

Short title

1. This Act may be cited as the Terrorism (Suppression of Financing) Act.

Interpretation

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

"entity" means a person, group, trust, partnership or fund or an unincorporated association or organisation;

"property" means —

(a) assets of every kind, whether tangible or intangible, movable or immovable, however acquired; and

(b) legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including, but not limited to, bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts and letters of credit;

"terrorism financing offence" means —

(a) any offence under section 3, 4, 5 or 6;

(b) conspiracy to commit any of those offences;

(c) inciting another to commit any of those offences;

(d) attempting to commit any of those offences; or

(e) aiding, abetting, counselling or procuring the commission of any of those offences;

"terrorist" means any person who —

(a) commits, or attempts to commit, any terrorist act; or

(b) participates in or facilitates the commission of any terrorist act,

and includes any person defined in regulations made under the United Nations Act (Cap. 339) to be a terrorist;

"terrorist entity" means any entity owned or controlled by any terrorist or group of terrorists and includes an association of such entities.

(2) Subject to subsection (3), for the purposes of this Act, "terrorist act" means the use or threat of action —

(a) where the action —

(i) involves serious violence against a person;

(ii) involves serious damage to property;

(iii) endangers a person's life;

(iv) creates a serious risk to the health or the safety of the public or a section of the public;

(v) involves the use of firearms or explosives;

(vi) involves releasing into the environment or any part thereof, or distributing or otherwise exposing the public or any part thereof to —

(A) any dangerous, hazardous, radioactive or harmful substance;

(B) any toxic chemical; or

(C) any microbial or other biological agent, or toxin;

(vii) disrupts, or seriously interferes with, any public computer system or the provision of any service directly related to communications infrastructure, banking and financial services, public utilities, public transportation or public key infrastructure;

(viii) disrupts, or seriously interferes with, the provision of essential emergency services such as the police, civil defence and medical services; or

(ix) involves prejudice to public security or national defence; and

(b) where the use or threat is intended or reasonably regarded as intending to —

(i) influence or compel the Government, any other government, or any international organisation to do or refrain from doing any act; or

(ii) intimidate the public or a section of the public,

and includes any action specified in the Schedule.

(3) Notwithstanding anything in subsection (2), a terrorist act does not include the activities undertaken by military forces of a State in the exercise of their official duties, to the extent that those activities are governed by other rules of international law.

(4) For the purposes of subsection (2) —

(a) a reference to any person or property is a reference to any person or property wherever situated, within or outside Singapore; and

(b) a reference to the public includes a reference to the public of a country or territory other than Singapore.

(5) In subsection (3), “military forces of a State” means the armed forces of a State which are organised, trained and equipped under its internal law for the primary purpose of national defence or security and persons acting in support of those armed forces who are under their formal command, control and responsibility.

Prohibition against providing or collecting property for terrorist acts

3. Every person who directly or indirectly, wilfully and without lawful excuse, provides or collects property —

(a) with the intention that the property be used ; or

(b) knowing or having reasonable grounds to believe that the property will be used,

in whole or in part, in order to commit any terrorist act, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 10 years or to both.

Prohibition against provision of property and services for terrorist purposes

4. Every person who directly or indirectly, collects property, provides or invites a person to provide, or makes available property or financial or other related services —

(a) intending that they be used, or knowing or having reasonable grounds to believe that they will be used, in whole or in part, for the purpose of facilitating or carrying out any terrorist act, or for benefiting any person who is facilitating or carrying out such an activity; or

(b) knowing or having reasonable grounds to believe that, in whole or in part, they will be used by or will benefit any terrorist or terrorist entity,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 10 years or to both.

Prohibition against use or possession of property for terrorist purposes

5. Every person who —

(a) uses property, directly or indirectly, in whole or in part, for the purpose of facilitating or carrying out any terrorist act; or

(b) possesses property intending that it be used or knowing or having reasonable grounds to believe that it will be used, directly or indirectly, in whole or in part, for the purpose of facilitating or carrying out a terrorist act,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 10 years or to both.

Prohibition against dealing with property of terrorists

6. —(1) No person in Singapore and no citizen of Singapore outside Singapore shall —

(a) deal, directly or indirectly, in any property that he knows or has reasonable grounds to believe is owned or controlled by or on behalf of any terrorist or terrorist entity, including funds derived or generated from property owned or controlled, directly or indirectly, by any terrorist or terrorist entity;

(b) enter into or facilitate, directly or indirectly, any financial transaction related to a dealing in property referred to in paragraph (a); or

(c) provide any financial services or any other related services in respect of any property referred to in paragraph (a) to, or for the benefit of, or on the direction or order of, any terrorist or terrorist entity.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 10 years or to both.

