

# Information Guide (“Guide”) on the Prevention of Money Laundering and Countering the Financing of Terrorism for Pawnbrokers



# Information Guide (“Guide”) on the Prevention of Money Laundering and Countering the Financing of Terrorism for Pawnbrokers

---

1 This Guide seeks to improve the awareness and understanding on issues relating to money laundering (“ML”) and terrorism financing (“TF”) and to inform pawnbrokers of the appropriate preventive measures to be adopted against such activities that might be conducted through your course of business. This Guide also highlights the key provisions, offences and obligations for compliance by pawnbrokers.

## National Risk Assessment

2 On 10 January 2014, the Monetary Authority of Singapore (MAS) issued its inaugural national risk assessment report on money laundering and terrorism financing risks in Singapore. The report serves to help regulatory authorities maintain an effective risk-based regime in regard to anti-money laundering and counter financing of terrorism (“AML/CFT”), as well as to prioritise and allocate public sector resources efficiently. The report also serves to help private sector stakeholders better understand the money laundering and terrorism financing risks in their own and related industries, assess the adequacy of their AML/CFT controls, and strengthen them where necessary.

3 The section of the report pertaining to the pawnbrokers’ regime can be found on page 70 of the [report](#)<sup>1</sup>. As pawnbrokers, you are urged to read the report for a better appreciation of the AML/CFT gaps relevant to the pawnbrokers industry, as well as the larger economic landscape of Singapore. This will better equip you to tailor your AML/CFT measures as necessary to counter such risks.

4 The fast-growing pawnbrokers sector is another risk area that has been identified for controls to be improved. Transactions in this sector are mainly cash-based and gold items make up 90% of all pledges. While this sector is domestically-oriented and the individual loan amounts are generally small, debt repayment using illicit funds and pawning of stolen goods have been identified as channels of risk. The introduction of Part 5 and Section 83(1)(h) of the Pawnbrokers Act 2015 seek to address these risks.

## Overview of Money Laundering (“ML”) and Terrorism Financing (“TF”)

5 ML is an illegal activity carried out by criminals to turn “dirty” money into what appears to be “clean” money. It involves converting cash or other property derived from illegal activities, into a form which appears to have originated from legitimate sources<sup>2</sup>. Additionally, continual terrorist attacks in countries and cities in many parts of the world have increased the

---

<sup>1</sup> The full report can be accessed at [https://rop.mlaw.gov.sg/files/SingaporeNRARReport2013\\_24032015.pdf](https://rop.mlaw.gov.sg/files/SingaporeNRARReport2013_24032015.pdf)

<sup>2</sup> To illustrate, while the loan money issued by a pawnbroker is “clean” money, the money used to repay the pawnbroker may be “dirty” money.

# Information Guide (“Guide”) on the Prevention of Money Laundering and Countering the Financing of Terrorism for Pawnbrokers

---

focus of governments worldwide on countering the act of terrorism and the financing of terrorism.

6 The Financial Action Task Force (“FATF”) is an international task force established in 1989 to develop and promote national and international policies to fight money laundering, financing of terrorism and financing of proliferation of weapons of mass destruction. The FATF published a revised set of 40 recommendations on anti-money laundering measures in June 2003. As a member of the FATF, Singapore has an obligation to implement these recommendations.

7 FATF’s recommendations are applicable to the pawnbroker sector. The other professional sectors that need to comply include the financial sector as well as the designated non-financial business and professions (“DNFBP”) such as the public accountants, real estate agents, casinos, company service providers, developers, lawyers as well as the non-profit organisations such as the charities. They have been identified as important gatekeepers to counter the threat of money laundering and terrorist financing.

## What is ML?

8 ML is a process intended to turn “dirty” money (which are normally proceeds from a criminal activity) into what appears to be “clean” money. It is done so with the intention to hide their illegal origins. With such an act, criminals can get to enjoy the proceeds without the fear of detection or prosecution, as there will not be any recognisable audit trail to trace back to the criminals/criminal activities.

