

KIDNAPPING ACT

Chapter 151, (2/6/1961) Revised 1999

Short title

1. This Act may be cited as the Kidnapping Act.

Interpretation

2. In this Act "abduction", "wrongful restraint" and "wrongful confinement" shall have the meanings assigned to them in sections 362, 339 and 340, respectively of the Penal Code (Cap. 224).

Abduction, wrongful restraint or wrongful confinement for ransom

3. Whoever, with intent to hold any person for ransom, abducts or wrongfully restrains or wrongfully confines that person shall be guilty of an offence and shall be punished on conviction with death or imprisonment for life and shall, if he is not sentenced to death, also be liable to caning.

[22/89]

Knowingly receiving ransom

4. Whoever receives, has possession of or disposes of any money or property or any proceeds thereof, which has at any time been delivered as ransom in connection with any offence punishable under section 3, knowing that the money or other property has at any time been delivered as such ransom, shall be guilty of an offence and shall be punished on conviction with imprisonment for a term not exceeding 10 years and shall also be liable to caning.

[22/89]

Knowingly negotiating to obtain or for payment of ransom

5. (1) Whoever knowingly negotiates or assists in any negotiation to obtain any ransom for the release of any person who has been wrongfully restrained or wrongfully confined, shall be guilty of an offence and shall be punished on conviction with imprisonment for a term not exceeding 10 years and shall also be liable to caning.

[22/89]

(2) Whoever knowingly negotiates or assists in any negotiation to pay or pays or provides funds for the payment of any ransom for the release of any person who has been wrongfully restrained or wrongfully confined shall be guilty of an offence and shall be punished on conviction with imprisonment for a term not exceeding 7 years and shall also be liable to a fine.

[22/89]

Power to freeze bank account

6. (1) The Public Prosecutor may, where he is satisfied that it is likely that the money for the payment of ransom for the release of any person may be paid out of any bank account, by order direct any bank in Singapore not to pay any money out of nor to pay cheques drawn on such bank account for a specified period not exceeding one month.

(2) Any officer of a bank who complies with an order of the Public Prosecutor under subsection (1) shall be relieved of any liability to any other person in respect of the payment prohibited by that order.

(3) The manager of any bank which fails to comply with an order of the Public Prosecutor under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 3 years or to both.

Power to order inspection of books, accounts, receipts, vouchers or other documents

7. (1) Notwithstanding anything to the contrary in any other written law, the Public Prosecutor

may, if he considers that any evidence of the commission of an offence under this Act or of a conspiracy to commit, or an attempt to commit, or an abetment of that offence by a person is likely to be found in any book, account, receipt, voucher or other document in respect of the payment of money or the delivery of property relating to that person, the spouse or child of that person or to a person reasonably believed by the Public Prosecutor to be a trustee or agent for that person or the spouse or child of that person, by order authorise any police officer of or above the rank of sergeant named in the order to inspect any such book, account, receipt, voucher or other document.

(2) A police officer authorised under subsection (1), may, at all reasonable times, enter any premises specified in the order and inspect any such book, account, receipt, voucher or other document and may take copies thereof or of any relevant part thereof.

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(3) Any person who fails to produce any such book, account, receipt, voucher or other document which is in his possession or control, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

(4) For the purposes of this section

"bank" means any company carrying on the business of bankers in Singapore incorporated under any written law or licensed under the Banking Act (Cap. 19);

"book" includes ledgers, day books, cash books, account books and all other books and documents used in the ordinary course of the business of a bank or other person or body of persons, whether corporate or unincorporate.

[7/98]

Power to obtain information

8. (1) In the course of any investigation or proceedings into or relating to an offence by any person under this Act or of a conspiracy to commit, or an attempt to commit, or an abetment of any such offence, the Public Prosecutor may by order

(a) require any such person to furnish a sworn statement in writing enumerating all movable or immovable property belonging to or possessed by that person and by the spouse and children of that person, and specifying the date on which each of the properties enumerated was acquired and whether it was acquired by way of purchase, gift, bequest, inheritance or otherwise;

(b) require any such person to furnish a sworn statement in writing of any money or other property paid or disposed of by him during such period as may be specified in the order;

(c) require any other person to furnish a sworn statement in writing enumerating all movable or immovable property belonging to or possessed by that person where the Public Prosecutor has reasonable grounds to believe that that information may be relevant to the investigation or proceedings;

