

# Regulation of Imports and Exports (Amendment) Bill

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Bill No. /2025.

*Read the first time on 2025.*

A BILL

*intituled*

An Act to amend the Regulation of Imports and Exports Act 1995.

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 2025 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

## **Amendment of section 2**

**2.** In the Regulation of Imports and Exports Act 1995 (called in this Act the principal Act), in section 2(1) —

(a) after the definition of “authentication code”, insert —

““authorised certificate issuer” means a person who is authorised under section 10B(2) to issue trade information certificates;”;

(b) after the definition of “Board”, insert —

““certificate of origin” means a preferential certificate of origin or a non-preferential certificate of origin;”;

(c) after the definition of “export”, insert —

““false trade information certificate” means a trade information certificate —

(a) that purports to be issued by the Director-General when it is not so issued;

(b) that is issued in contravention of section 10A(4);

(c) that contains any false or misleading information; or

(d) in respect of which any entry has been erased, altered or falsified, or is otherwise tampered with;”;

(d) after the definition of “master”, insert —

““non-preferential certificate of origin” means a document (by whatever name called) that —

(a) certifies goods mentioned in that document as meeting the criteria specified by the

Director-General so as to be considered as originating in a particular country or territory; but

(b) does not confer any tariff benefit for those goods;”;

(e) after the definition of “police officer”, insert —

““preferential certificate of origin” means a document (by whatever name called) that —

(a) certifies goods mentioned in that document as meeting the criteria of a preferential tariff arrangement or agreement between Singapore and any one or more other countries or territories so as to be considered as originating in a particular country or territory; and

(b) confers a tariff benefit for those goods;” and

(f) after the definition of “shipped as ships’ stores”, insert —

““trade information certificate” means any certificate (by whatever name called) certifying any matter in respect of any goods, in connection with —

(a) their import into, export from, transshipment in or transit through Singapore; or

(b) their manufacture, processing or production in Singapore,

and includes a certificate of origin;”.

### **New Part 3**

**3.** In the principal Act, after section 10, insert —

“PART 3  
TRADE INFORMATION CERTIFICATES

**Issue of trade information certificates**

**10A.**—(1) The Director-General may issue any trade information certificate in respect of any goods that the Director-General thinks appropriate.

(2) Without affecting subsection (1), the Director-General may authorise, for any period of time specified by the Director-General, any person to issue any trade information certificate of any class, description or type in respect of goods of any class, description or type.

(3) To avoid doubt, an authorisation made under subsection (2) in respect of any trade information certificate does not affect or prevent the Director-General from issuing the trade information certificate under subsection (1).

(4) A person must not issue or purport to issue any trade information certificate of any class, description or type in respect of any goods of any class, description or type under or in connection with this Act (whether or not as an authorised certificate issuer) unless the person is an authorised certificate issuer for that class, description or type of trade information certificate in respect of that class, description or type of goods.

(5) To avoid doubt, subsection (4) does not prohibit any person from issuing any trade information certificate for any goods so long as the person does not do so or purport to do so under or in connection with this Act or as an authorised certificate issuer.

(6) A person who contravenes subsection (4) shall be guilty of an offence and shall be liable on conviction —

- (a) in respect of a first offence — to a fine not exceeding \$100,000 or 3 times the value of the goods in respect of which the trade information certificate mentioned in that subsection was issued, whichever is the greater, or to imprisonment for a term not exceeding 2 years or to both; and
- (b) in respect of a second or subsequent offence — to a fine not exceeding \$200,000 or 4 times the value of the

goods in respect of which the trade information certificate mentioned in that subsection was issued, whichever is the greater, or to imprisonment for a term not exceeding 3 years or to both.

### **Authorisation to issue trade information certificates**

**10B.**—(1) An application for, or to renew, an authorisation as an authorised certificate issuer must —

(a) be made to the Director-General in the form and manner that the Director-General may specify; and

(b) state —

(i) the class, description or type of goods for which the applicant proposes to issue trade information certificates as an authorised certificate issuer; and

(ii) the class, description or type of trade information certificate which the applicant proposes to issue, and the matters which the applicant proposes to certify in respect of those goods, as an authorised certificate issuer.

(2) The Director-General may, after considering an application —

(a) grant the application for any goods, trade information certificate and matter to which the application relates; or

(b) refuse the application.

(3) The Director-General must not grant any application under subsection (2) if the Director-General is satisfied that the applicant is not a fit and proper person to be an authorised certificate issuer.

