

MONETARY AUTHORITY OF SINGAPORE ACT

(CHAPTER 186)

MONETARY AUTHORITY OF SINGAPORE

(SANCTIONS AND FREEZING OF ASSETS OF PERSONS — LIBYA) REGULATIONS 2011

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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 (Sanctions and Freezing of Assets of Persons — Libya) Regulations 2011 and shall come into operation on 8th July 2011.

Object

2. The object of these Regulations is to assist in giving effect to Resolutions 1970 (2011) and 1973 (2011) of the Security Council of the United Nations.

Application

3. These Regulations shall apply to all financial institutions in Singapore.

Definitions

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

“Committee” means the Committee of the United Nations Security Council established under paragraph 24 of Resolution 1970 (2011);

“designated person” means any individual or entity set out in the UN List subject to the conditions set out in paragraph (2);

“funds” includes cheques, bank deposits and other financial resources;

“Resolution” means a resolution of the Security Council of the United Nations;

“UN List” means the list of individuals or entities identified by the Security Council of the United Nations or the Committee as individuals or entities to whom or which the measures referred to in paragraph 17 of Resolution 1970 (2011) and paragraph 19 of Resolution 1973 (2011) apply, comprising —

(a) the individuals or entities listed in —

(i) Annex II of Resolution 1970 (2011); or

(ii) Annex II of Resolution 1973 (2011);

- (b) the individuals or entities designated by the Committee pursuant to paragraph 24 of Resolution 1970 (2011); and
- (c) the individuals or entities determined by the Security Council of the United Nations or the Committee to have violated the provisions of Resolution 1970 (2011) or to have assisted others in doing so,

which list is updated from time to time by the United Nations Security Council or the Committee, and made available on the Internet through the official United Nations website at <http://www.un.org/>.

(2) The conditions referred to in the definition of "designated person" in paragraph (1) are —

- (a) where any individual or entity is added to the UN List on or after 8th July 2011, the individual or entity is taken to be a designated person with effect from the date immediately following the date of addition to the UN List;
- (b) where any individual or entity is removed from the UN List, the individual or entity ceases to be a designated person with effect from the date of removal from the UN List; and
- (c) where the particulars of any individual or entity in the UN List are modified on or after 8th July 2011, the particulars of the individual or entity are taken to be modified for the purposes of these Regulations with effect from the date immediately following the date of modification of the UN List.

Assets of certain persons to be frozen

5.—(1) Subject to paragraph (3), any financial institution that, on or after 8th July 2011, has in its possession, custody or control in Singapore, any funds, financial assets or economic resources owned or controlled, directly or indirectly, by any designated person shall —

- (a) immediately freeze all such funds, financial assets or economic resources, as the case may be; and
- (b) ensure that such funds, financial assets or economic resources are not made available, whether directly or indirectly, to or for the benefit of the designated person.

(2) For the purposes of paragraph (1), any funds, financial assets or economic resources that are held by —

- (a) any individual or entity who acts on behalf of or under the direction of any designated person; or
- (b) any entity owned or controlled, directly or indirectly, by any designated person,

shall be treated as funds, financial assets or economic resources owned or controlled by the designated person.

(3) The requirement in paragraph (1) shall not apply to any funds, financial assets or economic resources that have been determined by the Authority —

- (a) to be necessary —
 - (i) for the payment of basic expenses, including any payment for foodstuff, rent, the discharge of a mortgage, medicine, medical treatment, taxes, insurance premiums and public utility charges; or
 - (ii) exclusively for —
 - (A) the payment of reasonable professional fees and the reimbursement of any expenses in connection with the provision of legal services; or

(B) the payment of fees or service charges imposed for the routine holding or maintenance of frozen funds, financial assets or economic resources;

(b) to be necessary for the payment of any extraordinary expenses; or

(c) to be the subject of any judicial, administrative or arbitral lien or judgment, in which case the funds, financial assets or economic resources may be used to satisfy such lien or judgment, provided that the lien or judgment —

(i) arose or was entered into before 26th February 2011; and

(ii) is not for the benefit of a designated person.

(4) A financial institution may credit to any account frozen under paragraph (1) —

(a) interest or other earnings due on the account; or

(b) any payment due under any contract, agreement or obligation that arose before 8th July 2011,

provided that any such interest, earnings or payment shall be subject to paragraph (1).

Prohibition against supply of financial or other assistance

6.—(1) No financial institution in Singapore shall directly or indirectly supply financial or other assistance related to —

(a) military activities; or

(b) the provision, maintenance or use of any arms and related materiel,

to the Libyan Arab Jamahiriya.

(2) The prohibition in paragraph (1) shall not apply to financial or other assistance related to —

(a) the supply of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as approved in advance by the Committee;

(b) the supply of protective clothing, including flak jackets and military helmets, temporarily exported to the Libyan Arab Jamahiriya by United Nations personnel, representatives of the media and humanitarian and development works and associated personnel, for their personal use only; and

(c) other sales or supply of arms and related materiel, or provision of assistance or personnel, as approved in advance by the Committee.

Duty to provide information

7. Every financial institution which —

(a) has possession, custody or control in Singapore of any funds, financial assets or economic resources owned or controlled, directly or indirectly, by any designated person;

(b) has information about any transaction or proposed transaction in respect of any funds, financial assets or economic resources owned or controlled, directly or indirectly, by any designated person; or

(c) has information about any act or thing prohibited by regulation 6,

shall immediately inform the Authority of that fact or information, and provide such further information relating to the funds, financial assets, economic resources, transaction, proposed transaction, act or thing as the Authority may require.

Duty to exercise vigilance

8. Every financial institution shall exercise vigilance when doing business with —

(a) any entity incorporated in, or subject to the jurisdiction of, the Libyan Arab Jamahiriya;

(b) any individual or entity who acts on behalf of or under the direction of any entity referred to in paragraph (a); or

(c) any entity owned or controlled, directly or indirectly, by any entity referred to in paragraph (a), if the financial institution has information from the Authority or other information that provides reasonable grounds to believe that such business could contribute to violence and the use of force against civilians.

Made this 29th day of June 2011.

RAVI MENON
Managing Director,
Monetary Authority of Singapore.