

## **Short title**

1. This Act may be cited as the Strategic Goods (Control) Act.

## **Interpretation**

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

"authorised officer" means —

(a) an officer appointed as an authorised officer under section 4; or

(b) an officer of customs within the meaning of section 3 (1) of the Customs Act (Cap. 70);

"bring in transit" means to bring goods from any country into Singapore by land, water or air, where the goods are to be taken out from Singapore on the same conveyance on which they are brought into Singapore without any landing in Singapore, but does not include the passage through Singapore in accordance with international law of a foreign conveyance carrying goods;

"computer" has the same meaning as in section 2 (1) of the Computer Misuse Act (Cap. 50A);

"conveyance" includes any vessel, train, vehicle, aircraft or other mode of transport;

"country" includes territory;

"development" , in relation to any goods, means any stage prior to the serial production of the goods, including design, design research, design analysis, development of a design concept, assembly and testing of a prototype, pilot production, generation of design data, the process of transforming design data into a product, configuration design, integration design, and layout;

"device" means any tangible medium in which information, visual images, sounds or other data is or are recorded, stored or embodied in any form so as to be capable (with or without the aid of other equipment) of being retrieved or produced therefrom;

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

"export" means to take out from Singapore goods by land, water or air, and includes the placing of the goods in a conveyance for the purpose of taking the goods out from Singapore; but does not include the taking out from Singapore of goods that have been brought in transit or transhipped;

"foreign country" means a country other than Singapore;

"goods" means any movable or personal property but does not include choses in action or money;

"permit" means a permit granted under section 7;

"production" , in relation to any goods, means any stage of production of the goods, including construction, production engineering, manufacture, integration, assembly, mounting, inspection, testing, and quality assurance;

"registered" means registered under section 8;

"relevant activity" means —

(a) the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of any nuclear, chemical or biological weapon; or

(b) the development, production, maintenance or storage of missiles which are capable of delivering any such weapon;

"senior authorised officer" means —

(a) an officer appointed as a senior authorised officer under section 4; or

(b) a senior officer of customs within the meaning of section 3 (1) of the Customs Act;

"software" means a collection of one or more programs or microprograms recorded, stored or embodied in any device;

"strategic goods" means any goods prescribed by the Minister as strategic goods under section 4A;

"strategic goods technology" means any technology prescribed by the Minister as strategic goods technology under section 4A;

"technology" means information (including information comprised in such documents as specifications, blueprints, plans, manuals, models, diagrams, formulae, tables and designs) that is necessary for the development, production or use of any goods, and includes software;

“through bill of lading”, “through airway bill” and “through manifest” mean a bill of lading, airway bill and manifest, respectively, for the consignment of goods from a place outside Singapore to a destination which is also outside Singapore without a consignee in Singapore;

"tranship" means to remove goods from the conveyance on which they were brought into Singapore and to place the goods on the same or another conveyance for the purpose of taking them out of Singapore, where these acts are carried out on a through bill of lading, through airway bill or through manifest;

"transmit" , in relation to any technology, means to —

(a) transmit it in Singapore by electronic means; or

(b) make it available in Singapore on a computer,

so that it becomes accessible (whether on a request, or subject to a pre-condition, or otherwise) to a person in a foreign country, whether he is a specific person, a person within a specific class, any person in general or the person who carries out the transmission;

[6/2003]

"use" , in relation to any goods, means the operation, installation, maintenance, inspection, repair, overhaul or refurbishing of the goods.

(2) For the purposes of the definition of the expression “bring in transit” —

(a) a conveyance is in passage through Singapore in accordance with international law if it

passes through or above Singapore territorial waters or airspace without stopping or anchoring in Singapore except in a situation of distress; and

(b) a conveyance is a foreign conveyance if it is not registered in Singapore.

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

(a) document or record in an electronic form or kept on any magnetic, optical, chemical or other medium;

(b) photograph;

(c) map, plan, graph, picture or drawing; or

(d) device.

(4) A reference in this Act to the value of goods or technology in respect of which an offence was committed is a reference to the value of the goods or technology at the time of the commission of the offence.