(4) For the purpose of subsection (3), in determining whether an applicant is a fit and proper person, the Director-General must take into account all relevant facts or matters, including but not limited to the following:

- (a) whether the applicant has contravened, or is reasonably suspected of having contravened, any provision of this Act or any regulation made under this Act, and (in the case of an application to renew an authorisation) has breached any condition imposed on the applicant under section 10C;
  - (b) in the case of an applicant that is not an individual, whether any key officer of the applicant is not a fit and proper person.
- (5) Before refusing an application made under subsection (1), the Director-General must give written notice to the applicant —
- (a) stating that the Director-General intends to refuse the application; and
  - (b) specifying the time (being at least 14 days after the service of the notice on the applicant) within which written representations may be made to the Director-General as to why the application should be granted.
- (6) On receiving any written representation mentioned in subsection (5)(b), the Director-General must consider the representation and may —
- (a) reject the written representation and refuse the application; or
  - (b) grant the application.
- (7) The Director-General may, from time to time, prepare and publish a list of all authorised certificate issuers in the form and manner that the Director-General thinks fit.
- (8) In subsection (4)(b), “key officer”, in relation to an applicant means each of the following:
- (a) where the applicant is a company, limited liability partnership or other body corporate —
    - (i) a member of the board of directors or committee or board of trustees or other governing board of the company, limited liability partnership or body corporate, as the case may be;

- (ii) an individual for the time being holding the office of chairperson or company secretary of the company, limited liability partnership or body corporate, as the case may be; and
  - (iii) any other person (by whatever name called) who has the general management or supervision of the business activities of the company, limited liability partnership or body corporate;
- (b) where the applicant is a partnership or limited partnership —
- (i) a partner of the partnership or limited partnership, as the case may be; and
  - (ii) any other person (by whatever name called) who has the general management or supervision of the business activities of the partnership or limited partnership;
- (c) where the applicant is a sole-proprietorship —
- (i) the sole-proprietor; and
  - (ii) any other person (by whatever name called) who has the general management or supervision of the sole-proprietor's business activities;
- (d) in any other case —
- (i) any person (by whatever name called) who has the general management or supervision of the applicant's business activities; and
  - (ii) any other person as may be prescribed.

### **Conditions of authorisation**

**10C.**—(1) The Director-General may impose any condition that the Director-General thinks fit on the authorisation of a person as an authorised certificate issuer, including the matters that the person may certify under the authorisation.

(2) The Director-General may impose different conditions in respect of —

- (a) different classes of authorised certificate issuers according to the class, description or type of trade information certificates that the authorised certificate issuers may issue;
- (b) different classes, descriptions or types of goods that any trade information certificate may be issued in respect of; or
- (c) authorised certificate issuers under different circumstances.

(3) The Director-General may at any time (without compensation) modify, remove or add conditions of the authorisation of an authorised certificate issuer, but before modifying or adding any condition to an authorisation, the Director-General must serve a written notice on the authorised certificate issuer of the Director-General's intention.

(4) The written notice must —

- (a) state the modification or addition that the Director-General proposes to make; and
- (b) specify the time (being at least 14 days after the service of the written notice on the authorised certificate issuer) within which written representations may be made to the Director-General in relation to the proposed modification or addition.

(5) On receiving any written representation mentioned in subsection (4)(b), the Director-General must consider the representation and may —

- (a) reject the written representation;
- (b) amend the proposed modification or addition in the manner that the Director-General thinks fit having regard to the written representation; or
- (c) withdraw the proposed modification or addition.

(6) The Director-General must serve a written notice on the authorised certificate issuer of the Director-General's decision under subsection (5) and, where subsection (5)(a) or (b) applies, the written notice must specify the date from which the proposed



modification or addition (as may be amended, as the case may be) takes effect.

### **Cancellation or suspension of authorisation**

**10D.**—(1) The Director-General may (without compensation) cancel, or suspend for a period not exceeding 6 months, the authorisation of an authorised certificate issuer if the Director-General is satisfied that —

- (a) the authorised certificate issuer obtained the authorisation or renewal of authorisation by fraud or misrepresentation;
- (b) the authorised certificate issuer is contravening or not complying with, or has contravened or failed to comply with —
  - (i) a condition of the authorisation; or
  - (ii) any provision of this Act or any regulations made under this Act, the contravention of or non-compliance with which is not an offence;
- (c) the authorised certificate issuer has been convicted of an offence under this Act or any regulations made under this Act; or
- (d) the authorised certificate issuer is no longer a fit and proper person to be an authorised certificate issuer.

(2) Before the Director-General takes any regulatory action against an authorised certificate issuer, the Director-General must serve a written notice on the authorised certificate issuer of the Director-General's intention.

