

ภาคผนวก



ภาคผนวก ก.  
ราชอาณาจักรกัมพูชา





**Article One.-**

Articles 3, article 29 and article 30 of the Law on Anti-Money Laundering and Combating the Financing of Terrorism promulgating by Royal Kram NS/RKM/0607/014 dated 24 June 2007 shall be amended as follow:

**Article 3 New.- Definitions**

Notwithstanding any other provision of law, the terms:

(a) *Money laundering* shall mean:

- (i) the conversion or transfer of property, knowing that such property is the proceeds of any predicate offence, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of any predicate offence to evade the legal consequences of his or her action;
- (ii) the concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of any predicate offence;
- (iii) the acquisition, possession or use of property, knowing that such property is the proceeds of any predicate offence; or
- (iv) any form of participation in, and attempts to commit, aiding and forcing somebody to commit any of the acts defined in accordance with article 3 of the present law.

(b) *Proceeds of offence* shall mean any property derived from or obtained, directly or indirectly, through the commission of any predicate offences, which include any felony or misdemeanor.

(c) *Property* shall mean assets of every kind, whether movable or immovable, tangible or intangible, and legal documents or instruments evidencing title to, or interest in, such assets.

Property shall include instruments of and proceeds from money laundering, terrorist financing and all other serious crime. Property shall also include substitute property of the person or entity of equal value to the property that would be subject of freezing, seizure and confiscation.

(d) "*Supervisory authority*" shall mean the National Bank of Cambodia, the Securities Commission and any other authority having oversight over a reporting entity.

(e) *Predicate offense* means any felony or misdemeanor, even if committed abroad, as a result of which proceeds have been generated that may become the subject of money laundering as defined above under article 3 new (a) of the present law.

Unofficial Translation

**KRAM****We****NORODOM SIHAMONI****KING OF CAMBODIA****NS/RKM/0607/014**

- With reference to the Constitution of the Kingdom of Cambodia
- With reference to the Royal Decree N° NS/RKM/0704/124 of July 15, 2004, regarding the formation of the Royal Government of Cambodia
- With reference to Royal Kram N° 02/NS/94 of July 20, 1994, promulgating the Law on the Organization and Function of the Council of Ministers,
- With reference to Royal Kram N° NS/RKM/0196/27 of January 26, 1996, promulgating the Law on the Organization and Function of the National Bank of Cambodia,
- With reference to the request by the Prime Minister and Governor of the National Bank of Cambodia,

**PROMULGATE**

Law on Anti-Money Laundering and Combating financing of Terrorism as adopted by the National Assembly on April 30, 2007 during its sixth session of third legislature and ratified by the Senate as to its entire form and legality on May 28, 2007 during its third plenary session of the second legislature with the following provisions:

In order to be used as a basis for proceedings in respect of money laundering, a predicate offense committed abroad must have the nature of offense in the country where it was committed and under the laws of Cambodia, unless there is special agreement stated otherwise.

Predicate offence shall include the followings:

- Participation in an organized criminal group and racketeering;
- Terrorism, including terrorist financing;
- Trafficking in human beings and migrant smuggling;
- Sexual exploitation, including sexual exploitation of children;
- Illicit trafficking in narcotic drugs and psychotropic substances;
- Illicit arms trafficking;
- Illicit trafficking in stolen and other goods;
- Corruption and bribery;
- Fraud;
- Counterfeiting currency;
- Counterfeiting and piracy of products;
- Environmental crime or illegal logging;
- Murder, grievous bodily injury;
- Kidnapping, illegal restraint and hostage taking;
- Robbery or theft;
- Smuggling;
- Extortion;
- Forgery;
- Piracy;
- Tax evasion;
- Insider trading and market manipulation.

(f) “*Financing of terrorism*” shall mean the willful provision or collection of financial or other services with the intention that such services be used or in the knowledge that they are or may be used, in full or in part, for the purpose of supporting terrorism, terrorist acts or terrorist organizations.

(g) “*Suspicious transaction*” shall mean a transaction that involves funds suspected to be the proceeds of offense, or funds related to the financing of terrorism.

(h) “*Financial Intelligence Unit*” shall mean a central body responsible for receiving, analyzing and disseminating reports on suspicious transactions, as defined in article 3(g) of Law on Anti-Money Laundering and Combating the Financing of Terrorism (AML/CFT law), cash transactions as defined in article 12(1) of the AML/CFT Law and other information regarding money laundering or financing of terrorism.

(i) “*Ultimate beneficial owner*” shall mean a person who ultimately owns or controls a customer on whose behalf a transaction is being conducted,

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Unofficial Translation



**LAO PEOPLE'S DEMOCRATIC REPUBLIC**  
**PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY**

President

No. 012/PO  
Vientiane Capital, dated 04.02.2015

**DECREE**  
**of the**  
**PRESIDENT**  
**of the**  
**Lao People's Democratic Republic**

**On the Promulgation of the Law on Anti-Money Laundering and  
Counter-Financing of Terrorism**

- 
- Pursuant to Section VI, Article 67 (1) of the Constitution of the Lao People's Democratic Republic;
  - Pursuant to Resolution No. 08/NA, dated 21 July 2014, of the National Assembly; and
  - Pursuant to Proposal No. 032/NASC, dated 22 August 2014, of the National Assembly Standing Committee.

**The President of the Lao People's Democratic Republic  
Decrees that:**

**Article 1.** The Law on Anti-Money Laundering and Counter-Financing of Terrorism is hereby promulgated.

**Article 2.** This decree is effective from the date it is signed.

President of the Lao People's Democratic Republic

*[Seal and Signature]*

Choummaly XAYASONE



Unofficial Translation



LAO PEOPLE'S DEMOCRATIC REPUBLIC  
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

National Assembly

No. 08/NA

**RESOLUTION**  
**Of the**  
**National Assembly**  
**Of the**  
**Lao People's Democratic Republic**

**On the Approval of the**

**Law on Anti-Money Laundering and Counter-Financing of Terrorism**

Pursuant to Article 53 (2) of the Constitution and Article 3(1) of the Law on National Assembly of the Lao People's Democratic Republic in relation to the rights and duties of the National Assembly,

After the 7<sup>th</sup> Ordinary Session of the VII National Assembly Legislature had had a thorough and in-depth deliberation on the contents of the Law on Anti-Money Laundering and Counter-Financing of Terrorism as per its afternoon session agenda on 21 July 2014;

**The Meeting resolved that:**

**Article 1.** The Law on Anti-Money Laundering and Counter-Financing of Terrorism is approved by majority votes.

**Article 2.** This Resolution is effective from the date it is signed.

Vientiane Capital, dated 21 July 2014  
President of the National Assembly

*[Seal and Signature]*

Pany YATHOTOU

Unofficial Translation



Lao People's Democratic Republic  
Peace Independence Democracy Unity Prosperity

National Assembly

No. 50/NA  
Vientiane Capital, dated 21 July 2014

## **Law on Anti-Money Laundering and Counter-Financing of Terrorism**

### **Part I General Provision**

#### **Article 1: Objective**

This law sets the principles, regulations and measures relating to the management and monitoring the anti-money laundering and counter-financing of terrorism (herein after called "AML/CFT") to make them efficient with an aim to combat, prevent, curb and eliminate such offences, create a strong and sound economic and financial system, harmonious and orderly society, facilitate regional and international integration, and to contribute to the national socio-economic development.

#### **Article 2: Money Laundering**

Money laundering is a conversion, use, movement, exchange, acquisition, possession, and genuine ownership transfer of funds or other properties by a natural person, legal person or an organisation that knows, knew or suspects that such funds or properties are derived from the predicate offences to conceal or disguise their characteristics, origin, and location in order to make such funds or properties legitimate.

#### **Article 3: Financing of terrorism**

The financing of terrorism is an intentional act both directly and indirectly by a natural person, legal person or an organisation that attempts to give, consolidate and mobilize funds or properties, legally or illegally, wholly or partially, to finance terrorism or terrorist or activities linked to a specific terrorism act regardless such funds or properties are used to finance the actual action.

#### **Article 4: Anti-money laundering**

The anti-money laundering is an action of natural persons, legal persons and organisations with direct duties on knowing your customers, combating, preventing, curbing, and eliminating money laundering as defined in article 2 of this law, in which the offence is a threat to the national security, and causes damages to the national socio-economic foundation.

Unofficial Translation

**Article 5: Counter-financing of terrorism**

The counter-financing of terrorism is an action of natural persons, legal persons and organisations with direct duties on knowing your customers, combating, preventing, curbing, and eliminating the financing of terrorism as defined in article 3 of this law, in which the offence is a threat to the economic system and the national political regime.

**Article 6: Acts of money laundering**

Acts of money laundering are as follow:

1. Conversion and transfer of funds or properties with an intention to conceal or disguise the proceeds of crime, aid and abet offenders of predicate crimes to avoid the legal consequences;
2. Concealing or disguising origin and location of funds or properties, possession, movement, or ownership transfer of such funds or properties in question;
3. Acquisition, possession, use of funds or properties derived from predicate offences such as illicit lending of such funds or properties, use of such funds or properties in a direct investment;
4. Being an accomplice in planning, attempting to or aiding, encouraging, facilitating or giving advices on offences as defined in subparagraph 1, 2 and 3 above.

In addition to the above, money laundering is demonstrated as follow:

1. Acknowledgement with intent with regards to offences leading to a money laundering;
2. An event or evidence that proves the funds or properties are derived from the predicate offences without the necessity for a court ruling.

A prosecution is to be carried out against offenders on the ground of money laundering, and offenders of predicate offences.

**Article 7: Acts of terrorism**

Acts of terrorism are an event in which natural persons, groups of people, organisations or terrorist organisation within or outside of the territory of the Lao PDR receive finances to conduct an act of terrorism, with the details as follow:

1. Acts that effect the national security, socio-economic foundation, foreign and international organisations, cause difficulties to international relations of the Lao PDR or chaos to people in the society;
2. Acts that affect lives, health, freedom, or deemed as a physical and psychological coercion and threat;
3. Seizure, damaging properties, invasion, attack, obstruction, causing damages and chaos to computer communication and Internet systems or digital instruments of state organisations, legal persons and natural persons;
4. Processing, production, use, packaging, transportation, consolidation, and obtaining of explosives, radioactive substances, toxics, inflammables, and trading of weapons, equipment, vehicles including an offering of advice for certain act with an intention as defined in subparagraph 1, 2 and 3 of this article;
5. Disseminating, recruiting, encouraging, coercing, threatening, hiring or creating conditions, and aiding an act as defined in subparagraph 1, 2, 3, 4, 7 and 8 of this article;
6. Organizing, financing, participating and attempting to participate in the organisation, teaching, and training of selected individuals to conduct an act as defined in subparagraph 1, 2, 3, 4, 5, 7 and 8 of this article;
7. Acknowledgment of an act with an objective evidence to prove that it is an act of terrorism.
8. Other offences defined as acts of terrorism as per international agreements or treaties that the Lao PDR is a party to.



Unofficial Translation

**Article 8 Definitions**

The terminologies used in this law have the following meaning:

1. **Predicate offences** shall mean all criminal offences which are the causes of money laundering including offences committed outside the territory of the Lao PDR that incurs proceeds of predicate offences. These include frauds, robbery or theft, murder and battery, kidnap, detention and hostage taking, trading of illegal properties, currency counterfeiting including cheque counterfeiting, or use of counterfeited currency or cheque or bond, document forgery or use of forged documents, infringement of intellectual property rights, corruption including a taking and giving bribery, adult and child prostitution, human trafficking, people smuggling, production and trafficking of narcotics, trading of war arms or explosives, participation in an organized criminal group and racketeering, terrorism including financing of terrorism, environmental crime, tax crimes, insider trading and market manipulation, violation of customs and tax regulations, extortion, piracy, and others
2. **Proceeds of predicate offences** shall mean funds or properties derived directly or indirectly from the predicate offences, properties transformed or changed, wholly or partially, to other forms of properties including returns of investment.
3. **Terrorist** shall mean a natural person, a group of people, an organisation or a terrorist organisation that commit an act as defined in article 7 of this law;
4. **Terrorist organisation** shall mean any group of terrorists having an intention, attempting to commit, participating in, in accomplice of crime, organising, leading an act of terrorism directly or indirectly as defined in Article 7 of this law;
5. **Funds** shall mean tangible and intangible funds or properties, movable or immovable assets and all financial documents or bearer negotiable instruments of all forms either in electronic or digital format, and certificates of ownership, or benefits from such funds or properties;
6. **Financed funds** shall mean funds or properties which natural persons, legal persons or organisations supply or use in the acts of terrorism;
7. **Financial institutions** shall mean commercial banks, micro-finance institutes, all forms of credit lending companies, pawnshops, leasing companies, money transfer service companies, currency exchange shops, insurance companies, securities companies, asset management companies, among others;
8. **Designated non-financial businesses and professions** (herein after called “DNFBPs”) shall mean companies or agents that provide and manage financial payment tools, real estate trading agencies, valuable material and antique trading business, a bar association or a legal firm, notary public, external auditing firms, casinos or others;
9. **Transactions** shall mean conducting an activity concerning account opening, depositing, withdrawal, transfer of money, currency exchange, trading of precious metals, goods or other services;
10. **Suspicious transactions** shall mean transactions that do not conform with the profile, occupation, and reality status of customers;
11. **Beneficiary** shall mean natural person(s) who ultimately benefits from a business operation, activity or transaction including person(s) who exercise ultimate effective control over a legal person;
12. **Politically exposed persons** (herein after called “PEPs”) shall mean foreign politicians, state officials, and officials of international organisations;
13. **Foreign politicians** shall mean persons who are or were in positions, trusted, and playing important roles in domestic and foreign affairs, extending to members of their families or persons with close connections to these people;
14. **State officials** shall mean persons who are or were in important positions, trusted and play a role in the Lao PDR, including members of the board of directors or the management of state-owned enterprises or state-holding joint venture, extending to their family members or those with close connections to them;

## Unofficial Translation

15. **Officials of international organisations** shall mean people who are or were in the positions of member of the executive committee or management, trusted, and playing a role in those international organisations, extending to their family members or those with close connections to them;
16. **Shell banks** shall mean the banks that do not have tangible address in a country where they are authorised to operate, or are not subsidiaries of legitimate financial institution group;
17. **Non-profit organisations** shall mean legal persons or organisations that carry out main activities for the causes of charity, religions, culture, education, environment, public health, sports-physical education, humanitarian and social welfares, vocational benefit promotion, without seeking profits in returns;
18. **Corresponding banks** shall mean a representative bank or intermediary bank for the settlement among banks both in the country and abroad;
19. **Wire transfers** shall mean the transaction on behalf of a natural person, legal person or organisation via a financial institution by a mean of electronic transfer, which enable a beneficiary to receive the transferred amount at another financial institution;
20. **Seizure** shall mean obtaining the properties or moveable objects as exhibits by an order of a competent authority;
21. **Freezing** shall mean the prohibition of transfer, handing over, trading, exchange, pawn, guarantee, destruction or change, movement of funds, immovable or moveable assets, including deposit bank accounts, by an order of a competent authority;
22. **Confiscation** shall mean the nationalisation of properties or objects, wholly or partially, owned by offenders in accordance with a court decision.
23. **Resolution of the UN Security Council** shall mean a resolution on a designated name list of natural persons, groups of people, legal persons and organisations relating to an international terrorism as defined in Section VII of such resolution;
24. **Anonymous account** shall mean a deposit account in which its information differs or cannot verify the account owner's details such as name, surname, date of birth, address, age and occupation;
25. **Customer** shall mean natural persons, legal persons or organisations that use the services of the reporting entities.
26. **Bearer negotiable instruments** shall mean bank cheques, traveller's cheques, money orders, bonds, bank drafts and others;
27. **Racketeering group** shall mean a group of persons that coerces, threatens a natural person, legal person or organisation in order to extort their funds or properties;
28. **Environmental crimes** shall mean an offence that causes a severe damage to the environment such illegal trading of protected wildlife and aquatic animals, unlawful extraction of natural resources, illegal logging, destruction of crops, illegal poaching, and illegal fishing.

**Article 9: Policies on AML/CFT**

The state encourages and supports natural persons, legal persons or organisations of all sectors to participate in the combat and prevention of money laundering and financing of terrorism.

The state pays attention to raising awareness and education of the general public by various means to be aware of the harms caused by money laundering and financing of terrorism, which can damage the national security, social harmony and orderliness, and the national, regional and international economic systems.

The state encourages and supports the AML/CFT by providing the budget, personnel, means, vehicles and modern techniques and equipment to relevant competent authorities for their effective performances.

Unofficial Translation

**Article 10: Principles on AML/CFT**

The AML/CFT shall observe the following main principles:

1. Ensuring the national sovereignty, security, social harmony, and regular undertaking of socio-economic activities within the country;
2. Ensuring the protection of legitimate rights and benefits of natural persons, legal persons or organisations;
3. Combating all the phenomena of power abuse, and application of excessive power, which damage the legitimate rights and benefits of natural persons, legal persons or organisations;
4. Ensuring the compliance with the laws, regulations, international agreements and treaties which the Lao PDR is a party to.

**Article 11: Protection**

Staffs and officers working on AML/CFT including those participating in this work such as informants, information processors, witnesses, experts and their families, shall be protected in accordance with laws against revenge and threats against life, health, freedom and damage to their dignities, reputations or private properties.

**Article 12: Obligations in AML/CFT**

Natural persons, legal entities and organisations are obliged to provide information and cooperate to combat and prevent money laundering and financing of terrorism.

**Article 13: Scope of application**

This law applies to natural persons, legal persons and organisations, both local and foreign, running business operations inside and outside of the territory of Lao PDR involved in money laundering and financing of terrorism.

**Article 14: International cooperation**

The state encourages a relation and co-operation with foreign countries, regions and international community on AML/CFT through an exchange of lessons, information, seminars, technical knowledge upgrading and capacity building, technical assistance in order to develop AML/CFT efforts and comply with the international agreements and treaties, which the Lao PDR is a party to.

## **Part II AML/CFT Activities**

### **Section 1 Activities of AML/CFT**

**Article 15: Activities of anti-money laundering**

The activities of anti-money laundering are the activities of reporting entities and relevant parties to combat, prevent, curb, and eliminate behaviours of legalising illicit funds and properties.

The details of the said activities are defined in a separate regulation.

**Article 16: Activities of counter-financing of terrorism**

The activities of counter-financing of terrorism are the activities of reporting entities and relevant parties to combat, prevent, curb, and eliminate behaviours of financing terrorism.

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**The Anti-Money Laundering Law**  
**(The Pyidaungsu Hluttaw Law No.11, 2014)**  
**The 14<sup>th</sup> Waning of Tabaung, 1375 M.E.**  
**( 14 March, 2014 )**

The Pyidaungsu Hluttaw hereby enacts this Law.

**Chapter I**

**Title, Jurisdiction and Definition**

1. This Law shall be called the Anti-Money Laundering Law.
2. This Law shall have jurisdiction on any person who commits any offence punishable under this Law within the limits of the Union of Myanmar, or on board a vessel, an aircraft, and any motor vehicle registered under the existing law of Myanmar, and a Myanmar citizen or any person residing permanently in the Union of Myanmar who commits the said offence beyond the limits of the country.
3. The following expressions contained in this Law shall have the meanings given hereunder:
  - (a) **Central Body** means the Central Body on Anti-Money Laundering formed under this Law;
  - (b) **Financial Intelligence Unit** means the Unit formed under this Law to investigate and take action on financial matters related to this Law;
  - (c) **Scrutiny Board** means the Board formed by the Financial Intelligence Unit;
  - (d) **Investigation Board** means the Board formed and assigned by the Central Body under this Law;
  - (e) **Reporting organization** means banks and financial institutions, non financial business and professions stipulated by this Law to report. In this expression, an organization assigned to report, by notification from time to time by the Central Body is also included;

- (iv) a person who has the authority to transfer or control an account;
- (v) a person who attempts to deal with the matters mentioned in clause (i) to clause (iv);
- (l) **Domestic and foreign politically exposed person** means a person who is prominent or has been entrusted with public functions within the country or in any foreign country and family members or close associates of such persons;
- (m) **International politically exposed persons** mean a director, a deputy director, a member of the board of directors and a senior member of an international organization, a member who has the similar position or a person who has been entrusted with such function and family members or close associates of such persons;
- (n) **Money laundering** means the commission of any of the followings:
  - (i) converting or transferring of money and property, knowing or having reason to know that it is money and property obtained by illegal means for the purpose of disguising or concealing the source or for the purpose of assisting before or after commission of the offence to any person who is involved in the commission of any offence to evade the legal action under this Law;
  - (ii) changing the true nature, source, location and disposition of money and property, knowing or having reason to know that it is money and property obtained by illegal means and conceal or disguise of ownership or rights of such money and property;
  - (iii) acquiring, possessing or using of money and property, knowing or having reason to know at the time of receipt that it is money and property obtained by illegal means;

- (iv) Participating, facilitating, aiding, supporting, managing, counseling, being a member of an organized group in committing, attempting to commit or conspiring to commit any offences contained in clauses (i) to (iii) by action or omission and pertaining by any other means;
- (o) **Money** means legal tender coins, their lower denominations and currency notes issued and exchangeable by the Central Bank of Myanmar or a foreign country, promissory notes, bills of exchange, cheques bonds, treasury bills and debentures, foreign currencies and any kind of instruments or certificates related to foreign currencies which are negotiable instruments;
- (p) **Property** means moveable or immovable property in any form whether cooperated or incorporeal, tangible or intangible. In this expression, title documents to such assets, interests, rights, dividend, title and other incomes obtained by using electronic means are also included;
- (q) **Money and property obtained by illegal means** mean money and property obtained directly or indirectly by committing any offence applicable to this Law or act or omission of committing any such offence. In this expression, money or property and interests based and derived from such money and property and money or property that are transferred or converted as other property or business are also included;
- (r) **Negotiable instruments** mean negotiable instruments, promissory notes, payment orders and financial instruments in transferable form as travelers' cheques including cheques that can be transacted by withdrawal form on behalf of the owner or by endorsement signing without restriction or by using name of fictitious payee or by any other form indicating its transferability. In this expression, bearer cheques, promissory notes, payment orders and partial deeds are also included;

- (x) **Implementation of group-wide** means supervision and coordination on its branch offices and subordinate companies in respect of guidelines of anti-money laundering and countering the financing of terrorism by any principal company or any other type of company.

## **Chapter II**

### **Objectives**

4. The objective of this Law are as follows:
- (a) to enable to take effective action against money laundering and financing of terrorism and to prevent subsequent offences;
  - (b) to prevent interference in the executive, economic and social sectors of the State through money laundering or financing of terrorism;
  - (c) to implement anti-money laundering and countering the financing of terrorism in accord with the international conventions acceded by the State;
  - (d) to co-operate with international organizations, regional organizations and neighbouring States for anti- money laundering , countering the financing of terrorism and combating original offences;
  - (e) to issue directives and guidance related to the system of anti-money laundering and countering the financing of terrorism in cooperation with financial institutions and other relevant government departments and organizations by conducting national risk assessment.

## **Chapter III**

### **Offences Applicable to this Law**

5. Laundering of money and properties derived from commission of any of the following offences shall be applicable to this Law;
- (a) offences committed by organized criminal group;



- (b) offences relating to sexual exploitation including sexual exploitation of children;
- (c) offences relating to infringement of the Intellectual Property Right (offences relating to Intellectual Property);
- (d) offences relating to environmental crime;
- (e) offences relating to tax evasion and other tax crimes;
- (f) offences relating to piracy;
- (g) offences relating to terrorism;
- (h) offences relating to insider trading to get illicit profits by a person who is the first to know the information by using the said information himself or providing it to another person and market manipulation;
- (i) committing of any offence punishable with imprisonment for a term of a minimum of one year and above under any existing law of the State;
- (j) offences prescribed by the Union Government that are applicable to this Law by notification from time to time;
- (k) participating, abetting, supporting, providing, managing, advising and being a member of an organized criminal group and other related offence by action or omission in committing, attempting to commit or conspiring to commit any offence contained in sub-sections (a) to (j).

#### **Chapter IV**

##### **Formation of the Central Body and Duties and Powers thereof**

6. The Union Government shall form the Central Body with 15 persons comprising the Union Minister for the Ministry of Home Affairs as Chairman and appropriate citizens as members.
7. The duties of the Central Body are as follows:

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NATIONAL ASSEMBLY

SOCIALIST REPUBLIC OF VIETNAM  
Independence - Freedom - Happiness

No. 100/2015/QH13

Hanoi, November 27, 2015

**CRIMINAL CODE***Pursuant to Constitution of Socialist Republic of Vietnam;**The National Assembly promulgates the Criminal Code.***Part One****GENERAL PROVISIONS****Chapter I****BASIC CLAUSES****Article 1. Objectives of the Criminal Code**

The Criminal Code is meant to protect Vietnam's sovereignty and security; protect the socialism regime, human rights, citizenship rights; protect the equality among ethnic groups; protect interests of the State; organize and protect the law; punish crimes; raise people's awareness of compliance with the law; prevent and fight crimes.

This Code provides for crimes and punishments.

**Article 2. Basis of criminal liability**

1. No one who commits a criminal offence that is not regulated by the Criminal Code has to incur criminal liability.
2. No corporate legal entity that commits a criminal offence that is not regulated in Article 76 hereof has to incur criminal liability.

**Article 3. Rules for punishing crimes**

1. With regard to criminals:

- a) Every crime committed by a person must be discovered promptly and dealt with quickly and fairly in compliance with law;
- b) All criminals are equal before the law regardless of gender, ethnicity, belief, religion, social class, or social status;
- c) Instigation of crimes, masterminds, or obstinacy, gangster-like crimes, dangerous recidivism, abuse of positions or power to commit criminal offences shall be strictly punished;
- d) Criminal offences committed by employment of deceitful methods; in an organized manner, in a professional manner, or with intent to inflict extremely serious consequences shall be strictly punished.

Leniency shall be showed towards criminals who turn themselves in; show cooperative attitudes; inform on accomplices; made reparation in an effort to atone for their crimes; express contrition; voluntarily compensate for damage they inflict;

dd) A person who commit a less serious crime for the first time may serve a community sentence (mandatory supervision by family or an organization);

e) People sentenced to imprisonment shall serve their sentences at prisons and must improve themselves to become effective and productive citizens; commutation or conditional parole shall be granted to people who satisfy conditions set out in this Code;

g) People who have served their sentences are enabled to live and work honestly and fit into society; criminal records shall be expunged when all conditions are satisfied.

