



REPUBLIC OF SINGAPORE

# GOVERNMENT GAZETTE

## ACTS SUPPLEMENT

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The following Act was passed by Parliament on 9 May 2023 and assented to by the President on 29 May 2023:—

### REPUBLIC OF SINGAPORE

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**No. 15 of 2023.**

I assent.

(LS)

HALIMAH YACOB,  
*President.*  
29 May 2023.

An Act to amend the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992 and to make consequential amendments to certain other Acts.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

### **Short title and commencement**

1. This Act is the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) (Amendment) Act 2023 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

### **Amendment of section 46**

2. In the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992 (called in this Act the principal Act), in section 46, replace “and 54” with “, 54 and 55A”.

### **Amendment of section 50**

3. In the principal Act, in section 50 —

(a) in subsection (1)(a), replace “section” with “subsection”;

(b) after subsection (1), insert —

“(1A) Subject to subsection (3), a person (*A*) —

(a) who enters into, or is otherwise concerned in, an arrangement under which —

(i) the retention or control by or on behalf of another person (*B*) of *B*'s, or any other person's, benefits of drug dealing is facilitated (whether by concealment, removal from jurisdiction, transfer to nominees or otherwise);

(ii) funds that are placed at another person's (*B*) disposal are secured, directly or indirectly, by *B*'s, or any other person's, benefits of drug dealing; or

(iii) property is acquired for another person's (*B*) benefit, by way of investment or otherwise, using *B*'s,

or any other person's, benefits of drug dealing; and

(b) who —

(i) does so rashly in respect of the circumstance that the arrangement relates to benefits of drug dealing; or

(ii) does so negligently,

shall be guilty of an offence.”;

(c) in subsection (3)(a), after “subsection (1)”, insert “or (1A)”;

(d) in subsection (4)(b), after “subsection (1)”, insert “or (1A), as the case may be”;

(e) replace subsection (5) with —

“(5) Any individual who commits an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 10 years or to both.

(6) Any individual who commits an offence under subsection (1A) shall be liable on conviction —

(a) in a case mentioned in subsection (1A)(b)(i), to a fine not exceeding \$250,000 or to imprisonment for a term not exceeding 5 years or to both; or

(b) in a case mentioned in subsection (1A)(b)(ii), to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 3 years or to both.

(7) Any person who is not an individual who commits an offence under subsection (1) or (1A) shall be liable on conviction to a fine not exceeding \$1 million or twice the value of the benefits of drug

dealing in respect of which the offence was committed, whichever is higher.”.

#### **Amendment of section 51**

**4.** In the principal Act, in section 51 —

(a) in subsection (1)(a), replace “section” with “subsection”;

(b) after subsection (1), insert —

“(1A) Subject to subsection (3), a person (*A*) —

(a) who enters into, or is otherwise concerned in, an arrangement under which —

(i) the retention or control by or on behalf of another person (*B*) of *B*'s, or any other person's, benefits from criminal conduct is facilitated (whether by concealment, removal from jurisdiction, transfer to nominees or otherwise);

(ii) funds that are placed at another person's (*B*) disposal are secured, directly or indirectly, by *B*'s, or any other person's, benefits from criminal conduct; or

(iii) property is acquired for another person's (*B*) benefit, by way of investment or otherwise, using *B*'s, or any other person's, benefits from criminal conduct; and

(b) who —

(i) does so rashly in respect of the circumstance that the arrangement relates to benefits from criminal conduct; or

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- (ii) does so negligently,  
shall be guilty of an offence.”;
- (c) in subsection (3)(a), after “subsection (1)”, insert “or (1A)”;
- (d) in subsection (4)(b), after “subsection (1)”, insert “or (1A), as the case may be”; and
- (e) replace subsection (5) with —
- “(5) Any individual who commits an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 10 years or to both.
- (6) Any individual who commits an offence under subsection (1A) shall be liable on conviction —
- (a) in a case mentioned in subsection (1A)(b)(i), to a fine not exceeding \$250,000 or to imprisonment for a term not exceeding 5 years or to both; or
- (b) in a case mentioned in subsection (1A)(b)(ii), to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 3 years or to both.
- (7) Any person who is not an individual who commits an offence under subsection (1) or (1A) shall be liable on conviction to a fine not exceeding \$1 million or twice the value of the benefits from criminal conduct in respect of which the offence was committed, whichever is higher.”.