(3) The written notice must —

- (a) state what regulatory action the Director-General proposes to take and the reason for the regulatory action; and
- (b) specify the time (being at least 14 days after the service of the written notice on the authorised certificate issuer) within which written representations may be made to

the Director-General with respect to the proposed regulatory action.

(4) On receiving any written representation mentioned in subsection (3)(b), the Director-General must consider that representation and may —

- (a) proceed as intended;
- (b) where the proposed regulatory action was a suspension of the authorisation, proceed with a suspension of a different duration than proposed, or with a cancellation;
- (c) where the proposed regulatory action was a cancellation of the authorisation, proceed with a suspension of the authorisation instead; or
- (d) not proceed as intended.

(5) The Director-General must serve a written notice on the authorised certificate issuer of the Director-General's decision under subsection (4), and where subsection (4)(a), (b) or (c) applies, the written notice must specify the date from which the decision takes effect.

(6) The cancellation or suspension of the authorisation of an authorised certificate issuer does not prejudice the enforcement by any person of any right or claim against the authorised certificate issuer or former authorised certificate issuer, or by the authorised certificate issuer or former authorised certificate issuer of any right or claim against any person.

(7) In this section, “regulatory action” means the cancellation or suspension of the authorisation of an authorised certificate issuer under subsection (1).

### **Issuance of trade information certificate containing false information**

**10E.** An authorised certificate issuer that issues a trade information certificate containing any information which the authorised certificate issuer knows or ought reasonably to know is false or misleading shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

### **Tampering of trade information certificates**

**10F.**—(1) A person who erases, alters or falsifies any entry in or otherwise tampers with a trade information certificate shall be guilty of an offence.

(2) Any person that contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) in respect of a first offence — to a fine not exceeding \$100,000 or 3 times the value of the goods in respect of which the trade information certificate mentioned in that subsection was issued, whichever is the greater, or to imprisonment for a term not exceeding 2 years or to both; and
- (b) in respect of a second or subsequent offence — to a fine not exceeding \$200,000 or 4 times the value of the goods in respect of which the trade information certificate mentioned in that subsection was issued, whichever is the greater, or to imprisonment for a term not exceeding 3 years or to both.

### **False representations relating to trade information certificates**

**10G.**—(1) Any person that represents that a trade information certificate in respect of any goods is a trade information certificate that is issued by —

- (a) the Director-General; or
- (b) an authorised certificate issuer that is authorised to issue that class, description or type of trade information certificates in respect of that class, description or type of goods,

knowing or having reason to believe that the representation is false, shall be guilty of an offence.

(2) Any person that represents that a trade information certificate (whether or not issued by the Director-General or an authorised certificate issuer) that is issued in respect of any goods, is issued in respect of goods other than the firstmentioned goods,

knowing or having reason to believe that the representation is false, shall be guilty of an offence.

(3) A person that is guilty of an offence under subsection (1) or (2) shall be liable on conviction —

- (a) in respect of a first offence — to a fine not exceeding \$100,000 or 3 times the value of the goods in respect of which the trade information certificate mentioned in that subsection was issued, whichever is the greater, or to imprisonment for a term not exceeding 2 years or to both; and
- (b) in respect of a second or subsequent offence — to a fine not exceeding \$200,000 or 4 times the value of the goods in respect of which the trade information certificate mentioned in that subsection was issued, whichever is the greater, or to imprisonment for a term not exceeding 3 years or to both.

**Issue of preferential certificate of origin by manufacturer or exporter who is not authorised certificate issuer**

**10H.**—(1) Nothing in this Part prevents any manufacturer or exporter from issuing on the manufacturer’s or exporter’s own account, in respect of any goods of the manufacturer or exporter for export or re-export from Singapore, a preferential certificate of origin if —

- (a) there is a preferential tariff arrangement or agreement between Singapore and the country or territory to which the goods are to be exported or re-exported that permits the issue of the preferential certificate of origin by the manufacturer or exporter; and
- (b) the preferential certificate of origin is in the form and manner acceptable to that country or territory.

(2) A manufacturer or exporter mentioned in subsection (1) must maintain proper and accurate records of all preferential certificates of origin issued, including copies of the documents that were relied on by the manufacturer or exporter for the purpose of issuing the certificates, for the period of time that may

be required under the relevant preferential tariff arrangement or agreement.

(3) The Director-General may require any manufacturer or exporter to provide to the Director-General any document mentioned in subsection (2) at the time and in the manner that the Director-General may require.