9 If money laundering activities are left undetected, it will lead to the following consequences:

- a. There will be difficulty in taking prosecution action against key culprits as criminals are able to remove or distance themselves from the criminal activities that generated the proceeds;
- b. Criminals will get to enjoy the proceeds of crime as such crime proceeds do not get confiscated even if the criminal is caught;
- c. Criminals can fund further criminal activities by reinvesting the proceeds of previous crimes.

## What is TF?

10 TF is the provision, collection, use, possession or dealing with property for terrorist purposes. The source of such funds used can be either legitimate or illegal. These funds may not always be in large amounts.

## What legislation does ML fall under?

11 The **Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (“CDSA”)** is the primary legislation in Singapore to combat and criminalise money laundering. Sections 43, 44, 46(2), 46(3), 47(2) and 47(3) of the CDSA also criminalise third-party laundering of proceeds derived from drug dealing and other serious crimes. The CDSA provides for the tracing and confiscation of such proceeds and its benefits.

12 Section 39 of the CDSA makes it mandatory for a person to lodge a suspicious transaction report (“STR”) with the Suspicious Transaction Reporting Office (“STRO”) if in the course of his trade, profession, business or employment, he has reason to suspect that any property he is dealing with is linked to crime. Failure to do so is an offence punishable with a fine of up to \$20,000.

## What legislation does TF fall under?

13 The **Terrorism (Suppression of Financing) Act (“TSoFA”)** was passed to give effect to the International Convention for the Suppression of the Financing of Terrorism which Singapore signed on 18 December 2001 and the United Nations Security Council Resolution 1373 (“UNSCR 1373”). The TSoFA not only criminalises terrorism financing but also prohibits any person in Singapore from dealing with or providing services to a terrorist entity, including those designated pursuant to the TSoFA. The TSoFA also imposes a duty to all to provide information pertaining to terrorism financing to the Police. This obligation is laid out under sections 8 and 10 of the TSoFA.

14 Due to Singapore’s commitment in fighting terrorism, an Inter-Ministry Committee on Terrorist Designation (“IMC–TD”) was formed in 2012 to act as Singapore’s authority relating to the designation of terrorists. This Committee consists of members from the Ministry of Home Affairs (“MHA”), Monetary Authority of Singapore (“MAS”) and the Attorney General’s Chambers (“AGC”). The IMC-TD is the competent authority responsible for identifying persons or entities for designation as terrorists pursuant to UNSCR 1373 (2001) who meet the criteria for designation under UNSCR 1373. Please refer to MHA’s IMC–TD website [here](#)<sup>3</sup>. You may also wish to receive updates on new information published on this website by subscribing to the website’s Rich Site Summary (“RSS”) feed.<sup>4</sup> Pawnbrokers are also required to adhere strictly to the Pawnbrokers Act 2015 (“Act”) and the Pawnbrokers Rules 2015 (“Rules”) as anyone who is guilty of an offence under the Act will be subject to a maximum fine of up to \$100,000.

---

<sup>3</sup> MHA’s Inter-Ministerial Committee – Terrorist Designation website: [https://www.mha.gov.sg/Pages/Inter-Ministerial-Committee---Terrorist-Designation-\(IMC-TD\)-.aspx](https://www.mha.gov.sg/Pages/Inter-Ministerial-Committee---Terrorist-Designation-(IMC-TD)-.aspx)

<sup>4</sup> Such RSS feeds will send you alerts whenever updates had been made to the contents of the website.

## **Which are the United Nations Security Council Resolutions (“UNSCRs”) in relation to terrorism and what are our obligations in relation to them? What happens if we do not fulfil them?**

15 Singapore is committed to implementing the United Nations Security Council Resolutions (“UNSCRs”). Among other measures, the UNSCRs may impose targeted financial sanctions against specific individuals and entities identified by the UN Security Council (or relevant UN Committees) as contributing to a particular threat to, or breach of, international peace and security.

16 There are a number of UNSCRs relating to terrorism, including the recent UNSCRs 2178 and 2199 which focus on terrorist threats arising from the Islamic State in Iraq and the Levant. More specifically, UNSCRs 1267/1989 and UNSCR 1988 set out measures against designated individuals and entities associated with Al-Qaida and the Taliban respectively<sup>5</sup>.