#### **Act subject to section 9 of Arms and Explosives Act**

**3.** This Act is subject to section 9 of the Arms and Explosives Act (Cap. 13).

#### **Appointment of authorised officers and senior authorised officers**

**4.** The Minister may appoint any public officer or officer of a statutory body as an authorised officer or a senior authorised officer for the purposes of this Act or any particular Part or provision of this Act.

#### **Strategic goods and strategic goods technology**

**4A.** —(1) The Minister may, by order published in the *Gazette*, prescribe —

(a) any military or dual-use goods as strategic goods for the purposes of this Act; or

(b) any military or dual-use technology as strategic goods technology for the purposes of this Act.

(2) In subsection (1) —

"dual-use goods" means goods capable of being used for both a non-military purpose and a military purpose or relevant activity;

"dual-use technology" means technology necessary for the development, production or use of any dual-use goods;

"military goods" means goods solely or predominantly designed or modified for a military purpose, including any part or component thereof;

"military technology" means technology necessary for the development, production or use of any military goods.

#### **Transfer of strategic goods, etc.**

**5.** —(1) No person shall —

- (a) export, tranship or bring in transit any strategic goods;
- (b) export any document in which any strategic goods technology is recorded, stored or embodied; or
- (c) transmit any strategic goods technology .

(2) No person shall —

- (a) export, tranship or bring in transit any goods;
- (b) export any document in which any technology is recorded, stored or embodied; or
- (c) transmit any technology,

if —

- (i) he has been notified by an authorised officer or a senior authorised officer that the goods or technology is intended or likely to be used, wholly or in part, for or in connection with a relevant activity;
- (ii) he knows that the goods or technology is intended to be used, wholly or in part, for or in connection with a relevant activity; or
- (iii) he has reasonable grounds to suspect that the goods or technology is intended or likely to be used, wholly or in part, for or in connection with a relevant activity.

(3) Subsections (1) and (2) do not apply to an act authorised by a permit.

(3A) Subsections (1) and (2) do not apply to any technology in the public domain.

(4) Subsections (1) and (2) do not apply to the export of any document in which any technology is recorded, stored or embodied, or to the transmission of any technology, to the extent that this is necessary to facilitate —

- (a) the installation, operation, maintenance or repair of any goods which have been exported, transhipped or brought in transit, where a permit has been obtained or is not required for such export, transhipment or bringing in transit;
- (b) an application for a patent; or
- (c) any research in the technology the results of which have no practical application.

(5) Subsection (2) (a) does not apply to the bringing in transit of any goods with the approval of a senior authorised officer.

(6) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable —

- (a) on a first conviction, to a fine not exceeding \$100,000 or 3 times the value of the goods or technology 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; or
- (b) on a second or subsequent conviction, to a fine not exceeding \$200,000 or 4 times the

value of the goods or technology 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.

(7) In proceedings for an offence for an act referred to in subsection (1) (c) or (2) (c), it is a defence for the accused to prove that, at the time of carrying out the act, he did not know nor have reason to believe that the technology in question would thereby become accessible to any person in a foreign country.

(8) In proceedings for an offence in respect of any goods or technology referred to in subsection (2) (iii), it is a defence for the accused to prove that he has made all reasonable inquiries as to the use or proposed use of those goods or technology and is satisfied from such inquiries that those goods or technology will not be used for or in connection with a relevant activity.

### **Brokering of strategic goods, etc.**

6. —(1) No person shall arrange or negotiate, or do any act to facilitate the arrangement or negotiation of —

(a) a contract for the acquisition or disposal of any goods referred to in subsection (2) if he knows or has reason to believe that such a contract will or is likely to result in the removal of those goods from one foreign country to another foreign country; or

(b) a contract for the acquisition, disposal or transmission of —

(i) any technology referred to in subsection (3); or

(ii) any document in which such technology is recorded, stored or embodied,

if he knows or has reason to believe that such a contract will or is likely to result in the transmission of such technology or removal of such document from one foreign country to another foreign country.