2. With regard to corporate legal entities that commit criminal offences:

a) Every criminal offence committed by a corporate legal entity must be discovered promptly and dealt with quickly and fairly in compliance with law;

b) All corporate legal entities that commit criminal offences are equal before the law regardless of type of business and economic sector;

c) Criminal offences committed by deceitful methods; organized crimes, deliberate infliction of extremely serious consequences shall be strictly punished;

d) Leniency shall be showed towards corporate legal entities that are cooperative during the proceeding, voluntarily compensate for damage they inflict, proactively prevent or alleviate consequences.

#### **Article 4. Responsibility for prevention and fight against crimes**

1. Police authorities, the People's Procuracies, People's Courts, and other authorities concerned shall perform their functions, duties and authority; provide guidance and assistance for other state agencies, organizations and individuals in prevention and fight against crimes, supervision and education of criminals in the community.

2. Organizations are responsible for raising the awareness of people under their management of protection and compliance with the law, respect for socialism rules; promptly take measures for eliminate causes and conditions of crimes within their organizations.

3. Every citizen has the duty to participate in prevention and fight against crimes.

### **Chapter II**

#### **EFFECT OF THE CRIMINAL CODE**

#### **Article 5. Effect of the Criminal Code on criminal offences committed within the territory of the Socialist Republic of Vietnam**

1. The Criminal Code applies to every criminal offence committed within the territory of the Socialist Republic of Vietnam.

It also applies to criminal offences committed on sea-going vessels and airplanes having Vietnamese nationality or operating in Vietnam's exclusive economic zones or continental shelves, or consequences thereof.

2. Criminal liability of foreigners who commit criminal offences within the territory of Socialist Republic of Vietnam and are granted diplomatic immunity according to Vietnam's law or under an international agreement to which Socialist Republic of Vietnam is a signatory or according to international practice shall be dealt with in accordance with the international agreement or



practice. If the case is not set out in any international agreement or there is no such international practice, their criminal liability shall be dealt with in a diplomatic manner.

**Article 6. Effect of the Criminal Code on criminal offences committed outside the territory of the Socialist Republic of Vietnam**

1. Any Vietnamese citizen or Vietnamese corporate legal entity that commits an act outside the territory of Socialist Republic of Vietnam which is defined as a criminal offence by this Code shall face criminal prosecution in Vietnam as prescribed by this Code.

This clause also applies to stateless residents of Vietnam.

2. Any foreigner or foreign corporate legal entity that commit a criminal offence outside the territory of Socialist Republic of Vietnam shall face criminal prosecution as prescribed by this Code if such offence infringes the lawful rights and interests of Vietnamese citizens or interest of Socialist Republic of Vietnam or under a international agreement to which Vietnam is a signatory.

3. Where a criminal offence or its consequence occurs on an airplane or sea-going vessel that does not have Vietnamese nationality at sea or outside Vietnam's airspace, the offender shall face criminal prosecution under an international agreement to which Vietnam is a signatory, if any.

**Article 7. Chronological effect of Criminal Code**

1. A provision of law effective at the same time as the commitment of the criminal offence shall be applied to such criminal offence.

2. A provision of law that provides for a new crime, a more severe sentence, a new aggravating factor or reduce the scope of suspended sentences, exemption from criminal liability, removal of criminal responsibility, exemption from sentence, commutation, or conviction expungement which is less favorable shall not be applied to criminal offences committed before such provision of law comes into force.

3. A provision of law that removes a new crime, a sentence, a aggravating factor or provides for a less severe sentence, a new mitigating factor, or increase the scope of probation, exemption or conviction expungement of criminal liability, exemption from sentence, commutation, conditional parole, or conviction expungement, and other provisions which is more favorable may be applied to criminal offences committed before such provisions of law comes into force.

**Chapter III**

**CRIMES**

**Article 8. Definition of crime**

1. A crime means an act that is dangerous for society and defined in Criminal Code, is committed by a person who has criminal capacity of corporate legal entity, whether deliberately or involuntarily, infringes the sovereignty and territorial integrity of the nation, infringes the political regime, economic regime, culture, national defense and security, social order and safety, the lawful rights and interests of organizations, human rights, the lawful rights and interests of citizens, other aspects of socialist law, and leads to criminal prosecution as prescribed by this Code.

2. An act showing signs of a crime but not remarkably dangerous for society is not a crime and shall be dealt with otherwise.

**Article 9. Classification of crimes**

Crimes defined in this Code are classified into four categories according to their nature and danger to society:

1. Less serious crime means a crime whose danger to society is not significant and for which the maximum sentence defined by this Code is a fine, community sentence (non-custodial), or 3 years' imprisonment;
2. Serious crime means a crime whose danger to society is significant and for which the maximum sentence of the bracket defined by this Code is from over 3 years' to 7 years' imprisonment;
3. Very serious crime means a crime whose danger to society is great and for which the maximum sentence of the bracket defined by this Code is from over 7 years' to 15 years' imprisonment;
4. Extremely serious crime means a crime whose danger to society is enormous and for which the maximum sentence of the bracket defined by this Code is from over 15 years' to 20 years' imprisonment, life imprisonment, or death.

**Article 10. Deliberate crimes**

Cases of deliberate crimes:

1. The offender is aware of the danger to society of his/her act, foresees consequences of such act, and wants such consequences to occur;
2. The offender is aware of the danger to society of his/her act, foresees consequences of such act, and does not want such consequences to occur but still deliberately lets them occur.

**Article 11. Involuntary crimes**

Cases of involuntary crimes:

1. The offender is aware of the danger to society of his/her act but believes that consequences would not occur or could be prevented;
2. The offender is not aware of the danger to society of his/her act though the consequences have to be foreseen and could be foreseen.

**Article 12. Age of criminal responsibility**

1. A person from 16 years of age and above shall bear criminal responsibility for every crime, except for those otherwise prescribed by this Code.
2. A person from 14 years of age to be low 16 years of age shall bear criminal responsibility for murder, deliberate infliction of bodily harm upon other people, raping, raping people under 16 years of age, sexual abuse of people from 13 to under 16 years of age, robbery, kidnapping for ransom; very serious crimes, and extremely serious crimes defined in the following Articles:
  - a) Article 143 (Sexual abuse); Article 150 (Human trafficking); Article 151 (Trafficking of people under 16 years of age);
  - b) Article 170 (Extortion); Article 171 (Snatching); Article 173 (Theft); Article 178 (Vandalism or deliberate destruction of property);

c) Article 248 (Illegal production of narcotic substances); Article 249 (Illegal storage of narcotic substances); Article 250 (Illegal trafficking of narcotic substance); Article 251 (Illegal trading of narcotic substances); Article 252 (Appropriation of narcotic substances);

d) Article 265 (Organization of illegal racing); Article 266 (Illegal racing);

dd) Article 285 (Producing, dealing in tools, equipment, software programs serving illegal purposes); Article 286 (Spreading software programs harmful to computer networks, telecommunications network, or electronic devices); Article 287 (Obstruction or disruption of computer network, telecommunications network, or electronic devices); Article 289 (Illegal access to others' computer network, telecommunications network, or electronic devices); Article 290 (Appropriation of property by computer network, telecommunications network, or electronic devices);

e) Article 299 (Terrorism); Article 303 (Destruction of works, facilities, or vehicles important to national security); Article 304 (Illegal fabrication, storage, trafficking, use, trading, or appropriation of military weapons or military equipment).

**Article 13. Crimes committed under the influence of alcohol or other strong stimulants**

A person who has lost his/her awareness or control of his/her acts because of influence of alcohol or other strong stimulants still have to bear criminal responsibility.

**Article 14. Preparation for crimes**

1. Preparation for a crime means finding, preparing tools, equipment, or other conditions for the crime, or establishing, joining a group of criminals, except for the cases specified in Article 1009, Point a Clause 2 Article 113, or Point a Clause 2 Article 299 hereof.

2. A person who prepares for any of the following crimes shall bear criminal responsibility:

a) Article 108 (High treason); Article 110 (Espionage); Article 111 (Infringement upon territory); Article 112 (Rebellion); Article 113 (Terrorism aimed to oppose the people's authority); Article 114 (Sabotage of technical facilities of Socialist Republic of Vietnam); Article 117 (Fabrication, storage, spreading, or dissemination of information, materials, items for opposing the government of Socialist Republic of Vietnam; Article 118 (Disruption of security); Article 119 (Disruption of detention facility); Article 120 (Organizing, coercing, instigating illegal emigration for the purpose of opposing the people's authority); Article 121 (Illegal emigration for the purpose of opposing the people's authority);

b) Article 123 (Murder); Article 134 (Deliberate infliction of bodily harm upon another person);

c) Article 168 (Robbery); Article 169 (Kidnapping for ransom);

d) Article 299 (Terrorism); Article 300 (terrorism financing); Article 301 (Taking hostages); Article 302 (Piracy); Article 303 (Destruction of works, facilities, vehicles important to national security); Article 324 (Money laundering).

3. A person from 14 to under 16 years of age who prepares for any of the crimes specified in Point b and Point c Clause 2 of this Article has to bear criminal responsibility.

**Article 15. Incomplete crimes**

An incomplete crime means a crime that is not carried out to the end because of reasons beyond the offender's control.



5. The offender might also be liable to a fine of from VND 5,000,000 to VND 50,000,000 or have all or part of his/her property confiscated.

**Article 324. Money laundering**

1. A person who commits any of the following acts shall face a penalty of 01 - 05 years' imprisonment:

- a) Directly or indirectly participating in finance transactions, banking transactions, or other transactions to conceal the illegal origin of the money or property obtained through his/her commission of a crime, or obtained through another person's commission of a crime to his/her knowledge;
- b) Using money or property obtained through his/her commission of a crime or obtained through another person's commission of a crime to his/her knowledge for doing business or other activities;
- c) Concealing information about the true origin, nature, location, movement, or ownership of money or property obtained through his/her or commission of a crime or obtained through another person's commission of a crime to his/her knowledge, or obstructing the verification of such information;
- d) Committing any of the offences specified in Point a through c of this Clause while knowing that the money or property is obtained through transfer, conversion of money or property obtained through another person's commission of a crime.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

- a) The offence is committed by an organized group;
- b) The offender abuses his/her position or power to commit the offence;
- c) The offence has been committed more than once;
- d) The offence is committed in a professional manner;
- dd) The offence involves deceitful methods;
- e) The illegal money or property is assessed at from VND 200,000,000 to under VND 500,000,000;
- g) The illegal profit earned is from VND 50,000,000 to under VND 100,000,000;
- h) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 10 - 15 years' imprisonment:

- a) The illegal money or property is assessed at  $\geq$  VND 500,000,000;
- b) The illegal profit earned is  $\geq$  VND 100,000,000;
- c) The offence has a negative impact on security of the national currency or finance system.

4. A person that prepares for the commission of this offence shall face a penalty of 01 - 05 years' imprisonment.



5. The offender might also be liable to a fine of from VND 20,000,000 to VND 100,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years or have part or all of his/her property confiscated.

**Article 325. Persuading, forcing a person under 18 to commit an offence, or harboring a person under 18 who committed a offence**

1. Any person aged 18 or over who commits any of the following violations against a person under 18 shall face a penalty of 01 - 05 years' imprisonment:

- a) Persuading, inciting a person under 18 to commit an offence or indulge in debauchery;
- b) Threatening, using violence or other methods to force a person under 18 to commit a criminal offence;
- c) Harboring a person under 18 who committed a offence.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

- a) The offence is committed by an organized group;
- b) The offence involves more than one person under 18;
- c) The offence involves a user person under 13;
- d) The offence involves very serious crime or extremely serious crime;
- dd) Dangerous recidivism.

3. The offender might also be liable to a fine of from VND 10,000,000 to VND 100,000,000.

The person who commits this offence in the case in Point dd Clause 2 of this Article might also be put under mandatory supervision for 01 - 05 years.

**Article 326. Distribution pornographic materials**

1. Any person who makes, duplicates, publishes, transports, deals in, or stores books, magazines, pictures, films, music, or other items that contain pornographic contents for the purpose of distributing them or distributes pornographic materials in any of the following cases shall be a fine of from VND 10,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

- a) The offence involves an amount of digital data from 01 GB to under 05 GB in size;
- b) The offence involves 50 - 100 physical books or magazines;
- c) The offence involves 100 - 200 physical pictures;
- d) Pornographic materials are distributed among 10 - 20 people;
- dd) The offender incurred an administrative penalty or has a previous conviction for the same offence which has not been expunged.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

- a) The offence is committed by an organized group;

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H. No. 6565  
S. No. 3123

Republic of the Philippines  
**Congress of the Philippines**  
Metro Manila  
Fifteenth Congress  
Third Regular Session

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Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand twelve.

[ REPUBLIC ACT NO. **10365** ]

AN ACT FURTHER STRENGTHENING THE ANTI-MONEY LAUNDERING LAW, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9160, OTHERWISE KNOWN AS THE "ANTI-MONEY LAUNDERING ACT OF 2001", AS AMENDED

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section 3(a) of Republic Act No. 9160, as amended, is hereby amended to read as follows:

"(a) 'Covered persons', natural or juridical, refer to:

"(1) banks, non-banks, quasi-banks, trust entities, foreign exchange dealers, pawnshops, money changers, remittance and

transfer companies and other similar entities and all other persons and their subsidiaries and affiliates supervised or regulated by the Bangko Sentral ng Pilipinas (BSP);

"(2) insurance companies, pre-need companies and all other persons supervised or regulated by the Insurance Commission (IC);

"(3) (i) securities dealers, brokers, salesmen, investment houses and other similar persons managing securities or rendering services as investment agent, advisor, or consultant, (ii) mutual funds, close-end investment companies, common trust funds, and other similar persons, and (iii) other entities administering or otherwise dealing in currency, commodities or financial derivatives based thereon, valuable objects, cash substitutes and other similar monetary instruments or property supervised or regulated by the Securities and Exchange Commission (SEC);

"(4) jewelry dealers in precious metals, who, as a business, trade in precious metals, for transactions in excess of One million pesos (P1,000,000.00);

"(5) jewelry dealers in precious stones, who, as a business, trade in precious stones, for transactions in excess of One million pesos (P1,000,000.00);

"(6) company service providers which, as a business, provide any of the following services to third parties: (i) acting as a formation agent of juridical persons; (ii) acting as (or arranging for another person to act as) a director or corporate secretary of a company, a partner of a partnership, or a similar position in relation to other juridical persons; (iii) providing a registered office, business address or accommodation, correspondence or administrative address for a company, a partnership or any other legal person or arrangement; and (iv) acting as (or arranging for another person to act as) a nominee shareholder for another person; and

"(7) persons who provide any of the following services:



- (i) managing of client money, securities or other assets;
- (ii) management of bank, savings or securities accounts;
- (iii) organization of contributions for the creation, operation or management of companies; and
- (iv) creation, operation or management of juridical persons or arrangements, and buying and selling business entities.

"Notwithstanding the foregoing, the term 'covered persons' shall exclude lawyers and accountants acting as independent legal professionals in relation to information concerning their clients or where disclosure of information would compromise client confidences or the attorney-client relationship: *Provided*, That these lawyers and accountants are authorized to practice in the Philippines and shall continue to be subject to the provisions of their respective codes of conduct and/or professional responsibility or any of its amendments."

SEC. 2. Section 3(i) of the same Act is hereby amended to read as follows:

"(i) 'Unlawful activity' refers to any act or omission or series or combination thereof involving or having direct relation to the following:

"(1) Kidnapping for ransom under Article 267 of Act No. 3815, otherwise known as the Revised Penal Code, as amended;

"(2) Sections 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002;

"(3) Section 3 paragraphs B, C, E, G, H and I of Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act;

"(4) Plunder under Republic Act No. 7080, as amended;

"(5) Robbery and extortion under Articles 294, 295, 296, 299, 300, 301 and 302 of the Revised Penal Code, as amended;

"(6) Jueteng and Masiao punished as illegal gambling under Presidential Decree No. 1602;

"(7) Piracy on the high seas under the Revised Penal Code, as amended and Presidential Decree No. 532;

"(8) Qualified theft under Article 310 of the Revised Penal Code, as amended;

"(9) Swindling under Article 315 and Other Forms of Swindling under Article 316 of the Revised Penal Code, as amended;

"(10) Smuggling under Republic Act Nos. 455 and 1937;

"(11) Violations of Republic Act No. 8792, otherwise known as the Electronic Commerce Act of 2000;

"(12) Hijacking and other violations under Republic Act No. 6235; destructive arson and murder, as defined under the Revised Penal Code, as amended;

"(13) Terrorism and conspiracy to commit terrorism as defined and penalized under Sections 3 and 4 of Republic Act No. 9372;

"(14) Financing of terrorism under Section 4 and offenses punishable under Sections 5, 6, 7 and 8 of Republic Act No. 10168, otherwise known as the Terrorism Financing Prevention and Suppression Act of 2012;

"(15) Bribery under Articles 210, 211 and 211-A of the Revised Penal Code, as amended, and Corruption of Public Officers under Article 212 of the Revised Penal Code, as amended;

"(16) Frauds and Illegal Exactions and Transactions under Articles 213, 214, 215 and 216 of the Revised Penal Code, as amended;

"(17) Malversation of Public Funds and Property under Articles 217 and 222 of the Revised Penal Code, as amended;

"(18) Forgeries and Counterfeiting under Articles 163, 166, 167, 168, 169 and 176 of the Revised Penal Code, as amended;

"(19) Violations of Sections 4 to 6 of Republic Act No. 9208, otherwise known as the Anti-Trafficking in Persons Act of 2003;

"(20) Violations of Sections 78 to 79 of Chapter IV, of Presidential Decree No. 705, otherwise known as the Revised Forestry Code of the Philippines, as amended;

"(21) Violations of Sections 86 to 106 of Chapter VI, of Republic Act No. 8550, otherwise known as the Philippine Fisheries Code of 1998;

"(22) Violations of Sections 101 to 107, and 110 of Republic Act No. 7942, otherwise known as the Philippine Mining Act of 1995;

"(23) Violations of Section 27(c), (e), (f), (g) and (i), of Republic Act No. 9147, otherwise known as the Wildlife Resources Conservation and Protection Act;

"(24) Violation of Section 7(b) of Republic Act No. 9072, otherwise known as the National Caves and Cave Resources Management Protection Act;

"(25) Violation of Republic Act No. 6539, otherwise known as the Anti-Carnapping Act of 2002, as amended;

"(26) Violations of Sections 1, 3 and 5 of Presidential Decree No. 1866, as amended, otherwise known as the decree Codifying the Laws on Illegal/Unlawful Possession, Manufacture, Dealing In, Acquisition or Disposition of Firearms, Ammunition or Explosives;

"(27) Violation of Presidential Decree No. 1612, otherwise known as the Anti-Fencing Law;

"(28) Violation of Section 6 of Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995, as amended by Republic Act No. 10022;

"(29) Violation of Republic Act No. 8293, otherwise known as the Intellectual Property Code of the Philippines;

"(30) Violation of Section 4 of Republic Act No. 9995, otherwise known as the Anti-Photo and Video Voyeurism Act of 2009;

"(31) Violation of Section 4 of Republic Act No. 9775, otherwise known as the Anti-Child Pornography Act of 2009;

"(32) Violations of Sections 5, 7, 8, 9, 10(c), (d) and (e), 11, 12 and 14 of Republic Act No. 7610, otherwise known as the Special Protection of Children Against Abuse, Exploitation and Discrimination;

"(33) Fraudulent practices and other violations under Republic Act No. 8799, otherwise known as the Securities Regulation Code of 2000; and

"(34) Felonies or offenses of a similar nature that are punishable under the penal laws of other countries."

SEC. 3. Section 3 of the same Act shall have new paragraphs (j) and (k).

"(j) 'Precious metals' shall mean gold, silver, platinum, palladium, rhodium, ruthenium, iridium and osmium. These include alloys of precious metals, solders and plating chemicals such as rhodium and palladium plating solutions and potassium gold cyanide and potassium silver cyanide and silver cyanide in salt solution.

"(k) 'Precious stones' shall mean diamond, ruby, emerald, sapphire, opal, amethyst, beryl, topaz, and garnet that are used in jewelry making, including those formerly classified as semi-precious stones."



SEC. 4. Section 4 of the same Act is hereby amended to read as follows:

"SEC. 4. *Money Laundering Offense.* – Money laundering is committed by any person who, knowing that any monetary instrument or property represents, involves, or relates to the proceeds of any unlawful activity:

"(a) transacts said monetary instrument or property;

"(b) converts, transfers, disposes of, moves, acquires, possesses or uses said monetary instrument or property;

"(c) conceals or disguises the true nature, source, location, disposition, movement or ownership of or rights with respect to said monetary instrument or property;

"(d) attempts or conspires to commit money laundering offenses referred to in paragraphs (a), (b) or (c);

"(e) aids, abets, assists in or counsels the commission of the money laundering offenses referred to in paragraphs (a), (b) or (c) above; and

"(f) performs or fails to perform any act as a result of which he facilitates the offense of money laundering referred to in paragraphs (a), (b) or (c) above.

"Money laundering is also committed by any covered person who, knowing that a covered or suspicious transaction is required under this Act to be reported to the Anti-Money Laundering Council (AMLC), fails to do so."

SEC. 5. Section 6(a) of the same Act is hereby amended to read as follows:

"SEC. 6. *Prosecution of Money Laundering.* –

"(a) Any person may be charged with and convicted of both the offense of money laundering and the unlawful activity as herein defined.

"(b) The prosecution of any offense or violation under this Act shall proceed independently of any proceeding relating to the unlawful activity."

SEC. 6. Section 7 of the same Act is hereby amended to read as follows:

"SEC. 7. *Creation of Anti-Money Laundering Council (AMLC).* – The Anti-Money Laundering Council is hereby created and shall be composed of the Governor of the Bangko Sentral ng Pilipinas as Chairman, the Commissioner of the Insurance Commission and the Chairman of the Securities and Exchange Commission, as members. The AMLC shall act unanimously in the discharge of its functions as defined hereunder:

"x x x

"(6) to apply before the Court of Appeals, *ex parte*, for the freezing of any monetary instrument or property alleged to be laundered, proceeds from, or instrumentalities used in or intended for use in any unlawful activity as defined in Section 3(i) hereof;

"x x x

"(12) to require the Land Registration Authority and all its Registries of Deeds to submit to the AMLC, reports on all real estate transactions involving an amount in excess of Five hundred thousand pesos (P500,000.00) within fifteen (15) days from the date of registration of the transaction, in a form to be prescribed by the AMLC. The AMLC may also require the Land Registration Authority and all its Registries of Deeds to submit copies of relevant documents of all real estate transactions."

SEC. 7. Section 9(c), paragraphs 1 and 4 of the same Act are hereby amended to read as follows:

"SEC. 9. *Prevention of Money Laundering; Customer Identification Requirements and Record Keeping.* –

"(a) x x x

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LAW OF THE REPUBLIC OF INDONESIA  
NUMBER 8 YEAR 2010

REGARDING

COUNTERMEASURE AND ERADICATION OF MONEY LAUNDERING

BY GRACE OF THE GOD ALMIGHTY

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Consider :
- a. that Money Laundering is not only threaten the stability of economy and the integrity of financial system, but it also can endanger the essential values of the social life, nationhood and statehood based on Pancasila and the Constitution of the State of the Republic of Indonesia Year 1945;
  - b. that the prevention and countermeasure of the crime of Money Laundering requires a firm legal basis to ensure the legal certainty, effectiveness of legal enforcement, as well the search and return of the proceeds of crime Assets;
  - c. that Law Number 15 Year 2002 on the Crime of Money Laundering as has been amended with Law Number 25 Year 2003 requires to be adjusted with the growth of legal enforcement requirement, practice, and international standard, as result, it requires to be amended with the new one;
  - d. that based on the consideration as set forth in point a, point b, and point c above; it is required to enact Law on the Countermeasure and Eradication of the Crime of Money Laundering.

In the view of : Article 5 section (1) and Article 20 of the Constitution of the State of the Republic of Indonesia Year 1945;

With the joint approval of

THE HOUSE OF REPRESENTATIVE

and

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

BE IT HEREBY RESOLVED:

To enact : LAW ON THE COUNTERMEASURE AND ERADICATION OF MONEY LAUNDERING

CHAPTER I

GENERAL PROVISION

Article 1

The following definitions shall be applied in this Law:





- c. letter, number, sign, or meaningful perforation of which is understandable by person who capable to read or to understand it.
17. Supervisory and Regulatory Agency shall be the agency that possesses the authority to supervise, to regulate, and/ or to impose the punishment to the Reporting Party.
  18. Supervisory Compliance means the series activity of the Supervisory and Regulatory Agency as well PPATK to ensure the compliance of the Reporter Party on the report obligation under this Law, through issuing the provisions or guidelines of the report, performing compliance audit, observing the obligation of the report, and imposing the punishment.

#### Article 2

- (1) Result of the criminal action shall be the Assets acquired from the criminal actions as follow:
  - a. corruption;
  - b. bribery;
  - c. narcotic;
  - d. psychotropic;
  - e. labor smuggling;
  - f. immigrant smuggling;
  - g. criminal action in banking;
  - h. criminal action in capital market;
  - i. criminal action in insurance;
  - j. customs;
  - k. excise;
  - l. human trafficking;
  - m. trade of illegal fire arm;
  - n. terrorism;
  - o. kidnapping;
  - p. burglary;
  - q. embezzlement;
  - r. fraud;
  - s. money counterfeiting;
  - t. gambling;
  - u. prostituting;
  - v. criminal action in taxation;
  - w. criminal action in forestry;
  - x. criminal action in environment;
  - y. criminal action in marine and fishery;
  - z. other criminal actions of which is treated with the imprisonment for 4 (four) years or more.

of which is committed in the territory of the Republic of Indonesia and in the outside of the territory of the Republic of Indonesia and such criminal action is the criminal action according to the Indonesian Law.
- (2) Assets of which are recognized or of which are reasonably alleged to be used and/ or directly or indirectly used for the terrorism activity, terrorism organization, or individual terrorism shall be equalized as the result of criminal action as set forth in section (1) point n above.

