

Short title

1. This Act may be cited as the Regulation of Imports and Exports Act.

Interpretation

2. —(1) In this Act, unless the context otherwise requires —

7/96.

"aircraft" means aircraft of any description which may be used for the conveyance of persons or goods by air;

"authentication code" means any identification or identifying code, password or any other authentication method or procedure which has been assigned to a registered user of the computer service referred to in section 8 for the purpose of identifying and authenticating the access to and use of the computer service by the registered user;

"authorised officer" means —

- (a) any officer of customs;
- (b) any senior authorised officer;
- (c) any officer of the Board appointed in writing by the Director-General;
- (d) any officer or class or description of officers appointed by the Minister by notification in the *Gazette* to exercise the powers and perform the duties conferred and imposed on an authorised officer by this Act;

"Board" means the International Enterprise Singapore Board established under section 3 of the International Enterprise Singapore Board Act;

"conveyance" includes any vessel, train, vehicle or aircraft in which persons or goods can be carried;

"database report" means any automatic log, journal or other report which is automatically generated by the computer service referred to in section 8 for the purposes of recording the details of a transaction relating to an electronic notice including the authentication code, date and time of receipt, storage location and any alteration or deletion relating to the notice;

"Director-General" means the Director-General of Customs appointed under section 4 (1) of the Customs Act (Cap. 70);

"electronic notice" has the meaning assigned to it in section 8 (1);

"examination station" means any place which has been prescribed under section 143 (1) (d) of the Customs Act as a customs office or customs station for the examination of goods or any place or premises as may be determined by a senior authorised officer for the examination of goods;

Cap. 70.

"export" , with its grammatical variations and cognate expressions, means to take or cause to be taken out of Singapore by land, water or air and includes the placing of any goods in a conveyance for the purpose of the goods being taken out of Singapore but does not include the

taking out from Singapore of any goods on the same conveyance on which they were brought into Singapore unless such goods after being brought into Singapore have been landed or transhipped within Singapore;

"goods" means any movable or personal property whatsoever but does not include choses in action and money (except for a collector's piece, an investment article or item of numismatic interest and currency notes imported or exported in substantial quantities);

"goods in transit" includes goods imported from a place outside Singapore for the sole purpose of conveyance through Singapore to any place outside Singapore;

"import" , with its grammatical variations and cognate expressions, means to bring or cause to be brought into Singapore by land, water or air from any place which is outside Singapore but does not include the bringing into Singapore of goods which are to be taken out of Singapore on the same conveyance on which they were brought into Singapore without any landing or transhipment within Singapore;

"master" includes every person, having or taking command or charge of a vessel, except a pilot of a vessel holding a licence under the Maritime and Port Authority of Singapore Act 1996 when acting in the course of his duties;

Act 7 of 1996.

"officer of customs" has the same meaning as in the Customs Act;

Cap. 70.

"pilot of an aircraft" means every person having or taking command or charge of an aircraft;

"police officer" means any member of the Singapore Police Force;

"registered user" means a person who has been registered with and authorised by the Director-General to gain access to and use the computer service referred to in section 8;

"senior authorised officer" means —

- (a) any senior officer of customs;
- (b) any officer of the Board appointed in writing by the Director-General;
- (c) any police officer; or
- (d) any officer or class or description of officers appointed by the Minister by notification in the *Gazette* to exercise the powers and perform the duties conferred and imposed on a senior authorised officer by this Act;

"senior officer of customs" has the same meaning as in the Customs Act;

"shipped as ships' stores" , with its grammatical variations and cognate expressions, means loaded for use as stores on a voyage or flight to or from a destination outside Singapore or as merchandise for sale by retail to persons carried on such voyage or flight in a ship or an aircraft;

"tranship" means to remove goods from one conveyance to another for the purpose of export;

"vehicle" includes any vehicle in which persons or goods can be carried by land however drawn or propelled or set or kept in motion;

"vessel" includes any ship or boat or other description of vessel used in navigation.

(2) In this Act, any reference to a document or record shall include, in addition to a document or record on paper, a reference to any, or part of any —

- (a) document or record kept on any magnetic, optical, chemical or other medium;
- (b) photograph;
- (c) map, plan, graph, picture or drawing;
- (d) film (including a microfilm and a microfiche), negative, disc, tape, sound-track or any other device in which one or more visual images, sounds or other data are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom.

(3) In this Act, any reference to a document or record in writing or the making of a document or record in writing shall, unless the context otherwise requires, include any electronic notice, or the making, serving or submitting of such a notice under the provisions of this Act or any regulations made thereunder.

Administration of Act and delegation of powers

2A. —(1) The Director-General shall be responsible for the administration of this Act and any regulations made thereunder, subject to the general or special directions of the Minister.

(2) The Director-General may delegate the exercise of all or any of the powers conferred or duties imposed upon him by this Act or any regulations made thereunder to any senior authorised officer or any authorised officer.

Regulations for registration, regulation and control of importation and exportation, etc.