17 Under the TSoFA, a terrorist is defined widely as anyone who commits, or attempts to commit, any terrorist act or participates in or facilitates the commission of any terrorist act. It also includes any person set out in the First Schedule of TSoFA. All persons and entities designated by the UNSCRs 1267/1989 Sanctions Committee to the Al-Qaida Sanctions List and the UNSCR 1988 Sanctions Committee to the 1988 Sanctions List, and as updated from time to time, are included as part of the First Schedule to TSoFA.

18 Sections 3 to 6 of the TSoFA expressly prohibit all natural and legal persons within Singapore and Singapore Citizens outside of Singapore from the following:

- a. Provision and collection of property for terrorist acts;
- b. Provision of property or services for terrorist purposes;
- c. Use or possession of property for terrorist purposes; and
- d. Dealing with property of terrorists or terrorist entity.

19 Under the TSoFA, a person who contravenes sections 3 to 6 will be liable, upon conviction, to a maximum fine of \$500,000 or to imprisonment for a term not exceeding 10 years or to both. In any other case where the offender is not an individual, to a fine not exceeding \$1 million. Every person in Singapore and every citizen of Singapore outside of Singapore who has information about these transactions or proposed transactions in respect of any property, funds or other assets belonging to any terrorist or terrorist entity, is required to inform the Police immediately. Any person who contravenes this requirement will be liable,

---

<sup>5</sup> These two lists of such individuals and entities can be found at <http://www.mas.gov.sg/Regulations-and-Financial-Stability/Anti-Money-Laundering-Countering-The-Financing-Of-Terrorism-And-Targeted-Financial-Sanctions/Targeted-Financial-Sanctions/Lists-of-Designated-Individuals-and-Entities.aspx>

## Information Guide (“Guide”) on the Prevention of Money Laundering and Countering the Financing of Terrorism for Pawnbrokers

---

on conviction, to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 5 years or to both.

### **Are there any other UNSCRs that we have to take note of? What are our obligations in relation to them?**

20 There are also UNSCRs issued to address proliferation risks of weapons of mass destruction including those emanating from Cote d’Ivoire, the Democratic People’s Republic of Korea (“DPRK”), Congo, Iran, Liberia and Sudan. . More specifically, UN 1572, UN 1718, UN 1533, UN 1737, UN 1521 and UN 1591 (collectively referred to as the “UN Lists”) set out measures on designated individuals and entities associated with the aforementioned countries<sup>6</sup>.

21 In Singapore, these obligations would include:

- a. United Nations (Freezing of Assets – Cote d’Ivoire) Regulations 2006;
- b. United Nations (Sanctions – Democratic People’s Republic of Korea) Regulations 2010;
- c. United Nations (Freezing of Assets of Persons – Democratic Republic of Congo) Regulations 2006;
- d. United Nations (Sanctions – Iran) Regulations 2014;
- e. United Nations (Freezing of Assets of Former President of Liberia and Connected Persons) Regulations 2004; and
- f. United Nations (Freezing of Assets of Persons – Sudan) Regulations 2006(collectively referred to as the “UN Regulations”).

These Regulations can be accessed at [Singapore Statutes Online](#)<sup>7</sup>.

22 Under these regulations, all natural and legal persons in Singapore:

- a. are required to comply with targeted financial sanctions (freezing) requirements against such UN-designated individuals and entities; and
- b. should ensure that they do not deal with designated individuals and entities (as defined in the respective UN Regulations) before engaging in any business or commercial activity. Screening the names of their customers against the names (and aliases) of designated individuals and entities would help natural and legal persons meet these obligations.

23 Amongst other provisions, the UN Regulations prohibit:

- a. The provision of funds, other financial assets or economic resources and services for the benefit of designate individuals and entities; and

---

<sup>6</sup> The links to the UN Lists can be found at <http://www.mas.gov.sg/Regulations-and-Financial-Stability/Anti-Money-Laundering-Countering-The-Financing-Of-Terrorism-And-Targeted-Financial-Sanctions/Targeted-Financial-Sanctions/Lists-of-Designated-Individuals-and-Entities.aspx>

<sup>7</sup> The Singapore Statutes Online can be accessed through this link: <http://statutes.agc.gov.sg/>

# Information Guide (“Guide”) on the Prevention of Money Laundering and Countering the Financing of Terrorism for Pawnbrokers

---

b. Dealing with property of designated individuals and entities.