#### CHAPTER II

#### THE CRIMINAL ACTION OF MONEY LAUNDERING



1. Money Laundering means any action that meets the elements of criminal action in accordance with the provision herein.
2. Financial Transaction Report and Analysis Center hereinafter is abbreviated to PPATK shall be the independent institution of which is established to prevent and to eradicate the crime of Money Laundering.
3. Transaction means all activities that results right and/ or obligation or that results the legal relation between two parties or more.
4. Financial Transaction means the transaction for performing or receiving the placement, payment, withdrawal, mutation, transfer, payment, grants, donation, deposit, and/ or the exchange on sum of money or action and/ or other activities in connection with money.
5. Suspicious Financial Transaction means:
  - a. Financial Transaction of which is diverging from its profile, characteristic, transaction pattern habits of the User in question;
  - b. Financial Transaction of which is made by the User that is reasonably suspected to be made for the purpose of avoiding the report of the Transaction in question of which is mandatory performed by the Reporting Party in accordance with the provision herein;
  - c. Financial Transaction of which is made or aborted to be made using Assets that are alleged comes from the criminal action; or
  - d. Financial Transaction of which is required by the PPATK to be reported by the Reporting Party due to involve the Assets that are alleged comes from the criminal action.
6. Cash Financial Transaction means the Financial Transaction of which is made using banknotes and/ or coins.
7. Examination means the process of problem identification, analysis, and evaluation of the Suspicious Financial Transaction of which is conducted independently, objectively, and professionally to examine the allegation of criminal action.
8. Examination Result means the final assessment from the overall process of problem identification, analysis, and evaluation of the Suspicious Financial Transaction is conducted independently, objectively, and professionally to be submitted to the Investigator.
9. Anyone shall be the individual or Corporation.
10. Corporation means group of people and/ or group of organized wealth, as either legal entity or non-legal entity.
11. Reporting Party means Anyone who under this Law shall be obliged to submit the report to the PPATK.
12. User means the party who uses the service of the Reporting Party.
13. Assets shall be all moving objects or non-moving objects, in as tangible objects or intangible objects, which are acquired directly or indirectly.
14. Corporation Control Personnel means anyone who possesses the power and authority to determine the corporation's policy or the authority to implement the corporation's policy in question without requiring authorization from their superior.
15. Conspiracy means the deed that made by two persons or more who agree to commit the criminal of Money Laundering.
16. Document means the data, tape, and information of which is visible, readable, and listenable, of which can be issued with or without the instruments, either of which is included in the paper or any physical objects other than paper or of which is recorded electronically, including but not limited to:
  - a. writing, sound, or image;
  - b. map, design, photo, and the equal;



## Article 3

Anyone, who places, transfers, forwards, spends, pays, grants, deposits, takes to the abroad, changes the form, changes to the currency or securities or other deeds towards the Assets of which are recognized or of which are reasonably alleged as the result of criminal action, as set forth in Article 2 section (1) with the purpose to hide or to disguise the origin of Assets, shall be subject to be sentenced due to the criminal action of Money Laundering with the imprisonment for no longer than 20 (twenty) years and fine for no more than Rp10.000.000.000, 00 (ten billion rupiah).

## Article 4

Anyone, who hides, or disguises the origin, source, location, purpose, transfer of right or the truly ownership of the Assets that are known by him or of which are reasonably alleged as the result of criminal action, as set forth in Article 2 section (1), shall be subject to be sentenced due to the criminal action of Money Laundering with the imprisonment for no longer than 20 (twenty) years and fine for no more than Rp500.000.000.000, 00 (five hundred billion rupiah).

## Article 5

- (1) Anyone, who accepts or who takes the control on placement, transfer, payment, grant, deposit, exchange, or utilizes the Assets of which are known by him or of which are reasonably alleged as the result of the criminal action, as set forth in Article 2 section (1), shall be subject to be sentenced with the imprisonment for no longer than 5 (five) years and fine for no more than Rp1.000.000.000, 00 (one billion rupiah).
- (2) Provision as set forth in section (1) above shall not be applicable for the Reporter Party who carries out the obligation of report as set forth herein.

## Article 6

- (1) In the event that Corporation commits the criminal crime of Money Laundering as set forth in Article 3, Article 4, and Article 5, the sentence shall be subject to the Corporation and/ or Corporation Control Personnel.
- (2) Sentence shall be subject to the Corporation in the event that the criminal action of Money Laundering:
  - a. is committed or ordered by the Corporation Control Personnel;
  - b. is committed in the framework of the objectives and purposes of the Corporation;
  - c. is committed in according with the function of perpetrator or the person who give the order; and
  - d. is committed to give benefit for the Corporation.

## Article 7

- (1) Primary sentence, which is sentenced to the Corporation, shall be the fine sentence for no more than Rp100.000.000.000, 00 (one hundred billion rupiahs).

ภาคผนวก ช.  
สาธารณรัฐสิงคโปร์





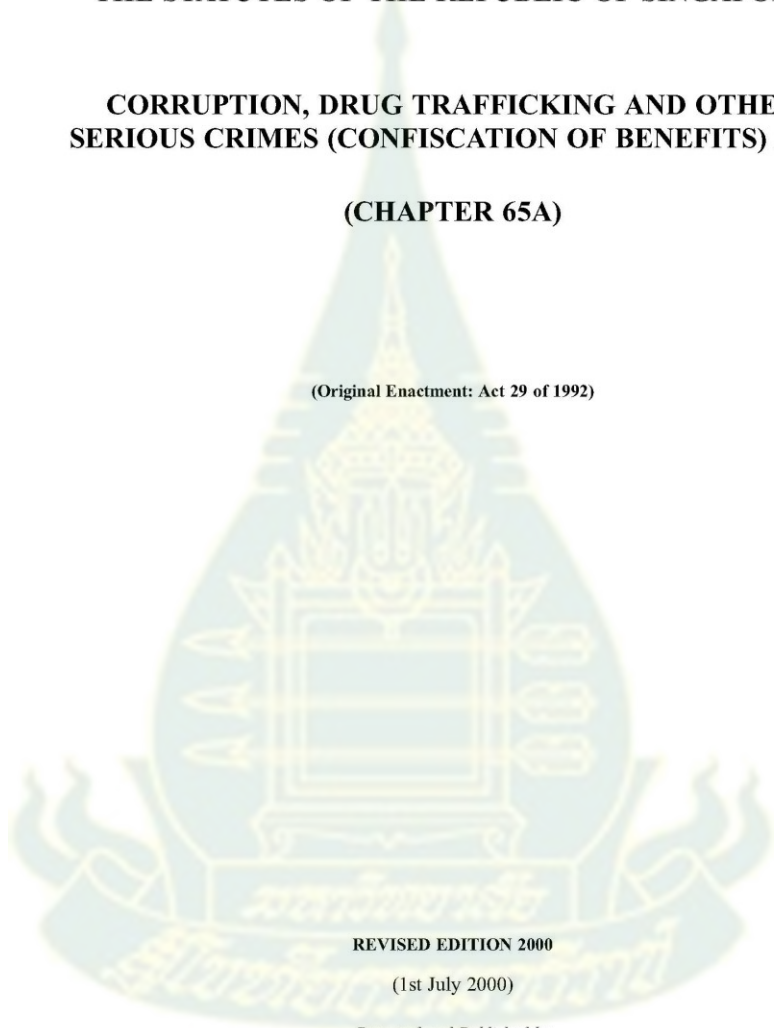


**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**CORRUPTION, DRUG TRAFFICKING AND OTHER  
SERIOUS CRIMES (CONFISCATION OF BENEFITS) ACT**

**(CHAPTER 65A)**

(Original Enactment: Act 29 of 1992)



**REVISED EDITION 2000**

(1st July 2000)

*Prepared and Published by*

THE LAW REVISION COMMISSION  
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*Corruption, Drug Trafficking  
and Other Serious Crimes  
(Confiscation of Benefits)*

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PART I  
PRELIMINARY

**Short title**

1. This Act may be cited as the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act.

[25/99]

**Interpretation**

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

“authorised officer” means —

- (a) any officer of the Bureau;
- (b) any special investigator of the Corrupt Practices Investigation Bureau appointed under section 3(2) of the Prevention of Corruption Act (Cap. 241);
- (c) any Commercial Affairs Officer appointed under section 64 of the Police Force Act 2004;  
[24/2004 wef 12/10/2004]
- (d) any police officer; and
- (e) any other person authorised in writing by the Minister for the purposes of this Act;

“bank” means a bank licensed under the Banking Act (Cap. 19);

“charging order” means an order made under section 17(1);

“confiscation order” means an order made under section 4 or 5;

“corresponding law” means a law of a foreign country or part thereof providing for the control or regulation, in that country or part thereof, of —

- (a) the production, supply, use, export and import of drugs and other substances in accordance with the provisions of the Single Convention on Narcotic Drugs signed at New York on 30th March 1961;
- (b) the production, supply, use, export and import of dangerous or otherwise harmful drugs in pursuance of

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any treaty, convention or other agreement or arrangement to which the government of that country and the Government of Singapore are for the time being parties; or

- (c) the benefits of trafficking in the drugs or substances referred to in paragraph (a) or (b);

*[Act 21 of 2014 wef 01/09/2014]*

“criminal conduct” means doing or being concerned in, whether in Singapore or elsewhere, any act constituting a serious offence or a foreign serious offence;

*[Act 21 of 2014 wef 01/09/2014]*

“dealing with property” is to be construed in accordance with section 16(7);

“defendant” means a person against whom proceedings have been instituted for a drug dealing offence or a serious offence, as the case may be, or offences whether or not he has been convicted thereof;

*[Act 21 of 2014 wef 01/09/2014]*

*[Deleted by Act 21 of 2014 wef 01/09/2014]*

*[Deleted by Act 21 of 2014 wef 01/09/2014]*

“drug dealing” means doing or being concerned in, whether in Singapore or elsewhere, any act constituting a drug dealing offence or a foreign drug dealing offence;

*[Act 21 of 2014 wef 01/09/2014]*

“drug dealing offence” means —

- (a) any offence specified in the First Schedule;
- (b) conspiracy to commit any such offence;
- (c) inciting another to commit any such offence;
- (d) attempting to commit any such offence; or
- (e) aiding, abetting, counselling or procuring the commission of any such offence;

*[Act 21 of 2014 wef 01/09/2014]*

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“employer”, in relation to a legal counsel, includes —

- (a) if the employer is one of a number of corporations that are related to each other under section 6 of the Companies Act (Cap. 50), every corporation so related as if the legal counsel is also employed by each of the related corporations; and
- (b) if the employer is a public agency within the meaning of section 128A(6) of the Evidence Act (Cap. 97) and the legal counsel is required as part of his duties of employment or appointment to provide legal advice or assistance in connection with the application of the law or any form of resolution of legal dispute to any other public agency or agencies, the other public agency or agencies as if the legal counsel is also employed by the other public agency or each of the other public agencies;

*[Act 21 of 2014 wef 01/09/2014]*

“financial institution” has the same meaning as in section 27A(6) of the Monetary Authority of Singapore Act (Cap. 186) read with section 27A(7) of that Act;

*[Act 21 of 2014 wef 01/09/2014]*

“foreign country” means any country or territory outside Singapore;

“foreign court” means a court of competent jurisdiction in a foreign country which is a party to any treaty, memorandum of understanding or agreement for the control of narcotic drugs or for assistance in criminal matters to which Singapore is also a party;

*[Deleted by Act 21 of 2014 wef 01/09/2014]*

“foreign drug dealing offence” means an offence against a corresponding law that consists of or includes conduct which, if the conduct had occurred in Singapore, would have constituted a drug dealing offence;

*[Act 21 of 2014 wef 01/09/2014]*



“foreign serious offence” —

- (a) means an offence (other than a foreign drug dealing offence) against the law of a foreign country or part thereof that consists of or includes conduct which, if the conduct had occurred in Singapore, would have constituted a serious offence; and
- (b) includes a foreign serious tax offence;

*[Act 21 of 2014 wef 01/09/2014]*

“foreign serious tax offence” means an offence against the national law of a foreign country that consists of the doing of any of the following (however described) wilfully with intent to evade, or to assist any other person to evade, any tax of that country:

- (a) omitting from, or understating or overstating in, a return made for the purposes of that tax any information which should be included in the return;
- (b) making any false statement or entry in any return, claim or application made, or any document or information required to be given, for the purposes of that tax;
- (c) giving any false answer, whether verbally or in writing, to any question or request for information asked or made for the purposes of that tax;
- (d) failing to inform the authority responsible for the collection of that tax, in the required manner, of any incorrect information appearing in any assessment made by that authority, when required to do so;
- (e) preparing or maintaining, or authorising the preparation or maintenance, of any false books of account or other records, or falsifying or authorising the falsification of any books of account or records;
- (f) making use of any fraud, art or contrivance, or authorising the use of any such fraud, art or contrivance;

*[Act 21 of 2014 wef 01/09/2014]*

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“gift caught by this Act” is to be construed in accordance with section 12(7) or (8);

“interest”, in relation to property, includes any right;

“legal counsel” has the same meaning as in section 3(7) of the Evidence Act;

*[Act 21 of 2014 wef 01/09/2014]*

“making a gift” is to be construed in accordance with section 12(9);

“material” includes any book, document or other record in any form, and any container or article relating thereto;

“Monetary Authority of Singapore” means the Monetary Authority of Singapore established under section 3 of the Monetary Authority of Singapore Act (Cap. 186);

“officer of customs” has the same meaning as in the Customs Act (Cap. 70);

*[4/2003 wef 01/04/2003]*

“officer of the Bureau” means the Director or any officer of the Central Narcotics Bureau appointed under section 3 of the Misuse of Drugs Act (Cap. 185);

“possession”, in relation to any property, means actual or constructive possession of the property;

*[Act 21 of 2014 wef 01/09/2014]*

“property” means money and all other property, movable or immovable, including things in action and other intangible or incorporeal property;

“realisable property” means —

- (a) any property held by the defendant; and
- (b) any property held by a person to whom the defendant has, directly or indirectly, made a gift caught by this Act;

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“Registrar” means, in relation to proceedings in —

- (a) the High Court — the Registrar, Deputy Registrar or Assistant Registrar of the Supreme Court;
- (b) a District Court or a Magistrate’s Court — the Registrar or Deputy Registrar of the State Courts;

*[Act 5 of 2014 wef 07/03/2014]*

“restraint order” means an order made under section 16(1);

“serious offence” means —

- (a) any of the offences specified in the Second Schedule;
- (b) conspiracy to commit any of those offences;
- (c) inciting others 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;

“Suspicious Transaction Reporting Officer” means an authorised officer —

- (a) who has been appointed by the Minister as a Suspicious Transaction Reporting Officer for the purposes of this Act; and
- (b) who has his appointment as a Suspicious Transaction Reporting Officer published in the *Gazette*;

*[44/2007 wef 01/11/2007]*

“value of gift” is to be construed in accordance with section 12;

“value of property” is to be construed in accordance with section 12(2).

*[25/99; 12/2000]*

(2) For the purposes of this Act —

- (a) property is held by any person if he holds any interest in it;
- (b) references to property held by a person include a reference to property vested in his trustee in bankruptcy or liquidator;

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- (c) references to an interest held by a person beneficially in property include a reference to an interest which would be held by him beneficially if the property were not so vested in his trustee in bankruptcy or liquidator;
- (d) property is transferred by one person to another if the first person transfers or grants to the other any interest in the property;
- (e) proceedings for an offence are instituted in Singapore when a person is produced and charged in court with the offence;
- (f) proceedings in Singapore for a drug dealing offence or a serious offence, as the case may be, are concluded on the occurrence of one of the following events:
  - (i) the discontinuance of the proceedings;
  - (ii) the acquittal of the defendant;
  - (iii) the quashing of the defendant's conviction for the offence;
  - (iv) the grant of the President's pardon in respect of the defendant's conviction for the offence; and
  - (v) the satisfaction of a confiscation order made in the proceedings (whether by payment of the amount due under the order or by the defendant serving imprisonment in default); and
- (g) an order is subject to appeal as long as an appeal or further appeal is pending against the order or (if it was made on a conviction) against the conviction; and for this purpose, an appeal or further appeal shall be treated as pending (where one is competent but has not been brought) until the expiration of the time for bringing the appeal.

*[Act 21 of 2014 wef 01/09/2014]*

*[25/99]*

**Meaning of "item subject to legal privilege"**

**2A.—(1)** For the purposes of this Act, an item is subject to legal privilege if —



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(8) Material disclosed in pursuance of an order under subsection (7) may, subject to any conditions contained in the order, be further disclosed for the purposes of functions relating to drug dealing or criminal conduct, as the case may be.

[25/99]

[Act 21 of 2014 wef 01/09/2014]

(9) Material may be produced or disclosed in pursuance of this section notwithstanding any obligation as to secrecy or other restriction upon the disclosure of information imposed by statute or otherwise.

(10) An order under subsection (1) and, in the case of material in the possession of a public body, an order under section 30(2) may require any officer of the public body (whether named in the order or not) who may for the time being be in possession of the material concerned to comply with it, and such an order shall be served as if the proceedings were civil proceedings against the Government.

(11) In this section, “public body” means —

- (a) any Ministry or Government department; and
- (b) any body specified by the Minister by notification published in the *Gazette* to be a public body for the purposes of this section.

[40]

PART VI  
OFFENCES

**Assisting another to retain benefits of drug dealing**

**43.—**(1) Subject to subsection (3), a person who enters into, or is otherwise concerned in an arrangement, knowing or having reasonable grounds to believe that by the arrangement —

- (a) the retention or control by or on behalf of another (referred to in this section as that other person) of that other person’s benefits of drug dealing is facilitated (whether by

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69 **CAP. 65A** concealment, removal from jurisdiction, transfer to nominees or otherwise); or

*[Act 21 of 2014 wef 01/09/2014]*

(b) that other person's benefits of drug dealing —

(i) are used to secure funds that are placed at that other person's disposal, directly or indirectly; or

(ii) are used for that other person's benefit to acquire property by way of investment or otherwise,

*[Act 21 of 2014 wef 01/09/2014]*

and knowing or having reasonable grounds to believe that that other person is a person who carries on or has carried on drug dealing or has benefited from drug dealing, shall be guilty of an offence.

*[25/99]*

*[Act 21 of 2014 wef 01/09/2014]*

(2) In this section, references to any person's benefits of drug dealing include a reference to any property which, in whole or in part, directly or indirectly, represented in his hands his benefits of drug dealing.

*[Act 21 of 2014 wef 01/09/2014]*

(3) Where a person discloses to an authorised officer a suspicion or belief that any property, funds or investments are derived from or used in connection with drug dealing or any matter on which such a suspicion or belief is based —

(a) if he does any act in contravention of subsection (1) and the disclosure relates to the arrangement concerned, he shall not be guilty of an offence under this section if the disclosure is made in accordance with this paragraph, that is —

(i) it is made before he does the act concerned, being an act done with the consent of the authorised officer; or

(ii) it is made after he does the act, but is made on his initiative and as soon as it is reasonable for him to make it;

(b) the disclosure shall not be treated as a breach of any restriction upon the disclosure of information imposed by law, contract or rules of professional conduct; and

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- (c) he shall not be liable in damages for any loss arising out of —
- (i) the disclosure; or
  - (ii) any act done or omitted to be done in relation to the property, funds or investments in consequence of the disclosure.

*[25/99]*

*[Act 21 of 2014 wef 01/09/2014]*

(4) In any proceedings against a person for an offence under this section, it is a defence to prove —

- (a) that he did not know and had no reasonable ground to believe that the arrangement related to any person's proceeds of drug dealing;

*[Act 21 of 2014 wef 01/09/2014]*

- (b) that he did not know and had no reasonable ground to believe that, by the arrangement, the retention or control by or on behalf of the relevant person of any property was facilitated or, as the case may be, that, by the arrangement, any property was used as mentioned in subsection (1); or

- (c) that —

(i) he intended to disclose to an authorised officer such suspicion, belief or matter as is mentioned in subsection (3) in relation to the arrangement; and

(ii) there is reasonable excuse for his failure to make disclosure in accordance with subsection (3)(a); or

- (d) that, in the case of a person who was in employment at the time in question and he enters or is otherwise concerned in the arrangement in the course of his employment, he disclosed the suspicion, belief or matter as is mentioned in subsection (3) to the appropriate person in accordance with the procedure established by his employer for the making of such disclosures.

*[25/99]*

(5) Any person who commits an offence under this section shall be liable on conviction —

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(a) if the person is an individual, to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 10 years or to both; or

*[44/2007 wef 01/11/2007]*

*[Act 21 of 2014 wef 01/09/2014]*

(b) if the person is not an individual, to a fine not exceeding \$1 million.

[41

*[44/2007 wef 01/11/2007]*

*[25/99]*

**Assisting another to retain benefits from criminal conduct**

**44.—(1)** Subject to subsection (3), a person who enters into or is otherwise concerned in an arrangement, knowing or having reasonable grounds to believe that, by the arrangement —

(a) the retention or control by or on behalf of another (referred to in this section as that other person) of that other person's benefits of criminal conduct is facilitated (whether by concealment, removal from jurisdiction, transfer to nominees or otherwise); or

(b) that other person's benefits from criminal conduct —

(i) are used to secure funds that are placed at that other person's disposal, directly or indirectly; or

(ii) are used for that other person's benefit to acquire property by way of investment or otherwise,

and knowing or having reasonable grounds to believe that that other person is a person who engages in or has engaged in criminal conduct or has benefited from criminal conduct shall be guilty of an offence.

*[25/99]*

(2) In this section, references to any person's benefits from criminal conduct include a reference to any property which, in whole or in part, directly or indirectly, represented in his hands his benefits from criminal conduct.

*[25/99]*

(3) Where a person discloses to an authorised officer his knowledge or belief that any property, funds or investments are derived from or



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used in connection with criminal conduct or any matter on which such knowledge or belief is based —

- (a) if he does any act in contravention of subsection (1) and the disclosure relates to the arrangement concerned, he shall not be guilty of an offence under this section if the disclosure is made in accordance with this paragraph, that is —
  - (i) it is made before he does the act concerned, being an act done with the consent of the authorised officer; or
  - (ii) it is made after he does the act, but is made on his initiative and as soon as it is reasonable for him to make it;
- (b) the disclosure shall not be treated as a breach of any restriction upon the disclosure of information imposed by law, contract or rules of professional conduct; and
- (c) he shall not be liable in damages for any loss arising out of —
  - (i) the disclosure; or
  - (ii) any act done or omitted to be done in relation to the property, funds or investments in consequence of the disclosure.

[25/99]

(4) In any proceedings against a person for an offence under this section, it is a defence to prove —

- (a) that he did not know and had no reasonable ground to believe that the arrangement related to any person's proceeds derived from criminal conduct;
- (b) that he did not know and had no reasonable ground to believe that, by the arrangement, the retention or control by or on behalf of the relevant person of any property was facilitated or, as the case may be, that, by the arrangement, any property was used as mentioned in subsection (1);
- (c) that —
  - (i) he intended to disclose to an authorised officer such knowledge, belief or matter as is mentioned in subsection (3) in relation to the arrangement; and

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(ii) there is reasonable excuse for his failure to make disclosure in accordance with subsection (3)(a);

(d) that, in the case of a person who was in employment at the time in question and he enters or is otherwise concerned in the arrangement in the course of his employment, he disclosed the knowledge, belief or matter as is mentioned in subsection (3) to the appropriate person in accordance with the procedure established by his employer for the making of such disclosures.

[25/99]

(5) Any person who commits an offence under this section shall be liable on conviction —

(a) if the person is an individual, to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 10 years or to both; or

[Act 21 of 2014 wef 01/09/2014]

[44/2007 wef 01/11/2007]

(b) if the person is not an individual, to a fine not exceeding \$1 million.

[41A

[44/2007 wef 01/11/2007]

[25/99]

**Restriction on revealing disclosure under sections 43 and 44**

**45.—**(1) Subject to subsection (2), no witness in any civil or criminal proceedings shall be obliged —

(a) to reveal that a disclosure was made under section 43(3) or 44(3);

(b) to reveal the identity of any person as the person making the disclosure; or

(c) to answer any question if the answer would lead, or would tend to lead, to the revealing of any fact or matter referred to in paragraph (a) or (b).

[25/99]

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- (2) Subsection (1) shall not apply in any proceedings —
- (a) for an offence under section 43 or 44 or this section; or
  - (b) where the court is of the opinion that justice cannot fully be done between the parties without revealing the disclosure or the identity of any person as the person making the disclosure.
- [25/99]*
- (3) Subject to subsections (4), (5) and (6), no person shall publish or broadcast any information so as to reveal or suggest —
- (a) that a disclosure was made under section 43(3) or 44(3); or
  - (b) the identity of any person as the person making the disclosure.
- [25/99]*
- (4) In subsection (3), “information” —
- (a) includes a report of any civil or criminal proceedings; and
  - (b) does not include information published for statistical purposes by, or under the authority of, the Government.
- (5) Subsection (3) shall not apply in respect of proceedings —
- (a) against the person making the disclosure for an offence under section 43 or 44; or
  - (b) for an offence under this section.
- [25/99]*
- (6) The court may, if satisfied that it is in the interests of justice to do so, by order dispense with the requirements of subsection (3) to such extent as may be specified in the order.
- (7) If information is published or broadcast in contravention of subsection (3), each of the following persons:
- (a) in the case of publication as part of a newspaper or periodical publication, any proprietor, editor, publisher and distributor thereof;
  - (b) in the case of a publication otherwise than as part of a newspaper or periodical publication, any person who publishes it and any person who distributes it;

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- (c) in the case of a broadcast, any person who broadcasts the information and, if the information is contained in a programme, any person who transmits or provides the programme and any person having functions in relation to the programme corresponding to those of the editor of a newspaper or periodical publication,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

- (8) In this section —

“broadcast” includes broadcast by radio, film, videotape or television;

“publish” means publish in writing.

[42]

**Acquiring, possessing, using, concealing or transferring  
benefits of drug dealing**

- 46.—(1) Any person who —

- (a) conceals or disguises any property which is, or in whole or in part, directly or indirectly, represents, his benefits of drug dealing;

[44/2007 wef 01/11/2007]

[Act 21 of 2014 wef 01/09/2014]

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

[44/2007 wef 01/11/2007]

- (c) acquires, possesses or uses that property,

shall be guilty of an offence.

[44/2007 wef 01/11/2007]

[25/99]

(2) Any person who, knowing or having reasonable grounds to believe that any property is, or in whole or in part, directly or indirectly, represents, another person’s benefits of drug dealing —

- (a) conceals or disguises that property; or



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(b) converts or transfers that property or removes it from the jurisdiction,

shall be guilty of an offence.

