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REGULATION OF IMPORTS AND EXPORTS ACT

(CHAPTER 272A, SECTION 3)

REGULATION OF IMPORTS AND EXPORTS (KIMBERLEY PROCESS) REGULATIONS

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REGULATION OF IMPORTS AND EXPORTS ACT**(CHAPTER 272A, SECTION 3)****REGULATION OF IMPORTS AND EXPORTS (KIMBERLEY PROCESS)
REGULATIONS****[1st April 2004]****Citation**

1. These Regulations may be cited as the Regulation of Imports and Exports (Kimberley Process) Regulations.

Definitions

2. In these Regulations, unless the context otherwise requires —

"Kimberley Process" means the international understanding among Participants that was recognised by Resolution 55/56 adopted by the General Assembly of the United Nations on 1st December 2000, as that understanding is amended from time to time;

"Kimberley Process Certificate" means a document issued by a Participant that certifies that rough diamonds for export or import have been handled in a manner that meets the minimum requirements of the Kimberley Process;

"licensee" means any person who holds a valid licence for the export or import of rough diamonds, as the case may be, issued under regulation 4;

"Participant" means a country or a territory that is a Participant in the Kimberly Process;

"rough diamond" means a diamond that is unsorted, unworked or simply sawn, cleaved or bruted, and that falls under the HS Codes 7102.10.00, 7102.21.00 or 7102.31.00 specified in the First Schedule to the Customs (Duties) Order (Cap. 70, O 4);

"Singapore Certificate" means a Kimberley Process Certificate issued by the Director-General under regulation 7.

Licence for exporting and importing rough diamonds

3. —(1) No person shall export or import rough diamonds except under a licence issued by the Director-General.

(2) Any person who contravenes paragraph (1) shall be guilty of an offence.

Application for licence

4. —(1) An application for a licence under these Regulations shall be —

(a) made to the Director-General;

(b) in such form and manner as may be determined by the Director-General; and

(c) accompanied by the prescribed fee.

(2) The applicant shall provide the Director-General with such documents or information as the Director-General may require in any particular case.

(3) On receipt of an application under paragraph (1), the Director-General may, in his discretion, issue a licence to the applicant subject to such conditions as he thinks fit.

(4) The Director-General may at any time vary or revoke any of the existing conditions imposed under paragraph (3) or impose new conditions.

(5) Any licensee who breaches any condition of his licence shall be guilty of an offence.

(6) Subject to regulation 5, every licence issued under this regulation shall expire on 31st December of the year in which it is issued, and may be renewed annually thereafter.

(7) Paragraphs (1) to (5) shall apply, with the necessary modifications, to an application for the renewal of a licence.

Revocation of licence

5. The Director-General may revoke a licence at any time without assigning any reason.

Export of rough diamonds

6. —(1) No licensee shall export rough diamonds except —

(a) under a Singapore Certificate;

(b) to a Participant; and

(c) in a container —

(i) which is capable of being locked, sealed or otherwise secured; and

(ii) whose lock, seal or other security features are not tampered with upon export out of Singapore.

(2) Any person who contravenes paragraph (1) shall be guilty of an offence.

Application for Singapore Certificate

7. —(1) An application by a licensee for a Singapore Certificate shall be —

(a) made to the Director-General;

(b) in such form and manner as may be determined by the Director-General; and

(c) accompanied by the prescribed fee.

(2) The licensee shall provide the Director-General with such documents or information as the Director-General may require in any particular case.

(3) On receipt of an application under paragraph (1), the Director-General may, in his discretion, issue a Singapore Certificate to the licensee subject to such conditions as he thinks fit.

(4) The Director-General may at any time vary or revoke any of the existing conditions imposed under paragraph (3) or impose new conditions.

(5) Any licensee who breaches any condition of a Singapore Certificate issued to him under this regulation shall be guilty of an offence.

Revocation of Singapore Certificate

8. The Director-General may revoke a Singapore Certificate at any time without assigning any reason.

Reporting of export, etc.

9. —(1) Every person who exports rough diamonds shall present the shipment, together with a Singapore Certificate for that shipment, to a proper officer of customs at the customs station at the point of export.

(2) Any person who contravenes paragraph (1) shall be guilty of an offence.

Import of rough diamonds

10. —(1) No licensee shall import rough diamonds except —

(a) under a Kimberley Process Certificate that —

(i) was issued by a Participant;

(ii) has not been revoked by the Participant; and

(iii) contains information which accurately reflects the details of the shipment;
and

(b) in a container —

(i) which is capable of being locked, sealed or otherwise secured; and

(ii) whose lock, seal or other security features are not tampered with upon import into Singapore.

(2) Any person who contravenes paragraph (1) shall be guilty of an offence.

Reporting of import, etc.

11. —(1) Every person who imports rough diamonds shall present the shipment, together with a Kimberley Process Certificate for that shipment, to a proper officer of customs at the customs station at the point of import.

(2) Any person who contravenes paragraph (1) shall be guilty of an offence.

Rough diamonds in transit or on transshipment

12. —(1) A person who imports rough diamonds into Singapore in transit or on transshipment shall —

(a) upon importation, lock, seal or otherwise secure the shipment in the manner required by a proper officer of customs or such other person as the Director-General may direct; and

(b) ensure that the shipment leaves Singapore in an identical state as when it entered Singapore.

(2) Any person who contravenes paragraph (1) shall be guilty of an offence.

Seizing or return of rough diamonds

13. Where any export or import of rough diamonds is in contravention of regulation 6, 10 or 12, an authorised officer may —

(a) seize the shipment; or

(b) order the return of shipment to —

(i) in the case of a contravention of regulation 6, the person exporting the shipment out of Singapore; and

(ii) in the case of a contravention of regulation 10 or 12, the person from whom the shipment was imported into Singapore.

Penalty

14. Any person who is guilty of an offence under these Regulations shall be liable —

(a) on the first conviction to a fine not exceeding \$100,000 or 3 times the value of the rough diamonds in respect of which the offence was committed, whichever is the greater, or to imprisonment for a term not exceeding 2 years or to both; and

(b) on the second or subsequent conviction to a fine not exceeding \$200,000 or 4 times the value of the rough diamonds in respect of which the offence was committed, whichever is the greater, or to imprisonment for a term not exceeding 3 years or to both.

Application of Regulation of Imports and Exports Regulations

15. These Regulations shall be in addition to, and not in derogation of, the Regulation of Imports and Exports Regulations (Rg 1).

[G.N. No. S 80/2004]