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## BILLS SUPPLEMENT

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**Notification No. B 8** — The Registration of Criminals (Amendment) Bill is hereby published for general information. It was introduced in Parliament on 29th January 2016.

# **Registration of Criminals (Amendment) Bill**

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**Bill No. 8/2016.**

*Read the first time on 29 January 2016.*

A BILL

*i n t i t u l e d*

An Act to amend the Registration of Criminals Act (Chapter 268 of the 1985 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 Registration of Criminals (Amendment) Act 2016 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

### 5 Amendment of section 8

2. Section 8 of the Registration of Criminals Act (called in this Act the principal Act) is amended by deleting paragraph (a) and substituting the following paragraph:

- 10 “(a) take or cause to be taken the finger impressions and photographs of any person who is accused of any crime and who —
- (i) is under arrest or in lawful custody; or
  - (ii) is released on bail or personal bond, whether by a court or otherwise;”.

### 15 Amendment of section 13B

3. Section 13B(1) of the principal Act is amended by deleting paragraph (a) and substituting the following paragraph:

- “ (a) is accused of any crime and —
- (i) is under arrest or in lawful custody; or
  - 20 (ii) is released on bail or personal bond, whether by a court or otherwise;”.

## New section 13I

4. The principal Act is amended by inserting, immediately after section 13H, the following section:

### 25 “Providing register information to foreign law enforcement agency

30 **13I.**—(1) A Singapore designated authority may, pursuant to a crime prevention exchange of information arrangement or upon receiving a request from a foreign law enforcement agency of a non-participating foreign country, transmit register information

about an individual to a foreign law enforcement agency if the Singapore designated authority is satisfied that —

- (a) the register information is requested for one or more of the following purposes only:
  - (i) comparing information transmitted and identifying matches for the investigation of a matter relating to the foreign country of the foreign law enforcement agency, or proceedings in respect of that matter; 5
  - (ii) assisting the foreign country of the foreign law enforcement agency to decide whether to make a request under the Mutual Assistance in Criminal Matters Act (Cap. 190A) or a requisition under the Extradition Act (Cap. 103); 10
  - (iii) a purpose prescribed; 15
- (b) the foreign law enforcement agency has given an appropriate undertaking in relation to the retention, use and destruction of the register information, including the matters in subsection (2);
- (c) it is, having regard to all of the following, appropriate in all the circumstances of the case to do so: 20
  - (i) the likely effect of transmission on any criminal investigation or proceedings in a Singapore court;
  - (ii) the likely effect of transmission on the safety of the individual to whom the register information to be disclosed relates, or of any other person in Singapore; 25
  - (iii) the public interest of Singapore; and
- (d) the foreign law enforcement agency is able to comply with conditions prescribed for transmission of information under this section, and any other conditions as the Singapore designated authority may impose specially in relation to the transmission. 30

(2) For the purposes of subsection (1)(b), the foreign law enforcement agency concerned must undertake —

(a) that the register information the foreign law enforcement agency receives from a Singapore designated authority about an individual under this section —

(i) will be kept and maintained using such methods and technologies as will ensure that persons not authorised to access the information cannot access the information; and

(ii) will not be used for a purpose not specified in or prescribed for the purpose of subsection (1)(a); and

(b) that the foreign law enforcement agency will comply with the conditions referred to in subsection (1)(d).

(3) A Singapore designated authority may refuse to further transmit any register information about an individual to a foreign law enforcement agency if the Singapore designated authority is of the opinion that the foreign law enforcement agency has failed to comply with its undertaking given under subsection (1)(b) and does not take steps to rectify the non-compliance.

(4) This section applies despite any duty of confidence, or any written law relating to confidentiality or secrecy, to the contrary.

(5) To avoid doubt, sections 4 and 5 do not apply to any information transmitted by a foreign law enforcement agency to a Singapore designated authority.

(6) In this section, unless the context otherwise requires —

“crime prevention exchange of information arrangement” means an arrangement between a foreign country and the Government under which —

(a) register information is to be transmitted from a Singapore designated authority to a foreign law enforcement agency in the foreign country; and