3. —(1) The Minister may make regulations for the registration, regulation and control of all or any class of goods imported into, exported from, transhipped in or in transit through Singapore.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations —

(a) for prohibiting, absolutely or conditionally, or for regulating, in all cases or in any specified case or class of cases and subject to such exceptions as may be made by the regulations, the import or export or the carriage coastwise or the shipment as ships' stores or the transshipment or transit of all goods or of goods of any specified class or description;

(b) for imposing on such importers, exporters, agents, forwarding agents, common carriers, consignors or consignees of goods or on owners, agents, masters or persons in charge of a conveyance as may be prescribed in the regulations, the duty to furnish —

(i) to the Director-General; or

(ii) to the owner, agent, master or person in charge of a conveyance, or to a railway station-master or to such other person as may be prescribed,

such particulars, information or documents relating to goods imported into, exported from, transhipped in or in transit through Singapore as may be prescribed;

- (c) for permitting the Director-General to authorise, in such manner as may be prescribed, the importation, exportation, transshipment or transit of goods in regard to which the required particulars, information or documents have been furnished;
- (d) for prohibiting the importation, exportation, transshipment or transit of goods, or the delivery of goods or of documents relating to such goods, except in compliance with the regulations or with the approval of the Director-General;
- (da) for prohibiting the exportation of all goods or goods of any specified class or description except in compliance with such conditions as may be prescribed for the purpose of complying with any preferential tariff arrangement or agreement between Singapore and a country or territory outside Singapore, including any condition that the goods exported are to be from a prescribed source or that the manufacture of such goods is to be carried out or procured by any person registered under regulations made under this Act;
- (e) for requiring the owner or agent of any conveyance to furnish particulars of coal, oil or other fuel or stores placed on board that conveyance in Singapore;
- (f) for determining the form and manner in which the required particulars, information and documents shall be furnished;
- (g) for prescribing the time within which the required particulars, information and documents shall be furnished;
- (h) for requiring the master of any vessel to attend at an examination station or the office of the Port Master, and to furnish such particulars, information and documents, as may be prescribed;
- (i) for prohibiting the issue of a port clearance to the master of any vessel pending compliance with any provision of the regulations;
- (j) for the registration of all or such class of goods, as may be prescribed, imported into, exported from, transhipped in or in transit through Singapore;
- (k) for the registration of importers, exporters, common carriers of goods or any other person who has made a declaration under this Act or any regulations made thereunder;
- (l) for the issue of certificates of entitlement to permits for the export or import of such classes of goods, as are prescribed, to successful applicants who submitted bids for the certificates;
- (m) for requiring fees and deposits to be paid for the submission of applications for the issue of certificates of entitlement under any regulations made under paragraph (l), and providing for the forfeiture of deposits for non-compliance with any of the conditions governing the submission of such applications;
- (n) for prescribing the levy, or the method or manner for determining the amount of the levy, payable for the import or export of different classes of goods or for a certificate of entitlement issued under any regulations made under paragraph (l) and for prescribing the manner or method in which such levy shall be paid;
- (na) for requiring security to be provided to secure compliance with this Act, any regulations made thereunder or any condition imposed under this Act or such regulations, and to make provision for the form, manner, amount, period and forfeiture of such security;
- (o) for prescribing the fees and charges, or the method or manner for determining the amount

of the fees or charges, payable by virtue of any regulations made under this section, and for prescribing the manner or method in which such fees or charges shall be paid;

(p) for prescribing the fees to be charged for services and facilities provided by the Director-General; and

(pa) for the bringing of appeals to the Minister in respect of any matter referred to in this Act or any regulations made thereunder, and the procedure for such appeals; and

(q) for prescribing anything which is required to be prescribed under this Act or which is necessary or expedient to be prescribed for carrying out or giving effect to the provisions of this Act.

(3) The Minister may, in making any regulations under subsection (2), provide that any person who contravenes or fails to comply with any provision thereof shall be guilty of an offence and shall be liable on conviction —

(a) in respect of a first offence, to a fine not exceeding \$100,000 or 3 times the value of the goods in respect of which the offence was committed, whichever is the greater, or to imprisonment for a term not exceeding 2 years or to both; and

(b) in respect of a second or subsequent offence, to a fine not exceeding \$200,000 or 4 times the value of the goods in respect of which the offence was committed, whichever is the greater, or to imprisonment for a term not exceeding 3 years or to both.

(4) All such regulations shall be presented to Parliament as soon as possible after publication in the *Gazette*.

Interpretation of section 3.

4. —(1) Any regulations made under section 3 shall, unless the contrary is expressly stated, be deemed to be additional to, and not in substitution for, the provisions of any other written law for the time being in force.

(2) For the avoidance of doubt, it is hereby declared that the taking into or out of Singapore of any ship, aircraft or vehicle may be prohibited or regulated by any regulations made under section 3 as an importation or exportation of goods, notwithstanding that the ship, aircraft or vehicle is conveying goods or passengers, and whether or not it is moving under its own power.

Exemption.

5. The Minister may, in his discretion, either generally or in any particular case, and either permanently or for such period or periods as he may think fit, exempt, subject to such conditions as he thinks fit, any person or class of persons, or any conveyance or class of conveyance, or any goods or class of goods from all or any of the provisions of this Act or any regulations made thereunder.

Provisions as to issue and cancellation of licences, etc.

6. —(1) Where provision is made by any regulations made under section 3 for the issue of any certificate, licence or permit by the Director-General, the Director-General may, if he thinks fit and subject to any express provision to the contrary contained in the regulations, make provisions —

(a) as to the issue and terms of the certificate, licence or permit and as to the cancellation or suspension thereof at any time;

(b) as to the conditions to be attached to the issue of the certificate, licence or permit and the cancellation or variation from time to time of those conditions; and

(c) for the refund of all or part of any levy or fee paid for the issue of the certificate, licence or permit in such circumstances as may be permitted in the regulations.

(2) Without prejudice to subsection (1) (a), any authorised officer may at any time cancel the certificate, licence or permit if —

(a) any condition of the certificate, licence or permit is contravened; or

(b) the officer is satisfied that the certificate, licence or permit was issued as a result of any declaration, statement, representation or information which is false in a material particular.

Procedure for cancellation, etc., of certificate, licence or permit.