(3) Any person who acts reasonably in taking, or omitting to take, measures to comply with subsection (1) shall not be liable in any civil proceedings arising from having taken or omitted to

take the measures, if the person took all reasonable steps to satisfy himself that the relevant property was owned or controlled by or on behalf of any terrorist or terrorist entity.

Exemption from prohibition against dealing

7. —(1) The Minister or a person designated by the Minister may exempt any person in Singapore or any citizen of Singapore outside Singapore from section 6 in respect of any specified activity or transaction or a class of such activities or transactions.

(2) The Minister or a person designated by the Minister may make the exemption under subsection (1) subject to any terms and conditions that are required in his opinion, and may amend, suspend, revoke or reinstate the exemption.

(3) If a person has obtained an exemption under subsection (1), any other person involved in carrying out the activity or transaction, or class of activities or transactions, to which the exemption relates is not subject to sections 6 and 8 if the terms and conditions of the exemption, if any, are met.

(4) This section shall not affect any liability that a person has under any other law.

Duty to disclose

8. —(1) Every person in Singapore and every citizen of Singapore outside Singapore who —

(a) has possession, custody or control of any property belonging to any terrorist or terrorist entity; or

(b) has information about any transaction or proposed transaction in respect of any property belonging to any terrorist or terrorist entity,

shall immediately inform the Commissioner of Police of that fact or information.

(2) The Commissioner of Police may require the person referred to in subsection (1) to furnish such further information or particulars as the Commissioner may think fit.

(3) Any person who contravenes subsection (1) or (2) 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 5 years or to both.

(4) It shall be a defence for a person charged with an offence under subsection (1) to prove that he had a reasonable excuse for not informing the Commissioner of Police.

(5) No criminal or civil proceedings shall lie against a person for any disclosure made in good faith under subsection (1) or (2).

(6) In this section, “Commissioner of Police” includes —

(a) any police officer; and

(b) any other person authorised by the Commissioner of Police to act for him for the purposes of this section.

Duty to audit

9. —(1) The Minister may, by order published in the *Gazette*, require any person or class of persons to determine on a continuing basis whether they are in possession or control of property owned or controlled by or on behalf of any terrorist or terrorist entity.

(2) Any order referred to in subsection (1) may require any person or class of persons specified therein to report to such persons and within such regular periods as may be specified in the order —

(a) whether they are in possession or control of any property referred to in subsection (1); and

(b) if they are in possession or control of any property referred to in subsection (1) —

(i) the number of persons, contracts or accounts involved;

(ii) the total value of the property involved;

(iii) the manner by which the property came to be in its possession; and

(iv) such other particulars as may be specified in the order.

(3) No criminal or civil proceedings shall lie against a person for making a report in good faith under subsection (2).

(4) Any person who contravenes any order made under this section 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 5 years or to both.

Information about acts of terrorism financing

10. —(1) Every person in Singapore who has information which he knows or believes may be of material assistance —

(a) in preventing the commission by another person of a terrorism financing offence; or

(b) in securing the apprehension, prosecution or conviction of another person, in Singapore, for an offence involving the commission, preparation or instigation of a terrorism financing offence,

who fails to disclose the information immediately to a police officer 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 5 years or to both.

(2) It shall be a defence for a person charged with an offence under subsection (1) to prove that he had a reasonable excuse for not making the disclosure.

(3) No criminal or civil proceedings shall lie against a person for any disclosure made in good faith under this section.

Application for warrant for seizure and order for restraint of property

11. —(1) A Judge may, on an ex parte application by the Public Prosecutor, after examining the application in private and if satisfied that there is in any building, receptacle or place any property in respect of which an order of forfeiture may be made under section 24, issue —

(a) if the property is situated in Singapore, a warrant authorising any police officer, or person named in the warrant —

(i) to search the building, receptacle or place for that property; and

(ii) to seize that property and any other property which that police officer or person believes, on reasonable grounds, that an order of forfeiture may be made under section

24; or

(b) whether the property is situated in or outside Singapore, a restraint order prohibiting any person from disposing of, or otherwise dealing with any interest in, that property, other than as may be specified in the order.

(2) For the purpose of subsection (1) (b), dealing with any interest in any property held by any person includes (without prejudice to the generality of the expression) —

(a) where a debt is owed to that person, making a payment to any person in reduction of the amount of the debt; and

(b) removing the property from Singapore.

(3) A restraint order issued under subsection (1) (b) may be subject to such conditions as the Judge thinks fit.

(4) A copy of a restraint order issued under subsection (1) (b) shall be served on the person to whom the order is addressed in such manner as the Judge directs or as provided in the Rules of Court.

Contents of application for warrant or order

12. An affidavit in support of an application by the Public Prosecutor under section 11 may be sworn or affirmed on information and belief.