(4) A manufacturer or exporter mentioned in subsection (1) must not issue any preferential certificate of origin containing any information which the manufacturer or exporter knows or ought reasonably to know is false or misleading.

(5) Any person that fails to comply with subsection (2) or a requirement of the Director-General made under subsection (3), or contravenes subsection (4) shall be guilty of an offence and shall be liable on conviction —

- (a) in respect of a first offence — to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both; and
- (b) in respect of a second or subsequent offence — to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 3 years or to both.

### **Regulations for purposes of Part 3**

**10I.**—(1) The Minister may make regulations for the purposes of this Part.

(2) Without limiting subsection (1), the Minister may make regulations to provide for —

- (a) different classes of authorised certificate issuers according to the class, description or type of trade information certificates that the authorised certificate issuers may issue, and different classes, descriptions or types of goods that any trade information certificate may be issued in respect of;
- (b) any additional requirement that a person must satisfy to be authorised as an authorised certificate issuer, in addition to section 10B(3);

- (c) the duties and responsibilities of authorised certificate issuers in relation to the issue of trade information certificates, including requiring authorised certificate issuers to —
  - (i) keep proper and accurate records of the prescribed information and documents for the prescribed period, including of such information and documents for such period as is required under any preferential tariff arrangement or agreement that is relevant to the trade information certificate issued;
  - (ii) provide the information or documents mentioned in sub-paragraph (i) to the Director-General on the Director-General's request; and
  - (iii) comply with any written law or requirement imposed by any public agency applicable to the issue of the trade information certificates;
- (d) the applications to be made to the Director-General or an authorised certificate issuer for any trade information certificate;
- (e) the duties and responsibilities of applicants for trade information certificates in relation to those trade information certificates, including requiring applicants to —
  - (i) keep proper and accurate records of the prescribed information and documents for the prescribed period, including of such information and documents for such period as is required under any preferential tariff arrangement or agreement that is relevant to the trade information certificate issued; and
  - (ii) provide the information or documents mentioned in sub-paragraph (i) to the Director-General on the Director-General's request;

- (f) the circumstances under which the Director-General and authorised certificate issuers may issue any trade information certificate;
  - (g) the conditions to be attached to the issue of a trade information certificate by the Director-General or an authorised certificate issuer, including that the Director-General and authorised certificate issuer may determine these conditions as they think fit;
  - (h) the cancellation at any time (without compensation) of any trade information certificate, including the cancellation by the Director-General of a trade information certificate issued by an authorised certificate issuer;
  - (i) the fees and charges, and the manner, method and time of their payment for the purposes of this Part, including for —
    - (i) any application for, or renewal of, an authorisation as an authorised certificate issuer;
    - (ii) an authorisation, or a renewal of an authorisation, as an authorised certificate issuer;
    - (iii) any application for any trade information certificate made to the Director-General or an authorised certificate issuer; and
    - (iv) the issue of any trade information certificate by the Director-General or authorised certificate issuers,including that the amount of the fee or charge payable to an authorised certificate issuer may be determined by the authorised certificate issuer, and the manner or method of payment may be determined by the authorised certificate issuer; and
  - (j) anything which may be or is required to be prescribed.
- (3) Regulations made under subsection (2)(b) to (j) may make different provisions in respect of —

- (a) different classes of authorised certificate issuers according to the class, description or type of trade information certificates that the authorised certificate issuers may issue;
  - (b) different classes, descriptions or types of goods that any trade information certificate may be issued in respect of; or
  - (c) different circumstances.
- (4) Regulations made under subsection (2)(i) may provide for —
- (a) the refund of all or part of the fees paid for the authorisation of a person as an authorised certificate issuer; or
  - (b) the refund of all or part of the fees paid for the issue of any trade information certificate by the Director-General or an authorised certificate issuer, including that the circumstances for the refund of any fees paid to an authorised certificate issuer may be determined by the authorised certificate issuer.
- (5) Regulations made by the Minister under subsection (1) may provide —
- (a) that a contravention of any specified provision of the regulations shall be an offence; and
  - (b) as penalties —
    - (i) in respect of a first offence — to a fine not exceeding \$100,000 or 3 times the value of the goods to which the offence relates, whichever is the greater, or to imprisonment for a term not exceeding 2 years or to both; and
    - (ii) in respect of a second or subsequent offence — to a fine not exceeding \$200,000 or 4 times the value of the goods to which the offence relates, whichever is the greater, or to imprisonment for a term not exceeding 3 years or to both.



(6) All regulations made under this section must be presented to Parliament as soon as possible after publication in the *Gazette*.

(7) In this section, “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.”.

