

By means of the Act 21 of 2014, “foreign serious tax offences” were added to chapter 65A of the Corruption, Drug trafficking and other serious crimes (confiscation of benefits act), whereas “‘foreign serious tax offence’ means an offence against the national law of a foreign country that consists of the doing of any of the following (however described) wilfully with intent to evade, or to assist any other person to evade, any tax of that country:

- (a) omitting from, or understating or overstating in, a return made for the purposes of that tax any information which should be included in the return;
 - (b) making any false statement or entry in any return, claim or application made, or any document or information required to be given, for the purposes of that tax;
 - (c) giving any false answer, whether verbally or in writing, to any question or request for information asked or made for the purposes of that tax;
 - (d) failing to inform the authority responsible for the collection of that tax, in the required manner, of any incorrect information appearing in any assessment made by that authority, when required to do so;
 - (e) preparing or maintaining, or authorising the preparation or maintenance, of any false books of account or other records, or falsifying or authorising the falsification of any books of account or records;
 - (f) making use of any fraud, art or contrivance, or authorising the use of any such fraud, art or contrivance;”.
- The Act 21 of 2014 entered into force on September 1, 2014.

Points 2 and 5 of the interpretive note to FATF recommendation 3 seem to be implemented.

Interestingly, the reporting obligation according to art. 39 confiscation of benefits act is larger than in most other countries, covering not only suspicious proceeds of crime and instrumentalities, but also property that is suspected of being intended to be used in connection with any criminal conduct, hence including foreign serious tax offences.⁸⁷ The problem other countries have with the definition of the term “proceeds of crime” seem to have been elegantly avoided by Singapore.

⁸⁷ 39.—(1) Where a person knows or has reasonable grounds to suspect that any property —

- (a) in whole or in part, directly or indirectly, represents the proceeds of;
- (b) was used in connection with; or
- (c) is intended to be used in connection with,

any act which may constitute drug dealing or criminal conduct, as the case may be, and the information or matter on which the knowledge or suspicion is based came to his attention in the course of his trade, profession, business or employment, he shall disclose the knowledge or suspicion or the information or other matter on which that knowledge or suspicion is based to a Suspicious Transaction Reporting Officer as soon as is reasonably practicable after it comes to his attention. [44/2007 wef 01/11/2007] [25/99] [Act 21 of 2014 wef 01/09/2014]