

Mutual Assistance in Criminal Matters (Amendment) Bill

Bill No. 2/2006.

Read the first time on 16th January 2006.

A BILL

intituled

An Act to amend the Mutual Assistance in Criminal Matters Act
(Chapter 190A of the 2001 Revised Edition).

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

Short title and commencement

1. This Act may be cited as the Mutual Assistance in Criminal Matters (Amendment) Act 2006 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of section 2

2. Section 2 of the Mutual Assistance in Criminal Matters Act (referred to in this Act as the principal Act) is amended —

- 10 (a) by deleting the words “prescribed foreign country” in the 2nd line of the definition of “foreign confiscation order” in subsection (1) and substituting the words “foreign country”;
- 15 (b) by deleting the words “that is made on or after the date the order under section 17(1) declaring that country as a prescribed foreign country comes into force,” in the 12th, penultimate and last lines of the definition of “foreign confiscation order” in subsection (1) and substituting the words “that is made on or after the appointed date for that country”;
- 20 (c) by deleting the words “prescribed foreign country” in the 2nd line of the definition of “instrumentality forfeiture order” in subsection (1) and substituting the words “foreign country”;
- 25 (d) by deleting the words “that is made on or after the date the order under section 17(1) declaring that country as a prescribed foreign country comes into force” in the 9th, penultimate and last lines of the definition of “instrumentality forfeiture order” in subsection (1) and substituting the words “that is made on or after the appointed date for that country”; and
- (e) by inserting, immediately after subsection (3), the following subsection:
- 30 “(4) In the definitions of “foreign confiscation order” and “instrumentality forfeiture order”, a reference to the appointed date for a foreign country is a reference to —
- (a) in the case of a prescribed foreign country that was declared as such before the date of commencement of the Mutual Assistance in Criminal Matters (Amendment) Act 2006, the date the order under

section 17(1) making such declaration came into force; or

(b) in any other case, the date of commencement of the Mutual Assistance in Criminal Matters (Amendment) Act 2006.”

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Repeal and re-enactment of section 16

3. Section 16 of the principal Act is repealed and the following section substituted therefor:

“Application of this Part

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16.—(1) Subject to the provisions of this Part —

(a) assistance under sections 21 and 27(1) and Divisions 7 and 8 may be provided to any foreign country; and

(b) assistance under section 27(2) and Divisions 2 (other than section 21), 3, 5 and 6 may only be provided to any prescribed foreign country.

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(2) Notwithstanding subsection (1)(b) but subject to the provisions of this Part, any assistance referred to in that provision may be provided to a foreign country that is not a prescribed foreign country if the appropriate authority of that country has given an undertaking to the Attorney-General that that country will comply with a future request by Singapore to that country for similar assistance in a criminal matter involving an offence that corresponds to the foreign offence for which assistance is sought.

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(3) The foreign country referred to in subsection (2) shall be deemed a prescribed foreign country for the purposes of the relevant provisions of this Part and (if applicable) the Schedule.”

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Amendment of section 20

4. Section 20(2) of the principal Act is amended by deleting paragraph (d) and substituting the following paragraph:

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“(d) if, in the case of any assistance under sections 21 and 27(1) and Divisions 7 and 8, that country is not declared as a prescribed foreign country under section 17 and the appropriate authority of that country fails to give an undertaking to the Attorney-General that that country will

comply with a future request by Singapore to that country for similar assistance in a criminal matter involving an offence that corresponds to the foreign offence for which assistance is sought.”.

5 **Amendment of section 34**

5. Section 34(2) of the principal Act is amended by deleting the word “or” at the end of paragraph (b)(ii) and substituting the word “and”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Mutual Assistance in Criminal Matters Act (Cap.190A) principally to enable Singapore to provide assistance under any provision of Part III of the Act to any foreign country, even though that country has not entered into any treaty with Singapore for the provision of assistance in criminal matters.

Clause 1 relates to the short title and commencement.

Clause 2 amends the definitions of “foreign confiscation order” and “instrumentality forfeiture order” in section 2 (Interpretation) to provide that the cut-off date for the making of such orders is the date of commencement of the Mutual Assistance in Criminal Matters (Amendment) Act 2006 in the case of a country not declared as a prescribed foreign country before that date.

Clause 3 repeals and re-enacts section 16 (Application of Part III) —

- (a) to clarify the types of assistance under the Act which may be given to any country and the types of assistance under the Act which may be given only to a prescribed foreign country; and
- (b) to provide that any assistance which may only be given to a prescribed foreign country may be given to a country that is not such a country if that country gives an undertaking to provide similar assistance to Singapore.

Clause 4 makes an amendment to section 20 (Refusal of assistance) that is consequential upon clause 3.

Clause 5 makes a technical amendment to section 34 (Search warrants).

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