#### **New Part 4 heading**

4. In the principal Act, above section 11, insert —

“PART 4  
ENFORCEMENT AND MONITORING COMPLIANCE”.

#### **Amendment of section 11**

5. In the principal Act, in section 11 —

(a) in the section heading, replace “or permit” with “, permit or trade information certificate”; and

(b) after subsection (1), insert —

“(1A) A person to whom a trade information certificate is issued by the Director-General or an authorised certificate issuer must produce the trade information certificate on demand to any authorised officer.”.

#### **Amendment of section 12**

6. In the principal Act, in section 12, replace subsection (1) with —

“(1) A senior authorised officer may seize any goods in respect of which he or she has reasonable grounds for believing that —

(a) a false trade information certificate has been issued; or

(b) an offence under this Act or any regulations made under this Act has been or is being committed.”.

#### **Amendment of section 17**

7. In the principal Act, in section 17(1) —

(a) in paragraph (a), delete “or” at the end; and

(b) after paragraph (a), insert —

“(aa) a reasonable suspicion exists that it contains goods in respect of which a false trade information certificate has been issued; or”.

### **Amendment of section 18**

**8.** In the principal Act, in section 18(1) —

(a) in paragraph (a), delete “or” at the end; and

(b) after paragraph (a), insert —

“(aa) there is reason to believe that a false trade information certificate has been issued in respect of the goods; or”.

### **Amendment of section 20**

**9.** In the principal Act, in section 20, replace subsection (1) with —

“(1) Where a senior authorised officer has reason to suspect that —

(a) any particulars, information or document provided pursuant to any regulations made under section 3 or 10I is inaccurate; or

(b) a false trade information certificate has been issued,

any package to which the particulars, information or document or false trade information certificate refers may be opened and examined by the senior authorised officer or by any person specially authorised in writing by the Director-General.”.

### **Amendment of section 22**

**10.** In the principal Act, in section 22, replace subsection (1) with —

“(1) Whenever it appears to a Magistrate upon information and after any inquiry that the Magistrate considers necessary that there is probable cause to believe that in any dwelling-house, shop or other building or place there are concealed or deposited any —

(a) goods or property liable to forfeiture under this Act;

- (b) goods or property as to which any offence under this Act or any regulations made under this Act has been committed;
- (c) books, records, documents or other articles, directly or indirectly, relating to any transaction or dealing in any of the goods mentioned in paragraph (a) or (b); or
- (d) books, records, documents or other articles, directly or indirectly, relating to any false trade information certificate,

the Magistrate may, by warrant directed to any senior authorised officer, empower that officer by day or night and with or without assistance, to enter that dwelling-house, shop or other building or place and there to search for and take possession of any goods or property reasonably suspected to be goods or property mentioned in paragraph (a) or (b), or any books, records, documents or articles reasonably suspected to be books, records, documents or articles mentioned in paragraph (c) or (d).”.

#### **Amendment of section 27**

**11.** In the principal Act, in section 27 —

- (a) in paragraph (b), after “section 3”, insert “or 10I”;
- (b) delete “and shall be liable on conviction to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 12 months or to both”;
- (c) renumber the section as subsection (1) of that section; and
- (d) after subsection (1), insert —

“(2) Any person who, with the intent to delay or obstruct the carrying out of an investigation under this Act, alters, suppresses, conceals or destroys any books, documents and other records which —

- (a) the Director-General or any authorised officer may inspect, copy, make extracts of or take possession of under this Act; or

- (b) the person is or is liable to be required to give or produce to the Director-General or an authorised officer under this Act,

shall be guilty of an offence.

(3) A person who is guilty of an offence under subsection (1) or (2) shall be liable on conviction to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 12 months or to both.”.

### **Amendment of section 30**

**12.** In the principal Act, in section 30(1) —

(a) in paragraph (b), replace the full-stop at the end with a semi-colon; and

(b) after paragraph (b), insert —

“(c) any authorised certificate issuer;

(d) any applicant for the issue of a trade information certificate by the Director-General or an authorised certificate issuer.”.

### **Amendment of section 31**

**13.** In the principal Act, in section 31 —

(a) in subsection (1), after “or furnished”, insert “or (in the case of particulars, information or document furnished for an application for a trade information certificate) the person having the control, management or superintendence of the goods in respect of which the application for a trade information certificate is made”;

(b) in subsection (6), replace “Any” with “Any authorised certificate issuer, or”; and

(c) in subsection (6), replace “document to any other person” with “document”.