24 Under the United Nations Act, a person who commits any offence under the UN Regulations will be liable on conviction, in the case of an individual, to a fine of up to \$500,000 or to imprisonment for a term of up to 10 years or to both; or in any other case, to a fine of up to \$1 million.

## **How can I be kept updated on changes made to the Lists of Designated Individuals and Entities?**

25 MAS published a webpage titled “Targeted Financial Sanctions<sup>8</sup>”. This page highlights the targeted financial sanctions against specific individuals and entities identified by the UN Security Council (or relevant UN Committees) as contributing to a particular threat to, or breach of, international peace and security.

26 Pawnbrokers are required to comply with the sanctions requirements. In order to ensure that no one deals with designated individuals and entities defined under the United Nations Act, and the Terrorism (Suppression of Financing) Act, all persons should screen their clients against the lists found on this webpage titled “Lists of Designated Individuals and Entities<sup>9</sup>” before engaging in any business or commercial activity with them.

27 Pawnbrokers are strongly encouraged to subscribe to the RSS Feed function located on this webpage in order to receive alerts on updates made to the said lists.

## **Who can I approach for help on the UN Regulations and my obligations?**

28 All persons should seek independent legal counsel if you have any doubts about the interpretation and applicability of the UN Regulations or of your obligations. Further enquiries can be sent to the Registry of Pawnbrokers.

---

<sup>8</sup> This webpage can be found at: <http://www.mas.gov.sg/Regulations-and-Financial-Stability/Anti-Money-Laundering-Countering-The-Financing-Of-Terrorism-And-Targeted-Financial-Sanctions/Targeted-Financial-Sanctions.aspx>

<sup>9</sup> This webpage can be found at: <http://www.mas.gov.sg/Regulations-and-Financial-Stability/Anti-Money-Laundering-Countering-The-Financing-Of-Terrorism-And-Targeted-Financial-Sanctions/Targeted-Financial-Sanctions/Lists-of-Designated-Individuals-and-Entities.aspx>

## What is the role of the Suspicious Transaction Reporting Office (“STRO”)?

29 STRO is Singapore’s Financial Intelligence Unit. It was formed in 2000 under the Commercial Affairs Department (“CAD”) of the Singapore Police Force (“SPF”). It is Singapore’s central agency for receiving, analysing and disseminating reports of suspicious transactions, known as Suspicious Transaction Reports (“STRs”). STRO will turn raw data in STRs into financial intelligence that can be used to detect money laundering, terrorism financing and other criminal offences.

## What is a STR?

30 An STR is made when a person suspects that any property is directly or indirectly connected to a criminal conduct, and the knowledge or suspicion arose during the course of the pawnbroker’s business. While the “transaction” usually refers to a financial transaction, it can also extend to other activities which can be used to facilitate illicit activities. In the context of a pawnbroker, an example encounter would be a borrower turning up to pawn large amount of jewellery without accountable origin with an intention to repay the debt later with criminal proceeds. More examples on what are considered suspicious transactions can be found at paragraph 32 on page 7. These are suspicious activities that require the making of an STR.

## What is the purpose of lodging a STR?

31 Information from each STR will be analysed to detect money laundering, terrorism financing or other criminal activities.

## How to lodge a STR?

32 Pawnbrokers can lodge STRs by submitting it in writing, via email or via the web-based system ([SONAR](#))<sup>10</sup>. The following information should be contained in the report:

- a. A detailed account of the relevant facts and nature of the transaction;
- b. Copies of the relevant documents, if available; and
- c. Your name, NRIC / passport number, contact number and address.

33 To lodge a STR in writing, you may send the STR to:

Head, Suspicious Transaction Reporting Office (Analysis)  
Commercial Affairs Department  
391 New Bridge Road #06-701  
Police Cantonment Complex Block D

---

<sup>10</sup> SONAR: <https://eservices.police.gov.sg/content/policehubhome/homepage/stro-singpass.htm>



# Information Guide (“Guide”) on the Prevention of Money Laundering and Countering the Financing of Terrorism for Pawnbrokers

---

Singapore 088762.