(2) Subsection (1) applies to —

(a) such strategic goods as may be specified by the Minister by order published in the *Gazette*; or

(b) any goods —

(i) which that person has been notified by an authorised officer or a senior authorised officer are intended or likely to be used, wholly or in part, for or in connection with a relevant activity;

(ii) which he knows are intended to be used, wholly or in part, for or in connection with a relevant activity; or

(iii) which he has reasonable grounds to suspect are intended or likely to be used, wholly or in part, for or in connection with a relevant activity.

(3) Subsection (1) applies to —

(a) such strategic goods technology as may be specified by the Minister by order published in the *Gazette*; and

(b) any technology —

(i) which that person has been notified by an authorised officer or a senior authorised officer is intended or likely to be used, wholly or in part, for or in connection with a relevant activity;

(ii) which he knows is intended to be used, wholly or in part, for or in connection with a relevant activity; or

(iii) which he has reasonable grounds to suspect is intended or likely to be used, wholly or in part, for or in connection with a relevant activity.

(3A) Subsection (1) does not apply to any technology in the public domain.

(4) Subsection (1) does not apply to an act in relation to any goods referred to in subsection (2) (a) by a person who is registered.

(5) Subsection (1) does not apply to an act in relation to —

(a) any goods referred to in subsection (2) (b); or

(b) any technology referred to in subsection (3), or any document in which such technology is recorded, stored or embodied,

that is authorised by a permit.

(6) Subsection (1) does not apply to any person whose sole involvement in the acquisition or disposal of the goods, technology or document, or the transmission of the technology, is the provision of —

(a) transportation service;

(b) financing or financial service;

(c) insurance;

(d) advertising service to the extent that it involves the dissemination of information that is generally available to the public; or

(e) such other service as may be prescribed.

(7) Subsection (1) does not apply to any contract for the acquisition, disposal or transmission of any technology, or of any document in which any technology is recorded, stored or embodied, to the extent that such acquisition, disposal or transmission is necessary to facilitate —

(a) the installation, operation, maintenance or repair in any foreign country of any goods which are not strategic goods;

(b) an application for a patent; or

(c) any research in the technology or part, the results of which have no practical application.

(8) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable —

(a) on a first conviction, to a fine not exceeding \$100,000 or 3 times the value of the goods or technology 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) on a second or subsequent conviction, to a fine not exceeding \$200,000 or 4 times the value of the goods or technology 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.

(9) In proceedings for an offence in respect of any goods referred to in subsection (2) (b) (iii) or any technology referred to in subsection (3) (c), it is a defence for the accused to prove that he has made all reasonable inquiries as to the use or proposed use of those goods or technology and is satisfied from such inquiries that those goods or technology will not be used for or in connection with a relevant activity.

(10) In this section —

"acquisition" , in relation to any goods, technology or document, means the purchase, hire or borrowing of the goods, technology or document, or the acceptance of the goods, technology or document as a gift;

"disposal" , in relation to any goods, technology or document, means the sale, letting on hire or lending of the goods, technology or document, or the giving of the goods, technology or document as a gift.

### **Permits**

7.—(1) An application for a permit to carry out an act —

(a) referred to in section 5 (1) or (2); or

(b) referred to in section 6 (1) in relation to —

(i) any goods referred to in section 6 (2) (b); or

(ii) any technology referred to in section 6 (3) or any document in which such technology is recorded, stored or embodied,

shall be made to the Director-General.

[6/2003]

(2) An application for a permit shall be made in such manner and form as the Director-General may determine, and shall be accompanied by such fee as may be prescribed.

[6/2003]

(3) The Director-General may, subject to the regulations made under subsection (7), grant a permit to the applicant and may impose such conditions on him as the Director-General thinks fit.

[6/2003]

(4) The Director-General may, subject to the regulations made under subsection (7), renew a permit with or without conditions, or cancel a permit.

[6/2003]

(5) A person aggrieved by a decision of the Director-General not to grant or renew a permit, or to

cancel a permit, may appeal to the Minister whose decision shall be final.