7. —(1) Cancellation, suspension or variation of the condition of any certificate, licence or permit, issued by virtue of any regulations made under section 3, may be effected by endorsement thereof on the certificate, licence or permit, or by service of a written notice of the cancellation, suspension or variation on the holder of the certificate, licence or permit.

(2) If any such certificate, licence or permit is cancelled or suspended, the holder thereof shall, unless it has otherwise been lawfully disposed of, surrender it forthwith to the authorised officer who cancelled or suspended it.

(3) Subsection (2) shall not apply to a certificate, licence or permit issued by an electronic notice transmitted in accordance with section 8.

(4) Any person who fails to comply with subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000.

Computer service.

8. —(1) The Director-General may establish or operate a computer service and make provision for any bid, certificate, declaration, direction, list, manifest, notice, permit, receipt, return or other document required or authorised by this Act or any regulations made thereunder to be made, served or submitted by electronic transmission (referred to in this Act as an electronic notice).

(2) A registered user may, in accordance with the regulations made under subsection (11), make and serve an electronic notice to the computer account of the Director-General.

(3) The Director-General or any person authorised by him may, in accordance with the regulations made under subsection (11), make and serve an electronic notice to the computer account of a registered user.

(4) Where an electronic notice is transmitted to the computer account of the Director-General using the authentication code assigned to a registered user —

(a) with or without the authority of the registered user; and

(b) before the notification to the Director-General by the registered user in the prescribed manner, of cancellation of the authentication code,

that notice shall, for the purposes of this Act or any regulations made thereunder, be presumed to be made by the registered user unless he adduces evidence to the contrary; and where he alleges that he has transmitted no such notice, the burden is also on him to adduce evidence of that fact.

(5) For the purposes of this Act, an electronic notice or a copy thereof shall not be inadmissible in evidence merely on the basis that it was transmitted without the making or delivery of any equivalent

document or counterpart in paper form.

(6) Notwithstanding any other written law, in any proceedings under this Act or any regulations made thereunder, an electronic notice or a copy thereof (including a print-out of that notice or copy) or any database report (including a print-out of that report) relating to that notice —

(a) certified by an authorised officer to contain all or any information transmitted in accordance with this section; and

(b) duly authenticated in the manner specified in subsection (7) or is otherwise duly authenticated by showing that there is no material discrepancy between the electronic notice or copy thereof certified by an authorised officer and the copy of the same electronic notice kept by an independent record keeper appointed under any regulations made under subsection (11),

shall be admissible as evidence of the facts stated or contained therein.

(7) For the purposes of this section, a certificate —

(a) giving the authentication code and other particulars of any user and device (if known) involved in the production and transmission of, and identifying the nature of, the electronic notice or a copy thereof; and

(b) purporting to be signed by an authorised officer or by a person occupying a responsible position in relation to the operation of the computer service at the relevant time,

shall be sufficient evidence that the electronic notice or the copy thereof has been duly authenticated, unless the court, in its discretion, calls for further evidence on this issue.

(8) Where an electronic notice or a copy thereof is admissible under subsection (6), it shall be presumed, until the contrary is proved, that the contents of the electronic notice or the copy thereof have been accurately transmitted.

(9) The Director-General may, for the purpose of facilitating any electronic transmission under this section, approve the use in any such electronic transmission of symbols, codes, abbreviations or other notations to represent any particulars or information required under this Act or any regulations made thereunder.

(10) Notwithstanding section 31, any authorised officer or any person being employed or engaged in the administration of this Act or any regulations made thereunder shall not be treated as having contravened section 31 merely because he communicates to the independent record keeper or his employee or permits the independent record keeper or his employee to have access to any electronic notice or any information contained therein; and section 31 shall apply to the independent record keeper and his employee as if they were persons employed in the administration of this Act.

(11) The Minister may make regulations —

(a) prescribing the conditions for subscription to the computer service, including the manner in which the authentication codes are to be assigned;

(b) prescribing the bids, certificates, declarations, directions, lists, manifests, notices, permits, receipts, returns, statements or any other document which may be transmitted through the computer service including the form and manner in which they are to be transmitted;

(c) for the correction of errors in or amendments to electronic notices;

(d) prescribing the procedure for use of the computer service including the procedure in circumstances where there is a breakdown or interruption in the service;

(e) for the appointment of an independent record keeper to be charged with the duty to maintain for a prescribed period a record of all the electronic notices and transactions made through it between the Director-General and the registered users, such a duty to include keeping the database reports;

(f) for the independent record keeper to produce a copy of the relevant record pertaining to any electronic notice or a copy thereof to either the Director-General or the registered user, whose electronic notice is in issue, when requested by either party to do so;

(g) for the standards of security, confidentiality, data integrity and conduct of the computer service and for the review of the operations and activities of the data service provider by such authority or expert as may be prescribed; and

(h) generally for the better provision of the computer service.

Service of notices.

9. —(1) Every notice, requisition or document required by this Act or any regulations made thereunder to be served on any person may be served —

(a) by delivering the notice, requisition or document to the person;

(b) by sending the notice, requisition or document by registered post addressed to the person at his usual or last known place of residence or place of business;

(c) where the person is a body of persons or a company —

(i) by delivering the notice, requisition or document to the secretary or other like officer of the body of persons or company at its registered office or principal place of business; or

(ii) by sending the notice, requisition or document addressed to the body of persons or company at its registered office or principal place of business; or

(d) by an electronic notice transmitted in accordance with section 8.