(d) require the Comptroller of Income Tax to furnish all information available to the Comptroller relating to the affairs of such person or of the spouse or child of such person and to produce or furnish any document or a certified copy of any document specified in the notice relating to that person or the spouse or child of that person which is in the possession or under the control of the Comptroller;

(e) require the person in charge of any department, office or establishment of the Government, or the president, chairman, manager or chief executive officer of any public body to produce or furnish, as specified in the notice, any document or a certified copy of any document which is in his possession or under his control; and

(f) require the manager of any bank to give copies of the accounts of such person or of the spouse or child of such person at the bank.

(2) Every person to whom an order is given by the Public Prosecutor under subsection (1) shall, notwithstanding the provisions of any written law or any oath of secrecy to the contrary, comply with the terms of the order within such time as may be specified therein.

(3) Any person who wilfully neglects or fails to comply with subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

Duty to give information to police

9. (1) Notwithstanding the provisions of any written law, any person who is aware of the commission of or the intention of any other person to commit any offence under this Act shall, in the absence of reasonable excuse, the burden of proving which shall lie upon the person so aware, forthwith give information to a police officer of such commission or intention, as the case may be.

(2) Any person bound to give any information under subsection (1) who fails to do so in accordance with that subsection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months or to both.

Power to intercept communication

10. (1) Notwithstanding the provisions of any other written law, the Public Prosecutor may, if he considers that it is likely to contain any information relating to the payment of ransom for the release of a person who has been wrongfully restrained or wrongfully confined, authorise any police officer

(a) to intercept, detain and open any postal article in course of transmission by post;

(b) to intercept any message transmitted or received by telecommunication; or

(c) to intercept or listen to any conversation by telephone.

(2) For the purposes of this section, "postal article" and "telecommunication" shall have the meanings assigned to them in the Postal Services Act 1999 and the Telecommunications Act 1999, respectively.

Offences to be seizable

11. All offences under this Act shall be deemed to be seizable offences for the purposes of the Criminal Procedure Code (Cap. 68).

Evidence of accomplice

12. Notwithstanding any rule of law or written law to the contrary, no witness shall in any trial of any offence under this Act be presumed to be unworthy of credit by reason only that he has paid or negotiated to pay any ransom or has provided funds for the payment of any ransom to procure the release of any person who has been wrongfully restrained or wrongfully confined.

Evidence of pecuniary resources or property

13. (1) In any trial or inquiry by a court into an offence under this Act or into a conspiracy to commit, or attempt to commit, or an abetment of any such offence the fact that an accused person is in possession, for which he cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income, or that he had, at or about the time of the alleged offence, obtained an accretion to his pecuniary resources or property for which he cannot satisfactorily account, may be proved and may be taken into consideration by the court as corroborating the testimony of any witness in the trial or inquiry that the accused person has received a ransom for the release of a person who has been wrongfully restrained or wrongfully confined.

(2) An accused person shall, for the purpose of subsection (1), be deemed to be in possession of resources or property or to have obtained an accretion thereto where the resources or property are held or the accretion is obtained by any other person whom, having regard to his relationship to the accused person or to any other circumstances, there is reason to believe to be holding the resources or property or to have obtained the accretion in trust for or on behalf of the accused person or as a gift from the accused person.

Protection of informers

14. (1) Subject to this section, no complaint as to an offence under this Act shall be admitted in evidence in any civil or criminal proceeding whatsoever, and no witness shall be obliged or permitted to disclose the name or address of any informer, or state any matter which might lead to his discovery.

(2) If any books, documents or papers which are in evidence or liable to inspection in any civil or criminal proceeding whatsoever contain any entry in which any informer is named or described or which might lead to his discovery, the court before which the proceeding is had shall cause all such passages to be concealed from view or to be obliterated so far as is necessary to protect the informer from discovery, but no further.

(3) If on a trial for any offence under this Act the court, after full inquiry into the case, is of opinion that the informer wilfully made in his complaint a material statement which he knew or believed to be false or did not believe to be true, or if in any other proceeding the court is of opinion that justice cannot be fully done between the parties thereto without the discovery of the informer, the court may require the production of the original complaint, if in writing, and permit inquiry and require full disclosure concerning the informer.