[6/2003]

(6) The Director-General may delegate any of his powers under this section to a senior authorised officer.

[6/2003]

(7) The Minister may make regulations to prescribe the class or classes of permits that may be granted, the time, form and manner of application for a permit, the conditions of a permit, the circumstances under which an application may be granted or refused, or a permit may be cancelled, renewed or replaced, and the fees payable in respect thereof.

### **Registration**

**8.**—(1) An application for registration to carry out an act referred to in section 6 (1) in relation to goods referred to in section 6 (2) (a) shall be made to the Director-General in such manner and form as the Director-General may determine, and shall be accompanied by such fee as may be prescribed.

[6/2003]

(2) The Director-General may, subject to the regulations made under subsection (6), register the applicant and may impose such conditions on him as the Director-General thinks fit.

[6/2003]

(3) The Director-General may, subject to the regulations made under subsection (6), renew any registration with or without conditions, or cancel or suspend any registration.

[6/2003]

(4) A person aggrieved by a decision of the Director-General not to register him or renew his registration, or to cancel or suspend his registration, may appeal to the Minister whose decision shall be final.

[6/2003]

(5) The Director-General may delegate any of his powers under this section to a senior authorised officer.

[6/2003]

(6) The Minister may make regulations to prescribe different classes of registration, the time, form and manner of application for registration, the duration of any registration, the conditions of registration, the circumstances under which an application may be granted or refused, or any registration may be suspended, cancelled, extended or renewed, and the fees payable in respect thereof.

### **Breach of condition of permit or registration an offence**

**9.** If any person who holds a permit or who is registered contravenes, without lawful excuse, a condition of the permit or registration that is prescribed under section 7 (7) or 8 (6), he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both.



### **Information and records on any act requiring permit or registration**

**10.** —(1) A person who carries out any act under the authority of a permit, or in respect of which he is registered, shall —

- (a) give to a senior authorised officer, in the prescribed form and at the prescribed time, the prescribed particulars in respect of that act;
- (b) keep such records in relation to that act as are required by regulations made under this Act; and
- (c) prepare and give to a senior authorised officer from such records, such reports as are required by regulations made under this Act.

(2) Any person who refuses or fails, without reasonable cause, to comply with subsection (1) 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 6 months or to both.

(3) The regulations relating to the keeping of records referred to in subsection (1) (b) may include regulations relating to —

- (a) the form and content of such records; and
- (b) the period for which such records are to be kept.

(4) The regulations relating to the preparation and giving of reports referred to in subsection (1) (c) may include regulations relating to —

- (a) the form and content of such reports;
- (b) the time within which such reports are to be made; and
- (c) the persons who are to sign such reports.

### **Senior authorised officer may seek information**

**11.** —(1) This section applies if a senior authorised officer considers that any person is capable of giving information relating to any act referred to in section 5, 6 or 9.

(2) The senior authorised officer may, by written notice given to a person referred to in subsection (1), require the person to give such information to him within such reasonable period and in such manner as is specified in the notice.

(3) The senior authorised officer may, by written notice given to a person referred to in subsection (1), require the person to give the senior authorised officer particular documents, or documents of a particular kind, specified in the notice, within such reasonable period as is specified in the notice.

(4) Any person who refuses or fails, without reasonable cause, to comply with a notice under this section to the extent that the person is capable of complying with it 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 6 months or to both.

(5) The power of a senior authorised officer under this section to require a person to give information or documents to him is in addition to any obligation to give information or documents that the person may have under section 10.

## **Confidentiality**

**12.** —(1) No information or document given under this Part shall, except with the prior consent in writing of the person having the control, management or superintendence of the thing in relation to which the information or document was given —

- (a) be published; or
- (b) be communicated or disclosed to any other person,

except where it is necessary —

- (i) for the purposes of an investigation into or prosecution for an offence under this Act or any other written law; or
- (ii) to enable a foreign government authority to investigate or prosecute a person for an offence committed in a foreign country, if the conditions specified in subsection (2) are satisfied.