[4/2010 wef 17/02/2010]

[25/99]

[Act 21 of 2014 wef 01/09/2014]

(3) Any person who, knowing or having reasonable grounds to believe that any property is, or in whole or in part, directly or indirectly, represents, another person's benefits of drug dealing, acquires that property or has possession of or uses such property, shall be guilty of an offence.

[44/2007 wef 01/11/2007]

[4/2010 wef 17/02/2010]

[25/99]

[Act 21 of 2014 wef 01/09/2014]

(4) In subsections (1)(a) and (2)(a), references to concealing or disguising any property include references to concealing or disguising its nature, source, location, disposition, movement or ownership or any rights with respect to it.

(5) *[Deleted by Act 2 of 2012 wef 01/03/2012]*

(6) Any person who commits an offence under this section shall be liable on conviction —

(a) if the person is an individual, to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 10 years or to both; or

[44/2007 wef 01/11/2007]

[Act 21 of 2014 wef 01/09/2014]

(b) if the person is not an individual, to a fine not exceeding \$1 million.

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[44/2007 wef 01/11/2007]

[25/99]

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**Acquiring, possessing, using, concealing or transferring  
benefits of criminal conduct**

47.—(1) Any person who —

(a) conceals or disguises any property which is, or in whole or in part, directly or indirectly, represents, his benefits from criminal conduct;

*[44/2007 wef 01/11/2007]*

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

*[44/2007 wef 01/11/2007]*

(c) acquires, possesses or uses that property,

shall be guilty of an offence.

*[44/2007 wef 01/11/2007]*

*[25/99]*

(2) Any person who, knowing or having reasonable grounds to believe that any property is, or in whole or in part, directly or indirectly, represents, another person's benefits from criminal conduct —

(a) conceals or disguises that property; or

(b) converts or transfers that property or removes it from the jurisdiction,

shall be guilty of an offence.

*[4/2010 wef 17/02/2010]*

*[25/99]*

(3) Any person who, knowing or having reasonable grounds to believe that any property is, or in whole or in part, directly or indirectly, represents, another person's benefits from criminal conduct, acquires that property, or has possession of or uses such property, shall be guilty of an offence.

*[44/2007 wef 01/11/2007]*

*[4/2010 wef 17/02/2010]*

*[25/99]*

(4) In subsections (1)(a) and (2)(a), references to concealing or disguising any property include references to concealing or disguising

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its nature, source, location, disposition, movement or ownership or any rights with respect to it.

[25/99]

(5) [Deleted by Act 2 of 2012 wef 01/03/2012]

(6) Any person who commits an offence under this section shall be liable on conviction —

(a) if the person is an individual, to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 10 years or to both; or

[44/2007 wef 01/11/2007]

[Act 21 of 2014 wef 01/09/2014]

(b) if the person is not an individual, to a fine not exceeding \$1 million.

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[44/2007 wef 01/11/2007]

[25/99]

**Proof and knowledge, etc., of predicate offence**

**47A.**—(1) For the purpose of proving under this Part whether the whole or any part of any property constitutes, or directly or indirectly represents, the benefits of drug dealing or the benefits from criminal conduct, it is not necessary for the prosecution to prove the particulars of any offence constituted by the drug dealing or criminal conduct.

(2) For the purpose of proving under this Part whether a person knows or has reasonable grounds to believe that the whole or any part of any property constitutes, or directly or indirectly represents, the benefits of drug dealing or the benefits from criminal conduct —

(a) it is sufficient for the prosecution to prove that the person knows or has reasonable grounds to believe that the whole or part of the property constitutes, or directly or indirectly represents, the benefits of an offence generally; and

(b) it is not necessary for the prosecution to prove that the person knows or has reasonable grounds to believe that the whole or part of the property constitutes, or directly or indirectly represents, the benefits of a particular offence.

[Act 21 of 2014 wef 01/09/2014]

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- (a) may provide that a contravention of any specified provision of the regulations shall be an offence; and
- (b) may provide for penalties not exceeding a fine of \$20,000 or imprisonment for a term not exceeding 2 years or both for each offence.

*[Act 21 of 2014 wef 15/10/2014]*

FIRST SCHEDULE

Section 2

DRUG DEALING OFFENCES

*Part I — Offences included as drug dealing offences with effect from  
30th November 1993*

*[Act 21 of 2014 wef 01/09/2014]*

| <i>Offences</i>                                    | <i>Description*</i>                               |
|--|---|
| 1. Section 5 of the Misuse of Drugs Act (Cap. 185) | Trafficking in a controlled drug.                 |
| 2. Section 6 of the Misuse of Drugs Act            | Manufacture of a controlled drug.                 |
| 3. Section 7 of the Misuse of Drugs Act            | Importation and exportation of a controlled drug. |
| 4. Section 10 of the Misuse of Drugs Act           | Cultivation of cannabis, opium and coca plants.   |
| 5. Sections 43 and 46 of this Act                  | Money laundering.                                 |

*\*Note:* The short description of offences in this Schedule is for ease of reference only.

*Part II — Offence included as drug dealing offence with effect from 1st November  
2007*

| <i>Offences</i>                           | <i>Description*</i>   |
|---|---|
| 6. Section 10A of the Misuse of Drugs Act | Manufacture, supply, possession, import or export of equipment, materials or substances useful for manufacture of controlled drugs. |

*[S 597/2007 wef 01/11/2007]*

*[Act 21 of 2014 wef 01/09/2014]*



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FIRST SCHEDULE — *continued*

*\*Note:* The short description of offences in this Schedule is for ease of reference only.

*Part III — Offences included as drug dealing offences with effect from  
3 June 2015*

| <i>Offences</i>                           | <i>Description*</i>   |
|---|---|
| 7. Section 11 of the Misuse of Drugs Act  | Person in charge of place or premises permitting drug activities at that place or premises. |
| 8. Section 11A of the Misuse of Drugs Act | Arranging or planning gatherings for drug activities.                                       |
| 9. Section 12A of the Misuse of Drugs Act | Causing or procuring young or vulnerable person to commit drug trafficking, etc.            |
| 10. Section 13 of the Misuse of Drugs Act | Abetting or procuring commission of drug offence outside Singapore.                         |

*\*Note:* The short description of offences in this Schedule is for ease of reference only.

*[S 348/2015 wef 03/06/2015]*

SECOND SCHEDULE

Section 2

SERIOUS OFFENCES

*Part I — Offences included as serious offences with  
effect from 13th September 1999*

*[S 579/2005 wef 09/09/2005]*

| <i>Offences</i>                                      | <i>Description*</i>  |
|--|--|
| 1. Section 44 of this Act                            | Assisting another to retain benefits from criminal conduct |
| 2. Section 47 of this Act                            | Concealing or transferring benefits from criminal conduct  |
| <b>Children and Young Persons Act (Cap. 38)</b>      |  |
| 3. Section 5(1) (previously section 4(1) and (5)(a)) | Ill-treatment of child or young person                     |

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SECOND SCHEDULE — *continued*

| <i>Offences</i>   | <i>Description*</i>   |
|---|---|
| and (b) of the 1994 Revised Edition)  |   |
| 3A. Section 6(1) (previously section 5(1) of the 1994 Revised Edition)                            | Contribution to delinquency of child or young person  |
| <b>Corrosive and Explosive Substances and Offensive Weapons Act (Cap. 65)</b>                     |   |
| 4. Section 3  | Possession of corrosive or explosive substance for purpose of causing hurt                          |
| <b>Hijacking of Aircraft and Protection of Aircraft and International Airports Act (Cap. 124)</b> |   |
| 5. Section 3(3)   | Hijacking   |
| 6. Section 4  | Violence against passengers or crew   |
| 7. Section 5  | Destroying, damaging or endangering safety of aircraft  |
| 8. Section 7  | Endangering safety at aerodromes  |
| <b>Kidnapping Act (Cap. 151)</b>  |   |
| 9. Section 3  | Abduction, wrongful restraint or wrongful confinement for ransom                                    |
| 10. Section 4   | Knowingly receiving ransom  |
| 11. Section 5   | Knowingly negotiating to obtain or for payment of ransom  |
| <b>Penal Code (Cap. 224)</b>  |   |
| 12. Section 130   | Aiding escape of, rescuing, or harbouring such prisoner   |
| 13. Section 130B  | Piracy by law of nations  |
| 14. Section 130C  | Piratical acts  |
| 15. Section 161   | Public servant taking a gratification, other than legal remuneration, in respect of an official act |

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SECOND SCHEDULE — *continued*

| <i>Offences</i> | <i>Description*</i>   |
|-----------------|---|
| 16. Section 162 | Taking a gratification in order, by corrupt or illegal means, to influence a public servant   |
| 17. Section 164 | Punishment for abetment by public servant of the offences above defined   |
| 18. Section 165 | Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant |
| 19. Section 181 | False statement on oath to public servant or person authorised to administer an oath  |
| 20. Section 193 | Punishment for false evidence   |
| 21. Section 194 | Giving or fabricating false evidence with intent to procure conviction of a capital offence   |
| 22. Section 195 | Giving or fabricating false evidence with intent to procure conviction of an offence punishable with imprisonment   |
| 23. Section 196 | Using evidence known to be false  |
| 24. Section 201 | Causing disappearance of evidence of an offence committed, or giving false information touching it, to screen the offender                                |
| 25. Section 203 | Giving false information respecting an offence committed  |
| 26. Section 204 | Destruction of document to prevent its production as evidence   |
| 27. Section 205 | False personation for the purpose of any act or proceeding in a suit  |
| 28. Section 206 | Fraudulent removal or concealment of property to prevent its seizure as a forfeiture or in execution of a decree  |
| 29. Section 207 | Fraudulent claim to property to prevent its seizure as a forfeiture or in execution of a decree   |
| 30. Section 208 | Fraudulently suffering a decree for a sum not due   |

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SECOND SCHEDULE — *continued*

| <i>Offences</i>  | <i>Description*</i>   |
|------------------|---|
| 31. Section 212  | Harbouring an offender  |
| 32. Section 213  | Taking gift, etc., to screen an offender from punishment  |
| 33. Section 214  | Offering gift or restoration of property in consideration of screening offender   |
| 34. Section 215  | Taking gift to help to recover stolen property, etc.  |
| 35. Section 216  | Harbouring an offender who has escaped from custody, or whose apprehension has been ordered   |
| 36. Section 216A | Harbouring robbers or gang-robbers, etc.  |
| 37. Section 217  | Public servant disobeying a direction of law with intent to save person from punishment or property from forfeiture                   |
| 38. Section 218  | Public servant framing an incorrect record or writing with intent to save person from punishment or property from forfeiture          |
| 39. Section 221  | Intentional omission to apprehend on the part of a public servant bound by law to apprehend   |
| 40. Section 222  | Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of court of justice |
| 41. Section 225A | Public servant omitting to apprehend or suffering other persons to escape in cases not already provided for                           |
| 42. Section 231  | Counterfeiting coin   |
| 43. Section 232  | Counterfeiting current coin   |
| 44. Section 233  | Making or selling instrument for counterfeiting coin  |
| 45. Section 234  | Making or selling instrument for counterfeiting current coin  |
| 46. Section 235  | Possession of instrument or material for the purpose of using the same for counterfeiting coin  |



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SECOND SCHEDULE — *continued*

| <i>Offences</i>    | <i>Description*</i>   |
|--------------------|---|
| 47. Section 236    | Abetting in Singapore the counterfeiting out of Singapore of coin   |
| 48. Section 237    | Import or export of counterfeit coin  |
| 49. Section 238    | Import or export of counterfeits of current coin  |
| 50. Section 239    | Delivery to another of coin possessed with knowledge that it is counterfeit                                     |
| 51. Section 240    | Delivery of current coin, possessed with the knowledge that it is counterfeit                                   |
| 52. Section 241    | Delivery to another of coin as genuine, which when first possessed the deliverer did not know to be counterfeit |
| 53. Section 242    | Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof       |
| 54. Section 302    | Punishment for murder   |
| 55. Section 304    | Punishment for culpable homicide not amounting to murder  |
| 56. Section 307(1) | Attempt to murder   |
| 57. Section 307(2) | Other offences by convicts  |
| 58. Section 308    | Attempt to commit culpable homicide   |
| 59. Section 312    | Causing miscarriage   |
| 60. Section 313    | Causing miscarriage without woman's consent   |
| 61. Section 315(1) | Child destruction before, at or immediately after birth   |
| 62. Section 316    | Causing death of a quick unborn child by an act amounting to culpable homicide                                  |
| 63. Section 324    | Voluntarily causing hurt by dangerous weapons or means  |
| 64. Section 325    | Punishment for voluntarily causing grievous hurt  |
| 65. Section 326    | Voluntarily causing grievous hurt by dangerous weapons or means   |

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SECOND SCHEDULE — *continued*

| <i>Offences</i>  | <i>Description*</i>   |
|------------------|---|
| 66. Section 327  | Voluntarily causing hurt to extort property or to constrain to an illegal act                         |
| 67. Section 328  | Causing hurt by means of poison, etc., with intent to commit an offence                               |
| 68. Section 329  | Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act               |
| 69. Section 330  | Voluntarily causing hurt to extort confession or to compel restoration of property                    |
| 70. Section 331  | Voluntarily causing grievous hurt to extort confession or to compel restoration of property           |
| 71. Section 332  | Voluntarily causing hurt to deter public servant from his duty  |
| 72. Section 333  | Voluntarily causing grievous hurt to deter public servant from his duty                               |
| 73. Section 335  | Causing grievous hurt on provocation  |
| 74. Section 338  | Causing grievous hurt by an act which endangers life or personal safety of others                     |
| 75. Section 343  | Wrongful confinement for 3 or more days   |
| 76. Section 344  | Wrongful confinement for 10 or more days  |
| 77. Section 345  | Wrongful confinement of person for whose liberation a writ has been issued                            |
| 78. Section 346  | Wrongful confinement in secret  |
| 79. Section 347  | Wrongful confinement for the purpose of extorting property or constraining to an illegal act          |
| 80. Section 348  | Wrongful confinement for the purpose of extorting confession or of compelling restoration of property |
| 81. Section 354  | Assault or use of criminal force to a person with intent to outrage modesty                           |
| 82. Section 354A | Outraging modesty in certain circumstances  |
| 83. Section 363  | Punishment for kidnapping   |

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SECOND SCHEDULE — *continued*

| <i>Offences</i>            | <i>Description*</i>   |
|----------------------------|---|
| 84. Section 364            | Kidnapping or abducting in order to murder  |
| 85. Section 365            | Kidnapping or abducting with intent to secretly and wrongfully to confine a person  |
| 86. Section 366            | Kidnapping or abducting a woman to compel her marriage, etc.  |
| 87. Section 367            | Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc.  |
| 88. Section 368            | Wrongfully concealing or keeping in confinement a kidnapped person  |
| 89. Section 369            | Kidnapping or abducting child under 10 years with intent to steal moveable property from the person of such child             |
| 90. Section 370            | Buying or disposing of any person as a slave  |
| 91. Section 371            | Habitual dealing in slaves  |
| 92. Section 372            | Selling minor for purposes of prostitution, etc.  |
| 93. Section 373            | Buying minor for purposes of prostitution, etc.   |
| 94. Section 373A           | Importing by fraud, brings, assist in bringing, sells or buys, with intent that any woman be used for purpose of prostitution |
| 95. Section 376(1) and (2) | Punishment for rape (for offences committed prior to repeal with effect from 1st February 2008)                               |
| 96. Section 379            | Punishment for theft  |
| 97. Section 379A           | Punishment for theft of a motor vehicle   |
| 98. Section 380            | Theft in dwelling house, etc.   |
| 99. Section 381            | Theft by clerk or servant of property in possession of master   |
| 100. Section 382           | Theft after preparation made for causing death or hurt in order to commit theft   |
| 101. Section 384           | Punishment for extortion  |
| 102. Section 385           | Putting person in fear of injury in order to commit extortion   |

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SECOND SCHEDULE — *continued*

| <i>Offences</i>  | <i>Description*</i>  |
|------------------|--|
| 103. Section 386 | Extortion by putting a person in fear of death or grievous hurt                                |
| 104. Section 387 | Putting person in fear of death or of grievous hurt in order to commit extortion               |
| 105. Section 388 | Extortion by threat of accusation of an offence punishable with death, or imprisonment, etc.   |
| 106. Section 389 | Putting person in fear of accusation of offence, in order to commit extortion                  |
| 107. Section 392 | Punishment for robbery   |
| 108. Section 393 | Attempt to commit robbery  |
| 109. Section 394 | Voluntarily causing hurt in committing robbery   |
| 110. Section 395 | Punishment for gang-robbery  |
| 111. Section 396 | Gang-robbery with murder   |
| 112. Section 399 | Making preparation to commit gang-robbery  |
| 113. Section 400 | Punishment for belonging to gang-robbers   |
| 114. Section 402 | Assembling for purpose of committing gang-robbery  |
| 115. Section 403 | Dishonest misappropriation of property   |
| 116. Section 404 | Dishonest misappropriation of property possessed by a deceased person at the time of his death |
| 117. Section 406 | Punishment of criminal breach of trust   |
| 118. Section 407 | Criminal breach of trust by carrier, etc.  |
| 119. Section 408 | Criminal breach of trust by clerk or servant   |
| 120. Section 409 | Criminal breach of trust by public servant, or by banker, merchant or agent                    |
| 121. Section 411 | Dishonestly receiving stolen property  |
| 122. Section 412 | Dishonestly receiving property stolen in the commission of a gang-robbery                      |
| 123. Section 413 | Habitually dealing in stolen property  |
| 124. Section 414 | Assisting in concealment of stolen property  |



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SECOND SCHEDULE — *continued*

| <i>Offences</i>   | <i>Description*</i>  |
|-------------------|--|
| 125. Section 418  | Cheating with knowledge that wrongful loss may be thereby caused to a person whose interest the offender is bound to protect |
| 126. Section 419  | Punishment for cheating by personation   |
| 127. Section 420  | Cheating and dishonestly inducing a delivery of property   |
| 128. Section 421  | Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors                           |
| 129. Section 422  | Dishonestly or fraudulently preventing a debt or demand due to the offender from being made available for his creditors      |
| 130. Section 423  | Dishonest or fraudulent execution of deed of transfer containing a false statement of consideration                          |
| 131. Section 424  | Dishonest or fraudulent removal or concealment of property or release of claim   |
| 132. Section 430A | Mischief affecting railway engine, train, etc.   |
| 133. Section 431  | Mischief by injury to public road, bridge or river   |
| 134. Section 431A | Mischief by injury to telegraph cable, wire, etc.  |
| 135. Section 432  | Mischief by causing inundation or obstruction to public drainage, attended with damage                                       |
| 136. Section 433  | Mischief by destroying or moving or rendering less useful a lighthouse or sea-mark   |
| 137. Section 435  | Mischief by fire or explosive substance with intent to cause damage to amount of \$50  |
| 138. Section 436  | Mischief by fire or explosive substance with intent to destroy a house, etc.   |
| 139. Section 438  | Punishment for the mischief described in section 437 when committed by fire or any explosive substance                       |

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SECOND SCHEDULE — *continued*

| <i>Offences</i>  | <i>Description*</i>   |
|------------------|---|
| 140. Section 439 | Punishment for intentionally running vessel aground or ashore with intent to commit theft, etc.                       |
| 141. Section 440 | Mischief committed after preparation made for causing death or hurt   |
| 142. Section 449 | House-trespass in order to commit an offence punishable with death  |
| 143. Section 450 | House-trespass in order to commit an offence punishable with imprisonment for life                                    |
| 144. Section 451 | House-trespass in order to commit an offence punishable with imprisonment   |
| 145. Section 452 | House-trespass after preparation made for causing hurt, etc.  |
| 146. Section 453 | Punishment for lurking house-trespass or house-breaking   |
| 147. Section 454 | Lurking house-trespass or house-breaking in order to commit an offence punishable with imprisonment                   |
| 148. Section 455 | Lurking house-trespass or house-breaking after preparation made for causing hurt, etc.                                |
| 149. Section 456 | Punishment for lurking house-trespass by night or house-breaking by night   |
| 150. Section 457 | Lurking house-trespass by night or house-breaking by night in order to commit an offence punishable with imprisonment |
| 151. Section 458 | Lurking house-trespass or house-breaking by night after preparation made for causing hurt, etc.                       |
| 152. Section 459 | Grievous hurt caused while committing lurking house-trespass or house-breaking  |
| 153. Section 460 | Lurking house-trespass by night or house-breaking by night when death or grievous hurt is caused                      |
| 154. Section 465 | Punishment for forgery  |

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SECOND SCHEDULE — *continued*

| <i>Offences</i>                                | <i>Description*</i>  |
|--|--|
| 155. Section 466                               | Forgery of record of a court of justice, or a public register of births, etc.  |
| 156. Section 467                               | Forgery of a valuable security or will   |
| 157. Section 468                               | Forgery for the purpose of cheating  |
| 158. Section 469                               | Forgery for the purpose of harming the reputation of any person  |
| 159. Section 471                               | Using as genuine a forged document   |
| 160. Section 472                               | Making or possessing a counterfeit seal, plate, etc., with intent to commit a forgery punishable under section 467                                     |
| 161. Section 473                               | Making or possessing a counterfeit seal, plate, etc., with intent to commit a forgery punishable otherwise   |
| 162. Section 474                               | Having possession of a valuable security or will known to be forged, with intent to use it as genuine  |
| 163. Section 475                               | Counterfeiting a device or mark used for authenticating documents described in section 467, or possessing counterfeit marked material                  |
| 164. Section 476                               | Counterfeiting a device or mark used for authenticating documents other than those described in section 467, or possessing counterfeit marked material |
| 165. Section 489A                              | Forging or counterfeiting currency notes or bank notes   |
| 166. Section 489B                              | Using as genuine forged or counterfeit currency notes or bank notes  |
| 167. Section 489C                              | Possession of forged or counterfeit currency notes or bank notes   |
| <b>Prevention of Corruption Act (Cap. 241)</b> |  |
| 168. Section 5                                 | Punishment for corrupt transactions where no agents involved   |

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SECOND SCHEDULE — *continued*

| <i>Offences</i>                                | <i>Description*</i>  |
|--|--|
| 169. Section 6                                 | Punishment for corrupt transactions involving agents or use of false documents to mislead principal        |
| 170. Section 10                                | Bribery in relation to Government contracts  |
| 171. Section 11                                | Bribery of Member of Parliament  |
| 172. Section 12                                | Bribery of member of public body   |
| 173. Section 29                                | Abetment of offences   |
| 174. Section 30                                | Attempts   |
| 175. Section 31                                | Conspiracy   |
| <b>Termination of Pregnancy Act (Cap. 324)</b> |  |
| 176. Section 3(4)                              | Medical termination of pregnancy   |
| 177. Section 5                                 | Coercion or intimidation   |
| <b>Vandalism Act (Cap. 341)</b>                |  |
| 178. Section 3                                 | Penalty for acts of vandalism  |
| <b>Women's Charter (Cap. 353)</b>              |  |
| 179. Section 140                               | Offences relating to prostitution  |
| 180. Section 141                               | Trafficking in women and girls   |
| 181. Section 142                               | Importation of woman or girl by false pretences  |
| 182. Section 145                               | Causing or encouraging prostitution of, intercourse with, or indecent assault on, girl below the age of 16 |

\*Note: The short description of offences in this Schedule is for ease of reference only.

[25/99]

[S 187/2009 wef 01/05/2009]

[S 33/2008 wef 01/02/2008]



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SECOND SCHEDULE — *continued*

*Part II — Offences included as serious offences with  
effect from 9th September 2005*

| <i>Offences</i>              | <i>Description*</i>                               |
|------------------------------|---|
| <b>Moneylenders Act 2008</b> |   |
| 183. Section 14              | Unlicensed moneylending                           |
| 184. Section 28              | Harassing borrower, besetting his residence, etc. |

*\*Note:* The short description of offences in this Schedule is for ease of reference only.

