

# Regulation of Imports and Exports (Amendment) Bill

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**Bill No. 9/2018.**

*Read the first time on 27 February 2018.*

A BILL

*intituled*

An Act to amend the Regulation of Imports and Exports Act  
(Chapter 272A of the 1996 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 is the Regulation of Imports and Exports (Amendment) Act 2018 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

### 5 Amendment of section 2

2. Section 2(1) of the Regulation of Imports and Exports Act (called in this Act the principal Act) is amended —

(a) by deleting the definition of “goods in transit”;

10 (b) by inserting, immediately after the definition of “registered user”, the following definition:

““relevant decision of the United Nations Security Council” means any decision of the United Nations Security Council in resolutions made under Chapter VII of the Charter of the United Nations signed at San Francisco on 26 June 15 1945;”; and

(c) by deleting the definition of “tranship” and substituting the following definitions:

20 ““tranship” means to remove goods from one conveyance to another for the purpose of taking them out of Singapore;

25 ““transit” means to bring goods into Singapore from a place outside Singapore for the purpose of taking them out of Singapore on the same conveyance on which they were brought into Singapore;”.

### Amendment of section 16

3. Section 16 of the principal Act is amended —

30 (a) by deleting subsection (6) and substituting the following subsection:

“(6) Where any goods are found concealed, or in respect of which any document which ought to be produced is not produced, in any vessel or aircraft or which are not shown on any manifest or list required to be produced, being goods —

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(a) the import, export, carriage coastwise, shipment as ships’ stores, carriage as aircraft stores or transshipment of which is prohibited, either absolutely or conditionally by any regulations made under section 3; or

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(b) the transit through Singapore of which —

(i) a requirement to inspect goods on board the vessel or aircraft is imposed pursuant to any written law giving effect to any relevant decision of the United Nations Security Council; and

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(ii) is prohibited, either absolutely or conditionally by any regulations made under section 3,

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the goods may be seized by an authorised officer and shall be liable to forfeiture in the same manner as if an offence had been committed in respect of the goods.”; and

(b) by deleting subsection (8) and substituting the following subsection:

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“(8) An authorised officer may exercise the powers conferred by this section in respect of a vessel underway if —

(a) the authorised officer reasonably suspects that any goods on board the vessel are intended to be landed or transhipped in Singapore; or

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(b) the goods on board the vessel are in transit through Singapore and a requirement to inspect goods on board the vessel is imposed pursuant to any written law giving effect to any relevant decision of the United Nations Security Council.”.

### **Repeal and re-enactment of sections 17 and 18**

4. Sections 17 and 18 of the principal Act are repealed and the following sections substituted therefor:

#### **“Examination of packages, etc.**

17.—(1) Where any package, box, chest or other article is in Singapore and —

- (a) a reasonable suspicion exists that it is being, or is about to be, or has recently been imported, exported, carried coastwise, shipped as ships’ stores, carried as aircraft stores or transhipped in contravention of the provisions of any regulations made under section 3; or
- (b) is in transit through Singapore on board a vessel and a requirement to inspect goods on board the vessel is imposed pursuant to any written law giving effect to any relevant decision of the United Nations Security Council,

the enforcement powers mentioned in subsection (2) may be exercised by the person conferred those powers under that subsection in relation to the package, box, chest or other article.

(2) Any package, box, chest or other article mentioned in subsection (1) —

- (a) may be examined and searched by any authorised officer and may be detained until any person in charge of the package, box, chest or other article has opened it for examination and search;
- (b) may be forcibly opened by, or by order of, a senior authorised officer to facilitate the examination and search except that any person in charge of the package,

box, chest or other article is to be afforded every reasonable facility for being present at the opening, examination and search; or

- (c) may be marked, locked, sealed or otherwise secured by any authorised officer pending examination and search.

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(3) Any person (not being an authorised officer) who removes, opens, breaks or tampers with any lock, seal or other means of securing any package, box, chest or other article shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$6,000 or to imprisonment for a term not exceeding 6 months or to both.

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### **Powers in relation to examination of goods**

**18.—**(1) If any goods are found in Singapore and —

- (a) there is reason to believe that the goods are being, or are about to be, or have recently been imported, exported, carried coastwise, shipped as ships' stores, carried as aircraft stores or transhipped in contravention of the provisions of any regulations made under section 3; or
- (b) are in transit through Singapore on board a vessel and a requirement to inspect goods on board the vessel is imposed pursuant to any written law giving effect to any relevant decision of the United Nations Security Council,

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the enforcement powers mentioned in subsection (2) may be exercised by the person conferred those powers under that subsection in relation to those goods.

(2) Any —

- (a) authorised officer may examine any goods mentioned in subsection (1); and

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- (b) senior authorised officer may take samples of any goods mentioned in subsection (1) and may submit the goods or samples, or cause them to be submitted, to such tests or analysis as the senior authorised officer may think fit.”.

### **Amendment of section 30**

5. Section 30 of the principal Act is amended by deleting subsection (1) and substituting the following subsection:

“(1) The Director-General may require the following persons to produce any document and furnish any information the Director-General considers necessary for the effective exercise of the Director-General’s powers and performance of the Director-General’s duties under this Act or the regulations made under this Act:

- (a) any person by or on whose behalf goods have been, or are in the course of being, or are about to be —
- (i) imported, exported, carried coastwise, shipped as ships’ stores, carried as aircraft stores, or transhipped; or
  - (ii) brought in transit through Singapore on board a vessel and a requirement to inspect goods on board the vessel is imposed pursuant to any written law giving effect to any relevant decision of the United Nations Security Council;
- (b) any person who is or has been concerned or interested in those goods or in their import, export, carriage coastwise, shipment as ships’ stores, carriage as aircraft stores, transshipment, or transit through Singapore.”.

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## EXPLANATORY STATEMENT

This Bill seeks to amend the Regulation of Imports and Exports Act (Cap. 272A) to extend the enforcement powers of the Director-General of Customs (the Director-General), authorised officers and senior authorised officers when they deal with goods (called relevant goods) in transit through Singapore on board an aircraft or a vessel and in respect of which a requirement to inspect goods on board the aircraft or vessel is imposed pursuant to any written law giving effect to any decision of the United Nations Security Council in resolutions made under Chapter VII of the Charter of the United Nations signed at San Francisco on 26 June 1945.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2(1) by deleting the definition of “goods in transit” and inserting the definitions of “relevant decision of the United Nations Security Council” and “transit”. The definition of “tranship” is also amended.

Clause 3 amends section 16 (Powers in relation to vessels, aircraft and vehicles) to empower an authorised officer, under certain circumstances, to seize any relevant goods the transit of which is prohibited by any regulations made under section 3.

Clause 4 repeals and re-enacts sections 17 and 18.

The new section 17 empowers an authorised officer or a senior authorised officer to exercise powers of search, examination, etc., under certain circumstances in relation to any package, box, chest or other article.

The new section 18 empowers an authorised officer to examine certain goods, and a senior authorised officer to take samples of any such goods for tests or analysis.

Clause 5 amends section 30 (General powers to call for information as to goods) to empower the Director-General to require any person who brings in transit through Singapore any relevant goods, or who is concerned or interested in bringing in transit through Singapore the relevant goods, to produce documents and furnish information to the Director-General.

## EXPENDITURE OF PUBLIC MONEY

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

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