(2) The conditions referred to in subsection (1) (ii) are —

- (a) that the offence involves strategic goods or strategic goods technology, or anything that may be used to develop, produce, operate, stockpile or acquire any nuclear, chemical or biological weapon or a missile capable of delivering such weapon;
- (b) that the communication or disclosure is not likely to prejudice the sovereignty, security or other essential interests of Singapore;
- (c) that the information is used only for the investigation or prosecution for which it was requested and the foreign government authority undertakes to abide by any condition imposed by the Minister on the use of the information; and
- (d) such other conditions as the Minister may prescribe.

(3) Any person who contravenes 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.

## **Preliminary provision**

**13.** —(1) In this Part, “premises” means any land, place or building, whether open or enclosed, and whether built on or not, and includes any free trade zone within the meaning of the Free Trade Zones Act (Cap. 114).

(2) For the avoidance of doubt, the provisions of this Part shall have effect notwithstanding the provisions of the Free Trade Zones Act.

## **Search warrant**

**14.** —(1) If a Magistrate is satisfied, on information given upon oath, that there is reasonable cause to believe that there is in any premises any article or document which is evidence that an offence under section 5, 6 or 9 has been, is being or is about to be committed, he may issue a warrant in writing authorising an authorised officer or a senior authorised officer to enter the premises, at any time within one month from the time of the issue of the warrant, to search them.

(2) An authorised officer or a senior authorised officer who enters the premises under the authority of the warrant may —

- (a) take with him such other person and such equipment as appear to him to be necessary;
- (b) rummage and search all parts of the premises for any such article or document;
- (c) inspect any document which he has reasonable cause to believe is such document, and make copies of, or seize and remove, such document;
- (d) inspect, seize and remove any article found on the premises which he has reasonable cause to believe to be such article; and
- (e) search or cause to be searched any person found on the premises whom he has reasonable cause to believe to be in possession of any such article or document.

(3) No woman or girl may be searched except by a woman.

**When search may be made without warrant**

**15.** If a senior authorised officer has reasonable cause to believe that —

- (a) there is in any premises any article or document which is evidence that an offence under section 5 or 6 has been, is being or is about to be committed; and
- (b) the article or document is likely to be removed by reason of a delay in obtaining a search warrant under section 14,

he may exercise all the powers mentioned in section 14 as if he were authorised to do so by a warrant issued under that section.

**Power to search conveyance**

**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 any article or document in respect of which an offence under section 5 or 6 has been, is being or is about to be committed.

(2) For the more effective exercise of the powers under subsection (1), the authorised officer or senior authorised officer may —

- (a) require the master of any vessel or the captain of any aircraft to give such information relating to the vessel or aircraft, cargo, stores, crew, passengers or voyage as he may consider necessary;
- (b) by direction to the master of any vessel or the pilot of any aircraft, require the vessel or aircraft, as the case may be, not to proceed until so authorised;
- (c) require any document which ought to be on board any vessel or aircraft to be brought to him for inspection and, if he has reasonable cause to believe that the document is evidence of the commission of an offence under section 5 or 6, to make copies of, or seize and remove, the document; and
- (d) 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 premises prescribed by the Minister as an examinations station for the purposes of this section.

(3) The authorised officer or senior authorised officer may seize and remove any article or document in respect of which he has reasonable cause for believing that an offence under section 5 or 6 has been, is being or is about to be committed.

#### **Duties of authorised officer, etc., upon seizure**

**17.** —(1) Whenever any article or document is seized and removed under section 14, 15 or 16, the authorised officer or senior authorised officer, as the case may be, shall give notice in writing of the seizure and removal and the grounds thereof to the owner of the article or document, if known, either by delivering the notice to him personally or by post at his business or residential address, if known.

(2) The notice need not be given if the seizure is made on the person or in the presence of the offender or the owner or his agent.

#### **Access to computer information**

**18.** —(1) In connection with the exercise of his powers under section 14, 15 or 16, an authorised officer or a senior authorised officer —

(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 document to which section 14, 15 or 16 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).

(2) Any person who contravenes subsection (1) 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 6 months or to both.