*[31/2008 wef 01/03/2009]*

*[S 579/2005 wef 09/09/2005]*

*Part III — Offences included as serious offences  
with effect from 8th May 2006*

| <i>Offences</i>                              | <i>Description*</i>   |
|--|---|
| <b>Animals and Birds Act<br/>(Cap. 7)</b>    |   |
| 185. Section 7                               | Contravention of order with regard to importation, etc.                                     |
| 186. Section 8                               | Importation or transshipment of any animal, bird or veterinary biologics without licence    |
| 187. Section 9                               | Importation or possession of noxious insects, pests or genetically modified organisms, etc. |
| 188. Section 11                              | Failure to report arrival of animal or bird, etc.   |
| 189. Section 13                              | Failure to confine animal or bird on board ship, etc.                                       |
| 190. Section 16                              | Exportation of any animal or bird without licence   |
| <b>Arms and Explosives Act<br/>(Cap. 13)</b> |   |
| 191. Section 6                               | Possession or transfer of possession of unmarked plastic explosives                         |

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SECOND SCHEDULE — *continued*

| <i>Offences</i>                                      | <i>Description*</i>   |
|--|---|
| 192. Section 7                                       | Importation or exportation of unmarked plastic explosives                                   |
| 193. Section 9                                       | Exportation or removal of article in contravention of notification by Minister              |
| 194. Section 10(2)                                   | Manufacture, possession or import of explosive in contravention of notification by Minister |
| 195. Section 11                                      | Contravention of notification relating to poisonous or noxious gas or noxious substance     |
| 196. Section 12                                      | Offence by master of ship, etc., used for certain offences                                  |
| 197. Section 22                                      | Knowingly concealing arms, etc., imported without licence                                   |
| 198. Section 23                                      | Knowingly purchasing guns or arms from person not licensed                                  |
| <b>Arms Offences Act (Cap. 14)</b>                   |   |
| 199. Section 6                                       | Trafficking in arms   |
| <b>Betting Act (Cap. 21)</b>                         |   |
| 200. Section 3                                       | Offences relating to common betting-houses and betting information centres                  |
| 201. Section 4                                       | Advancing money for conducting business of common betting-house                             |
| 202. Section 5                                       | Betting in common betting-house   |
| <b>Chemical Weapons (Prohibition) Act (Cap. 37B)</b> |   |
| 203. Section 8                                       | Use, etc., of chemical weapons  |
| <b>Children and Young Persons Act (Cap. 38)</b>      |   |
| 204. Section 7                                       | Sexual exploitation of child or young person  |
| 205. Section 12                                      | Unlawful transfer of possession, custody or control of children                             |

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SECOND SCHEDULE — *continued*

| <i>Offences</i>  | <i>Description*</i>  |
|--|--|
| 206. Section 13  | Importation of children by false pretences                       |
| <b>Commodity Trading Act (Cap. 48A)</b>                    |  |
| 207. Section 49 for contravention of any of the following: |  |
| (a) section 45   | Dissemination of information about false trading                 |
| (b) section 46   | Manipulation of price and cornering                              |
| (c) section 47   | Employment of fraudulent or deceptive devices, etc.              |
| (d) section 48   | Fraudulently inducing trading                                    |
| <b>Common Gaming Houses Act (Cap. 49)</b>                  |  |
| 208. Section 5   | Assisting in carrying on a public lottery, etc.                  |
| 209. Section 8   | Gaming in public   |
| <b>Computer Misuse and Cybersecurity Act (Cap. 50A)</b>    |  |
| 210. Section 3   | Unauthorised access to computer material                         |
| 211. Section 4   | Access with intent to commit or facilitate commission of offence |
| 212. Section 5   | Unauthorised modification of computer material                   |
| 213. Section 6   | Unauthorised use or interception of computer service             |
| 214. Section 7   | Unauthorised obstruction of use of computer                      |
| 215. Section 8   | Unauthorised disclosure of access code                           |
| 216. Section 10  | Abetments and attempts punishable as offences                    |
| <b>Control of Plants Act (Cap. 57A)</b>                    |  |

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SECOND SCHEDULE — *continued*

| <i>Offences</i>   | <i>Description*</i>  |
|---|--|
| 217. Section 7  | Importation or transshipment of fresh fruits or vegetables without licence |
| 218. Section 8  | Importation or transshipment of fresh fruits or vegetables without permit  |
| 219. Any order made under section 28  | Export of plants contrary to order by Minister                             |
| 220. Section 34 for contravention of section 41   | Failure to give access to documents, etc.                                  |
| <b>Control of Plants Act (Cap. 57A)</b><br><b>Control of Plants (Plant Importation) Rules (R 4)</b> |  |
| 221. Rule 17 for contravention of rule 5(1)   | Importation of regulated plant, etc., without a permit.                    |
| <b>Copyright Act (Cap. 63)</b>  |  |
| 222. Section 136(1), (2), (3), (4) and (6)  | Offences relating to copyright   |
| 223. Section 260(6)   | Removal or alteration of rights management information                     |
| 224. Section 261C(4) and (5)  | Relating to circumvention of technological protection measures             |
| <b>Criminal Law (Temporary Provisions) Act (Cap. 67)</b>  |  |
| 225. Section 3  | Supplies   |
| <b>Endangered Species (Import and Export) Act 2006 (Act 5 of 2006)</b>                              |  |
| 226. Section 4  | Importation, exportation, etc., of scheduled species without permit        |
| 227. Section 5  | Scheduled species in transit unaccompanied by CITES permit, etc.           |



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SECOND SCHEDULE — *continued*

| <i>Offences</i>  | <i>Description*</i>  |
|--|--|
| 228. Section 19 in relation to section 4 or 5                                  | Abetment of an offence under section 4 or 5  |
| <b>Environmental Protection and Management Act (Cap. 94A)</b>                  |  |
| 229. Section 22  | Importation or sale of hazardous substances without licence, etc.  |
| 230. Section 23  | Importation or sale of hazardous substances not in accordance with licence, etc.                         |
| 231. Section 24  | Storage, use or dealing with hazardous substances in a manner that threatens health, etc.                |
| <b>Explosive Substances Act (Cap. 100)</b>                                     |  |
| 232. Section 3   | Causing explosion likely to endanger life or property  |
| 233. Section 4   | Attempt to cause explosion, or for making or keeping explosives with intent to endanger life or property |
| 234. Section 5   | Making or possessing explosives under suspicious circumstances   |
| <b>Feeding Stuffs Act (Cap. 105)</b>   |  |
| 235. Section 4(5)  | Importation, manufacture, etc., of animal feeds without licence  |
| <b>Hazardous Waste (Control of Export, Import and Transit) Act (Cap. 122A)</b> |  |
| 236. Section 25  | Importation of hazardous waste without permit, etc.  |
| 237. Section 26  | Exportation of hazardous waste without permit, etc.  |
| 238. Section 27  | Bringing waste into Singapore in course of carrying out transit proposal without permit, etc.            |

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SECOND SCHEDULE — *continued*

| <i>Offences</i>  | <i>Description*</i>   |
|--|---|
| 239. Section 37  | Making false statements   |
| <b>Human Organ Transplant Act (Cap. 131A)</b>  |   |
| 240. Section 14  | Contracting for sale or supply of organ or blood, etc.  |
| <b>Immigration Act (Cap. 133)</b>  |   |
| 241. Section 5(5)  | Entering or leaving Singapore other than at authorised entry or departure points                |
| 242. Section 57(1)(aa), (b) and (c)  | Abetting unlawful entry or departure, or engaging in business of conveying prohibited immigrant |
| <b>Internal Security Act (Cap. 143)</b>  |   |
| 243. Section 4   | Wearing of prohibited uniform, etc.   |
| 244. Section 5   | Membership of quasi-military organisations  |
| 245. Section 6   | Illegal drilling  |
| <b>Monetary Authority of Singapore Act (Cap. 186)</b>  |   |
| 246. [ <i>Deleted by S 28/2010, wef 22/01/2010</i> ]   |   |
| 247. [ <i>Deleted by S 28/2010, wef 22/01/2010</i> ]   |   |
| 248. Section 27A(5) for contravention of any of the following regulations of the Monetary Authority of Singapore (Anti-Terrorism Measures) Regulations 2002 (G.N. No. S 515/2002): |   |
| (a) regulation 5   | Provision or collection of funds for terrorists   |
| (b) regulation 6   | Dealing with property of terrorists   |

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SECOND SCHEDULE — *continued*

| <i>Offences</i>              | <i>Description*</i>   |
|------------------------------|---|
| (c) regulation 7             | Provision of resources and services for the benefit of terrorists   |
| (d) regulation 8             | Doing anything that causes, assists or promotes an act contrary to regulation 5, 6 or 7                           |
| <b>Penal Code (Cap. 224)</b> |   |
| 249. Section 143             | Membership of unlawful assembly   |
| 250. Section 144             | Joining an unlawful assembly armed with any deadly weapon   |
| 251. Section 145             | Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse                     |
| 252. Section 146             | Force used by one member in prosecution of common object  |
| 253. Section 147             | Rioting   |
| 254. Section 148             | Rioting, armed with a deadly weapon   |
| 255. Section 149             | Every member of an unlawful assembly to be deemed guilty of any offence committed in prosecution of common object |
| 256. Section 150             | Hiring, or conniving at hiring, of persons to join an unlawful assembly   |
| 257. Section 151             | Knowingly joining or continuing in an assembly of 5 or more persons after it has been commanded to disperse       |
| 258. Section 151A            | Posting placards, etc.  |
| 259. Section 152             | Assaulting or obstructing public servant when suppressing riot, etc.  |
| 260. Section 397             | Robbery when armed or with attempt to cause death or grievous hurt  |
| 261. Section 401             | Belonging to wandering gang of thieves  |
| 262. Section 417             | Cheating  |
| 263. Section 477             | Fraudulent cancellation, destruction, etc., of a will   |

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SECOND SCHEDULE — *continued*

| <i>Offences</i>   | <i>Description*</i>   |
|---|---|
| 264. Section 477A   | Falsification of accounts                                   |
| 265. [ <i>Deleted by S 28/2010, wef 22/01/2010</i> ]              |   |
| <b>Sale of Food Act (Cap. 283)<br/>Food Regulations (Rg 1)</b>    |   |
| 266. Regulation 14  | Imported food to be registered                              |
| <b>Securities and Futures Act<br/>(Cap. 289)</b>                  |   |
| 267. Section 204 for<br>contravention of any of<br>the following: |   |
| (a) section 197   | False trading and market rigging transactions               |
| (b) section 198   | Securities market manipulation                              |
| (c) section 199   | False or misleading statements                              |
| (d) section 200   | Fraudulently inducing persons to deal in securities         |
| (e) section 201   | Employment of manipulative and deceptive devices            |
| (f) section 202   | Dissemination of information about illegal transactions     |
| (g) section 203   | Failure to make disclosure to securities exchange           |
| 268. Section 212 for<br>contravention of any of<br>the following: |   |
| (a) section 206   | False trading   |
| (b) section 207   | Bucketing   |
| (c) section 208   | Manipulation of price of futures contract and cornering     |
| (d) section 209   | Fraudulently inducing persons to trade in futures contracts |



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SECOND SCHEDULE — *continued*

| <i>Offences</i>  | <i>Description*</i>   |
|--|---|
| (e) section 210  | Employment of fraudulent or deceptive devices, etc.             |
| (f) section 211  | Dissemination of information about illegal transactions         |
| 269. Section 221 for contravention of section 218 or 219   | Insider trading   |
| <b>Strategic Goods (Control) Act (Cap. 300)</b>            |   |
| 270. Section 5   | Transfer of strategic goods, etc.                               |
| 271. Section 6   | Brokering of strategic goods, etc.                              |
| <b>Societies Act (Cap. 311)</b>                            |   |
| 272. Section 14(2) and (3)                                 | Management or membership of unlawful society, etc.              |
| 273. Section 15  | Allowing unlawful assembly in premises                          |
| 274. Section 16  | Inciting, etc., a person to become a member of unlawful society |
| 275. Section 17  | Procuring subscription or aid for unlawful society              |
| 276. Section 18  | Publishing, etc., propaganda of unlawful society                |
| 277. Section 23(2)   | Possession of books, etc., of triad society                     |
| <b>Terrorism (Suppression of Financing) Act (Cap. 325)</b> |   |
| 278. Section 3   | Providing or collecting property for terrorist acts             |
| 279. Section 4   | Provision of property and services for terrorist purposes       |
| 280. Section 5   | Use or possession of property for terrorist purposes            |
| 281. Section 6   | Dealing with property of terrorists                             |
| <b>Trade Marks Act (Cap. 332)</b>                          |   |

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SECOND SCHEDULE — *continued*

| <i>Offences</i>  | <i>Description*</i>   |
|--|---|
| 282. Section 46  | Counterfeiting a trade mark   |
| 283. Section 47  | Falsely applying a registered trade mark to goods and services                                    |
| 284. Section 48  | Making or possessing of article for committing offence  |
| 285. Section 49  | Importing or selling, etc., goods with falsely applied trade mark                                 |
| <b>United Nations Act (Cap. 339)</b>                               |   |
| <b>United Nations (Anti-Terrorism Measures) Regulations (Rg 1)</b> |   |
| 286. Regulation 11 for contravention of any of the following:      |   |
| (a) regulation 5   | Provision or collection of funds for terrorists   |
| (b) regulation 6   | Dealing with property of terrorists   |
| (c) regulation 7   | Provision of resources and services for the benefit of terrorists                                 |
| (d) regulation 7A  | Sale, supply, etc., of arms and related materials to terrorists                                   |
| (e) regulation 7B  | Carriage of arms and related materials by Singapore ships and aircraft for terrorists             |
| (f) regulation 7C  | Provision of technical advice, assistance, etc., related to military activities of terrorists     |
| (g) regulation 8   | False threat of terrorist act   |
| (h) regulation 9   | Causing, assisting or promoting an act prohibited by regulation 5, 6, 7, 7A, 7B, 7C or 8          |
| <b>Wholesome Meat and Fish Act (Cap. 349A)</b>                     |   |
| 287. Section 5   | Importation, exportation or transshipment of meat products or fish products without licence, etc. |

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SECOND SCHEDULE — *continued*

| <i>Offences</i>                              | <i>Description*</i>  |
|--|--|
| 288. Section 6                               | Importation, exportation or transshipment of meat products or fish products without permit, etc. |
| <b>Wild Animals and Birds Act (Cap. 351)</b> |  |
| 289. Section 10                              | Importation of wild animals and birds without authorisation, etc.                                |
| <b>Women's Charter (Cap. 353)</b>            |  |
| 290. Section 146                             | Persons living on or trading in prostitution   |
| 291. Section 147                             | Keeping or management of places of assignation   |
| 292. Section 148                             | Keeping or management of brothels  |

\*Note: The short description of offences in this Schedule is for ease of reference only.

*[26/2007 wef 01/01/2008]*

*[Act 3 of 2013 wef 13/03/2013]*

*[S 254/2006 wef 08/05/2006]*

*[S 28/2010 wef 22/01/2010]*

*Part IV — offences included as serious offences with  
effect from 27th September 2007,  
being transnational offences involving  
organised criminal groups*

293. Abetment of a serious crime, where the serious crime is transnational in nature and involves an organised criminal group (section 109, 115, 116 or 118 of the Penal Code (Cap. 224))
294. Criminal conspiracy to commit a serious crime, where the serious crime is transnational in nature and involves an organised criminal group (section 120B of the Penal Code (Cap. 224))

*Note:*

The expressions “serious crime”, “organised criminal group” and “transnational” have the meanings given to those expressions in the United Nations Convention against Transnational Organised Crime, done at New York

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SECOND SCHEDULE — *continued*

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[S 488/2007 wef 27/09/2007]

*Part V — offences included as serious offences  
with effect from 1st November 2007*

| <i>Offences</i>  | <i>Description*</i>  |
|--|--|
| <b>Biological Agents and Toxins Act (Cap. 24A)</b>                           |  |
| 295. Section 5   | Use of biological agents for non-peaceful purpose, etc.                          |
| 296. Section 30  | Use of toxins for non-peaceful purpose, etc.                                     |
| <b>Commodity Trading Act (Cap. 48A)</b>                                      |  |
| 297. Section 49 for contravention of any of the following:                   |  |
| (a) section 43   | False trading  |
| (b) Section 44   | Bucketing  |
| <b>Common Gaming Houses Act (Cap. 49)</b>                                    |  |
| 298. Section 4   | Offences relating to a common gaming house, etc.                                 |
| 299. Section 6   | Advancing or furnishing money for establishing or conducting common gaming house |
| <b>Customs Act (Cap. 70)</b>   |  |
| 300. Section 128E (previously section 130(1)(e) of the 2004 Revised Edition) | Offences in relation to goods found in person's baggage or upon his person, etc. |
| 301. Section 128F (previously section 130(1)(a) of the 2004 Revised Edition) | Offences in relation to importation of uncustomed or prohibited goods            |



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| <i>Offences</i>   | <i>Description*</i>  |
|---|--|
| 302. Section 128G (previously section 130(1)(a) of the 2004 Revised Edition)                        | Offences in relation to exportation of uncustomed or prohibited goods  |
| 303. Section 128H (previously section 130(1)(a) of the 2004 Revised Edition)                        | Offences in relation to shipping, unshipping, loading, unloading, etc., of uncustomed or prohibited goods  |
| 303A. Section 128I(1)(a) and (c) (previously section 130(1)(c) and (i) of the 2004 Revised Edition) | Offences in relation to possession, storage and harbouring of goods  |
| 304. Section 132  | Knowingly advancing or furnishing money for business comprising sale, purchase, etc., of uncustomed goods  |
| <b>Immigration Act (Cap. 133)</b>   |  |
| 305. Section 6(3) for contravention of subsection (1)   | Entry or attempted entry into Singapore without a valid pass   |
| 306. Section 57(1)(k)   | Making a false statement to obtain or attempting to obtain an entry permit, re-entry permit, pass or certificate for himself or for other person       |
| 307. Section 57(1)(l)   | Using or without lawful authority having possession of any forged, unlawfully altered or irregular entry or re-entry permit, pass or certificate, etc. |
| <b>Maritime Offences Act (Cap. 170B)</b>  |  |
| 308. Section 3  | Hijacking of ships   |
| 309. Section 4  | Destroying or damaging ships, etc.   |
| 310. Section 5  | Other acts endangering or likely to endanger safe navigation   |
| 311. Section 6  | Offences involving threats in relation to ships or safe navigation   |

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SECOND SCHEDULE — *continued*

| <i>Offences</i>  | <i>Description*</i>   |
|--|---|
| 312. Section 7(1)  | Act of violence done in connection with an offence under section 3, 4 or 5                        |
| 313. Section 7(3)  | Abetment of certain acts in relation to ships or safe navigation                                  |
| <b>Multi-Level Marketing and Pyramid Selling (Prohibition) Act</b> |   |
| 314. Section 3   | Promotion of or participation in a pyramid selling scheme, or arrangement or holding out the same |
| 315. Section 4   | Registration of business designed to promote a pyramid selling scheme or arrangement              |
| 316. Section 5   | Registration of company which proposes to promote a pyramid selling scheme or arrangement         |
| <b>Radiation Protection Act 2007 (Act 27 of 2007)</b>              |   |
| 317. Section 5   | Import, export, etc., of radioactive materials  |
| 318. Section 6   | Import, export, etc., of irradiating apparatus  |
| 319. Section 11  | Disposal of radioactive waste   |
| 320. Section 12  | Accumulation of radioactive waste   |
| 321. Section 31  | False or misleading statements and documents  |
| <b>Railways Act (Cap. 263)</b>                                     |   |
| 322. Section 87  | Wilful act or omission endangering passenger  |
| <b>Rapid Transit Systems Act (Cap. 263A)</b>                       |   |
| 323. Section 25  | Wilfully endangering safety of railway passenger  |
| 324. Section 26  | Damage to railway or railway premises   |
| <b>Securities and Futures Act (Cap. 289)</b>                       |   |
| 325. Section 140   | Offences relating to take-over offers   |

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SECOND SCHEDULE — *continued*

| <i>Offences</i>  | <i>Description*</i>   |
|--|---|
| <b>Terrorism (Suppression of Financing) Act (Cap. 325)</b> |   |
| 326. Section 8   | Failure to disclose information on property belonging to terrorist or transaction relating to such property, etc.         |
| 327. Section 9   | Failure to comply with order requiring continuing audit on whether in possession of property belonging to terrorist, etc. |
| 328. Section 10  | Failure to disclose information about acts of terrorism financing   |
| 329. Section 14  | Contravention of order for restraint of property  |

*[S 680/2015 wef 10/11/2015]*

\*Note: The short description of offences in this Schedule is for ease of reference only.

*[S 597/2007 wef 01/11/2007]*

*[S 187/2009 wef 01/05/2009]*

*[S 380/2013 wef 01/07/2013]*

*Part VI — Offences included as serious offences with  
effect from 1st February 2008*

| <i>Offences</i>                       | <i>Description*</i>   |
|---------------------------------------|---|
| <b>Passports Act (Act 33 of 2007)</b> |   |
| 330. Section 36                       | Falsifying Singapore passports, etc.  |
| 331. Section 38                       | Bringing, taking or sending false Singapore passports, etc., across international borders |
| 332. Section 39                       | Making or giving false or misleading statements or information                            |
| 333. Section 40                       | Furnishing false or misleading documents  |
| 334. Section 41                       | Improper use or possession of Singapore passports, etc.                                   |
| 335. Section 42                       | Selling Singapore passports, etc.   |

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SECOND SCHEDULE — *continued*

| <i>Offences</i>              | <i>Description*</i>   |
|------------------------------|---|
| 336. Section 44              | Dishonestly obtaining Singapore passport, etc.  |
| 337. Section 47              | Offences relating to false foreign travel documents   |
| <b>Penal Code (Cap. 224)</b> |   |
| 338. Section 130E            | Genocide  |
| 339. Section 204A            | Obstructing, preventing, perverting or defeating course of justice  |
| 340. Section 204B            | Bribery of witnesses  |
| 341. Section 241A            | Delivery to another of current coin as genuine, which when first possessed the deliverer did not know to be counterfeit |
| 342. Section 254A            | Delivery to another of current coin as genuine, which when first possessed the deliverer did not know to be altered     |
| 343. Section 363A            | Abduction   |
| 344. Section 364A            | Kidnapping or abducting in order to compel the Government, etc.   |
| 345. Section 375             | Rape  |
| 346. Section 376             | Sexual assault by penetration   |
| 347. Section 376A            | Sexual penetration of minor under 16  |
| 348. Section 376B            | Commercial sex with minor under 18  |
| 349. Section 376C            | Commercial sex with minor under 18 outside Singapore  |
| 350. Section 376D            | Tour outside Singapore for commercial sex with minor under 18   |
| 351. Section 376E            | Sexual grooming of minor under 16   |
| 352. Section 376F            | Procurement of sexual activity with person with mental disability   |
| 353. Section 473A            | Making or possessing equipment for making a false instrument  |



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SECOND SCHEDULE — *continued*

| <i>Offences</i>   | <i>Description*</i>  |
|-------------------|--|
| 354. Section 473B | Making or possessing equipment for making a false instrument with intent to induce prejudice |

*\*Note:* The short description of offences in this Schedule is for ease of reference only.

*[S 33/2008 wef 01/02/2008]*

*Part VII — Offences included as serious offences with  
effect from 20th February 2008*

| <i>Offences</i>  | <i>Description*</i>   |
|--|---|
| <b>Terrorism (Suppression of Bombings) Act 2007 (Act 50 of 2007)</b> |   |
| 355. Section 3   | Terrorist bombing   |
| 356. Section 4   | Failure to disclose information about acts of terrorist bombing |

*\*Note:* The short description of offences in this Schedule is for ease of reference only.

*[S 83/2008 wef 20/02/2008]*

*Part VIII — Offences included as serious offences with  
effect from 1st May 2009*

| <i>Offences</i>                      | <i>Description*</i>                         |
|--------------------------------------|---|
| <b>Casino Control Act (Cap. 33A)</b> |   |
| 357. Section 171                     | Possession of certain things prohibited     |
| 358. Section 172                     | Unlawful interference with gaming equipment |
| 359. Section 173                     | Possession of chips outside designated site |
| 360. Section 174                     | Forgery                                     |

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SECOND SCHEDULE — *continued*

*\*Note:* The short description of offences in this Schedule is for ease of reference only.

[S 187/2009 wef 01/05/2009]

*Part IX — Offences included as serious offences with  
effect from 22nd January 2010*

| <i>Offences</i>                                 | <i>Description*</i>  |
|---|--|
| <b>Health Products Act (Cap. 122D)</b>          |  |
| 361. Section 16                                 | Prohibition against supply of health products that are adulterated, counterfeits, etc. |
| <b>Human Organ Transplant Act (Cap. 131A)</b>   |  |
| 362. Section 14(2A)                             | Organ trading by middlemen or syndicates   |
| <b>Medicines Act (Cap. 176)</b>                 |  |
| 363. Section 35 for contravention of section 31 | Sale of adulterated medicinal products   |
| 364. Section 35 for contravention of section 32 | Sale of medicinal products not of nature or quality demanded by purchaser              |
| <b>Radiation Protection Act (Cap. 262)</b>      |  |
| 365. Section 14                                 | Transport of radioactive waste.  |

*\*Note:* The short description of offences in this Schedule is for ease of reference only.

[S 28/2010 wef 22/01/2010]

*Part X — Offences included as serious offences with  
effect from 21st November 2010*

| <i>Offences</i>                                 | <i>Description*</i> |
|---|---------------------|
| <b>Hostage-Taking Act 2010 (Act 19 of 2010)</b> |                     |
| 366. Section 3                                  | Hostage-taking      |

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SECOND SCHEDULE — *continued*

*\*Note:* The short description of offences in this Schedule is for ease of reference only.

[S 667/2010 wef 21/11/2010]

*Part XI — Offences included as serious offences  
with effect from 15th February 2011*

| <i>Offences</i>                                      | <i>Description*</i>   |
|--|---|
| <b>Employment of Foreign Manpower Act (Cap. 91A)</b> |   |
| 367. Section 5(1) and (3)                            | Employment of foreign employee without a valid work pass, or in contravention of a condition of his work pass   |
| 368. Section 22(1)(a), (d), (e) and (f)              | Contravention of a condition of a work pass, making false statement or giving false information to the Controller of Work Passes or an employment inspector, dealing in, forging or unlawfully altering a work pass, or using or having in possession a forged or unlawfully altered work pass or a work pass issued to another |
| <b>Hostage-Taking Act 2010 (Act 19 of 2010)</b>      |   |
| 369. Section 5                                       | Failure to disclose information relating to hostage-taking offence  |
| <b>Immigration Act (Cap. 133)</b>                    |   |
| 370. Section 57(1)(d)                                | Harbouring offenders of Immigration Act or Regulations  |

*\* Note:* The short description of offences is for ease of reference only.

[S 59/2011 wef 15/02/2011]

*Part XII — Offences included as serious offences  
with effect from 1st July 2013*

| <i>Offences</i> | <i>Description*</i> |
|-----------------|---------------------|
|-----------------|---------------------|

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SECOND SCHEDULE — *continued*

|   |  |
|---|--|
| <b>Casino Control Act<br/>(Cap. 33A)</b>          |  |
| 371. Section 110                                  | Prohibited casino marketing arrangements   |
| 372. Section 110A                                 | No one to act as international market agent or international market agent representative without licence |
| 373. Section 172A                                 | Cheating at play   |
| <b>Goods and Services Tax Act<br/>(Cap. 117A)</b> |  |
| 374. Section 62                                   | Fraud, etc.  |
| 375. Section 63                                   | Improperly obtaining refund  |
| <b>Income Tax Act (Cap. 134)</b>                  |  |
| 376. Section 96                                   | Tax evasion  |
| 377. Section 96A                                  | Serious fraudulent tax evasion   |

\* *Note:* The short description of offences is for ease of reference only.