(2) Any notice, requisition or document sent by registered post to any person in accordance with subsection (1) shall be deemed to be duly served on the person to whom the letter is addressed at the time when the letter would in the ordinary course of post be delivered and in proving service of such notice, requisition or document it shall be sufficient to prove that the envelope containing the notice, requisition or document was properly addressed, stamped and posted by registered post.

Classification of goods.

10. Any officer of customs may certify in writing under his hand that any goods examined by him are goods of a particular category or description and thereupon the goods shall, for the purposes of this Act and any regulations made thereunder be presumed, unless the contrary is proved, to be goods of that category or description.

Power to require production of licence or permit.

11. —(1) The holder of any current licence or permit issued under any regulations made under section 3 shall, unless he has lawfully parted with possession of it, produce the licence or permit on demand to any authorised officer.

(2) Any person who fails to comply with this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000.

Seizure of goods in certain cases.

12. —(1) A senior authorised officer may seize any goods in respect of which he has reasonable grounds for believing that an offence under this Act or any regulations made thereunder has been or is being committed.

(2) All such goods shall be delivered as soon as possible into the custody of the Director-General and shall be detained in custody pending an order of the court in regard to the disposal thereof made under this Act.

(3) Notwithstanding subsection (2), if any goods seized is, in the opinion of the Director-General, of a perishable nature or consists of an animal or other living creature, the Director-General may at any time direct the sale thereof on such terms and in such manner and at such price as the Director-General may think fit and the proceeds of the sale shall thereupon be treated for the purposes of this Act as though they were the goods seized.

Forfeiture.

13. —(1) The court before which any person is tried for an offence may, whether a conviction is had or not, order the forfeiture of any goods produced before it or seized under this Act in connection with the offence for which the person is tried in respect of which it is satisfied that an offence has been committed.

(2) When goods have been seized under the provisions of this Act, the Director-General shall, within a period of one month from the date of the seizure, (unless a prosecution has before the expiry of that period been commenced and is pending against any person for an offence in respect of the goods so seized) report the fact of the seizure to a District Court and the Court may, if satisfied that an offence has been committed in respect of those goods, order them to be forfeited.

(3) No order shall be made under this section to the prejudice of any person claiming to be the owner of, or to have an interest in, those goods, unless that person has had an opportunity of being heard, either personally or by an advocate and solicitor, by the District Court, to show cause why such an order should not be made.

Forfeiture of goods to include packages, etc.

14. The provisions of this Act relating to the seizure and forfeiture of goods shall apply also to any packages in which the goods are found and to all the contents thereof and to any article used to conceal the goods.

Disposal of forfeited goods.

15. All goods forfeited under this Act shall be sold or disposed of in such manner as may be generally or specially directed by the Director-General.

Powers in relation to vessels, aircraft and vehicles.

16. —(1) A senior authorised officer or an authorised officer acting in accordance with the general or special directions of a senior authorised officer may board any conveyance in Singapore and may rummage and search all parts of the conveyance for goods which may be liable to forfeiture under this Act.

(2) For the more effective exercise of the powers conferred by this section, a senior authorised officer may —

(a) require the master of any vessel in Singapore to heave to;

(b) by direction to the master of any vessel or the pilot of any aircraft in Singapore, require the vessel or aircraft, as the case may be, not to proceed until so authorised;

(c) require any documents which ought to be on board any vessel or aircraft, being documents relating to any goods therein, to be brought to him for inspection, and, if he has reasonable grounds for believing that those goods are liable to forfeiture under this Act, detain any such documents;

(d) break open and forcibly enter any place or receptacle in any conveyance to which he cannot otherwise reasonably obtain access;

(e) by direction to the master of any vessel in Singapore, require the vessel to proceed to any specified anchorage, wharf or place to which the vessel may lawfully go;

(f) by direction to the master of any vessel in Singapore, require him to move or discharge any cargo or other goods therein;

(g) require the person in charge of a vehicle —

(i) to stop and not to proceed until so authorised; or

(ii) to bring the vehicle to any police station or examination station;

(h) direct that the removal of any goods from or placed in any vessel be prohibited until so authorised;

(i) require the master of any vessel or the pilot of any aircraft to produce a complete manifest of the whole cargo of the vessel or aircraft and a complete list of stores carried by that vessel or aircraft.

(3) An authorised officer may exercise, in respect of any vehicle, or of any vessel not exceeding 75 tons net tonnage, the powers which are conferred upon a senior authorised officer by subsection (2) other than the powers conferred by paragraph (d) of that subsection.

(4) It shall be presumed in any proceedings arising out of any thing done under this section, unless the contrary is proved, that any authorised officer, not being a senior authorised officer, by whom the thing was done was acting in accordance with the general or special direction of a senior authorised officer.

(5) If any vessel or aircraft fails to comply with any lawful requisition or direction given or made under this section, a senior authorised officer may take all such steps as appear to him necessary to secure such compliance.

(6) Where any goods are found concealed or in respect of which any document which ought to be produced is not produced in any vessel or aircraft or which are not shown on any manifest or list required to be produced being goods the import, export, carriage coastwise, shipment as ships' stores, carriage as aircraft stores or transshipment of which is prohibited, either absolutely or conditionally by any regulations made under section 3, the goods may be seized by an authorised officer and shall be liable to forfeiture in the same manner as if an offence had been committed in respect thereof.

(7) Any person who contravenes this section or who fails to comply with any lawful requisition or direction given or made thereunder shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$6,000 or to imprisonment for a term not exceeding 12 months or to both.

(8) An officer shall exercise the powers conferred by this section in respect of a vessel under way if he reasonably suspects that it is not in transit through Singapore or that any goods on board the vessel are intended to be landed or transhipped in Singapore.