### **New Part 5**

**14.** In the principal Act, after section 39, insert —

21  
“PART 5  
APPEALS

**Appeal to Minister**

**39A.**—(1) Any person who is aggrieved by a decision of the Director-General under this Act or any regulation made under this Act may appeal to the Minister against the decision in accordance with this section.

(2) An appeal under this section must be in writing and specify the grounds on which it is made, and must be made within 14 days after the date the decision appealed against is served.

(3) The Minister may reject an appeal of an appellant who fails to comply with subsection (2).

(4) The Minister may determine an appeal by —

(a) confirming, varying or reversing the Director-General’s decision appealed against; or

(b) requiring the Director-General to reconsider the decision.

(5) The Minister’s decision on an appeal is final.

(6) Every appellant must be notified of the Minister’s decision under subsection (4).

(7) An appeal against a decision mentioned in subsection (1) does not affect the operation of the decision appealed against or prevent the taking of action to implement the decision, and unless otherwise directed by the Minister under this subsection, the decision appealed against must be complied with until the determination of the appeal.

**Designation of others to hear appeals**

**39B.**—(1) The Minister may designate a Second Minister, Minister of State or Parliamentary Secretary to hear and determine, in the Minister’s place, any appeal or a specific appeal under section 39A; and any reference in that section to the Minister includes a reference to the Second Minister, Minister of State or Parliamentary Secretary so designated for that appeal.

(2) In this section —

“Minister of State” means a Minister of State or Senior Minister of State assisting the Minister on matters within the purposes of this Act;

“Parliamentary Secretary” includes a Senior Parliamentary Secretary appointed to assist the Minister in the discharge of the Minister’s duties and functions under this Act;

“Second Minister” means the Second Minister to the Minister, if any.”.

### **New Part 6 heading**

15. In the principal Act, above section 40, insert —

“PART 6  
MISCELLANEOUS”.

### **Deletion of Part 3 heading**

16. In the principal Act, in Part 3, delete the Part heading.

### **Saving and transitional provisions**

17.—(1) Despite anything in this Act, any person who, immediately before the appointed date, is specified in the Fifth Schedule to the Regulation of Imports and Exports Regulations (Rg 1) as in force immediately before the appointed date as an authorised organisation that may issue any non-preferential certificate of origin in respect of any goods is, on or after the appointed date, treated as being authorised under section 10B(2) of the principal Act as in force on or after the appointed date as an authorised certificate issuer that is authorised to issue any non-preferential certificate of origin in respect of those goods.

(2) Any application for a non-preferential certificate of origin that is made to an authorised organisation mentioned in subsection (1) under regulation 24(1) of the Regulation of Imports and Exports Regulations as in force immediately before the appointed date and is pending on the appointed date, is treated as an application for the issue of a non-preferential certificate of origin by an authorised certificate issuer under the principal Act as in force on or after the appointed date.

(3) Despite anything in this Act, any person who, immediately before the appointed date, has been authorised by the Director-General to issue preferential certificates of origin in respect of any or one or more classes of goods that are manufactured in, or to be exported from, Singapore by the person for the purposes of the Regional Comprehensive Economic Partnership Agreement (RCEP) or the ASEAN wide self-certification scheme for a period of time specified by the Director-General (called in this subsection the specified period) is, on or after the appointed date, treated as an authorised certificate issuer authorised under section 10B(2) of the principal Act to issue preferential certificates of origin in respect of those goods until the expiry of the specified period.

(4) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

(5) In this section —

“appointed date” means the date of commencement of section 3;

“ASEAN wide self-certification scheme” means a scheme that allows certain manufacturers or exporters of goods to issue preferential certificates of origin in respect of those goods for the purpose of the ASEAN Trade in Goods Agreement (ATIGA);

“certificate of origin”, “non-preferential certificate of origin” and “preferential certificate of origin” have the meanings given by section 2(1) of the principal Act as in force on or after the appointed date.

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## EXPLANATORY STATEMENT

This Bill seeks to amend the Regulation of Imports and Exports Act 1995 (the Act) to establish a framework to regulate the issue of certificates (called trade information certificates) that certify any matter in respect of any goods in connection with the following matters by persons authorised under the Act (called authorised certificate issuers):

- (a) the import into, export from, transshipment in or transit through Singapore, of the goods;
- (b) the manufacture, processing or production of the goods in Singapore.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2(1) to introduce the new definitions of “authorised certificate issuer”, “certificate of origin”, “false trade information certificate”, “non-preferential certificate of origin”, “preferential certificate of origin” and “trade information certificate”.