### **Amendment of section 53**

5. In the principal Act, in section 53 —
- (a) after subsection (3), insert —

“(3A) Any person —

(a) who —

- (i) conceals or disguises any property which is, or in whole or in part, directly or indirectly, represents, another person’s benefits of drug dealing;
- (ii) converts or transfers that property or removes it from the jurisdiction; or
- (iii) acquires, possesses or uses that property; and

(b) who —

- (i) does so rashly in respect of the circumstance that the property represents another person’s benefits of drug dealing; or
- (ii) does so negligently,

shall be guilty of an offence.”;

(b) in subsection (4), replace “and (2)(a)” with “, (2)(a) and (3A)(a)(i)”; and

(c) replace subsection (5) with —

“(5) Any individual who commits an offence under subsection (1), (2) or (3) shall be liable on conviction to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 10 years or to both.

(6) Any individual who commits an offence under subsection (3A) shall be liable on conviction —

- (a) in a case mentioned in subsection (3A)(b)(i), to a fine not exceeding \$250,000 or to imprisonment for a term not exceeding 5 years or to both; or

(b) in a case mentioned in subsection (3A)(b)(ii), to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 3 years or to both.

(7) Any person who is not an individual who commits an offence under subsection (1), (2), (3) or (3A) shall be liable on conviction to a fine not exceeding \$1 million or twice the value of the benefits of drug dealing in respect of which the offence was committed, whichever is higher.”.

#### **Amendment of section 54**

6. In the principal Act, in section 54 —

(a) after subsection (3), insert —

“(3A) Any person —

(a) who —

(i) conceals or disguises any property which is, or in whole or in part, directly or indirectly, represents, another person’s benefits from criminal conduct;

(ii) converts or transfers that property or removes it from the jurisdiction; or

(iii) acquires, possesses or uses that property; and

(b) who —

(i) does so rashly in respect of the circumstance that the property represents another person’s benefits from criminal conduct; or

(ii) does so negligently,

shall be guilty of an offence.”;

(b) in subsection (4), replace “and (2)(a)” with “, (2)(a) and (3A)(a)(i)”; and

(c) replace subsection (5) with —

“(5) Any individual who commits an offence under subsection (1), (2) or (3) shall be liable on conviction to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 10 years or to both.

(6) Any individual who commits an offence under subsection (3A) shall be liable on conviction —

(a) in a case mentioned in subsection (3A)(b)(i), to a fine not exceeding \$250,000 or to imprisonment for a term not exceeding 5 years or to both; or

(b) in a case mentioned in subsection (3A)(b)(ii), to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 3 years or to both.

(7) Any person who is not an individual who commits an offence under subsection (1), (2), (3) or (3A) shall be liable on conviction to a fine not exceeding \$1 million or twice the value of the benefits from criminal conduct in respect of which the offence was committed, whichever is higher.”.

### **New section 55A**

7. In the principal Act, after section 55, insert —

**“Assisting another to retain benefits of drug dealing or benefits from criminal conduct in certain circumstances, etc.**