[S 380/2013 wef 01/07/2013]

*Part XIII — Offences included as serious offences with effect from  
3 June 2015*

| <i>Offences</i>                |                    | <i>Description*</i>   |
|--------------------------------|--------------------|---|
| <b>Companies Act (Cap. 50)</b> |                    |   |
| 378.                           | Section 340(5)     | Fraudulent trading by responsible person  |
| 379.                           | Section 404(3)     | Obtaining payment of moneys, etc., to company by false promise of officer or agent of company |
| 380.                           | Section 406(a)     | Fraud by officer of company to induce person to give credit to the company                    |
| <b>Customs Act (Cap. 70)</b>   |                    |   |
| 381.                           | Section 128A(1)(a) | Falsification or use of falsified documents   |



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SECOND SCHEDULE — *continued*

| <i>Offences</i>                                      |                    | <i>Description*</i>   |
|--|--------------------|---|
| 382.   | Section 128A(1)(b) | Fraudulent alteration of document, or counterfeiting of seal, signature, etc., used for verification by officer of customs                              |
| 383.   | Section 128D       | Fraudulent evasion of, or attempt to fraudulently evade, customs duty or excise duty  |
| 384.   | Section 128I(1)(b) | Conveying, removing, depositing or dealing with any dutiable, uncustomed or prohibited goods with intent to defraud Government                          |
| 385.   | Section 131        | Evading duty by unauthorised modification of computer program or data   |
| <b>Employment Agencies Act (Cap. 92)</b>             |                    |   |
| 386.   | Section 6(4)       | Carrying on employment agency, or performing employment agency-related work or activity, without valid licence  |
| <b>Employment of Foreign Manpower Act (Cap. 91A)</b> |                    |   |
| 387.   | Section 22A(2)     | Restrictions on receipt, etc., of moneys in connection with employment of foreign employee  |
| 388.   | Section 22B(1)     | Obtaining work pass for foreign employee for non-existent trade or business and failing to employ the foreign employee                                  |
| <b>Income Tax Act (Cap. 134)</b>                     |                    |   |
| 389.   | Section 37J(3)     | Giving false information to Comptroller of Income Tax, etc., to obtain, or to assist another person to obtain, cash payout or PIC bonus (or both), etc. |
| 390.   | Section 37J(4)     | Falsifying records or using contrivances, etc., to obtain, or assist another person to  |

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SECOND SCHEDULE — *continued*

| <i>Offences</i>  |                      | <i>Description*</i>   |
|--|----------------------|---|
|  |                      | obtain, cash payout or PIC bonus (or both), etc.  |
| <b>Inquiries Act (Cap. 139A)</b>                                 |                      |   |
| 391.   | The Schedule, item 5 | Wilfully giving false evidence, etc.  |
| 392.   | The Schedule, item 6 | Threats, etc., to witnesses   |
| <b>Monetary Authority of Singapore Act (Cap. 186)</b>            |                      |   |
| 393.   | Section 27A(5)       | Failure or refusal to comply with direction, or contravention of regulations, issued or made to discharge Singapore's obligation by virtue of decision of Security Council of the United Nations. |
| <b>Oaths and Declarations Act (Cap. 211)</b>                     |                      |   |
| 394.   | Section 14(1)(i)     | Use of false statutory declaration in a judicial proceeding   |
| <b>Prevention of Human Trafficking Act 2014 (Act 45 of 2014)</b> |                      |   |
| 395.   | Section 3            | Trafficking in persons  |
| 396.   | Section 6            | Persons who receive payments in connection with exploitation of trafficked victims  |
| <b>Remote Gambling Act 2014 (Act 34 of 2014)</b>                 |                      |   |
| 397.   | Section 8            | Unlawful remote gambling  |
| 398.   | Section 9            | Providing unlawful remote gambling service for another  |
| 399.   | Section 10           | Prohibition against overseas remote gambling service with Singapore-customer link   |
| 400.   | Section 11           | Prohibition against Singapore-based remote gambling service   |

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SECOND SCHEDULE — *continued*

| <i>Offences</i>  |   | <i>Description*</i>   |
|--|---|---|
| 401.   | Section 12  | Unlawful employment of young person in remote gambling        |
| 402.   | Section 13  | Unlawful invitation, etc., to young person to gamble remotely |
| <b>United Nations Act (Cap. 339)</b><br><b>United Nations (Anti-Terrorism Measures) Regulations (Rg 1)</b>   |   |   |
| 403.   | Regulation 11 for contravention of regulation 10(1) | Duty to provide information                                   |
| <b>United Nations Act (Cap. 339)</b><br><b>United Nations (Freezing of Assets of Former President of Liberia and Connected Persons) Regulations 2004 (G.N. No. S 601/2004)</b> |   |   |
| 404.   | Regulation 9(1)                                     | Offences  |
| <b>United Nations Act (Cap. 339)</b><br><b>United Nations (Freezing of Assets of Persons — Cote d'Ivoire) Regulations 2006 (G.N. No. S 156/2006)</b>                           |   |   |
| 405.   | Regulation 9(1)                                     | Offences  |
| <b>United Nations Act (Cap. 339)</b><br><b>United Nations (Freezing of Assets of Persons — Democratic Republic of the Congo) Regulations 2006 (G.N. No. S 157/2006)</b>        |   |   |
| 406.   | Regulation 9(1)                                     | Offences  |
| <b>United Nations Act (Cap. 339)</b><br><b>United Nations (Freezing of Assets of Persons — Sudan) Regulations 2006 (G.N. No. S 554/2006)</b>                                   |   |   |

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SECOND SCHEDULE — *continued*

| <i>Offences</i>  |                  | <i>Description*</i> |
|--|------------------|---------------------|
| 407.   | Regulation 9(1)  | Offences            |
| <b>United Nations Act (Cap. 339)</b><br><b>United Nations (Sanctions — Democratic People's Republic of Korea) Regulations 2010 (G.N. No. S 570/2010)</b> |                  |                     |
| 408.   | Regulation 16(1) | Offences            |
| <b>United Nations Act (Cap. 339)</b><br><b>United Nations (Sanctions — Iran) Regulations 2014 (G.N. No. S 633/2014)</b>                                  |                  |                     |
| 409.   | Regulation 19(1) | Offences            |

\*Note: The short description of offences is for ease of reference only.

[S 348/2015 wef 03/06/2015]

*Part XIV — Offences included as serious offences  
with effect from 10 November 2015*

| <i>Offences</i>                          |               | <i>Description*</i>   |
|--|---------------|---|
| <b>Maritime Offences Act (Cap. 170B)</b> |               |   |
| 410.                                     | Section 7(4)  | Abetment of an offence under section 3, 4, 5 or 6                         |
| 411.                                     | Section 7(5)  | Attempt to commit an offence under section 3, 4, 5 or 6                   |
| 412.                                     | Section 7A    | Hijacking of fixed platforms  |
| 413.                                     | Section 7B    | Destroying or damaging fixed platforms, etc.                              |
| 414.                                     | Section 7C    | Offences involving threats in relation to fixed platforms                 |
| 415.                                     | Section 7D(1) | Act of violence done in connection with an offence under section 7A or 7B |

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SECOND SCHEDULE — *continued*

| <i>Offences</i>    | <i>Description*</i>                                     |
|--------------------|---|
| 416. Section 7D(2) | Abetment of certain acts in relation to fixed platforms |
| 417. Section 7D(3) | Abetment of an offence under section 7A, 7B or 7C       |
| 418. Section 7D(4) | Attempt to commit an offence under section 7A, 7B or 7C |

\* *Note:* The short description of offences is for ease of reference only.

*[S 680/2015 wef 10/11/2015]*



ภาคผนวก ซ.  
ประเทศมาเลเซีย





## LAWS OF MALAYSIA

Act 613

# Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001

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|   |             |
|---|-------------|
| Date of Royal Assent                      | 25-Jun-2001 |
| Date of publication in the <i>Gazette</i> | 5-Jul-2001  |

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An Act to provide for the offence of money laundering, the measures to be taken for the prevention of money laundering and terrorism financing offences and to provide for the forfeiture of property involved in or derived from money laundering and terrorism financing offences, as well as terrorist property, proceeds of an unlawful activity and instrumentalities of an offence, and for matters incidental thereto and connected therewith. *Act A1467.*

[15 January 2002] *PU(B) 15/2002.*

## ARRANGEMENT OF SECTIONS

## PART I

## PRELIMINARY

1. Short title and commencement
2. Application
3. Interpretation

## PART II

## MONEY LAUNDERING OFFENCES

4. Offence of money laundering
- 4A. Offence of structuring transactions to evade reporting requirement
5. Protection of informers and information
6. Restriction on revealing disclosure under section 5

## PART III

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7. Functions of the competent authority
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- 79. Preservation of secrecy
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- 81. Modifications
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- 83. Power to issue guidelines, etc.
- 84. Regulations
- 85. Amendment of Schedules
- 86. General offence
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- 87. Offence committed by any person acting in an official capacity
- 88. Offence by an individual
- 89. Falsification, concealment and destruction of document, etc.
- 90. Seizable offence
- 91. Joinder of offences
- 91A. Particulars of charge
- 92. Power of competent authority to compound offences
- 93. Prosecution

First Schedule [Section 3, definition of “reporting institution”]

Second Schedule [Section 3, definition of “serious offence”]

#### PART I

#### PRELIMINARY

- Short title and commencement. **1.** (1) This Act may be cited as the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001. *Act A1467.*
- (2) This Act comes into operation on a date to be appointed by the Minister of Finance by notification in the *Gazette*.
- Application. **2.** (1) This Act shall apply to any serious offence, foreign serious offence or unlawful activity whether committed before or after the commencement date.
- (2) This Act shall apply to any property, whether it is situated in or outside Malaysia.
- (3) Nothing in this Act shall impose any duty or confer any power on any court in or in connection with any proceedings under this Act against a person for a serious offence in respect of which he has been convicted by a court before the commencement date.
- Interpretation. **3.** (1) In this Act, unless the context otherwise requires—
- “enforcement agency” includes a body or agency that is for the time being responsible in Malaysia for the enforcement of laws relating to the prevention, detection and investigation of any serious offence;
- “accounts” includes records of any financial transactions conducted by any reporting institution listed in the First Schedule; *Act A1208.*
- “unlawful activity” means— *Act A1467.*
- (a) any activity which constitutes any serious offence or any



foreign serious offence; or

- (b) any activity which is of such a nature, or occurs in such circumstances, that it results in or leads to the commission of any serious offence or any foreign serious offence,

regardless whether such activity, wholly or partly, takes place within or outside Malaysia;

*Act 701.* “Bank Negara Malaysia” means the Central Bank of Malaysia established by the Central Bank of Malaysia Act 2009 [*Act 701*]; *Act A1467.*

“thing” includes material;

“specify” means specify in writing, and a power to specify includes the power to specify differently for different persons or different classes of persons and to amend any specification;

“prescribed” means prescribed by regulations made under this Act, and a power to prescribe includes the power to make different provisions in the regulations for different persons or classes of persons;

*Act 56.* “document” has the same meaning as in the Evidence Act 1950 [*Act 56*];

“constituent document”, in relation to an institution, means the statute, charter, memorandum of association and articles of association, rules and by-laws, partnership agreement, or other instrument, under or by which the institution is established and its governing and administrative structure and the scope of its functions and business are set out, whether contained in one or more documents;

“proceeds of an unlawful activity” means any property, or any economic advantage or economic gain from such property, within or outside Malaysia— *Act A1467.*

- (a) which is wholly or partly—
- (i) derived or obtained, directly or indirectly, by any person from any unlawful activity;
  - (ii) derived or obtained from a disposal or other dealings with the property referred to in subparagraph (i); or
  - (iii) acquired using the property derived or obtained by any person through any disposal or other dealings referred to in subparagraph (i) or (ii); or
- (b) which, wholly or partly, due to any circumstances such as its nature, value, location or place of discovery, or to the time, manner or place of its acquisition, or the person from whom it was acquired, or its proximity to other property referred to in subparagraph (a)(i), (ii) or (iii), can be reasonably believed to be property falling within the scope of subparagraph (a)(i), (ii) or (iii);

“property” means— *Act A1467.*

- (a) assets of every kind, whether corporeal or incorporeal, moveable or immovable, tangible or intangible, however acquired; or
- (b) legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including currency, bank credits, deposits and other financial resources, traveller’s cheques, bank cheques,

money orders, capital market products, drafts and letters of credit,

whether situated within or outside Malaysia, and includes a legal or equitable interest, whether full or partial, in any such property;

*Act 574.* “terrorist property” has the same meaning as in section 130B of the Penal Code [*Act 574*];

“financial institution” means—

*Act A1467.*

- Act 758.* (a) a licensed bank, licensed insurer and investment bank under the Financial Services Act 2013 [*Act 758*];
- Act 759.* (b) a licensed international Islamic bank, licensed international takaful operator, licensed Islamic bank and licensed takaful operator under the Islamic Financial Services Act 2013 [*Act 759*];
- Act 618.* (c) a prescribed institution under the Development Financial Institutions Act 2002 [*Act 618*];
- Act 731.* (d) a licensee under the Money Services Business Act 2011 [*Act 731*];
- Act 671.* (e) a person licensed or registered under the Capital Markets and Services Act 2007 [*Act 671*];
- Act 453.* (f) the central depository established under the Securities Industry (Central Depositories) Act 1991 [*Act 453*];
- Act 704.* (g) a bank licensee, an insurance licensee, a securities licensee and any entity licensed or registered under the Labuan Financial Services and Securities Act 2010 [*Act 704*];
- Act 705.* (h) an Islamic bank licensee, a takaful licensee, an Islamic securities licensee and any entity licensed or registered under the Labuan Islamic Financial Services and Securities Act 2010 [*Act 705*]; and
- (i) a person prescribed by the Minister of Finance under section 12A;

[*Definition of “offshore financial institution” deleted.*]

*Act A1467.*

“reporting institution” means any person, including branches and subsidiaries outside Malaysia of that person, who carries on any activity listed in the First Schedule;

“conveyance” includes any vessel, train, motor vehicle, aircraft and any other means of transport by which persons or goods can be carried;

*Act A1467.*

“serious offence” means—

- (a) any of the offences specified in the Second Schedule;
- (b) an attempt to commit any of those offences; or
- (c) the abetment of any of those offences;

“foreign serious offence” means an offence—

- (a) against the law of a foreign State stated in a certificate purporting to be issued by or on behalf of the government of that foreign State; and
- (b) that consists of or includes an act or activity which, if it had occurred in Malaysia, would have constituted a serious offence;

“terrorism financing offence” means any offence under section 130N, 130O, 130P or 130Q of the Penal Code;

“money laundering offence” means an offence under subsection 4 (1); *Act AI467.*

[*Definition of “client” deleted.*] *Act AI467.*

*Act 545.* “Labuan Financial Services Authority” means the Authority established under section 3 of the Labuan Financial Services Authority Act 1996 [*Act 545*]; *Act AI467.*

“material” includes any book, document or other record in any form and any container or article relating to it;

“Minister of Home Affairs” means the Minister charged with the responsibility for internal security;

“Minister of Finance” means the Minister charged with the responsibility for finance;

“foreign State” means any country or territory outside Malaysia;

“customer” includes a client; *Act AI467.*

“controller”, in relation to an institution, means—

- (a) the chief executive officer of the institution or of a body corporate of which the institution is a subsidiary;
- (b) a person, either alone or with any associate—
  - (i) has interest in one third or more of its voting shares;
  - (ii) has the power to appoint, or cause to be appointed, a majority of its directors; or
  - (iii) has the power to make a decision, or cause a decision to be made, in respect of its business or administration;

“instrumentalities of an offence” means— *Act AI467.*

- (a) any thing which is used in, or in connection with, the commission of any unlawful activity; or
- (b) any property which is wholly or partly used in, or in connection with, the commission of any unlawful activity,

whether the thing or property is situated within or outside Malaysia;

“business” means— *Act AI467.*

- (a) any business registered under any written law providing for the registration of businesses;
- Act 125.* (b) a corporation incorporated or registered under the Companies Act 1965 [*Act 125*] and an associate of that corporation; or
- (c) any venture or concern in any trade, commerce, profession, vocation or any other similar activity, whether or not it is carried on for a pecuniary gain or profit, and whether or not conducted on a regular, repetitive or continuous basis,

and includes all assets derived from or used in or for the purpose of carrying on such business activity, and all interests, rights and liabilities arising from such business activity;

[*Definition of “money laundering” deleted.*] *Act AI467.*

“competent authority” means the person appointed under

subsection 7(1);

“premises” includes—

- (a) a structure (whether or not movable or offshore), building, tent, vehicle, vessel, hovercraft or aircraft;
- (b) a place (whether or not enclosed or built upon); and
- (c) part of any premises (including premises of a kind referred to in paragraph (a) or (b));

“capital market products” has the same meaning as in the Capital Markets and Services Act 2007; *Act AI467.*

“process” means any summons, warrant, order or other document in respect of a criminal matter that is issued—

- (a) out of any court; or
- (b) out of any court of a foreign State,

or by any judge, magistrate or officer of such a court, as the case may be;

“criminal proceedings” means a trial of a person for a serious offence or foreign serious offence, as the case may be, and includes any proceedings to determine whether a particular person should be tried for the offence;

“relative”, in relation to a person, means—

- (a) a spouse of that person;
- (b) a brother or sister of that person;
- (c) a brother or sister of the spouse of that person; or
- (d) any lineal ascendant or descendant of that person;

“associate”, in relation to a person, means—

- (a) any person who is a nominee or an officer of that person;
- (b) any person who manages the affairs of that person;
- (c) any firm of which such person, or any nominee of his, is a partner or a person in charge or in control of its business or affairs;

- Act 125.* (d) any corporation within the meaning of the Companies Act 1965 [*Act 125*], of which such person, or any nominee of his, is a director or is in charge or in control of its business or affairs, or in which such person, alone or together with any nominee of his, has or have a controlling interest, or shares to the total value of not less than thirty per centum of the total issued capital of that corporation; or
- (e) the trustee of any trust, where—
  - (i) the trust has been created by that person; or
  - (ii) the total value of the assets contributed by that person to the trust at any time, whether before or after the creation of the trust, amounts, at any time, to not less than twenty per centum of the total value of the assets of the trust;

*Act 498.* “Securities Commission” means the Securities Commission established under the Securities Commission Act 1993;

“diminished in value”, in relation to any property, means the whole *Act AI467.*



or part of the property being expended, utilised, destroyed, or being subjected to any dealing, process or other act, so that it ceases to exist, or is reduced in value or size, or is altered in character;

“transaction” includes an arrangement to open an account involving two or more persons and any related transaction between any of the persons concerned and another;

“dealing”, in relation to any property, includes—

- (a) receiving or acquiring the property;
- (b) concealing or disguising the property (whether by concealing, or disguising its nature, source, location, disposition, movement or ownership or any rights with respect to it or otherwise);
- (c) disposing of or converting the property;
- (d) bringing the property into or removing the property from Malaysia;
- (e) using the property to borrow money, or as security (whether by way of charge, mortgage or pledge or otherwise); or
- (f) where a debt is owed to the person holding the property, making a payment to any person in reduction of the amount of the debt.

(2) For the purposes of this Act—

- (a) a reference to a foreign State includes a reference to—
  - (i) a territory of that foreign State; and
  - (ii) a ship or aircraft of, or registered in, that foreign State; and
- (b) a reference to the law of a foreign State includes a reference to the law in force in any part of that foreign State.

## PART II

### MONEY LAUNDERING OFFENCES

Offence of money  
laundering

**4.** (1) Any person who—

*Act A1467.*

- (a) engages, directly or indirectly, in a transaction that involves proceeds of an unlawful activity or instrumentalities of an offence;
- (b) acquires, receives, possesses, disguises, transfers, converts, exchanges, carries, disposes of or uses proceeds of an unlawful activity or instrumentalities of an offence;
- (c) removes from or brings into Malaysia, proceeds of an unlawful activity or instrumentalities of an offence; or
- (d) conceals, disguises or impedes the establishment of the true nature, origin, location, movement, disposition, title of, rights with respect to, or ownership of, proceeds of an unlawful activity or instrumentalities of an offence,

commits a money laundering offence and shall on conviction be liable to imprisonment for a term not exceeding fifteen years and shall also be liable to a fine of not less than five times the sum or value of the proceeds of an unlawful activity or instrumentalities of an offence at the time the offence was committed or five million

ringgit, whichever is the higher.

(2) For the purposes of subsection (1), it may be inferred from any objective factual circumstances that—

- (a) the person knows, has reason to believe or has reasonable suspicion that the property is the proceeds of an unlawful activity or instrumentalities of an offence; or
- (b) the person without reasonable excuse fails to take reasonable steps to ascertain whether or not the property is the proceeds of an unlawful activity or instrumentalities of an offence.

(3) For the purposes of any proceedings under this Act, where the proceeds of an unlawful activity are derived from one or more unlawful activities, such proceeds need not be proven to be from any specific unlawful activity.

(4) A person may be convicted of an offence under subsection (1) irrespective of whether there is a conviction in respect of a serious offence or foreign serious offence or that a prosecution has been initiated for the commission of a serious offence or foreign serious offence.

Offence of structuring transactions to evade reporting requirement

**4A.** (1) No person shall structure, or direct, assist or participate in structuring, any transaction in the domestic or foreign currency to avoid the application of paragraph 14(1)(a). *Act A1467.*

(2) Any person who contravenes subsection (1) commits an offence and shall on conviction be liable to a fine of not more than five times the aggregate sum or value of the transaction at the time the offence was committed or to imprisonment for a term not exceeding seven years or to both.

(3) In determining whether a transaction was conducted in contravention of this section, the following matters may be taken into consideration:

- (a) the value of the money or property involved in each transaction;
- (b) the total value of the transactions;
- (c) the period of time over which the transactions took place;
- (d) interval of time between any of the transactions;
- (e) the locations at which the transactions took place.

Protection of informers and information

**5.** (1) Where a person discloses to an enforcement agency his knowledge or belief that any property is derived from or used in connection with a money laundering offence or any matter on which such knowledge or belief is based— *Act A1467.*

- (a) if he does any act in contravention of subsection 4(1) and the disclosure relates to the arrangement concerned, he does not commit an offence under that subsection if the disclosure is made—
  - (i) before he does the act concerned, being an act done with the consent of the enforcement agency; or
  - (ii) after he does the act, but the disclosure is made on his initiative and as soon as it is reasonable for him to make it;
- (b) notwithstanding any other written law, the disclosure shall not be treated as a breach of any restriction on the disclosure

- Act 125*  
*Act 197* 21. Activities relating to building credit business, development finance business, factoring business or leasing business carried out by companies incorporated pursuant to the Companies Act 1965 and businesses as defined and registered under the Registration of Businesses Act 1956 [*Act 197*].
- Act 81* 22. Activities carried out by a licensee as defined in the Pawnbrokers Act 1972 [*Act 81*].
- Act 242* 23. Activities relating to an estate agency practice carried out by a registered estate agent as defined in the Valuers, Appraisers and Estate Agents Act 1981 [*Act 242*].
- Act 125*  
*Act 197* 24. Activities of dealing in precious metals or precious stones carried out by companies incorporated pursuant to the Companies Act 1965 and businesses as defined and registered under the Registration of Businesses Act 1956.

## PART II

- Act 545* Activities carried out by a Labuan financial institution as defined in the Labuan Financial Services Authority Act 1996 [*Act 545*].

## SECOND SCHEDULE

[Section 3, definition of "serious offence"]

| <i>Offences</i> | <i>Description*</i> |
|-----------------|---------------------|
|-----------------|---------------------|

*PU(A) 294/2014.*

**Anti-Money Laundering, Anti-Terrorism Financing and  
Proceeds of Unlawful Activities Act 2001 [*Act 613*]**

- |                 |  |
|-----------------|--|
| Subsection 4(1) | Offence of money laundering  |
| Section 4A      | Offence of structuring transactions to evade reporting requirement |

*PU(A) 400/2009.*

**Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act  
2007 [*Act 670*]**

- |             |  |
|-------------|--|
| Section 12  | Offence of trafficking in persons  |
| Section 13  | Offence of trafficking in persons by means of threat, force, etc.  |
| Section 14  | Offence of trafficking in children   |
| Section 15  | Offence of profiting from exploitation of a trafficked person  |
| Section 15A | Offence in relation to trafficked person in transit  |
| Section 18  | Making, obtaining, giving, selling or possessing fraudulent travel or identity documents for the purpose of trafficking in persons |
| Section 19  | Recruiting or agrees to recruit another person to participate in the act of trafficking in persons                                 |
| Section 20  | Providing facilities in support of trafficking   |
- PU(A) 144/2012.*

|             |   |                        |
|-------------|---|------------------------|
|             | in persons  |                        |
| Section 21  | Providing services for purposes of trafficking in persons   |                        |
| Section 22  | Harbouring any person who has committed or is planning or is likely to commit an act of trafficking in persons  |                        |
| Section 23  | The owner, operator or master of conveyance that do not carry out obligations to ensure that the person travelling on board is in possession of lawful travel documents |                        |
| Section 24  | International omission to give information  |                        |
| Section 26A | Offence of smuggling of migrants  | <i>PU(A) 144/2012.</i> |
| Section 26B | Aggravated offence of smuggling of migrants   | <i>PU(A) 144/2012.</i> |
| Section 26C | Offence in relation to smuggled migrants in transit   | <i>PU(A) 144/2012.</i> |
| Section 26D | Offence of profiting from the offence of smuggling of migrants  | <i>PU(A) 144/2012.</i> |
| Section 26E | Fraudulent travel or identity documents   | <i>PU(A) 144/2012.</i> |
| Section 26F | Providing facilities in support of smuggling of migrants  | <i>PU(A) 144/2012.</i> |
| Section 26G | Providing services for purposes of smuggling of migrants  | <i>PU(A) 144/2012.</i> |
| Section 26H | Concealing or harbouring smuggled migrants and migrants smugglers   | <i>PU(A) 144/2012.</i> |
| Section 26I | Supporting offence of smuggling of migrants   | <i>PU(A) 144/2012.</i> |
| Section 26J | Offence of conveyance of smuggled migrants  | <i>PU(A) 144/2012.</i> |
| Section 26K | Obligation of owner, <i>etc.</i> of conveyance  | <i>PU(A) 144/2012.</i> |
| Section 40  | Disclosing any information to any other person which is likely to prejudice the investigation by the authority  |                        |

#### **Betting Act 1953 [Act 495]**

|                 |   |
|-----------------|---|
| Section 4       | Common betting-houses and betting information centres |
| Subsection 6(3) | Betting in a common betting-house, and book-making    |

