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The following Act was passed by Parliament on 13th February 2006 and assented to by the President on 1st March 2006:—

REPUBLIC OF SINGAPORE

No. 8 of 2006.

I assent.



S R NATHAN,
President.
1st March 2006.

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.

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 —

- (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”;
- (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”;
- (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”;
- (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:

“(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.”.

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

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.

(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.

(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.”.

Amendment of section 20

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

- “(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.”.

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”.