**55A.—(1)** Any person (*A*) —

(a) who enters into, or is otherwise concerned in, an arrangement under which —



- (i) the retention or control by or on behalf of another person (*B*) of *B*'s, or any other person's, benefits of drug dealing or benefits from criminal conduct is facilitated (whether by concealment, removal from jurisdiction, transfer to nominees or otherwise);
  - (ii) funds that are placed at another person's (*B*) disposal are secured, directly or indirectly, by *B*'s, or any other person's, benefits of drug dealing or benefits from criminal conduct; or
  - (iii) property is acquired for another person's (*B*) benefit, by way of investment or otherwise, using *B*'s, or any other person's, benefits of drug dealing or benefits from criminal conduct; and
- (b) who does so in any of the following circumstances:
- (i) the value of the benefits of drug dealing or benefits from criminal conduct involved in the arrangement mentioned in paragraph (a) is disproportionate to *A*'s known sources of income;
  - (ii) under the arrangement mentioned in paragraph (a) —
    - (A) *A* enables *B* or any other person to access, operate or control a payment account which *A* is able to access, operate or control; and
    - (B) at the time *A* enters into or becomes concerned with the arrangement, *A* fails to take reasonable steps to ascertain the purpose of *B* or that other person being able to access, operate or control the payment account mentioned in sub-paragraph (A);
  - (iii) under the arrangement mentioned in paragraph (a) —

- (A) money is received in or transferred from a payment account which *A* is able to access, operate or control; and
  - (B) at the time *A* enters into or becomes concerned with the arrangement, *A* fails to take reasonable steps to ascertain the source or destination of the money;
- (iv) under the arrangement mentioned in paragraph (a) —
- (A) *A* receives money from or transfers money to *B* or any other person; and
  - (B) at the time *A* enters into or becomes concerned with the arrangement, *A* fails to take reasonable steps to ascertain *B*'s or that other person's identity and physical location,

shall be guilty of an offence.

(2) Any person (*A*) —

(a) who —

- (i) conceals or disguises any property which is, or in whole or in part, directly or indirectly, represents, another person's benefits of drug dealing or benefits from criminal conduct;
- (ii) converts or transfers that property or removes it from the jurisdiction; or
- (iii) acquires, possesses or uses that property; and

(b) who does so in any of the following circumstances:

- (i) the value of the property mentioned in paragraph (a) is disproportionate to *A*'s known sources of income;

- (ii) in a case mentioned in paragraph (a)(iii) —
  - (A) *A* acquires, possesses or uses the property through a payment account which *A* is able to access, operate or control;
  - (B) *A* enables another person (*B*) to access, operate or control the payment account mentioned in sub-paragraph (A); and
  - (C) at the time *A* enters into or becomes concerned with the arrangement, *A* fails to take reasonable steps to ascertain the purpose of *B* being able to access, operate or control the payment account mentioned in sub-paragraph (A);
- (iii) *A* does the act mentioned in paragraph (a) —
  - (A) by receiving money in or transferring money from a payment account which *A* is able to access, operate or control; and
  - (B) at the time *A* receives or transfers the money, *A* fails to take reasonable steps to ascertain the source or destination of the money;
- (iv) *A* does the act mentioned in paragraph (a) —
  - (A) by receiving property from or by transferring property to another person (*C*); and
  - (B) at the time *A* receives or transfers the property, *A* fails to take reasonable steps to ascertain *C*'s identity and physical location,

shall be guilty of an offence.

(3) In any proceedings against a person for an offence under subsection (1), it is a defence to prove that the person did not know and had no reasonable ground to believe that the arrangement mentioned in subsection (1)(a) related to any

person's benefits of drug dealing or benefits from criminal conduct, as the case may be.

(4) In any proceedings against a person for an offence under subsection (2), it is a defence to prove that the person did not know and had no reasonable ground to believe that the property mentioned in subsection (2)(a) represented any person's benefits of drug dealing or benefits from criminal conduct, as the case may be.

(5) Any individual who commits an offence under subsection (1) or (2) shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both.

(6) Any person who is not an individual who commits an offence under subsection (1) or (2) shall be liable on conviction to a fine not exceeding \$1 million or twice the value of the benefits of drug dealing or benefits from criminal conduct (as the case may be) in respect of which the offence was committed, whichever is higher.

(7) In this section, "payment account" has the meaning given by section 2(1) of the Payment Services Act 2019."

### **Consequential amendment to Criminal Procedure Code 2010**

**8.** In the Criminal Procedure Code 2010, in section 124(3)(b), replace "or 54" with "; 54 or 55A".

### **Consequential amendment to Gambling Control Act 2022**

**9.** In the Gambling Control Act 2022, in section 55(1)(a)(viii), replace "section 50, 51, 53, 54, 55 or 57" with "Part 6".

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