In particular, “false trade information certificate” is a trade information certificate —

- (a) that purports to be issued by the Director-General, when it is not so issued;
- (b) that is issued in contravention of the new section 10A(4);
- (c) that contains any false or misleading information; or
- (d) in respect of which any entry has been erased, altered or falsified, or is otherwise tampered with.

Clause 3 inserts a new Part 3 (comprising new sections 10A to 10I) which provides for the framework to regulate the issue of trade information documents by authorised certificate issuers under the Act.

The new section 10A provides that the Director-General may issue any trade information certificate in respect of any goods.

The Director-General may also authorise a person as an authorised certificate issuer to issue a particular class, description or type of trade information certificate in respect of goods of any class, description or type for a period of time. It is an offence for a person to issue a trade information certificate of any class, description or type in respect of any goods of any class, description or type under or in connection with the Act (whether or not as an authorised certificate issuer) unless the person is an authorised certificate issuer for that class, description or type of trade information certificate in respect of that class, description or type of goods. However, it is not an offence for a person who is not an authorised certificate issuer to issue a trade information certificate for any goods if the person does not do so or purport to do so under or in connection with the Act or as an authorised certificate issuer.

The new section 10B provides for applications for or to renew an authorisation of a person as an authorised certificate issuer. Any such application must be made to the Director-General. The Director-General must not allow an application if he or she is satisfied that the applicant is not a fit and proper person to be an authorised certificate issuer. In determining whether an applicant is a fit and proper person, the Director-General may consider the suitability of the key officer of the applicant involved in the management or operation of the applicant.



The new section 10C empowers the Director-General, in granting an authorisation to any person as an authorised certificate issuer, to impose any condition that the Director-General thinks fit. The Director-General may modify, remove or add conditions of an authorisation. However, the Director-General may only modify or add conditions of an authorisation after observing the process set out in the new section 10C.

The new section 10D empowers the Director-General to cancel or suspend the authorisation of an authorised certificate issuer (called regulatory action) if the Director-General is satisfied that the authorised certificate issuer is contravening or not complying with, or has contravened or failed to comply with any of the conditions of its authorisation, or any provision of the Act or regulations made under the Act, whether or not the authorised certificate issuer has been convicted of an offence for the contravention or non-compliance. There are also other grounds on which the Director-General may take regulatory action against the authorised certificate issuer.

The Director-General must observe the process set out in the new section 10D before taking any regulatory action against the authorised certificate issuer.

The new section 10E penalises an authorised certificate issuer that issues a trade information certificate containing any information which the authorised certificate issuer knows or ought reasonably to know is false or misleading.

The new section 10F penalises a person who erases, alters or falsifies any entry in or otherwise tampers with a trade information certificate.

The new section 10G penalises a person that represents either of the following while knowing or having reason to believe that the representation is false:

- (a) that a trade information certificate in respect of any goods is one that is issued by the Director-General or an authorised certificate issuer who is authorised to issue that class, description or type of trade information certificate in respect of that class, description or type of goods;
- (b) that a trade information certificate (whether or not issued by the Director-General or an authorised certificate issuer) issued in respect of certain goods is a trade information certificate for other goods.

The new section 10H applies to any manufacturer or exporter who issues (on the manufacturer's or exporter's own account) any preferential certificate of origin in respect of any goods of the manufacturer or exporter for export or re-export from Singapore pursuant to a preferential tariff arrangement or agreement of which Singapore is a party. The manufacturer or exporter is required to maintain proper and accurate records of all preferential certificates of origin that the manufacturer or exporter issues, including copies of the documents that were relied on by the manufacturer or exporter for the issue of those preferential certificates of origin. The records must be maintained for the period that is specified in the preferential tariff arrangement or agreement. A manufacturer or exporter who fails to maintain the records or provide any such records to the Director-General on the Director-General's requirement is an offence. It is also an

offence for a manufacturer or exporter to issue a preferential certificate of origin containing any information which the manufacturer or exporter knows or ought reasonably to know to be false or misleading.

The new section 10I confers on the Minister the power to make regulations to give effect to the new Part 3.

Clause 4 inserts a new Part heading immediately above section 11 to designate certain sections after the new section 10H (namely, sections 11 to 39) as Part 4 of the Act relating to “Enforcement and Monitoring Compliance”.

Clause 5 amends section 11 to insert a new subsection (1A) to require a person to whom a trade information certificate is issued by the Director-General or an authorised certificate issuer, to produce the trade information certificate (on demand) to any authorised officer. A consequential amendment is also made to the section heading arising from the new subsection (1A).

Clause 6 amends section 12(1) to extend the power of seizure of a senior authorised officer to the seizing of any goods in respect of which he or she has reasonable grounds for believing that a false trade information certificate has been issued.