#### **Use of force**

**19.** If, for the purposes of the exercise of any power under section 14, 15 or 16, force is required to enter any premises or board any conveyance (whether by breaking down a door or otherwise) or gain access to anything on or in the premises or conveyance, the authorised officer or senior authorised officer may use such force as is reasonable in the circumstances.

#### **Obstruction of authorised officer or senior authorised officer**

**20.** Any person who, without lawful excuse —

(a) refuses an authorised officer or a senior authorised officer, or a person acting in his assistance, access to any conveyance or premises which the officer is entitled under this Part;

(b) obstructs or hinders an authorised officer or a senior authorised officer, or a person acting in his assistance, in the execution of any power conferred upon that officer by this Part; or

(c) refuses to provide reasonable assistance to an authorised officer or a senior authorised officer, or a person acting in his assistance, in the execution of any power conferred upon that officer by this Part, when required to do so by that officer or person,

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 6 months or to both.

### **Power of arrest**

**21.** —(1) An authorised officer or a senior authorised officer may —

(a) arrest without warrant any person whom he has reason to believe to be committing or to have committed an offence under section 5 or 6; and

(b) search the person arrested and seize anything which he reasonably considers to be evidence of the commission of the offence.

(2) No woman or girl may be searched except by a woman.

(3) Where the authorised officer or senior authorised officer makes an arrest without warrant, he shall, without unnecessary delay, produce the person arrested before a Magistrate.

(4) The authorised officer or senior authorised officer shall not detain in custody a person arrested without a warrant for a longer period than is reasonable under the circumstances of the case.

(5) Such period shall not exceed 48 hours, excluding the time for any necessary journey to the Magistrate's Court.

### **Jurisdiction of court**

**22.** Notwithstanding any provision to the contrary in the Criminal Procedure Code (Cap. 68), a District Court and a Magistrate's Court shall have jurisdiction to try any offence under this Act and shall have power to impose the full penalty or punishment in respect of the offence.

### **Who may prosecute**

**23.** Prosecutions for offences under this Act may be conducted by a senior authorised officer authorised in writing by the Minister for this purpose.

### **Presumption**

**24.** If any goods are found in or on any conveyance, it shall, until the contrary is proved, be presumed in any proceedings under this Act that the goods have been transported in or on that conveyance with the knowledge of the master, pilot, captain or person having control of the conveyance, as the case may be.

### **Proportional examination of goods seized to be accepted by courts**

**25.** —(1) When any goods have been seized under section 14, 15 or 16, it shall be sufficient to open, examine and, if necessary, test the contents of such proportion of the goods seized as the authorised officer or senior authorised officer, as the case may be, may determine.

(2) The court shall presume, unless the contrary is shown, that the goods contained in the unopened packages or receptacles are of the same nature, quantity and quality as those found in similar packages or receptacles which have been opened.

### **Protection of informers**

**26.** —(1) No witness in any proceedings for an offence under section 5 or 6 shall be obliged or permitted to disclose the name or address of an informer or the substance of the information received from him or to state any matter which might lead to his discovery.

(2) If any document which is in evidence or liable to inspection in any proceedings contains any entry in which any informer is named or described or which might lead to his discovery, the court

shall cause the entry to be concealed from view or to be obliterated so far only as may be necessary to protect the informer from discovery.

(3) If, during any proceedings —

(a) the court, after full inquiry into the case, believes that the informer wilfully made in his complaint a material statement which he knew or believed to be false or did not believe to be true; or

(b) the court is of the opinion that justice cannot be fully done between the parties thereto without the discovery of the informer,

it shall be lawful for the court to require the production of the original complaint, if in writing, and permit inquiry, and require full disclosure of the informer.

### **Forfeiture**

**27.** —(1) A court may order that anything shown to the court's satisfaction to be the subject-matter of an offence under section 5 or 6 or to have been used in the commission of such an offence shall 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 the thing to be dealt with as the Director-General may see fit and in such a case the Director-General may direct that it be destroyed or otherwise dealt with.