#### **Capital Markets and Services Act 2007 [Act 671]**

|            |   |                        |
|------------|---|------------------------|
| Section 7  | Establishment of stock markets or derivatives | <i>PU(A) 294/2014.</i> |
| Section 37 | Establishing or operating a clearing facility |                        |



|              |   |
|--------------|---|
| Section 58   | Requirement for Capital Markets Services Licence  |
| Section 93   | Priority given to client's order  |
| Section 111  | Certain monies received by holder of Capital Markets Services Licence to be paid into trust account |
| Section 118  | Segregation of client's assets  |
| Section 119  | Monies in segregated account not available for payment of debt, <i>etc.</i>                         |
| Section 122  | Operation of trust account  |
| Section 123  | Client's assets   |
| Section 175  | False trading and market rigging transaction  |
| Section 176  | Stock market manipulations  |
| Section 177  | False or misleading statements, <i>etc.</i>   |
| Section 179  | Use of manipulative and deceptive devices   |
| Section 188  | Prohibited conduct of person in possession of inside information                                    |
| Section 202  | False trading   |
| Section 203  | Bucketing   |
| Section 205  | Manipulation of price of derivatives and cornering  |
| Section 206  | Employment of devices, <i>etc.</i> , to defraud   |
| Section 207  | False or misleading statements  |
| Section 208  | Prohibition of abuse of information obtained in official capacity                                   |
| Section 215  | False or misleading statements, <i>etc.</i>   |
| Section 232  | Requirement to register prospectus in relation to securities  |
| Section 246  | Criminal liability for false statements, <i>etc.</i> , in prospectus                                |
| Section 317A | Prohibited conduct of director or officer of a listed corporation                                   |
| Section 320A | False or misleading financial statements of a listed corporation                                    |
| Section 368  | Falsification of records  |
| Section 369  | False reports to Commission, exchange or approved clearing house                                    |

**Child Act 2001 [Act 611]**

*PU(A) 14/2003.*

|            |  |
|------------|--|
| Section 43 | Offences relating to selling, procuring, detention, <i>etc.</i> or any attempts thereto, of a child for prostitution |
| Section 48 | Unlawful transfer of possession, custody or  |

*PU(A) 14/2003.*

*PU(A) 14/2003.*

|            |   |                       |
|------------|---|-----------------------|
|            | control of child                        |                       |
| Section 49 | Importation of child by false pretences | <i>PU(A) 14/2003.</i> |

**Common Gaming Houses Act 1953 [Act 289]**

|            |   |  |
|------------|---|--|
| Section 4  | Common gaming houses                            |  |
| Section 4A | Assisting in carrying on a public lottery, etc. |  |

**Companies Act 1965 [Act 125]**

|              |   |                        |
|--------------|---|------------------------|
| Section 27   | Invitation to public by private companies   |                        |
| Section 38   | Invitation to public to lend or deposit money with a corporation                            |                        |
| Section 91   | No issue without approved deed  | <i>PU(A) 144/2012.</i> |
| Section 131  | Disclosure of interests in contracts, property, offices, etc.                               | <i>PU(A) 144/2012.</i> |
| Section 132C | Approval of company required for disposal by directors of company's undertaking or property | <i>PU(A) 144/2012.</i> |
| Section 132E | Substantial property transaction by director or substantial shareholder                     | <i>PU(A) 144/2012.</i> |
| Section 363  | Restriction on offering shares, debentures, etc. for subscription or purchase               | <i>PU(A) 144/2012.</i> |
| Section 364  | False and misleading statements   | <i>PU(A) 144/2012.</i> |
| Section 364A | False reports   | <i>PU(A) 144/2012.</i> |
| Section 366  | Inducing persons to invest money  |                        |
| Section 368  | Frauds by officers  | <i>PU(A) 144/2012.</i> |

**Control of Supplies Act 1961 [Act 122]**

|            |  |                        |
|------------|--|------------------------|
| Section 21 | Unlawful possession of controlled articles | <i>PU(A) 144/2012.</i> |
|------------|--|------------------------|

**Control of Supplies Regulations 1974 [PU(A) 103/1974]**

|               |   |                        |
|---------------|---|------------------------|
| Regulation 3  | Licence required for dealing in scheduled articles, and for manufacturing | <i>PU(A) 144/2012.</i> |
| Regulation 13 | Maintenance of books  | <i>PU(A) 144/2012.</i> |

**Copyright Act 1987 [Act 332]**

|            |                           |  |
|------------|---------------------------|--|
| Section 41 | Infringement of copyright |  |
|------------|---------------------------|--|

**Corrosive and Explosive Substances and Offensive Weapons Act 1958 [Act 357]**

Section 3 Possession of corrosive or explosive substance for the purpose of causing hurt

**Customs Act 1967 [Act 235]**

Section 133 Making incorrect declarations and falsifying documents *PU(A) 14/2003.*

Section 135 Smuggling offences

Section 137 Offering or receiving bribes *PU(A) 112/2005.*

**Dangerous Drugs Act 1952 [Act 234]**

Section 4 Restriction on importation of raw opium, coca leaves, poppy-straw and cannabis

Section 5 Restriction on exportation of raw opium, coca leaves, poppy-straw and cannabis

Section 12 Restriction on import and export of certain dangerous drugs

Subsection 19(4) Export of dangerous drugs

Subsection 20(5) Import of dangerous drugs

Section 39B Trafficking in dangerous drugs

**Dangerous Drugs (Forfeiture of Property) Act 1988 [Act 340]**

Section 3 Use of property for activity constituting certain offences

Section 4 Dealing with, or using, holding, receiving or concealing illegal property

Section 56 Attempts, abetments and criminal conspiracies punishable as offences

**Development Financial Institutions Act 2002 [Act 618]**

*PU(A) 339/2004.*

Section 108 Falsification, concealment and destruction of documents *PU(A) 339/2004.*

Paragraph 114(1)(b) in relation to offences under sections 108 and 118 Attempts, preparations, abetments and conspiracies punishable as offences *PU(A) 339/2004.*

Section 118 Prohibition on receipt of gifts, commission, *etc.* *PU(A) 339/2004.*

**Direct Sales and Anti-Pyramid Scheme Act 1993 [Act 500]**

*PU(A) 144/2012.*

Section 4 Direct sales business to be carried on only under licence *PU(A) 144/2012.*

Section 27B Unlawful to promote or conduct pyramid scheme **and** *PU(A) 144/2012. [sic]*

**Excise Act 1976 [Act 176]***PU(A) 143/2014*

|            |  |
|------------|--|
| Section 71 | Making incorrect statement and falsifying documents              |
| Section 73 | Refusing to answer questions or giving false information         |
| Section 74 | Evasion of excise duty and illegal manufacture of dutiable goods |

**Explosives Act 1957 [Act 207]**

|                 |   |
|-----------------|---|
| Subsection 4(2) | Power to prohibit the manufacture, possession or importation of specially dangerous explosives      |
| Section 5       | Acts causing explosions or fire   |
| Section 6       | Causing explosion likely to endanger life or property   |
| Section 7       | Attempt to cause explosion, or making or keeping explosive with intent to endanger life or property |
| Section 8       | Making or possessing explosives under suspicious circumstances                                      |

**Financial Services Act 2013 [Act 758]***PU(A) 294/2014*

|                           |  |
|---------------------------|--|
| Section 8                 | Authorized business to be carried on by authorized person  |
| Section 13                | Additional conditions of licence or approval   |
| Subsections 14(1) and (3) | Authorized person shall carry on authorized business only  |
| Subsection 15(1)          | Authorized person and operator of designated payment system permitted to carry on certain Islamic financial business subject to written approval |
| Subsection 16(1)          | Licensed insurer shall not carry on both life and general business   |
| Section 17                | Registered business to be carried on by registered person  |
| Subsections 19(1) and (2) | Requirements for representative office   |
| Section 28                | Holding out as authorized person or registered person  |
| Section 29                | Acting on behalf of unlicensed person  |
| Paragraph 57(1)(c)        | Duty of director to only exercise powers which is conferred on him for the purposes for which such powers are conferred                          |



|                     |  |
|---------------------|--|
| Section 124         | Prohibited business conduct  |
| Section 137         | Restriction on accepting deposits  |
| Section 138         | Advertisements for deposits  |
| Subsection 141(1)   | Prohibited conduct in money market and foreign exchange market   |
| Paragraph 143(3)(a) | Submission of document or information which a person knows, or has reason to believe, to be false or misleading in a material particular |
| Paragraph 207(3)(b) | Dealing with assets of insurance funds without approval in the winding up of a licensed foreign insurer                                  |
| Subsection 214(2)   | Undertake or engage in any transaction set out in Schedule 14 without approval   |
| Section 216         | Non-compliance with the directions issued by the Bank  |
| Section 248         | Offences in relation to entries in documents   |
| Section 254         | Attempts, abetments and conspiracies   |

**Firearms (Increased Penalties) Act 1971 [Act 37]**

*PU(A) 14/2003.*

|           |                         |
|-----------|-------------------------|
| Section 7 | Trafficking in firearms |
|-----------|-------------------------|

*PU(A) 14/2003.*

**Income Tax Act 1967 [Act 53]**

*PU(A) 343/2010.*

|             |   |
|-------------|---|
| Section 112 | Failure to furnish return or give notice of chargeability |
| Section 113 | Incorrect returns   |
| Section 114 | Wilful evasion  |

*PU(A) 343/2010.*

*PU(A) 343/2010.*

*PU(A) 343/2010.*

**International Trade in Endangered Species Act 2008 [Act 686]**

*PU(A) 294/2014.*

|            |  |
|------------|--|
| Section 10 | Import and export of scheduled species                       |
| Section 11 | Re-export and introduction from the sea of scheduled species |
| Section 12 | Possession of scheduled species                              |
| Section 13 | Scheduled species in transit                                 |
| Section 14 | Breeding or propagation of scheduled species                 |

**Islamic Financial Services Act 2013 [Act 759]**

*PU(A) 294/2014.*

|            |   |
|------------|---|
| Section 8  | Authorized business to be carried on by authorized person |
| Section 13 | Additional conditions of licence or approval              |

|                           |  |
|---------------------------|--|
| Subsection 14(1)          | Persons approved under the Financial Services Act 2013 may carry on Islamic financial business with prior approval                       |
| Subsections 15(1) and (3) | Authorised person to carry on authorized business only   |
| Subsection 16(1)          | Licensed takaful operator shall not carry on both family takaful and general takaful business  |
| Subsections 17(1) and (2) | Requirements for representative office   |
| Section 25                | Holding out as authorized person   |
| Section 26                | Acting on behalf of unlicensed person  |
| Paragraph 66(1)(c)        | Duty of director to only exercise powers which is conferred on him for the purposes for which such powers are conferred                  |
| Section 136               | Prohibited business conduct  |
| Section 149               | Restriction on accepting Islamic deposits  |
| Section 150               | Advertisements for Islamic deposits  |
| Subsection 153(1)         | Prohibited conduct in Islamic money market and Islamic foreign exchange market   |
| Paragraph 155(3)(a)       | Submission of document or information which a person knows, or has reason to believe, to be false or misleading in a material particular |
| Paragraph 218(4)(c)       | Dealing with assets of takaful fund without approval in the winding up of a licensed foreign takaful operator                            |
| Subsection 225(2)         | Undertake or engage in any transaction set out in Schedule 14 without approval   |
| Section 227               | Non-compliance with the directions issued by the Bank  |
| Section 265               | Attempts, abetments and conspiracies   |

**Kidnapping Act 1961 [Act 365]**

|           |  |
|-----------|--|
| Section 3 | Abduction, wrongful restraint or wrongful confinement for ransom |
| Section 5 | Knowingly receiving ransom                                       |
| Section 6 | Knowingly negotiating to obtain, or for payment of, ransom       |

**Kootu Funds (Prohibition) Act 1971 [Act 28]**

|           |  |
|-----------|--|
| Section 3 | Unlawful to carry on business of promoting kootu funds |
|-----------|--|

**Labuan Financial Services and Securities Act 2010 [Act 704]***PU(A) 294/2014.*

|             |   |
|-------------|---|
| Section 8   | Offers or invitations which require the approval of the Authority   |
| Section 31  | Public funds shall be registered  |
| Section 40  | Licensing of fund managers  |
| Section 41  | Licensing of fund administrators  |
| Section 55  | Securities licensee   |
| Section 60  | Licence required to carry on trust company business in Labuan   |
| Section 71  | Licensing of Labuan managed trust companies   |
| Section 87  | Labuan banking business, Labuan investment banking business and Labuan financial business to be carried on only under licence |
| Section 102 | Licensing of Labuan insurance business and Labuan insurance related activities  |
| Section 134 | Establishment of exchanges  |
| Section 146 | Creation of false or misleading market  |
| Section 147 | Insider dealing   |
| Section 171 | Payment system  |

**Labuan Islamic Financial Services and Securities Act 2010 [Act 705]***PU(A) 294/2014.*

|             |  |
|-------------|--|
| Section 13  | Offers or invitations which require the approval of the Authority              |
| Section 36  | Islamic public fund shall be registered  |
| Section 45  | Fund manager or fund administrator of an Islamic public fund                   |
| Section 56  | Islamic securities licensee  |
| Section 61  | Labuan Islamic banking business to be carried on only under licence            |
| Section 62  | Labuan Islamic investment banking business to be carried on only under licence |
| Section 77  | Licensing of Labuan takaful business and Labuan takaful related activities     |
| Section 136 | Payment systems  |

**Malaysian Anti-Corruption Commission Act 2009 [Act 694]**

|            |   |
|------------|---|
| Section 16 | Offence of accepting gratification                    |
| Section 17 | Offence of giving or accepting gratification by agent |
| Section 18 | Offence of intending to deceive principal             |

|            |   |  |
|------------|---|--|
|            | by agent  |  |
| Section 19 | Acceptor or giver of gratification to be guilty notwithstanding that purpose was not carried out or matter not in relation to principal's affairs or business |  |
| Section 20 | Corruptly procuring withdrawal of tender  |  |
| Section 21 | Bribery of officer of public body   |  |
| Section 22 | Bribery of foreign public officials   |  |
| Section 23 | Offence of using office or position for gratification   |  |
| Section 26 | Dealing with, using, holding, receiving or concealing gratification or advantage in relation to any offence   |  |
| Section 28 | Attempts, preparations, abetments and criminal conspiracies punishable as offence   |  |

**Malaysian Palm Oil Board Act 1998 [Act 582]**

*PU(A) 143/2014.*

|            |                   |  |
|------------|-------------------|--|
| Section 67 | False information |  |
|------------|-------------------|--|

**Malaysian Palm Oil Board (Licensing) Regulations 2005 [P.U. (A) 516/2005]**

*PU(A) 143/2014.*

|               |   |  |
|---------------|---|--|
| Regulation 5  | Prohibition against producing or selling, etc., without licence |  |
| Regulation 21 | Compliance with conditions imposed on licensee                  |  |
| Regulation 40 | Prohibition against pilfering                                   |  |

**Malaysian Timber Industry Board (Incorporation) Act 1973 [Act 105]**

*PU(A) 383/2007.*

|            |  |  |
|------------|--|--|
| Section 13 | Carrying on timber business without registration |  |
|------------|--|--|

**Moneylenders Act 1951 [Act 400]**

*PU(A) 383/2007.*

|           |   |  |
|-----------|---|--|
| Section 5 | Carrying on business as a moneylender without licence |  |
|-----------|---|--|

**Money Services Business Act 2011 [Act 731]**

*PU(A) 143/2014.*

|            |  |                        |
|------------|--|------------------------|
| Section 4  | Prohibition from carrying on money services business   |                        |
| Section 29 | Sale, leasing <i>etc.</i> , of money services business | <i>PU(A) 294/2014.</i> |
| Section 35 | Submission of false information                        | <i>PU(A) 294/2014.</i> |



**Optical Discs Act 2000 [Act 606]**

|            |                                       |
|------------|---------------------------------------|
| Section 4  | Manufacturing without a valid licence |
| Section 21 | Applying false manufacturer's code    |

**Pawnbrokers Act 1972 [Act 81]***PU(A) 385/2007.*

|           |  |
|-----------|--|
| Section 7 | Carrying on business as a pawnbroker without licence |
|-----------|--|

**Penal Code [Act 574]**

|              |   |                        |
|--------------|---|------------------------|
| Section 125  | Waging war against any power in alliance with the Yang di-Pertuan Agong   | <i>PU(A) 18/2002.</i>  |
| Section 125A | Harbouring or attempting to harbour any person in Malaysia or person residing in a foreign State at war or in hostility against the Yang di-Pertuan Agong | <i>PU(A) 18/2002.</i>  |
| Section 121  | Waging or attempting to wage war or abetting the waging of war against the Yang di-Pertuan Agong, a Ruler or Yang di-Pertua Negeri                        | <i>PU(A) 14/2003.</i>  |
| Section 121A | Offences against the person of the Yang di-Pertuan Agong, Ruler or Yang di-Pertua Negeri  | <i>PU(A) 14/2003.</i>  |
| Section 121B | Offences against the authority of the Yang di-Pertuan Agong, Ruler or Yang di-Pertua Negeri   | <i>PU(A) 14/2003.</i>  |
| Section 121C | Abetting offences under section 121A or 121B  | <i>PU(A) 14/2003.</i>  |
| Section 120B | Punishment of criminal conspiracy   | <i>PU(A) 105/2007.</i> |
| Section 130C | Committing terrorist acts   | <i>PU(A) 105/2007.</i> |
| Section 130D | Providing devices to terrorist groups   | <i>PU(A) 105/2007.</i> |
| Section 130E | Recruiting persons to be members of terrorist groups or to participate in terrorist acts  | <i>PU(A) 105/2007.</i> |
| Section 130F | Providing training and instruction to terrorist groups and persons committing terrorist acts  | <i>PU(A) 105/2007.</i> |
| Section 130G | Inciting, promoting or soliciting property for the commission of terrorist acts   | <i>PU(A) 105/2007.</i> |
| Section 130H | Providing facilities in support of terrorist acts   | <i>PU(A) 105/2007.</i> |
| Section 130I | Directing activities of terrorist groups  | <i>PU(A) 105/2007.</i> |
| Section 130J | Soliciting or giving support to terrorist groups or for the commission of terrorist acts  | <i>PU(A) 105/2007.</i> |
| Section 130K | Harbouring persons committing terrorist acts  | <i>PU(A) 105/2007.</i> |

|              |   |                        |
|--------------|---|------------------------|
| Section 130L | Criminal conspiracy   | <i>PU(A) 105/2007.</i> |
| Section 130M | Intentional omission to give information relating to terrorist acts   | <i>PU(A) 105/2007.</i> |
| Section 130N | Providing or collecting property for terrorist acts   | <i>PU(A) 105/2007.</i> |
| Section 130O | Providing services for terrorist purposes   | <i>PU(A) 105/2007.</i> |
| Section 130P | Arranging for retention or control of terrorist property  | <i>PU(A) 105/2007.</i> |
| Section 130Q | Dealing with terrorist property   | <i>PU(A) 105/2007.</i> |
| Section 130R | Intentional omission to give information about terrorist property   | <i>PU(A) 105/2007.</i> |
| Section 130S | Intentional omission to give information relating to terrorism financing offence  | <i>PU(A) 105/2007.</i> |
| Section 161  | Public servant taking a gratification, other than legal remuneration, in respect of an official act   |                        |
| Section 162  | Taking a gratification in order, by corrupt or illegal means, to influence a public servant   |                        |
| Section 163  | Taking a gratification, for the exercise of personal influence with a public servant  |                        |
| Section 164  | Abetment by public servant of the offences under section 163  |                        |
| Section 165  | Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant |                        |
| Section 207  | Fraudulent claim to property to prevent its seizure as a forfeiture or in execution of a decree   |                        |
| Section 213  | Taking gifts, etc., to screen an offender from punishment   |                        |
| Section 214  | Offering gift or restoration of property in consideration of screening offender   |                        |
| Section 215  | Taking gift to help to recover stolen property, etc.  |                        |
| Section 216A | Harbouring robbers or gang-robbers, etc.  |                        |
| Section 217  | Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture                                      |                        |
| Section 218  | Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture                             |                        |
| Section 300  | Murder  | <i>PU(A) 14/2003.</i>  |
| Section 322  | Voluntarily causing grievous hurt   | <i>PU(A) 102/2007.</i> |
| Section 326  | Voluntarily causing grievous hurt by dangerous weapons or means   | <i>PU(A) 102/2007.</i> |

|              |  |                        |
|--------------|--|------------------------|
| Section 327  | Voluntarily causing hurt to extort property or to constrain to an illegal act                                    |                        |
| Section 329  | Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act                          |                        |
| Section 330  | Voluntarily causing hurt to extort confession or to compel restoration of property                               |                        |
| Section 331  | Voluntarily causing grievous hurt to extort confession or to compel restoration of property                      |                        |
| Section 333  | Voluntarily causing grievous hurt to deter public servant from his duty  | <i>PU(A) 102/2007.</i> |
| Section 335  | Causing grievous hurt on provocation   | <i>PU(A) 102/2007.</i> |
| Section 338  | Causing grievous hurt by an act which endangers life or the personal safety of others                            | <i>PU(A) 102/2007.</i> |
| Section 347  | Wrongful confinement for the purpose of extorting property or constraining to an illegal act                     |                        |
| Section 348  | Wrongful confinement for the purpose of extorting confession or of compelling restoration of property            |                        |
| Section 360  | Kidnapping from Malaysia   | <i>PU(A) 102/2007.</i> |
| Section 361  | Kidnapping from lawful guardianship  | <i>PU(A) 102/2007.</i> |
| Section 363  | Kidnapping   |                        |
| Section 364  | Kidnapping or abducting in order to murder   |                        |
| Section 365  | Kidnapping or abducting with intent to secretly and wrongfully to confine a person                               |                        |
| Section 366  | Kidnapping or abducting a woman to compel her marriage, etc.   |                        |
| Section 367  | Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc.                             |                        |
| Section 368  | Wrongfully concealing or keeping in confinement a kidnapped person   |                        |
| Section 369  | Kidnapping or abducting child under 10 years with intent to steal movable property from the person of such child |                        |
| Section 370  | Buying or disposing of any person as a slave   |                        |
| Section 371  | Habitual dealing in slaves   |                        |
| Section 372  | Exploiting any person for purposes of prostitution   | <i>PU(A) 339/2004.</i> |
| Section 372A | Persons living on or trading in prostitution   | <i>PU(A) 339/2004.</i> |
| Section 372B | Soliciting for purposes of prostitution  | <i>PU(A) 339/2004.</i> |
| Section 373  | Suppression of brothels  | <i>PU(A) 339/2004.</i> |
| Section 374  | Unlawful compulsory labour   | <i>PU(A) 18/2002.</i>  |

|              |  |                        |
|--------------|--|------------------------|
| Section 374A | Hostage-taking   | <i>PU(A) 105/2007.</i> |
| Section 379  | Theft  |                        |
| Section 379A | Theft of a motor vehicle   |                        |
| Section 380  | Theft in dwelling house, etc.  |                        |
| Section 381  | Theft by clerk or servant of property in possession of master                                  |                        |
| Section 382  | Theft after preparation made for causing death or hurt in order to commit theft                |                        |
| Section 384  | Extortion  |                        |
| Section 385  | Putting person in fear of injury in order to commit extortion                                  |                        |
| Section 386  | Extortion by putting a person in fear of death or grievous hurt                                |                        |
| Section 387  | Putting person in fear of death or of grievous hurt in order to commit extortion               |                        |
| Section 388  | Extortion by threat of accusation of an offence punishable with death, or imprisonment, etc.   | <i>PU(A) 327/2009.</i> |
| Section 389  | Putting person in fear of accusation of offence, in order to commit extortion                  |                        |
| Section 392  | Robbery  |                        |
| Section 394  | Voluntary causing hurt in committing robbery   |                        |
| Section 395  | Gang-robbery   |                        |
| Section 396  | Gang-robbery with murder   |                        |
| Section 399  | Making preparation to commit gang-robbery  |                        |
| Section 400  | Belonging to gang of robbers   |                        |
| Section 402  | Assembling for purpose of committing gang-robbery  |                        |
| Section 403  | Dishonest misappropriation of property   |                        |
| Section 404  | Dishonest misappropriation of property possessed by a deceased person at the time of his death |                        |
| Section 405  | Criminal breach of trust   | <i>PU(A) 327/2009.</i> |
| Section 406  | Criminal breach of trust   |                        |
| Section 407  | Criminal breach of trust by carrier, etc.  |                        |
| Section 408  | Criminal breach of trust by clerk or servant   |                        |
| Section 409  | Criminal breach of trust by public servant, or by banker, merchant or agent                    |                        |
| Section 411  | Dishonestly receiving stolen property  |                        |
| Section 412  | Dishonestly receiving property stolen in the commission of a gang-robbery                      |                        |
| Section 413  | Habitually dealing in stolen property  |                        |



|              |   |                        |
|--------------|---|------------------------|
| Section 414  | Assisting in concealment of stolen property   |                        |
| Section 415  | Cheating  | <i>PU(A) 339/2004.</i> |
| Section 416  | Cheating by personation   | <i>PU(A) 339/2004.</i> |
| Section 418  | Cheating with the knowledge that wrongful loss may be thereby caused to a person whose interest the offender is bound to protect                      | <i>PU(A) 339/2004.</i> |
| Section 420  | Cheating and dishonestly inducing delivery of property  |                        |
| Section 421  | Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors  |                        |
| Section 422  | Dishonest or fraudulently preventing from being made available for his creditors a debt or demand due to the offender                                 |                        |
| Section 423  | Dishonest or fraudulent execution of deed of transfer containing a false statement of consideration   | <i>PU(A) 339/2004.</i> |
| Section 424  | Dishonest or fraudulent removal or concealment of consideration   |                        |
| Section 465  | Forgery   |                        |
| Section 466  | Forgery of a record of a Court, or a public Register of Births, <i>etc.</i>   | <i>PU(A) 339/2004.</i> |
| Section 467  | Forgery of a valuable security or will  | <i>PU(A) 339/2004.</i> |
| Section 468  | Forgery for the purpose of cheating   |                        |
| Section 469  | Forgery for the purpose of harming the reputation of any person   | <i>PU(A) 327/2009.</i> |
| Section 471  | Using as genuine a forged document  | <i>PU(A) 339/2004.</i> |
| Section 472  | Making or possessing a counterfeit seal, plate, <i>etc.</i> , with intent to commit a forgery punishable under section 467                            | <i>PU(A) 339/2004.</i> |
| Section 473  | Making or possessing a counterfeit seal, plate, <i>etc.</i> , with intent to commit a forgery punishable otherwise                                    | <i>PU(A) 339/2004.</i> |
| Section 474  | Having possession of a valuable security or will known to be forged, with intent to use it as genuine   | <i>PU(A) 339/2004.</i> |
| Section 475  | Counterfeiting a device or mark used for authenticating documents described in section 467, or possessing counterfeit marked material                 | <i>PU(A) 339/2004.</i> |
| Section 476  | Counterfeiting a device or mark used for authenticating documents other than those described in section 467 or possessing counterfeit marked material | <i>PU(A) 339/2004.</i> |
| Section 477  | Fraudulent cancellation, destruction, <i>etc.</i> , of a will   | <i>PU(A) 339/2004.</i> |
| Section 477A | Falsification of accounts   | <i>PU(A) 339/2004.</i> |

|  |  |                        |
|--|--|------------------------|
| Section 489A   | Forging or counterfeiting currency notes or bank notes   |                        |
| Section 489B   | Using as genuine, forged or counterfeit currency notes or bank notes   | <i>PU(A) 14/2003.</i>  |
| Section 489C   | Possession of forged or counterfeit currency notes or bank notes   |                        |
| Section 489D   | Making or possessing instruments or materials for forging or counterfeiting currency notes or bank notes       | <i>PU(A) 14/2003.</i>  |
| <b>Sales Tax Act 1972 [Act 64]</b>   |  | <i>PU(A) 143/2014.</i> |
| Section 43   | Failure to comply with notice, <i>etc.</i>   |                        |
| Section 43A  | Evasion of sales tax   |                        |
| <b>Service Tax Act 1975 [Act 151]</b>  |  | <i>PU(A) 143/2014.</i> |
| Section 29   | Failure to comply with notice, <i>etc.</i>   |                        |
| Section 32   | Evasion of service tax   |                        |
| <b>Strategic Trade Act 2010 [Act 708]</b>  |  | <i>PU(A) 144/2012.</i> |
| Section 9  | Export, transshipment and transit of strategic items and unlisted items  | <i>PU(A) 144/2012.</i> |
| Section 10   | Provision of technical assistance  | <i>PU(A) 144/2012.</i> |
| Section 11   | Brokering of strategic items   | <i>PU(A) 144/2012.</i> |
| Section 12   | Transactions involving unlisted items and restricted activities  | <i>PU(A) 144/2012.</i> |
| Section 18   | Unauthorized use of permit   | <i>PU(A) 144/2012.</i> |
| Section 21   | Suspension of permit or registration upon disqualification   | <i>PU(A) 144/2012.</i> |
| Section 23   | Endorsement on permit  | <i>PU(A) 144/2012.</i> |
| Section 24   | Maintenance of documents and register  | <i>PU(A) 144/2012.</i> |
| Section 33   | Power to search conveyances  | <i>PU(A) 144/2012.</i> |
| Section 40   | Offences with respect to information   | <i>PU(A) 144/2012.</i> |
| Section 46   | Obstruction of authorized officer  | <i>PU(A) 144/2012.</i> |
| Section 51   | Notice for disclosure of information   | <i>PU(A) 144/2012.</i> |
| <b>Strategic Trade (United Security Council Resolutions) Regulations 2010 [PU(A) 481/2010]</b> |  | <i>PU(A) 144/2012.</i> |
| Regulation 3   | Implementation of United Nations Security Council non-proliferation of weapons of mass destruction resolutions | <i>PU(A) 144/2012.</i> |
|  |  | <i>PU(A) 294/2014.</i> |