Examination of packages.

17. —(1) Any package, box, chest or other article in regard to which a reasonable suspicion exists that it is being, or is about to be, or has recently been, imported, exported, carried coastwise, shipped as ships' stores, carried as aircraft stores or transhipped in contravention of the provisions of any regulations made under section 3, and which is in Singapore —

(a) may be examined and searched by any authorised officer and may be detained until any person in charge thereof has opened it for examination and search;

(b) may be forcibly opened by, or by order of, a senior authorised officer to facilitate the examination and search except that any person in charge of the package, box, chest or other article shall be afforded every reasonable facility for being present at the opening, examination and search; or

(c) may be marked, locked, sealed or otherwise secured by any authorised officer pending examination and search.

(2) Any person who removes, opens, breaks or tampers with any lock, seal or other means of securing any package, box, chest or other article, being a person not lawfully employed in accordance with subsection (1), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$6,000 or to imprisonment for a term not exceeding 6 months or to both.

Powers in relation to examination of goods.

18. If any goods in respect of which there is reason to believe that they are being, or are about to be, or have recently been, imported, exported, carried coastwise, shipped as ships' stores, carried as aircraft stores or transhipped in contravention of any regulations made under section 3, are found in Singapore —

(a) any authorised officer may examine the goods; and

(b) any senior authorised officer may take samples of the goods and may submit the goods or samples, or cause them to be submitted, to such tests or analysis as he may think fit.

Power to remove packages and goods to police station or examination station.

19. —(1) For the more convenient exercise of the powers conferred by sections 17 and 18, an authorised officer may remove any package, box, chest or other article or any goods to a police station or examination station or may require it to be so removed by the owner thereof or his agent or any person having the custody, charge or control thereof.

(2) Any person who fails to comply with any such requisition shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$6,000.

(3) Upon the failure by a person to comply with such a requisition, an authorised officer may remove the goods in the manner provided by subsection (1) and all the expenses of such removal (as certified by the Director-General) shall be recoverable as a fine from that person or from the owner of the goods.

Power to require packages to be brought to examination station for examination.

20. —(1) Where a senior authorised officer has reason to suspect that any particulars, information or document furnished in pursuance of any regulations made under section 3 is inaccurate, any package

to which the particulars, information or document refers may be opened and examined by the senior authorised officer or by any person specially authorised in writing by the Director-General.

(2) For the purpose of examination under subsection (1), the senior authorised officer or any person specifically authorised in writing by the Director-General may require the importer or exporter to bring the package to any examination station.

(3) The cost of bringing any package to or removing any package from an examination station pursuant to subsection (2) shall be borne by the importer or exporter if the particulars, information or documents furnished (or any of them) are found to be substantially inaccurate.

Search of persons and baggage.

21. —(1) Any person landing or being about to land or having recently landed from any vessel or aircraft, or leaving any vessel or aircraft in Singapore whether for the purpose of landing or otherwise, or entering or having recently entered Singapore by land, sea or air, or being about to leave Singapore by land, sea or air, shall —

(a) on demand by an authorised officer, either permit his person and goods and baggage to be searched by the officer or, together with the goods and baggage, accompany the officer to a police station or an examination station, and there permit his person and goods and baggage to be searched in the presence and under the supervision of a senior authorised officer; or

(b) on demand by a senior authorised officer, permit his person and goods and baggage to be searched by the officer or in the presence and under the supervision of the officer.

(2) Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman and with strict regard to decency.

(3) The goods and baggage of any person who requests to be present when they are searched shall not be searched except in his presence, unless he fails to be present after being given reasonable facility for being present.

(4) Any person who refuses to comply with any lawful demand made under this section may be arrested without warrant by the officer making the demand.

Search warrants.

22. —(1) Whenever it appears to a Magistrate or a Justice of the Peace upon information and after such inquiry as he may consider necessary that there is probable cause to believe that in any dwelling-house, shop or other building or place there are concealed or deposited any goods or property liable to forfeiture under this Act, the Magistrate or the Justice of the Peace may, by warrant directed to any senior authorised officer, empower that officer by day or night to enter that dwelling-house, shop or other building or place and there to search for and take possession of any goods or property reasonably suspected to be so liable to forfeiture and any books, documents or articles which may reasonably be believed to have a bearing on the case.

(2) The senior authorised officer referred to in subsection (1) may if it is necessary to do so —

(a) break open any outer or inner door of the dwelling-house, shop or other building or place and enter thereinto;

(b) forcibly enter the place and every part thereof;

(c) remove by force any obstruction to such entry, search, seizure and removal as he is empowered to effect; and

(d) detain every person found in the place until the place has been searched.

When search may be made without warrant.

23. Whenever it appears to any senior authorised officer that there is probable cause to believe that in any dwelling-house, shop or other building or place there is concealed or deposited any goods or property liable to forfeiture under this Act, and he has reasonable grounds for believing that by reason of the delay in obtaining a search warrant the goods are likely to be removed, the officer, by virtue of his office, may exercise in and upon and in respect of that dwelling-house, shop or other building or place all the powers referred to in section 22 as if he were empowered to do so by a warrant issued under that section.

Power to have access to, inspect and check operation of computer and other apparatus.

24. In connection with the exercise of the powers in section 19, 20, 22, 23 or 28A, any authorised officer or senior authorised officer, as the case may be —

(a) shall be entitled at any time to have access to, and inspect and check the operation of, any computer and any associated device, apparatus or material which is or has been in use in connection with any data or document to which section 19, 20, 22, 23 or 28A, applies; and

(b) may require —

(i) the person by whom or on whose behalf the computer is or has been so used; or

(ii) any person having charge of, or otherwise concerned with the operation of, the computer, device, apparatus or material,

to provide the authorised officer or senior authorised officer, with such reasonable assistance as he may require for the purposes of paragraph (a).