34 Alternatively, if your company has a valid STROLLS user account, your authorised officer may lodge an STR via STROLLS. You may wish to email [STRO@spf.gov.sg](mailto:STRO@spf.gov.sg) to find out if your company has a valid STROLLS account. If your company does not have a valid STROLLS account, you may email your report to the abovementioned email address.

You can also use the STR form format provided at **Annex A** of this Guide. For more information on STR reporting, you may access the STRO website at the following link:

<https://www.police.gov.sg/Advisories/Crime/Commercial-Crimes/Suspicious-Transaction-Reporting-Office>

## What is considered a suspicious customer or transaction?

35 The following are examples / indicators of a suspicious customer or transaction:

### **A General**

- a. Pawner admits or makes statements about involvement in criminal activities.
- b. Pawner does not want correspondence sent to home address.
- c. Pawner is accompanied and watched.
- d. Pawner shows uncommon curiosity about internal systems, controls and policies.
- e. Pawner presents confusing details about the loan or knows few details about its purpose.
- f. Pawner over justifies or explains the loan.
- g. Pawner gives conflicting accounts as regards the purpose of the loan.
- h. Pawner's home or business telephone number has been disconnected or there is no such number when an attempt is made to contact pawner shortly after transaction was made.
- i. Normal attempts to verify the background of a new or prospective pawner are difficult.
- j. Pawner appears to be acting on behalf of a third party, but does not tell you.
- k. Pawner insists that a transaction be done quickly and that the identification and verification processes be done away with.
- l. The transaction does not appear to make sense or is out of keeping with usual or expected activity for the pawner.
- m. Pawner attempts to develop close rapport with staff yet appears to hide his true intentions.
- n. Pawner spells his or her name differently from one loan to another.
- o. Pawner provides false information or information that you believe is untrue.
- p. You are aware that the pawner is the subject of a money laundering or terrorist financing investigation.

## Information Guide (“Guide”) on the Prevention of Money Laundering and Countering the Financing of Terrorism for Pawnbrokers

---

- q. You are aware or you become aware, from a reliable source (that can include media or other open sources), that a pawner is suspected of being involved in illegal activity.
- r. There is adverse information concerning the pawner where he is listed on the UNSCR lists (terrorist, pirates, genocide), sanctions list or the customer appeared in media articles indicating his investigation, arrest, prosecution or conviction;
- s. A new or prospective pawner is known to you as having a questionable reputation or criminal background.

### **B Knowledge of reporting or record keeping requirements**

- a. Pawner attempts to convince employee not to complete any documentation or verification required for the transaction.
- b. Pawner makes inquiries that would indicate a desire to avoid reporting.
- c. Pawner has unusual knowledge of the law in relation to suspicious transaction reporting.
- d. Pawner seems very conversant with money laundering or terrorist activity financing issues.
- e. Pawner is quick to volunteer that repayment funds are “clean” or “not being laundered.”
- f. Pawner appears to be structuring amounts to avoid record keeping, client identification or reporting thresholds.

# Information Guide (“Guide”) on the Prevention of Money Laundering and Countering the Financing of Terrorism for Pawnbrokers

---

## **C Identity documents**

- a. Pawner provides doubtful or vague documents.
- b. Pawner does not resemble the photograph in his personal document
- c. Pawner produces seemingly false identification or identification that appears to be counterfeited, altered or inaccurate.
- d. Pawner refuses to produce personal identification documents.
- e. Pawner only submits copies of personal identification documents and is not able to produce the originals.
- f. Pawner expects the staff to establish identity using something other than his or her personal identification documents.
- g. All identification presented is foreign or cannot be checked for some reason.
- h. All identification documents presented appear new or have recent issue dates.
- i. Pawner presents different identification documents at different times.
- j. Pawner’s residential address does not correspond with domicile or employment status.