Undertakings for warrant or order

13. Before issuing a warrant under section 11 (1) (a) or an order under section 11 (1) (b), the Judge may require the Public Prosecutor to give such undertakings as the Judge considers appropriate with respect to the payment of damages or costs, or both, in relation to the issuance and execution of the warrant or the making and execution of the restraint order.

Contravention of order

14. Any person on whom an order issued under section 11 (1) (b) is served under section 11 (4) who, while the order is in force, contravenes the order 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 5 years or to both.

Appointment of manager, etc.

15. —(1) On an application under section 11, at the request of the Public Prosecutor, if a Judge is of the opinion that the circumstances so require, the Judge may by order —

(a) appoint a person to take control of, and manage or otherwise deal with, all or part of the property in accordance with the directions of the Judge; and

(b) require any person having possession of that property to give possession of the property to the person appointed under paragraph (a).

(2) When the Public Prosecutor so requests, a Judge appointing a person under subsection (1) shall appoint the Public Trustee.

Power to manage

16. —(1) The power to manage or otherwise deal with property under section 15 includes —

(a) in the case of perishable or rapidly depreciating property, the power to sell that property;

and

(b) in the case of property that has little or no value, the power to destroy that property.

(2) Before a person appointed under section 15 destroys property referred to in subsection (1) (b), he shall apply to a Judge for a destruction order.

(3) Before making a destruction order in relation to any property, a Judge shall require notice in accordance with subsection (4) to be given to, and may hear, any person who, in the opinion of the Judge, appears to have a valid interest in the property.

(4) A notice under subsection (3) shall be given in the manner that the Judge directs or as provided in the Rules of Court.

(5) A Judge may order that property be destroyed if he is satisfied that the property has little or no financial or other value.

Cessation of order or appointment

17. An order issued under section 11 (1) (b) or 15(1) remains in effect until —

(a) it is revoked or varied under section 18 or 19;

(b) it ceases to be in force under section 20; or

(c) the property that is the subject of the order is returned to an applicant in accordance with the law or forfeited to the Government.

Application by Public Prosecutor to revoke or vary warrant or order

18. The Public Prosecutor may at any time apply to a Judge to revoke or vary a warrant or order issued or made under this Part, other than an appointment made under section 15 (2).

Application by interested person to revoke or vary warrant or order

19. —(1) Any person who has an interest in the property that was seized under a warrant issued under section 11 (1) (a) or in respect of which a restraint order was issued under section 11 (1) (b) may, at any time, apply to a Judge —

(a) for an order under subsection (4); or

(b) for permission to examine the property.

(2) Where an application is made under subsection (1) (a) —

(a) the application shall not, without the consent of the Public Prosecutor, be heard by a Judge unless the applicant has given to the Attorney-General at least 2 clear days notice in writing of the application; and

(b) the Judge may require notice of the application to be given to and may hear any person who, in the opinion of the Judge, appears to have a valid interest in the property.

(3) A Judge may, on an application made to the Judge under subsection (1) (b), order that the applicant be permitted to examine the property subject to such terms as appear to the Judge to be necessary or desirable to ensure that the property is safeguarded and preserved for any purpose for which it may subsequently be required.

(4) On an application made to a Judge under subsection (1) (a) in respect of any property and after hearing the applicant and the Public Prosecutor and any other person to whom notice was given under subsection (2) (b), the Judge may order that the property or part thereof be returned to the applicant or, in the case of a restraint order issued under section 11 (1) (b), revoke the order, vary the order to exclude the property or any interest in the property or part thereof from the application of the order or make the order subject to such reasonable conditions as the Judge thinks fit —

(a) if the applicant enters into a recognizance before the Judge, with or without sureties, in such amount and with such conditions, if any, as the Judge directs and where the Judge considers it appropriate, deposits with the Judge such sum of money or other valuable security as the Judge directs;

(b) if the condition referred to in subsection (6) is satisfied; or

(c) for the purpose of —

(i) meeting the reasonable living expenses of the person who was in possession of the property at the time the warrant was executed or the order was made or any person who, in the opinion of the Judge, has a valid interest in the property and of the dependants of that person; or

(ii) meeting the reasonable business and legal expenses of a person referred to in sub-paragraph (i),

if the Judge is satisfied that the applicant has no other assets or means available for the purposes set out in this paragraph and that no other person appears to be the lawful owner of or lawfully entitled to possession of the property.

(5) For the purpose of determining the reasonableness of expenses referred to in subsection (4) (c), the Public Prosecutor may, at the hearing of the application, make representations as to what would constitute the reasonableness of the expenses.