Powers of authorised officers to enter certain premises.

25. —(1) For the purpose of exercising the powers conferred by sections 17 to 22, an authorised officer or a senior authorised officer, as the case may be, may, without warrant, enter upon any islet, landing place, wharf, dock, railway or quay or the premises of a provider of port services or facilities licensed or exempted under the Maritime and Port Authority of Singapore Act (Cap. 107A) or the Civil Aviation Authority of Singapore.

(2) In this section, “railway” has the same meaning as in the Railways Act.

Cap. 263.

Powers of arrest and search.

26. An authorised officer may arrest without warrant any person whom he has reason to believe to be committing or to have committed an offence under this Act or any regulations made thereunder, and may search any person so arrested (except that a woman shall be searched only by another woman and with strict regard to decency) and may seize any article which he considers necessary to seize as evidence of the commission of the offence.

Obstruction.

27. Any person who —

(a) refuses any authorised officer access to any vessel, aircraft, vehicle or place which the officer is entitled under this Act or any regulations made thereunder; or

(b) obstructs or hinders any authorised officer in the execution of any duty imposed or power conferred upon that officer by this Act or any regulations made under section 3,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 12 months or to both.

Penalty for false declarations, etc.

28. —(1) Any person who, being required by or by virtue of this Act or any regulations made thereunder to make any declaration, statement or representation or to produce any certificate, undertaking or document, or who, for the purpose of obtaining any certificate, licence, permit, sanction, authority or concession under this Act or any such regulations or of establishing any proposition of fact relevant to the administration of this Act or any such regulations —

(a) makes or presents any declaration, statement or representation or furnish any information which is false in a material particular; or

(b) produces any certificate, undertaking or document which is false in any material particular, or has not been given by the person by whom it purports to have been given, or has been in any way altered or tampered with,

shall be guilty of an offence, unless he proves that he had taken all reasonable steps to ascertain, and satisfy himself of, the truth and genuineness thereof, and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) A declaration, statement, representation, certificate, undertaking or document referred to in subsection (1) purporting to be furnished on behalf of any person shall, for the purposes of this Act or any regulations made thereunder, be presumed, until the contrary is proved, to have been furnished by that person or by his authority, as the case may be, and any person signing such declaration, statement, representation, certificate, undertaking or document shall be deemed to be cognizant of all matters therein.

Penalty for incorrect trade descriptions

28A. —(1) Any person who imports, exports or tranships any goods and —

(a) applies or causes to be applied to such goods an incorrect trade description; or

(b) has in his possession for sale or for any purpose of trade any such goods to which an incorrect trade description has been applied,

shall be guilty of an offence and shall be liable on conviction —

(i) in respect of a first offence, to a fine not exceeding \$100,000 or 3 times the value of the goods in respect of which the offence was committed, whichever is the greater, or to imprisonment for a term not exceeding 2 years or to both; and

(ii) in respect of a second or subsequent offence, to a fine not exceeding \$200,000 or 4 times the value of the goods in respect of which the offence was committed, whichever is the greater, or to imprisonment for a term not exceeding 3 years or to both.

(2) For the purpose of subsection (1), a person shall be treated as applying a trade description to goods if he —

(a) affixes or annexes the trade description to, or in any manner marks the trade description on or incorporates it with —

(i) the goods themselves; or

(ii) anything in, on or with which the goods are supplied;

(b) places the goods in or with anything that the trade description has been affixed or annexed to, marked on or incorporated with or places any such thing with the goods; or

(c) uses the trade description in any manner likely to be taken as referring to the goods.

(3) For the purpose of subsection (1), where the goods are for export or transshipment and the ultimate destination of the goods is a foreign country which has entered into a prescribed agreement with Singapore, a trade description applied to such goods shall be treated as being incorrect if it is not in accordance with any rules of origin specified in that agreement.

(4) For the purpose of subsection (1), a person referred to in that subsection shall be treated as being in possession of goods if he is in any way entitled to the custody or control of those goods.

(5) Without prejudice to the provisions of this Act, for the purpose of determining whether an offence under subsection (1) is being or has been committed, an authorised officer may —

(a) at any reasonable time enter upon the premises of any person referred to in subsection (1) and carry out an inspection of those premises; and

(b) require any person —

(i) to furnish any information within his knowledge; or

(ii) to produce for inspection any book or document within his custody or possession, and to provide copies of or extracts from such book or document.

(6) In this section —

"foreign country" means any country or territory outside Singapore;

"prescribed agreement" means an agreement between Singapore and a foreign country which is prescribed as an agreement for the purpose of subsection (3);

"trade description" means any description, statement or indication which, directly or indirectly and by whatever means given, relates to the place of origin, manufacture or production of the goods.

Penalty for unauthorised modification of computer program or data.

29. —(1) Any person who, without the authority of the Director-General —

(a) destroys, damages, erases or otherwise manipulates data stored in, or used in connection with, a computer;

(b) introduces into, or records or stores in, a computer by any means data for the purpose of —

(i) destroying, damaging, erasing or altering other data stored in that computer; or

(ii) interfering with, interrupting or obstructing the lawful use of that computer or the data stored in that computer; or

(c) otherwise uses a computer,

the purpose or effect of which is to avoid, evade, defeat or reduce any prohibition, restriction or control of the import, export, transshipment or transit of any goods imposed or which would otherwise have been imposed by this Act or any regulations made thereunder, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) For the purposes of subsection (1), “data” includes any computer program or part of a computer program being a program, whether or not approved by the Director-General, for use in relation to the computer service established under section 8.

