

Regulation of Imports and Exports (Amendment) Bill

Bill No. 24/2013.

Read the first time on 11th November 2013.

A BILL

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An Act to amend the Regulation of Imports and Exports Act (Chapter 272A of the 1996 Revised Edition) and to make consequential amendments to the Customs Act (Chapter 70 of the 2004 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 Regulation of Imports and Exports (Amendment) Act 2013 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of section 3

2. Section 3(2) of the Regulation of Imports and Exports Act (referred to in this Act as the principal Act) is amended by deleting the words “any other person who has made” in paragraph (k) and substituting the words “any person making”.

10 Amendment of section 31

3. Section 31 of the principal Act is amended —

(a) by deleting paragraphs (iv) and (v) of subsection (1) and substituting the following paragraphs:

- 15 “(iv) a prosecution of such offence under such written law (other than this Act) as may be prescribed;
- (v) enabling a public agency to enforce such provision of written law (other than this Act) as may be prescribed;
- 20 (vi) enabling a public agency to investigate a suspected offence under such provision of written law (other than this Act) as may be prescribed;
- 25 (vii) subject to subsection (1A), enabling a public agency to discharge its function, duty or power of collecting, compiling and analysing the particulars or information, and —
- (A) providing its collection, compilation or analysis to another public agency for policy formulation or review by that other public agency; or
- 30 (B) publishing its collection, compilation or analysis in such form as will not identify,

and is not reasonably capable of being used to identify, any person to which the information or particulars relate;

- (viii) subject to subsection (1A), enabling a public agency to take steps to protect individuals and communities from risks or threats to public health or safety, or to protect against risks or threats to the security of Singapore (including her financial and economic security); 5
- (ix) enabling a foreign government authority to investigate a suspected offence committed in a foreign country, where the conditions specified in subsection (4) are satisfied; or 10
- (x) complying with any provision of any prescribed agreement, where the conditions specified in subsection (5) are satisfied.”; 15

(b) by inserting, immediately after subsection (1), the following subsections:

“(1A) No particulars, information or document referred to in subsection (1) may be published, disclosed or communicated pursuant to paragraph (vii) or (viii) of that subsection except with the approval of the Minister. 20

(1B) The approval of the Minister referred to in subsection (1A) may be given in respect of — 25

(a) a specific public agency or a class of public agencies; and

(b) a specific request for particulars, information or documents, or requests for particulars, information or documents falling within such class as the Minister may in his approval specify. 30

(1C) For the purposes of subsection (1)(viii), the particulars or information in question may be provided to the public agency through another public agency.

(1D) Nothing in subsection (1) shall prevent the Minister, and any public officer assisting the Minister and duly authorised by the Minister for the purposes of this subsection, from having access to such particulars, information or document referred to in subsection (1) as may be necessary for the performance of his official duties in connection with this Act or the advancement or development of trade.”;

(c) by deleting the words “subsection (1)(iv)” in subsection (4) and substituting the words “subsection (1)(ix)”;

(d) by deleting the words “subsection (1)(v)” in subsection (5) and substituting the words “subsection (1)(x)”;

(e) by deleting the words “subsection (1)(v)” in the definition of “prescribed agreement” in subsection (6) and substituting the words “subsection (1)(x)”;

(f) by deleting the full-stop at the end of the definition of “prescribed agreement” in subsection (6) and substituting a semi-colon, and by inserting immediately thereafter the following definition:

““public agency” means a public officer, an organ of state or a ministry or department of the Government, or a public authority established by or under any public Act for a public purpose or a member, an officer or an employee, or any department, thereof.”.

Amendment of section 39

4. Section 39(1) of the principal Act is amended by deleting the words “minimum fine” in paragraph (a) and substituting the words “maximum fine”.

Consequential amendments to Customs Act

5. Section 89 of the Customs Act (Cap. 70) is amended —

(a) by deleting the words “ensure public health or safety, or the security of Singapore” in subsection (1)(ix) and substituting

the words “protect individuals and communities from risks or threats to public health or safety, or to protect against risks or threats to the security of Singapore (including her financial and economic security)”; and

- (b) by deleting the words “written law” in the definition of “public agency” in subsection (4) and substituting the words “public Act”.

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EXPLANATORY STATEMENT

This Bill seeks to amend the Regulation of Imports and Exports Act (Cap. 272A).

The Bill also makes consequential amendments to the Customs Act (Cap. 70).

Clause 1 relates to the short title and commencement.

Clause 2 makes a technical amendment to section 3(2)(k) (Regulations for registration, regulation and control of importation and exportation, etc.) to clarify that regulations may be made for the registration of any person making declarations under the Act or any regulations made thereunder, and to align the text with section 143(1)(ha) of the Customs Act.

Clause 3 amends section 31(1) (Information not to be published or disclosed) to expand, through paragraphs (iv) to (viii) of subsection (1), on the circumstances in which the Director-General of Customs may communicate or disclose any particulars, information or document that has been furnished for the purposes of the Act or any regulations made thereunder. The existing paragraphs (iv) and (v) are re-numbered as paragraphs (ix) and (x). In some of the expanded circumstances, the approval of the Minister responsible for the Act is required. Where the communication or disclosure is being made to enable a public agency to ensure public health and safety, or the security of Singapore, the particulars or information in question may be communicated or disclosed to the public agency through another public agency.

Clause 3 also amends section 31(6) by including a new definition for “public agency”.

Clause 4 amends section 39 (Composition of offences) to substitute “minimum fine” with “maximum fine” as the Act does not prescribe minimum fines.

Clause 5 makes consequential amendments to section 89(1)(ix), and the definition of “public agency” in section 89(4), of the Customs Act to align the text of these provisions with the text of the new section 31(1)(viii) of the Regulation of

Imports and Exports Act and the definition of “public agency” in section 31(6) of the Regulation of Imports and Exports Act, inserted by clause 3(a) and (f), respectively.

EXPENDITURE OF PUBLIC MONEY

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