(6) An order under subsection (4) (b) in respect of property may be made by a Judge if the Judge is satisfied —

(a) where the application is made by —

(i) a person charged with a terrorism financing offence; or

(ii) any person who acquired title to or a right of possession of that property from a person referred to in sub-paragraph (i) under circumstances that give rise to a reasonable inference that the title or right was transferred from that person for the purpose of avoiding the forfeiture of the property,

that a warrant should not have been issued under section 11 (1) (a) or a restraint order should not have been issued under section 11 (1) (b) in respect of the property; or

(b) in any other case, that the applicant is the lawful owner of or lawfully entitled to possession of the property and appears innocent of any complicity in any terrorism financing offence or of any collusion in relation to such an offence, and that no other person appears to be the lawful owner of or lawfully entitled to possession of the property,

and that the property will no longer be required for the purpose of any investigation or as evidence in any proceedings.

Expiration of warrants and restraint orders

20. —(1) Subject to this section, where property has been seized under a warrant issued under section 11 (1) (a) or is the subject of a restraint order issued under section 11 (1) (b), the property may be detained or the order may continue in force, as the case may be, for a period not exceeding 6 months from the seizure or the issuing of the order, as the case may be.

(2) The property may continue to be detained, or the order may continue in force, for a period exceeding 6 months if proceedings are instituted in respect of which the property detained may be forfeited.

(3) The property may continue to be detained or the order may continue in force for a period or periods exceeding 6 months if the continuation is, on application made by the Public Prosecutor, ordered by a Judge, where the Judge is satisfied that the property is required, after the expiration of the period or periods, for the purpose of this Act or any other Act respecting forfeiture or for the purpose of any investigation or as evidence in any proceedings.

Application for forfeiture of property

21. The Public Prosecutor may make an application to a Judge for an order of forfeiture in respect of —

(a) property owned or controlled by or on behalf of any terrorist or terrorist entity; or

(b) property that has been or will be used, in whole or in part, to facilitate or carry out a terrorist act.

Contents of application for forfeiture of property

22. An affidavit in support of an application by the Public Prosecutor under section 21 may be sworn or affirmed on information and belief.

Respondents and notice

23. —(1) The Public Prosecutor is required to name as a respondent to an application under section 21 only those persons who are known to own or control the property that is the subject of the application.

(2) The Public Prosecutor shall give notice of an application under section 21 to named respondents in such a manner as the Judge directs or as provided in the Rules of Court.

(3) On an application under section 21, a Judge may require notice to be given to any person who, in the opinion of the Judge, appears to have an interest in the property, and any such person shall be entitled to be added as a respondent to the application.

Order for forfeiture of property

24. —(1) If a Judge is satisfied on a balance of probabilities that property is property referred to in section 21(a) or (b), the Judge shall order that the property be forfeited to the Government.

(2) For the purposes of subsection (1), where the property owned or controlled by any terrorist or terrorist entity has been mixed with other property (whether the property of the terrorist or terrorist entity), the order of forfeiture shall relate to the portion of the mixed property which represents the property owned or controlled by the terrorist or terrorist entity.

Implementation of forfeiture orders

25. —(1) Where any property is ordered to be forfeited to the Government under section 24, the Judge may make such other provision as appears to the Judge to be necessary for giving effect to the order, and, in particular, may —

(a) require any of the forfeited property to be paid or handed over to the proper officer;

(b) direct any of the forfeited property (other than money) or land to be sold or otherwise disposed of in such manner as the Judge may direct and the proceeds, if any, to be paid to the proper officer;

(c) appoint a receiver to take possession, subject to such conditions and exceptions as may be specified by the Judge, of any of the forfeited property, to realise it in such manner as the Judge may direct and to pay the proceeds to the proper officer.

(2) For the purposes of subsection (1) —

(a) a reference to the proceeds of the sale, disposal or realisation of property is a reference to the proceeds after deduction of the costs of sale, disposal or realisation; and

(b) “proper officer” means any person authorised by the Minister to receive the relevant property.

Order refusing forfeiture of property

26. —(1) Where a Judge refuses an application under section 21 in respect of any property, the Judge shall make an order that describes the property and declares that it is not property referred to in that section.

(2) If a Judge is satisfied that any respondent referred to in section 23 has an interest in any property that is subject to an application, has exercised reasonable care to ensure that the property would not be used to facilitate or carry out a terrorist act, and is not a member of a terrorist entity, the Judge shall —

(a) order that the interest is not affected by the forfeiture; and

(b) declare the nature and extent of the interest referred to in paragraph (a).

Application to set aside order of forfeiture

27. —(1) A person who claims an interest in any property that was forfeited and who did not receive notice under section 23 (3) may apply to a Judge to vary or set aside an order made under section 24 (1) not later than 60 days after the day on which the forfeiture order was made.

(2) A Judge shall not extend the period set out in subsection (1).