General powers to call for information as to goods.

30. —(1) The Director-General may require any person by or on whose behalf goods have been, or are in the course of being, or are about to be, imported, exported, carried coastwise, shipped as ships’ stores, carried as aircraft stores, or transhipped, or any person who is or has been concerned or interested in those goods or in their importation, exportation, carriage coastwise, shipment as ships’ stores, carriage as aircraft stores or transshipment, to produce such documents and furnish such information as the Director-General may consider necessary for the effective exercise of his powers and performance of his duties under this Act or any regulations made thereunder.

(2) Any such requisition under subsection (1) may be made verbally or in writing or by an electronic notice served on the person to whom it is addressed.

(3) Every person required to produce any document or furnish any information shall produce the document or furnish the information in such form and manner and within such time as may be specified in the requisition or if no time is so stated within a reasonable time.

(4) Any person who fails without lawful excuse to comply with any requisition under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$6,000 or to imprisonment for a term not exceeding 6 months or to both.

(5) Any information given in compliance with this section may be admissible in evidence as proof against the person giving the information or his principal in any prosecution, notwithstanding that it may tend to incriminate one or the other.

Information not to be published or disclosed.

31. —(1) No particulars, information or document furnished for the purposes of this Act or any regulations made thereunder shall unless with the prior consent in writing of the person having the control, management or superintendence of the goods in relation to which the same was given or furnished —

(a) be published; or

(b) be communicated or disclosed to any person,

except where it is necessary for the purposes of —

(i) a prosecution under this Act or any regulations made thereunder;

(ii) enabling an authorised officer or a public officer to enforce a provision of this Act or any regulations made thereunder;

(iii) enabling an authorised officer or a public officer to investigate a suspected offence under this Act or any regulations made thereunder;

(iv) enabling a foreign government authority to investigate a suspected offence committed in a foreign country and where the conditions specified in subsection (4) are satisfied; or

(v) complying with any provision of any prescribed agreement and where the conditions specified in subsection (5) are satisfied.

(2) Any authorised officer or any person employed or engaged in the administration of this Act or any regulations made thereunder who makes use of, publishes or permits any other person to see or communicates or discloses to any other person the contents of any such particulars, information or document to any other person, otherwise than with such consent or for such purpose as is referred to in subsection (1), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$6,000 or to imprisonment for a term not exceeding 12 months or to both.

(3) Any person, having possession of any information which to his knowledge has been communicated, disclosed or published in contravention of this section, who publishes or communicates that information to any other person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$6,000 or to imprisonment for a term not exceeding 12 months or to both.

(4) The conditions referred to in subsection (1) (iv) are as follows:

(a) there exists a treaty or memorandum of understanding between Singapore and the government of the foreign country in respect of matters under this Act or any regulations made thereunder and a request has been made by the foreign government authority pursuant to such treaty or memorandum of understanding;

(b) the investigations involve a citizen or permanent resident of Singapore or a company incorporated in Singapore;

(c) the suspected offence which is the subject of the investigation constitutes an offence against the law of or of a part of, a foreign country and the equivalent act or omission would, if it had occurred in Singapore, have constituted an offence under this Act or any regulations made thereunder or under such other written law as the Minister may, by notification in the *Gazette*, prescribe;

(d) the seriousness of the suspected offence is of sufficient gravity and the information requested is of sufficient importance to the investigation;

(e) the foreign government has agreed to provide reciprocal assistance in such matters to Singapore;

(f) the communication or disclosure is not likely to prejudice the sovereignty, security or other essential interests of Singapore;

(g) it is appropriate in the public interest to give the information sought;

(h) the foreign authority undertakes that the information given shall not be used for any other purpose except for the investigation of the suspected offence or for the prosecution of the offender concerned; and

(i) the Minister has given his consent in writing to the publication, communication or disclosure.

(5) The conditions referred to in subsection (1) (v) are as follows:

(a) the particulars, information or documents requested by the foreign country are available to the Director-General;

(b) unless the Government otherwise allows, the foreign country undertakes to keep the information given confidential at all times; and

(c) the disclosure of the information is not likely to prejudice the essential security interests of Singapore.

(6) In this section —

"foreign country" means any country or territory outside Singapore;

"prescribed agreement" means an agreement between Singapore and a foreign country which is prescribed as an agreement for the purpose of subsection (1) (v).

Abetment and attempts.

32. Any person who abets, within the meaning of the Penal Code, and any person who attempts to commit any offence, shall be guilty of an offence and shall be liable on conviction to the same punishment as that provided for the offence so abetted or attempted.

Cap. 224.

Jurisdiction of Courts.

33. A District Court or a Magistrate's Court shall have jurisdiction to hear and determine all prosecutions for offences under this Act or any regulations made thereunder; and a District Court shall, notwithstanding anything to the contrary in the Criminal Procedure Code, have jurisdiction to impose the full penalty or punishment under this Act or any regulations made thereunder.

Cap. 68.

Power of Board to remit penalties and restore goods seized or forfeited.

34. The Minister may direct the remission or refund of the whole or any part of any penalty incurred or imposed under this Act or any regulations made thereunder and the restoration of the whole or any portion of any goods or articles seized or ordered to be forfeited under this Act or any regulations made thereunder to any person from whom they have been taken.

Conduct of prosecution.

35. Any prosecution in respect of an offence under this Act may be conducted by any person authorised in writing by the Director-General to conduct such prosecution.

Offences by corporations and liability for acts of agents or employees.

