

MONETARY AUTHORITY OF SINGAPORE ACT

(CHAPTER 186)

MONETARY AUTHORITY OF SINGAPORE (ANTI-TERRORISM MEASURES) REGULATIONS 2002

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THE SCHEDULE

In exercise of the powers conferred by section 27A (1) (b) of the Monetary Authority of Singapore Act, the Monetary Authority of Singapore hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Monetary Authority of Singapore (Anti-Terrorism Measures) Regulations 2002 and shall come into operation on 30 September 2002.

Object

2. The object of these Regulations is to assist in giving effect to Resolution 1267 (1999), Resolution 1333 (2000), Resolution 1373 (2001) and Resolution 1390 (2002) of the Security Council of the United Nations.

Application

3. These Regulations shall apply to all branches and offices of any financial institution —

- (a) incorporated in Singapore whether located in Singapore or elsewhere; and
- (b) incorporated outside Singapore that are located in Singapore.

Definitions

4.—(1) In these Regulations, unless the context otherwise requires —

"funds" includes cheques, bank deposits and other financial resources;

"property" means real or personal property, movable or immovable, including a lease of immovable property as well as a right or interest in such property;

"terrorist" means any person who —

- (a) commits, or attempts to commit, any terrorist act; or
- (b) participates in or facilitates the commission of any terrorist act,

and includes any person referred to in the Schedule;

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"terrorist act" means the use or threat of action —

- (a) where the action —
 - (i) involves serious violence against a person;
 - (ii) involves serious damage to property;
 - (iii) endangers a person's life;
 - (iv) creates a serious risk to the health or the safety of the public or a section of the public;
 - (v) involves the use of firearms or explosives;
 - (vi) involves releasing into the environment or any part thereof, or distributing or otherwise exposing the public or any part thereof to —
 - (A) any dangerous, hazardous, radioactive or harmful substance;
 - (B) any toxic chemical; or
 - (C) any microbial or other biological agent, or toxin;
 - (vii) is designed to disrupt any public computer system or the provision of services directly related to communications infrastructure, banking and financial services, public utilities, public transportation or public key infrastructure;
 - (viii) is designed to disrupt the provision of essential emergency services such as the police, civil defence and medical services; or
 - (ix) involves prejudice to public security or national defence; and
- (b) where the use or threat is intended or reasonably regarded as intending to —
 - (i) influence the Government or any other government; or
 - (ii) intimidate the public or a section of the public.

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

- (a) action includes action outside Singapore; and
- (b) a reference to the public includes a reference to the public of a country or territory other than Singapore.

Prohibition against provision or collection of funds for terrorists

5. No financial institution in Singapore shall —

- (a) provide funds to any person by any means, directly or indirectly; or
- (b) collect funds for any person by any means, directly or indirectly,

if it knows or has reasonable grounds to believe that the funds will be used to commit any terrorist act or facilitate the commission of any terrorist act.

Prohibition against dealing with property of terrorists

6. Except with the written approval of the Authority, no financial institution in Singapore shall —

- (a) deal, directly or indirectly, in any property that is owned or controlled by or on behalf of any terrorist or any entity owned or controlled by any terrorist, including funds derived or generated from property owned or controlled, directly or indirectly, by any terrorist or any entity owned or controlled by any terrorist;
- (b) enter into or facilitate, directly or indirectly, any financial transaction related to a dealing in property referred to in paragraph (a); or
- (c) provide any financial services or any other related services in respect of any property referred to in paragraph (a), to or for the benefit of, or on the direction or order of, any terrorist or any entity owned or controlled by any terrorist.

Prohibition against provision of resources and services for benefit of terrorists

7.—(1) Except with the written approval of the Authority, no financial institution in Singapore shall —

- (a) make available any funds or other financial assets or economic resources; or
- (b) make available any financial or other related services,

for the benefit of any prohibited person.

(2) In paragraph (1), “prohibited person” means —

- (a) any terrorist;
- (b) any entity owned or controlled by any terrorist; or
- (c) any person or entity acting on behalf of or at the direction of any person referred to in sub-paragraph (a) or (b).

General prohibition

8. No financial institution in Singapore shall knowingly do anything that causes, assists or promotes, or is intended to cause, assist or promote, any act or thing prohibited by regulation 5, 6 or 7.

Duty to provide information

9. Every financial institution in Singapore which —

- (a) has possession, custody or control of any property belonging to any terrorist or any entity owned or controlled by any terrorist; or
- (b) has information about any transaction or proposed transaction in respect of any property belonging to any terrorist or any entity owned or controlled by any terrorist,

shall immediately inform the Authority or such other person as the Authority may designate of that fact or information and provide such further information relating to the property, or transaction or proposed transaction, as the Authority or designated person may require.

Approval subject to conditions

10. In granting any approval under regulation 6 or 7, the Authority may impose such conditions as it considers appropriate and may, at any time, vary or revoke any existing condition or impose new conditions.

THE SCHEDULE

Regulation 4 (1)

1. All individuals and entities belonging to or associated with the Taliban and the Al-Qaida organization in the 1267 List, subject to the following conditions:

(a) where any individual or entity is listed in the Previous Schedule with effect from the prescribed date, the individual or entity is taken to be referred to in this Schedule with effect from that prescribed date;

(b) where any individual or entity is added to the 1267 List after 17th June 2005 but before 21st October 2005, the individual or entity is taken to be referred to in this Schedule with effect from 21st October 2005;

(c) where any individual or entity is added to the 1267 List on or after 21st October 2005, the individual or entity is taken to be referred to in this Schedule with effect from the date immediately following the date of addition to the 1267 List;

(d) where any individual or entity is removed from the 1267 List after 17th June 2005 but before 21st October 2005, the individual or entity is taken to be removed from this Schedule with effect from the date of removal from the 1267 list;

(e) where the particulars of any individual or entity in the 1267 List are modified on or after 21st October 2005, they are taken to be modified for the purposes of this Schedule with effect from the date immediately following the date of modification in the 1267 List;

(f) where the particulars of any individual or entity in the 1267 List are modified after 17th June 2005 but before 21st October 2005, they are taken to be modified for the purposes of this Schedule with effect from 21st October 2005.

2. In this Schedule, unless the context otherwise requires —

"1267 Committee" means the committee established pursuant to Resolution 1267 (1999) of the Security Council of the United Nations concerning Al-Qaida and the Taliban and associated individuals and entities;

"1267 List" means the Consolidated List of individuals and entities belonging to or associated with the Taliban and the Al-Qaida organization, which is updated from time to time by the 1267 Committee, and made available on the Internet through the official United Nations website at <http://www.un.org/>;

"Previous Schedule" means the Schedule to these Regulations in force immediately before 21st October 2005.

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Made this 23rd day of September 2002.

KOH YONG GUAN
Managing Director,
Monetary Authority of Singapore.