, that the financial transaction is with respect to crude oil illicitly exported from Libya.

General prohibition

13. 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, 9, 10, 11 or 12.

Duty to provide information

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

(a) has possession, custody or control of any property belonging to —

(i) a designated person;

(ii) any individual or entity which acts on behalf of or under the direction of a designated person; or

(iii) any entity owned or controlled by a designated person;

(b) has information about any transaction or proposed transaction in respect of any property belonging to any designated person, individual or entity mentioned in sub-paragraph (a); or

(c) has information about any act or thing prohibited by regulation 5, 6, 7, 8, 9, 10, 11 or 12,

must —

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

(e) provide any further information relating to the property, transaction or proposed transaction, act or thing that 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 any person designated by the Minister 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.

Power to investigate

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

Offences

16.—(1) A person who contravenes regulation 5, 6, 7, 8, 9(1), 10, 11, 12(1), 13 or 14(1) shall be guilty of an offence.

(2) It is a defence for a person charged with an offence for contravening regulation 14(1) to prove that the person had a reasonable excuse for the contravention.

Forfeiture

17.—(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 or a designated import item that is —

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- (a) the subject of a contravention of regulation 6 or 7 or carried on board or on or in any ship or aircraft in contravention of regulation 8; 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 any manner that 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 6, 7 or 8 of these Regulations or regulation 6 of the Regulation of Imports and Exports Regulations in relation to the property to be forfeited.

Exemption

18.—(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 9 of Resolution 1970 (2011) (read with paragraph 13 of Resolution 2009 (2011), paragraphs 9 and 10 of Resolution 2095 (2013) and paragraph 8 of Resolution 2174 (2014)), by written notice exempt, subject to any conditions that he or she may specify —

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

from regulation 5, 6, 7 or 8.

(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 19 or 21 of Resolution 1970 (2011) or paragraph 16 of Resolution 2009 (2011), by written notice exempt, subject to any conditions that he or she may specify —

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

from regulation 9 or 10.

(3) 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 10(c) of Resolution 2146 (2014), by written notice exempt, subject to any conditions that he or she may specify —

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

from regulation 11.

Made on 22 September 2021.

LAI WEI LIN
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Ministry of Law,
Singapore.*

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