36. —(1) Where an offence under this Act or any regulations made thereunder is committed by a body corporate, and it is proved to have been committed with the consent or connivance of, or to be attributable to any act or default on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Whenever any agent or employee in the course of his employment does or omits to do an act, the doing of which or omission to do which by his principal or employer would be an offence, the agent or employee shall be guilty of that offence.

(3) In any proceedings jointly against the body corporate and a director or officer thereof for an offence under this Act, any evidence that the body corporate was guilty of such an offence shall be deemed to be evidence that the director or officer was guilty of that offence.

(4) Any person who would have been guilty of an offence if anything had been done or omitted to be done by him personally shall be guilty of that offence and shall be liable to the same penalty if that thing had been done or omitted to be done by his partner, agent or employee in the course of the partnership business or in the scope of his employment, as the case may be, unless he proves to the satisfaction of the court that the offence was committed without his knowledge and that he took all reasonable precautions to prevent that act or omission.

Protection of informers.

37. —(1) Subject to this section, no evidence as to any information given by an informer in respect of any offence alleged to have been committed shall be admitted in evidence in any civil or criminal proceedings, and no witness shall be obliged or permitted to disclose the name or address of any informer or state any matter which might lead to the discovery of the identity of any informer.

(2) If any book, document, paper or other information which is in evidence or liable to inspection in any civil or criminal proceedings, contains any entry in which any informer is named or described or which might lead to the discovery of his identity, the court shall cause all such entries to be concealed from view, erased or obliterated to the extent necessary to prevent the discovery of the identity of the informer but no further.

(3) If, in any civil or criminal proceedings, the court, after full inquiry into the case, is of the opinion that the informer wilfully made in any information furnished by him a material statement which he knew or believed to be false or did not believe to be true or the court is of the opinion that justice cannot be fully done without the discovery of the identity of the informer, it shall be lawful for the court to require the production of the original information in such form as the court may accept, and to permit inquiry and require full disclosure concerning the informer.

(4) For the purposes of this section, “informer” includes every person who is not called as a witness for the prosecution in a criminal case and who has made any complaint or report or furnished any information in respect of any offence alleged to have been committed by any person.

Admissibility of certified true copies of documents.

38. A copy of any document issued by the Director-General or filed or lodged with the Director-General and certified to be a true copy by an authorised officer shall, in any proceedings under this Act or any regulations made thereunder, be admissible as evidence of the facts stated or contained therein.

Composition of offences.

39. —(1) Any senior authorised officer may, in his discretion, compound any offence under this Act or any regulations made thereunder which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding —

(a) \$1,000 in respect of any offence where the minimum fine prescribed for that offence is less than \$5,000; and

(b) \$5,000 in respect of any other prescribed offence.

(2) The Minister may make regulations to prescribe the offences which may be compounded.

(3) All sums collected under this section shall be paid into the Consolidated Fund.

Protection from personal liability.

40. No suit or other legal proceedings shall lie personally against any authorised officer or other person acting under the direction of the Director-General for anything which is in good faith done or intended to be done in the execution or purported execution of this Act or any regulations made

thereunder.

Officers to be deemed public servants.

41. All authorised officers shall be deemed to be public servants for the purposes of the Penal Code.
Cap. 224.

Levy, fees and other charges.

42. —(1) Without prejudice to any other remedy, any levy, fees or other charges payable under this Act or any regulations made thereunder, may be recovered as a debt due to the Government.

(2) The Minister may, in his discretion, direct the remission or refund of the whole or any part of any levy, fees or other charges payable under this Act or any regulations made thereunder.

Sanction of Public Prosecutor.

43. No court shall take cognizance of an offence under this Act or any regulations made thereunder except with the sanction of the Public Prosecutor.

Transitional and savings provisions.

44. —(1) Any scheme, certificate, document, licence or permit granted before 1st December 1995 under the repealed Control of Imports and Exports Act or the repealed Registration of Imports and Exports Act or any order, rules or regulations made thereunder shall, except as otherwise expressly provided in this Act or in any other written law, continue and be deemed to have been granted or approved under the corresponding provisions of this Act or the regulations made thereunder.

(2) Any subsidiary legislation made under the repealed Control of Imports and Exports Act or the repealed Registration of Imports and Exports Act and in force immediately before 1st December 1995 shall, so far as it is not inconsistent with the provisions of this Act, continue in force as if made under this Act until it is revoked or cancelled by subsidiary legislation made under this Act.

(3) Any reference in any written law to the repealed Control of Imports and Exports Act or the repealed Registration of Imports and Exports Act shall be read as a reference to this Act.

Cap. 56, 1985 Ed.
Cap. 270, 1985 Ed.

(4) Any proceedings or cause of action pending or existing immediately before 1st December 1995 by or against the Board or any person acting on behalf of the Board under the repealed Control of Imports and Exports Act or the repealed Registration of Imports and Exports Act may be continued and enforced by or against the Board as it might have been continued and enforced by or against the Board or such person as if this Act had not been enacted.

(5) Any appointment made under the repealed Control of Imports and Exports Act and any person authorised under the repealed Registration of Imports and Exports Act shall, except as otherwise expressly provided in this Act, be deemed to have been made or authorised, as the case may be, under the corresponding provision of this Act.

(6) The Minister may, by order published in the *Gazette*, repeal or amend any written law which appears to him to be unnecessary having regard to the provisions of this Act to be inconsistent with any provision of this Act.

Cap. 56, 1985 Ed.
Cap. 270, 1985 Ed.

Savings of rights of Government.

45. This Act shall not affect the exercise of any right or prerogative of the Government.