## **D Cash transactions**

- a. Pawner starts taking frequent loans in large amounts when this has not been a normal activity for the pawner in the past.
- b. Pawner makes multiple pledges in close successions for an aggregated loan of a substantial value, redeeming the pledges way before the due date and unable to provide a reasonable explanation on the source of funds used for repayment (such a behaviour, if repetitive, may attract a higher suspicion).
- c. Pawner uses notes in denominations to make repayments that are unusual for the pawner (ie repayment in notes of SGD \$1,000 or \$10000).
- d. Pawner presents notes that are packed or wrapped in a way that is uncommon for the pawner.
- e. Pawner consistently applies for loans that are just under the reporting threshold amount in an apparent attempt to avoid the reporting threshold.
- f. Pawner consistently applies for loans that are significantly below the reporting threshold amount in an apparent attempt to avoid triggering the relatively rigorous identification/verification reporting requirements.
- g. Pawner presents significant excessive funds for repayment without bothering to count them, which suggests that the source is doubtful.
- h. Pawner applies for a loan of an amount that is unusual compared with amounts of past transactions.

## **Are there any measures that Pawnbrokers can take to detect and prevent money laundering and terrorist financing?**

36 Under Part 5 of the Pawnbrokers Act 2015, pawnbrokers shall be required to put in place programmes and measures to prevent money laundering and terrorism financing.

37 A pawnbroker must take steps to identify, assess and understand the money laundering and terrorism financing risks of its pawners, the countries and jurisdictions where the pawners come from as well as the countries and jurisdictions in which it is operating in. In order to achieve this, pawnbrokers will need to document its risk assessments and keep it up to date. When carrying out the risk assessment, all relevant risk factors will have to be considered before determining the overall level of risk and the appropriate type and extent of the mitigation to be applied. There should also be appropriate mechanisms in place to provide such risk assessments to the Registrar, when instructed to.

38 Pawnbrokers shall be required to develop and implement internal policies, procedures and controls (“PPCs”), which must be approved by its senior management, to manage and effectively mitigate the money laundering and terrorism financing risks identified or notified by the Registrar. Such PPCs include:

- a. Making appropriate compliance management arrangements, including the appointment of a compliance officer at the management level; and
- b. Applying adequate screening procedures when hiring employees.

39 Additionally, pawnbrokers shall have an ongoing programme to train employees on the internal policies, procedures and controls. An independent audit function should be in place to test such internal policies, procedures and controls with their implementation monitored and enhanced, if necessary.

### **Requirements applicable to branches and subsidiaries of pawnbrokers**

40 Pawnbrokers who have branches or subsidiaries, in Singapore and/or elsewhere, must develop and implement group-level measures which must be observed by its branches or subsidiaries to prevent money laundering and terrorism financing. Pawnbrokers must also provide for:

- a. policies and procedures for providing and sharing information required for the purposes of customer due diligence measures under Part 2 of the Third Schedule of the Pawnbrokers Act 2015; and
- b. safeguards on the confidentiality and use of information exchanged between the pawnbroker and its branches and subsidiaries.

# Information Guide (“Guide”) on the Prevention of Money Laundering and Countering the Financing of Terrorism for Pawnbrokers

---

41 For pawnbrokers that have branches or subsidiaries overseas in countries that have laws for the prevention of money laundering and/or the financing of terrorism that differ from those in Singapore, the pawnbroker must require the management of that branch or subsidiary to apply the more stringent set of laws, to the extent that the law of the host country or territory allows. If the branch or subsidiary is unable to fully apply the more stringent set of laws, the pawnbroker must report this to the Registrar and must comply with the directions as may be imposed by the Registrar.

42 Under section 74 of the Pawnbrokers Act 2015, a person who contravenes these requirements will be liable on conviction to a maximum fine of \$100,000.

## **Customer Due Diligence**

43 All pawnbrokers are required to perform the customer due diligence measures specified in Part 2 of the Third Schedule of the Pawnbrokers Act 2015.

44 Pawnbrokers are also required to have appropriate risk-management systems in place and be able to take reasonable measures to assess if a person relevant to a pawn transaction is a politically-exposed person or a family member or close associate of a politically-exposed person. For such instances, pawnbrokers are required to perform the measures specified in Part 3 of the Third Schedule of the Pawnbrokers Act 2015, in addition to the measures highlighted in the preceding paragraph.