Clause 7 amends section 17(1) to enable the enforcement powers mentioned in section 17(2) of the Act to be exercised in respect of any package, box, chest or other article in Singapore where a reasonable suspicion exists that it contains goods in respect of which a false information certificate has been issued.

Clause 8 amends section 18(1) to enable the enforcement powers mentioned in section 18(2) of the Act to be exercised in respect of any goods in Singapore, where there is reason to believe that a false trade information certificate has been issued in respect of the goods.

Clause 9 amends section 20(1) to extend the power of seizure and inspection of a senior authorised officer to the seizing and inspection of any package, where the senior authorised officer has reason to suspect that any particulars, information or document provided under any regulations made under the new section 10I is inaccurate or a false trade information certificate has been issued in respect of the package.

Clause 10 amends section 22(1) to expand the circumstances under which a Magistrate may issue a warrant under that section to any senior authorised officer to empower that officer to enter any dwelling-house, shop or other building or place to exercise his or her power of seizure. The circumstances are where the Magistrate has probable cause to believe that any of the following are concealed or deposited in the dwelling-house, shop, building or place:

- (a) goods or property liable to forfeiture under the Act;
- (b) goods or property as to which any offence under the Act or any regulations made under the Act has been committed;
- (c) books, records, documents or other articles that relate to any transaction or dealing in any goods or property liable to forfeiture under the Act or

as to which an offence under the Act or any regulations made under the Act has been committed;

- (d) books, records, documents or other articles that relate to any false trade information certificate.

Clause 11 amends section 27 to make a consequential amendment to section 27 arising from the insertion of the new section 10I under clause 3, and to insert new subsections (2) and (3) to penalise any person who, with the intent to delay or obstruct the carrying out of an investigation under the Act, alters, suppresses, conceals or destroys any books, documents and other records which —

- (a) the Director-General or any authorised officer may inspect, copy, make extracts of or take possession of; or
- (b) the person is or is liable to be required to give or produce to the Director-General or an authorised officer.

Clause 12 amends section 30(1) to enable the Director-General to require any authorised certificate issuer or any applicant for the issue of a trade information certificate by the Director-General or an authorised certificate issuer to produce any document and provide 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 the Act or any regulations made under the Act.

Clause 13 amends —

- (a) section 31(1) to prohibit the publication, communication or disclosure of any particular, information or document that is provided for an application for a trade information certificate without the prior consent of the person who has the control, management or superintendence of the goods in respect of which the application for a trade information certificate is made, unless the publication, communication or disclosure is necessary for a purpose mentioned in that section; and
- (b) section 31(6) of the Act to penalise an authorised certificate issuer who makes use of, publishes or permits any other person to see or communicates or discloses to any other person the contents of any particulars, information or document, otherwise than with the consent or for the purpose as is mentioned in section 31(1).

Clause 14 inserts a new Part 5 (comprising new sections 39A and 39B) which provides for the framework under which a person who is aggrieved by a decision of the Director-General may appeal to the Minister against the decision.

The new section 39A prescribes an avenue of appeal to the Minister against a decision of the Director-General under the Act or any regulations made under the Act.

The new section 39B allows the Minister to delegate the hearing of appeals to a Second Minister, Minister of State or Parliamentary Secretary in his or her Ministry.

Clause 15 inserts a new Part heading immediately above section 40 to designate sections 40 to 44 as Part 6 of the Act relating to “Miscellaneous”.

Clause 16 deletes the Part heading of Part 3 as a consequential amendment arising from the amendments made under clauses 3, 4, 14 and 15.

Clause 17 comprises saving and transitional provisions. In particular, it provides that —

- (a) certain persons who are authorised by the Director-General to issue non-preferential certificates of origin immediately before the date of commencement of clause 3 are treated as being authorised under the new section 10B(2) as authorised certificate issuers to issue those certificates of origin; and
- (b) certain persons who are authorised by the Director-General to issue preferential certificates of origin for a specified period immediately before the date of commencement of clause 3 are treated as being authorised under the new section 10B(2) as authorised certificate issuers to issue those certificates of origin for the remainder of that period after the date of commencement.

Clause 17 further empowers the Minister to make regulations prescribing such provisions of a saving or transitional nature consequent on the enactment of any provision in the Bill, as the Minister may consider necessary or expedient. The Minister has power to do so only within 2 years after the date of commencement of the provision of the Bill concerned.

## EXPENDITURE OF PUBLIC MONEY

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

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Note 1: Jaime/ 241128RIE(Amend)Bill(v1.3)(Jaime281124)