**Trade Descriptions Act 2011 [Act 730]**

|           |   |
|-----------|---|
| Section 5 | Prohibition of false trade description                          |
| Section 8 | Prohibition on false trade description in relation to trademark |

**Wildlife Conservation Act 2010 [Act 716]**

PU(A) 294/2014.

|             |  |
|-------------|--|
| Section 60  | Hunting, <i>etc.</i> , protected wildlife without licence  |
| Section 61  | Hunting, <i>etc.</i> , immature protected wildlife without licence                               |
| Section 62  | Hunting, <i>etc.</i> , female of protected wildlife without licence                              |
| Section 63  | Carrying out business of dealing, <i>etc.</i> , without licence                                  |
| Section 64  | Collecting birds' nests without licence  |
| Section 65  | Importing, <i>etc.</i> , protected wildlife without licence                                      |
| Section 66  | Operating zoo, <i>etc.</i> , without permit  |
| Section 68  | Hunting, <i>etc.</i> , totally protected wildlife without special permit                         |
| Section 69  | Hunting, <i>etc.</i> , immature totally protected wildlife without special permit                |
| Section 70  | Hunting, <i>etc.</i> , female of totally protected wildlife without special permit               |
| Section 71  | Importing, <i>etc.</i> , totally protected wildlife without special permit                       |
| Section 72  | Using, <i>etc.</i> , totally protected wildlife without special permit                           |
| Section 76  | Hunting, <i>etc.</i> , wildlife in wildlife reserve or wildlife sanctuary                        |
| Section 77  | Hunting wildlife during prohibited hours   |
| Section 78  | Hunting protected wildlife during close season   |
| Section 79  | Hunting wildlife with poison, <i>etc.</i>  |
| Section 80  | Hunting wildlife with arms or traps other than prescribed  |
| Section 81  | Hunting, <i>etc.</i> , wildlife within four hundred metres of salt lick                          |
| Section 85  | Disturbing salt lick or its vicinity   |
| Section 87  | Things containing derivative of totally protected wildlife                                       |
| Section 117 | Controlled species   |
| Section 119 | Prohibition on hybridization activity  |
| Section 120 | Purchase of protected wildlife, <i>etc.</i> , by persons other than licensed dealer, <i>etc.</i> |

ภาคผนวก ฅ.  
ประเทศบรูไน ดารุสซาลาม





## BRUNEI DARUSSALAM GOVERNMENT GAZETTE

**CONSTITUTION OF BRUNEI DARUSSALAM**  
(Order made under Article 83(3))

**CRIMINAL ASSET RECOVERY ORDER, 2012**

In exercise of the power conferred by Article 83(3) of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Order —

**PART I**

**PRELIMINARY**

**Citation.**

1. This Order may be cited as the Criminal Asset Recovery Order, 2012.

**Interpretation.**

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

“account” means any facility or arrangement by which a financial institution or a designated non-financial business and profession does any of the following —

- (a) accepts deposits of funds or other assets;
- (b) allows withdrawals or transfers of funds or other assets; or
- (c) pays negotiable or transferable instruments or orders drawn on, or collects negotiable or transferable instruments or payment orders on behalf of, any other person,

and includes any facility or arrangement for a safety deposit box or for any other form of safe deposit;

“appeal” includes proceedings by way of discharging or setting aside a judgment, and an application for a new trial or for a stay of execution;

“assets-sharing agreement” means an agreement entered into —

- (a) between Brunei Darussalam and a foreign country or territory; or
- (b) between the Attorney General and the appropriate authority of a foreign country, whereby arrangements are made for the sharing of the proceeds of crime that, as a result of mutual assistance, have been confiscated in Brunei Darussalam or elsewhere;

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adopted person the same natural relationship as the adoptive relationship, and other relationships in relation thereto shall be determined accordingly; and

*(b)* references therein to a relationship include, where relevant, a relationship by the half-blood.

## PART II

### MONEY LAUNDERING

#### Money laundering offences.

3. (1) A person commits the offence of money laundering if the person —

*(a)* engages, directly, or indirectly in a transaction that involves money, or property, that is the proceeds of crime;

*(b)* acquires, receives, converts, exchanges, carries, possesses, conceals, uses, disposes of, remove from or brings into Brunei Darussalam any money, or property that are proceeds of crime;

*(c)* converts or transfers money or property derived directly or indirectly from a serious offence, with the aim of concealing or disguising the illicit origin of that money or property, or of aiding any person involved in the commission of the offence to evade the legal consequences thereof;

*(d)* conceals or disguises the true nature, origin, location, disposition, movement, title of, rights with respect to or ownership of the property derived directly or indirectly by the commission of a serious offence; or

*(e)* renders assistance to a person falling within paragraph *(a)*, *(b)*, *(c)* or *(d)*,

and the person knows or has reasonable grounds to believe or suspect that it is derived or realised directly or indirectly from the commission of an unlawful activity or fails to take reasonable steps to ascertain whether or not the property is proceeds of crime, is liable on conviction to a fine not exceeding \$500,000, imprisonment for a term not exceeding 10 years or both, and in the case of a body corporate to a fine not exceeding \$1,000,000.

(2) For the avoidance of doubt, the offence of money laundering is not predicated on proof of the commission of a serious offence.

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- (i) the circumstances in which the defendant is to be treated as making a gift include those where he transfers property to another person directly or indirectly, for a consideration the value of which is significantly less than the value of the property or consideration provided by the defendant; and
- (ii) in those circumstances, the provisions of subsection (6)(2) and (3) shall apply, as if the defendant had made a gift of such proportionate share in the property as the difference between the values referred to in subsection (2)(a) and the value of the property or consideration provided by the defendant.

**Meaning of “deriving a benefit”.**

(9) A reference to a benefit derived or obtained by or otherwise accruing to a person includes a reference to a benefit derived or obtained by, or otherwise accruing to, another person at the request or direction of the first-mentioned person.

**Meaning of benefiting from proceeds of serious offence.**

(10) For the purposes of this Order —

(a) a person has benefited from a serious offence if the person has, received any proceeds of that offence;

(b) a person's proceeds of a serious offence are —

- (i) any payments or other rewards received by the person at any time in connection with the commission of the offence by that person or another person; and
- (ii) any pecuniary advantage derived by the person at any time from the commission of the offence by that person or another person,

whether received or derived before or after the commission of the offence.

**Meaning of relative.**

(11) For the purpose of the definition of “relative” —

(a) the adoption of any person by another under any written law of Brunei Darussalam or any country, territory or place outside Brunei Darussalam, or under any custom recognised by any class of persons in Brunei Darussalam or in any country, territory or place outside Brunei Darussalam, shall be treated as creating between the adopter and the

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- (i) the value of the gift, payment or reward to the recipient when the recipient received it, adjusted to take account of any subsequent changes in the value of money; or
  - (ii) where subsection (3) applies, the value there mentioned, whichever is the greater.
- (c) Subject to subsection (8)(b), if at the material time the recipient holds —
- (i) the property which he received, (not being cash); or
  - (ii) property which, in whole or in part, directly or indirectly represents, in the recipient's hands, the property which he received, the value referred to in subsection (2)(b) is the value to him at the material time of the property mentioned in subsection (2)(a) or, as the case may be, subsection (2)(b) so far as it represents the property which he received.

**Meaning of dealing with property.**

(7) For the purposes of this Order, dealing with property held by any person includes —

- (a) where the property is a debt owed to that person, making a payment to that person in reduction or full settlement of the amount of the debt;
- (b) making or receiving a gift of the property; or
- (c) removing the property from Brunei Darussalam.

**Meaning of gift.**

- (8) (a) A gift is caught by this Order if —
  - (i) it was made by the defendant at any time after the commission of the serious offence, or if more than one, the earliest of the offences, to which the proceedings for the time being relate; and
  - (ii) the High Court considers it appropriate in all the circumstances to take the gift into account.
- (b) For the purposes of this Order —



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**Meaning of conviction in relation to serious offence.**

(4) For the purposes of this Order, a person shall be taken to be convicted of a serious offence if —

(a) the person is convicted of the offence;

(b) the Court, with the consent of the convicted person, takes the offence of which the person has not been found guilty into consideration in passing sentence on the person for another serious offence.

**Meaning of quashing of convictions.**

(5) For the purposes of this Order, a person's conviction of a serious offence shall be taken to be quashed where —

(a) subsection (4)(b) applies, if either —

(i) the person's conviction of the other offence referred to in that section, is quashed or set aside;

(ii) the decision of the Court to take the offence into consideration in passing sentence for that other offence is quashed or set aside;

(b) His Majesty the Sultan and Yang Di-Pertuan grants the person a pardon in respect of the person's conviction of the offence.

**Meaning of value of property.**

(6) (a) In this Order, subject to paragraphs (a) and (b), "value of property (other than cash) in relation to any person holding the property" means —

(i) its market value; or

(ii) where any other person holds an interest in the property —

(A) the market value of the first-mentioned person's beneficial interest in the property; less

(B) the amount required to discharge any incumbrance on the first person's beneficial interest.

(b) Subject to subsection (8)(b), references in this Order to the value of a gift or of any payment or reward, are references to —

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“terrorism financing offence” means —

(a) any offence under section 4, 5, 6, 7 or 8 of the Anti-Terrorism Order, 2011 (S 45/2011);

(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;

“trust” includes any legal obligation in favour of any beneficiary subject to which any person holds any property;

“unlawful activity” means —

(a) an act or omission that constitutes an offence against a law in force in Brunei Darussalam or a foreign country;

(b) an attempt to commit an offence against a law in force in Brunei Darussalam or a foreign country;

“wire transfer” means any transaction carried out on behalf of an originator through a financial institution (including an institution that originates the wire transfer and an intermediary institution that participates in completion of the transfer) by electronic means with a view to making an amount of money available to a beneficiary person at another financial institution.

(2) A reference in this Order to the law of —

(a) Brunei Darussalam;

(b) any foreign country,

includes a written or unwritten law of, or in force in, any part of Brunei Darussalam or the foreign country.

**Meaning of charge in relation to serious offence.**

(3) Any reference in this Order to a person being charged or about to be charged with a serious offence includes any procedure, however described, in Brunei Darussalam or elsewhere, by which criminal proceedings may be commenced.

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*(b)* property derived, obtained or realised as a result of or in connection with the commission of an offence if it was acquired by the person before, during or within a reasonable time after the period of the commission of the offence of which the person is about to be charged, charged or convicted;

*(c)* proceeds of crimes;

*(d)* that the income of that person from sources unrelated to criminal activity of that person cannot reasonably account for the acquisition of that property; and

*(e)* tainted property includes property of a corresponding value to property defined in paragraphs *(a)*, *(b)*, *(c)* and *(d)*; or

*(f)* property which, due to any circumstance such as, but not limited to, its nature, value, location or place of discovery, or the time, manner or place of its acquisition, or the person from whom it was acquired, or its proximity to other property referred to in the foregoing paragraphs, can be reasonably believed to be property falling within the scope of paragraph *(a)*, *(b)*, *(c)* or *(d)*;

“transaction” means a purchase, sale, loan, pledge, gift, transfer, delivery or other disposition, or the arrangement thereof, and includes but is not limited to –

*(a)* opening of an account;

*(b)* any deposit, withdrawal, exchange or transfer of funds in any currency whether in cash or by cheque, payment order or other instrument or by electronic or other non-physical means;

*(c)* the use of a safety deposit box or any other form of safe deposit;

*(d)* entering into any fiduciary relationship;

*(e)* any payment made or received in satisfaction, in whole or in part, of any contractual or other legal obligation;

*(f)* any payment made in respect of a lottery, bet or other game of chance;

*(g)* establishing or creating a legal person or legal arrangement; and

*(h)* such other transaction as may be prescribed by the Minister or Authority, as the case may be, by regulations;

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- (b) brother or sister of the person;
- (c) brother or sister of the spouse of the person;
- (d) any lineal ascendant or descendant of the person;
- (e) any lineal ascendant or descendant of the spouse of the person;
- (f) spouse of a person referred to in paragraph (b), (c), (d) or (e);
- (g) any lineal descendant of a person referred to in paragraph (b) or (c);
- (h) brother or sister or spouse of the brother or sister of any lineal ascendant of the person or his spouse; or
- (i) any lineal descendant or spouse of any lineal descendant of a person referred to in paragraph (h);

“serious offence” means an offence against a provision of —

(a) any written law of Brunei Darussalam for which the maximum penalty is death, imprisonment for a term of not less than 6 months, fine of not less than \$1,000 or more severe penalty;

(b) a written law of a foreign country, in relation to acts or omissions which, had they occurred in Brunei Darussalam, would have constituted an offence for which the maximum penalty is imprisonment for a term of not less than 6 months or more severe penalty including an offence of a purely fiscal character;

“shell bank” means a bank that has no physical presence in the country in which it is incorporated and licensed, unless such bank is wholly owned by one or more financial institutions forming part of a regulated financial services group that is subject to effective consolidated supervision;

“suspicious transaction report” means a report required to be made under section 15;

“tainted property” in relation to a serious offence, means —

(a) property used in or in connection with or intended for use or in connection with the commission of the offence, if it was in the person’s possession at the time of, or immediately after, the commission of the offence;



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(c) any conveyance executed for conveying, assigning, appointing, surrendering, or otherwise transferring or disposing of immovable property whereof the person executing the conveyance is proprietor or possessed or wherein he is entitled to a contingent right, either for his whole interest or for any less interest;

(d) 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, travelers cheques, bank cheques, money orders, shares, securities, bonds, drafts and letters of credit;

(e) any business;

“property of or in the possession or control of a person” includes any gift made by that person;

“public body” includes —

(a) the Government;

(b) any local authority and any other statutory authority established by, and exercising powers vested in it by, any written law;

(c) any department, service or undertaking of the Government, a local authority, other statutory authority, or of any authority, organisation, body or individual specified under paragraph (d); or

(d) any authority, organisation or body, or any individual referred to by name or office, specified by the Minister by notification in the *Gazette* to be a public body for the purposes of this Order;

“public officer” includes any person in the permanent or temporary employment of a public body;

“realisable property” means —

(a) any property held by a person;

(b) any property effectively controlled by that person;

(c) any property held by another person to whom that person has directly or indirectly made a gift caught by this Order;

“relative”, in relation to a person, means —

(a) spouse of the person;

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(iv) any person who is or has been entrusted with a prominent function by an international organisation,

and shall include any immediate family member or close associate of such persons;

“premises” includes any place within Brunei Darussalam and in particular includes –

(a) any vehicle, vessel, craft, aircraft or any structure in the coastal waters of Brunei Darussalam; or

(b) any tent, caravan or other moveable structure;

“prescribed amount” means \$15,000 (or its equivalent in a foreign currency) or such other amount as the Authority may, by notification in the *Gazette* specify;

“proceedings” means any procedure conducted by or under the supervision of a judge, magistrate or judicial officer however described, in relation to any alleged or proven offence or property derived from such offence and including an inquiry, investigation and preliminary or final determination of facts;

“proceeds of crime” means –

(a) any property or benefit derived or realised directly or indirectly from a serious offence;

(b) any property or benefit derived or realised from a disposal or other dealing with proceeds of a serious offence,

and includes, on a proportional basis, property into which any property derived or realised directly from the offence was later successively converted, transformed or intermingled, as well as income, capital or other economic gains derived or realised from such property at any time since the offence; and any property used or intended to be used in the commission of any serious offence;

“property” means –

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

(b) any right, interest, title, claim, chose in action, power, privilege, whether present or future and whether vested or contingent, in relation to any property, or which is otherwise of value;

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(a) after the commission of a serious offence by the first person;

(b) for a consideration the value of which is significantly less than the value of the property provided by the first person; and

(c) to the extent of the difference between the market value of the property transferred and the consideration provided by the transferee;

“Government” means the Government of Brunei Darussalam;

“High Court” includes the Intermediate Court;

“legal arrangement” refers to express trusts or other similar legal arrangements;

“interest”, in relation to property, means —

(a) a legal or equitable estate or interest in the property; or

(b) a right, power or privilege in connection with the property whether present or future and whether vested or contingent;

“Minister” means the Minister of Finance;

“originator” means the account holder, or where there is no account, the person that places the order with a financial institution to perform a wire transfer;

“payable through account” means a correspondent account used directly by a third party customer of the respondent financial institution to transact business on such party’s own behalf or on behalf of another person;

“person” means any natural or legal person;

“politically-exposed person” means —

- (i) any person who is or has been entrusted with a prominent public function including, but not limited to a head of state or of government, a senior politician, a senior government, judicial or military official;
- (ii) any person who is or has been an executive of a state-owned company;
- (iii) any person who is or has been a senior political party official, and

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- (iii) any insurer registered under the Insurance Order, 2006 (S 48/2006) or the Takaful Order, 2008 (S 100/2008) or any person licensed under the International Insurance and Takaful Order, 2002 (S 43/2002);
  - (iv) any finance company licensed under the Finance Companies Act (Chapter 89);
  - (v) any person licensed under the Mutual Funds Order, 2001 (S 18/2001), the Securities Order, 2001 (S 31/2001) or the International Insurance and Takaful Order, 2002 (S 43/2002);
  - (vi) any person licensed to carry on any money-changing business or remittance business under the Money-Changing and Remittance Businesses Act (Chapter 174); or
  - (vii) such other person licensed, approved or regulated by the Authority under any written law; and

*(b)* in relation to any country outside Brunei Darussalam, a person lawfully carrying on therein business corresponding in whole or in part to banking business as defined in section 2(1) of the Banking Order, 2006 (S 45/2006) or in section 2(1) of the International Banking Order, 2000 (S 53/2000); and includes Islamic banking business as defined in section 2(1) of the Islamic Banking Order, 2008 (S 96/2008);

“Financial Intelligence Unit” means the agency responsible for receiving, requesting, analysing and disseminating information concerning money-laundering, suspected proceeds of crime and terrorist financing;

“foreign country” means any country or territory outside Brunei Darussalam;

“foreign serious offence”, has the same meaning as “serious offence”;

“Fund” has the same meaning as Criminal Confiscation of Assets Fund established by section 123;

“funds transfer” means any transaction carried out on behalf of an originator person through a financial institution by electronic means with a view to making an amount of money available to a beneficiary person at another financial institution. The originator and beneficiary may be the same person;

“gift” includes any transfer or property by a person to another person directly or indirectly –



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“data” means representations, in any form, of information;

“dealing” includes —

(a) a purchase, sale, loan, charge, mortgage, lien, pledge, caveat, transfer, delivery, assignment, subrogation, transmission, gift, donation, trust, settlement, deposit, withdrawal, transfer between accounts, extension of credit;

(b) any purchase or sale of any securities, monetary instrument, or other instrument whatsoever by whatever means effected;

(c) any agency or grant of power of attorney; and

(d) any other disposition or dealing in whatever form, or of whatever description or nature, howsoever styled, which results in any right, interest, title or privilege, whether present or future or whether vested or contingent, in the whole or part of any property being conferred on any person;

“defendant” means a person that is under investigation for a serious offence or has been charged with a serious offence, whether or not he has been convicted of the offence, and includes in the case of proceedings for a restraining order under section 49, a person who is being investigated for a serious offence or is about to be charged with a serious offence;

“designated non-financial businesses and professions” means any of the following —

(a) any person licensed under the Registered Agents and Trustees Licensing Order, 2000 (S 54/2000);

(b) real estate agents;

(c) casinos, including internet casinos;

(d) dealers in precious metals, precious stones and jewelry;

(e) advocates and solicitors, notaries, other independent legal professionals and accountants when they prepare for, engage in, or carry out transactions for a client concerning any of the following activities —

(i) purchase and sale of real estate;

(ii) management of client money, securities or other assets;

(iii) management of bank, savings or securities accounts;

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trust, amounts, or had amounted, at any time, to not less than 20 *per centum* of the total value of the assets of the trust;

(k) any person who has in his possession any property belonging to such person; and

(l) any person who is indebted to such person;

“authorised officer” means —

(a) an officer of the Royal Brunei Police Force;

(b) an officer of the Narcotics Control Bureau;

(c) an officer of the Anti-Corruption Bureau;

(d) an officer of the Royal Customs and Excise Department; or

(e) a person or class of persons designated by notification in the *Gazette* by the Attorney General;

“Authority” means the Autoriti Monetari Brunei Darussalam established by section 3(1) of the Autoriti Monetari Brunei Darussalam Order, 2010 [S 103/2010];

“a benefit” includes any property, service or advantage, whether direct or indirect;

“beneficial owner” means —

(a) a natural person who ultimately owns or controls the rights to and/or benefits from property, including the person on whose behalf a transaction is conducted;

(b) a person who exercises ultimate effective control over a legal person or legal arrangement;

(c) a natural person is deemed to ultimately own or control rights to or benefit from property within the meaning of subsection (a) when that person —

(i) owns or controls, directly or indirectly, including through trusts or bearer share holdings for any legal entity, 25 per cent or more of the shares or voting rights of the entity; or

(ii) otherwise exercises control over the management of the entity;

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“associate”, in relation to a person, includes —

(a) any person who had been or is residing in the residential premises (including appurtenances) of such person;

(b) any person who had been or is an agent or nominee of such person;

(c) any person who had been or is managing the affairs or keeping the accounts of such person;

(d) any partnership firm of which such person, or any agent or nominee of his, is or had been a partner or a person in charge or control of its business or affairs;

(e) any company formed and registered under the Companies Act (Chapter 39), of which such person, or any agent or nominee of his, had been or is a director or had been or is in charge or control of its business or affairs, or in which such person, together with any agent or nominee of his, has or have, or had, shares to the total value of not less than ten per centum of the total issued capital of the corporation;

(f) any person who had been or is a partner, or a person in charge or control of the business or affairs, of a partnership firm referred to in paragraph (d) at any time when such person, or any agent or nominee of his, had been or is a partner in the partnership firm;

(g) any person who had been or is a director, or a person in charge or control of the business or affairs, of a company referred to in paragraph (e) at any time when such person, or any agent or nominee of his, had been or is a director, or had been or is in charge or control of the business or affairs, of the corporation, or at any time when such person, together with any agent or nominee of his, has or have, or had, shares to the total value of not less than ten per centum of the total issued capital of the corporation;

(h) any person who had been or is an agent of any partnership firm or company referred to in paragraph (d) or (e) respectively;

(i) any person who had been or is keeping the accounts of any partnership firm or company referred to in paragraph (d) or (e) respectively;

(j) the trustee of any trust, where —

(i) the trust has been created by such person; or

(ii) the total value of the assets contributed by such person to the trust at any time, whether before or after the creation of the

## ประวัติผู้วิจัย

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| ชื่อ             | นายปิ่นณวิช ทัพภวิมล   |
| วัน เดือน ปีเกิด | 2 กรกฎาคม 2525   |
| สถานที่เกิด      | ลำปาง  |
| ประวัติการศึกษา  | นิติศาสตรบัณฑิต มหาวิทยาลัยรามคำแหง<br>นิติศาสตรมหาบัณฑิต มหาวิทยาลัยรามคำแหง<br>เนติบัณฑิตไทย<br>ประกาศนียบัตรหลักสูตรอาชญากรรมเศรษฐกิจดิจิทัล<br>ประกาศนียบัตรหลักสูตรการกำกับดูแลและบังคับใช้กฎหมายในตลาดเงิน<br>ตลาดทุน<br>ประกาศนียบัตรหลักสูตรการบังคับใช้กฎหมายป้องกันและปราบปรามการ<br>ฟอกเงิน |
| สถานที่ทำงาน     | มหาวิทยาลัยสุโขทัยธรรมมาธิราช<br>อำเภอปากเกร็ด จังหวัดนนทบุรี  |
| ตำแหน่ง          | ผู้ช่วยศาสตราจารย์ประจำสาขาวิชานิติศาสตร์  |