(3) Where —

(a) the court proposes to order any thing to be forfeited under this section; and

(b) a person claiming to have an interest in the thing applied to be heard by the court,

the court shall not order the thing to be forfeited unless that person has been given an opportunity to show cause why the order should not be made.

(4) The court may make an order of forfeiture notwithstanding that no person has been charged with or convicted of an offence under section 5 or 6 in relation to the thing to be forfeited.

### **Cost of enforcement**

**28.** Where a person has been convicted by a court for an offence under section 5 or 6, the court may order that person to pay reasonable costs of any enforcement action taken by an authorised officer or a senior authorised officer in respect of the offence, including any cost of storage of the subject-matter of the offence or anything used in the commission of the offence.

### **No damages recoverable for seizure unless made without reasonable or probable cause**

**29.** No person shall, in any proceedings before any court in respect of the seizure of anything under any provision of Part IV, be entitled to the costs of the proceedings or to any damages or other relief other than an order for the return of that thing or the payment of its value, unless the seizure was made without reasonable or probable cause.

### **False or misleading document or information**

**30.** —(1) Any person who, in connection with an application for a permit or registration, or being required under Part III to give any information or document to an authorised officer or a senior authorised officer —

(a) gives any information that is false or misleading in a material particular; or

(b) gives any document which contains a statement or omits any matter which renders it false or misleading in a material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) In proceedings for an offence under subsection (1), it is a defence for the accused to prove that he has taken all reasonable steps to ascertain, and satisfy himself of, the truth of the matter in question.

### **Composition of offences**

**31.** —(1) A senior authorised officer may, in his discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$10,000.

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

### **Corporate offenders and unincorporated associations**

**32.** —(1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of an officer of the body corporate, the officer as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of the body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where an offence under this Act committed by a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, the partner as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the association or a member of its governing body, the officer or member as well as the association shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

"officer" —

(a) in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body or person purporting to act in any such capacity; or

(b) in relation to an unincorporated association (other than a partnership), means the president, the secretary or a member of the committee of the association and includes persons holding positions analogous to those of president, secretary or member of a committee;

"partner" includes a person purporting to act as a partner.

(6) Regulations may provide for the application of any provision of this section, with such

modifications as the Minister considers appropriate, to a body corporate or unincorporated association formed or recognised under the law of a territory outside Singapore.

### **Public servants**

**33.** All authorised officers and senior authorised officers shall be deemed to be public servants for the purposes of the Penal Code (Cap. 224).

### **Protection from personal liability**

**34.** No suit or other legal proceedings shall lie personally against any authorised officer or senior authorised officer, or any person acting under his direction, for anything which is in good faith done or intended to be done in the execution or purported execution of this Act or any other written law.

### **Minister may declare whether particular goods or technology are regulated**

**35.** —(1) The Minister may, by notification published in the *Gazette*, declare that —

- (a) goods specified in the notification are or are not strategic goods; or
- (b) technology specified in the notification is or is not strategic goods technology.

(2) In any proceedings for an offence under this Act alleged to have been committed after the publication of a notification referred to in subsection (1) in relation to goods or technology specified in the notification, the notification shall be prima facie evidence of the matter stated therein.

### **Exemption**

**36.** The Minister may, by regulations, exempt —

- (a) any person or class of persons; or
- (b) any activity in respect of all goods or technology, or goods or technology of a specified nature or description,

from all or any of the provisions of this Act, subject to such terms or conditions as may be prescribed.

**37.** *Deleted by Act 45/2007, wef 01/01/2008.*

### **Regulations**

**38.** The Minister may make regulations —

- (a) to prohibit the issue of a port clearance to the master of any vessel pending compliance with any provision of the regulations;
- (b) for the registration of any strategic goods to be exported, transhipped or brought in transit;
- (c) to prescribe offences in respect of the contravention of any regulations made under this section, and prescribing fines not exceeding \$10,000 that may, on conviction, be imposed in respect of any such offence; and
- (d) to prescribe anything which is required or permitted to be prescribed under this Act or is necessary or expedient to be prescribed for carrying out or giving effect to the provisions of this Act.