45 Before the making of a relevant loan (i.e. a loan or aggregate of loans exceeding \$20,000), the pawnbroker shall take reasonable measures to assess whether the relevant person is a terrorist or terrorist entity under the First Schedule of the Terrorism (Suppression of Financing) Act (Cap. 325). If the pawnbroker has reasonable grounds to suspect that the customer is a terrorist or terrorist entity, the pawnbroker is required to perform the additional measures specified in Part 4 of the Third Schedule of the Pawnbrokers Act 2015.

46 Under section 75 of the Pawnbrokers Act 2015, a person who contravenes these requirements will be liable on conviction to a maximum fine of \$100,000.

## **Record Keeping**

47 In addition to the statutory duties under Section 23 of the Pawnbrokers Act 2015, pawnbrokers shall keep all documents and information (including any analysis performed) relating to a person that the pawnbroker obtained as a result of performing the necessary AML/CFT measures for a period of 5 years after **the latest** of the following dates:

- a. the date the item was pawned;
  - b. the date of redemption of a pledge;
  - c. the date of forfeiture of a pledge;
  - d. the date the pawnbroker ended any transaction or relationship with the person
- [Note: This is a scenario not covered in (a)-(c). An example scenario may be that the police had seized the pledge which was a stolen property and the Court had*

## Information Guide (“Guide”) on the Prevention of Money Laundering and Countering the Financing of Terrorism for Pawnbrokers

---

*ordered for the property to be returned to the rightful owner. Other scenarios may occur.];*

- e. the date of occurrence of such other matter that is relevant to AML/CFT as may be prescribed [*Note: An example scenario may be the filing of an STR which happened after the expiry of the redemption period. Another possible scenario may be the escalation of a pawner’s status to one of a politically-exposed person.*].

48 Pawnbrokers must avail the documents kept and information required upon request by relevant law enforcement authorities.

### **What should Pawnbrokers do if we encounter a suspicious customer or transaction?**

49 Pawnbrokers should take the following steps when you encounter a suspicious borrower or transaction:

- a. You should not alert the pawner of your suspicion or your intention to lodge a STR against him.
- b. You should reject and not enter into any transaction with the customer.
- c. File a STR in the format (as shown in Annex A) with the STRO.
- d. Keep records relating to the suspicious transaction together with all internal findings, analysis and investigation carried out.

### **What are the consequences of not reporting a STR?**

50 An STR shall be filed when there are grounds to suspect that any property could be associated with criminal activities, and such suspicion arose in the course of employment/business. Otherwise, you run the risk of being prosecuted for failing to file a STR.

51 You could also be prosecuted for abetting the commission of more serious offences like money laundering or terrorism financing, for allowing yourself to be the conduit for the movement of criminal proceeds, if that you knew or ought to have known, that these were criminal proceeds.

### **Will the suspect in my STR be in any trouble with the authorities?**

52 A STR is not an allegation of crime. It is also not an accusation that a person has committed a crime. It is essentially a suspicion that some property could be linked to criminal conduct. In many cases, there is nothing more than a suspicion, and there may well be no evidence of any criminal conduct.

## Information Guide (“Guide”) on the Prevention of Money Laundering and Countering the Financing of Terrorism for Pawnbrokers

---

53 STRO treats each STR as a piece of important information that could potentially lead to the detection of criminal conduct. Until then, it remains a piece of information. A suspect named in an STR will not automatically be “in trouble” with the authorities.

### **Will STRO arrest the suspect(s) featured in the STR?**

54 There may be some apprehension on the part of the STR filer that his compliance with the statutory obligation to file an STR may result in an innocent person getting into some kind of trouble, including being arrested.

55 STRO is unlikely to arrest a person based solely on information from an STR. STRO would have to verify that the information provided in the STR is accurate, check various domestic and (if necessary) international databases to see if any useful information can be obtained, and conduct further queries and analyses. If need be, STRO will launch a full investigation.

56 If an arrest is ultimately made, it would have been after a certain amount of work has been done, and supported by evidence collected independently rather than the plain information contained in the STR. Therefore, there ought not to be any fear that law enforcement action is taken solely on the basis of the STR, to the detriment of innocent parties.

### **Will my identity remain confidential?**

57 There are safeguards in place to protect the identity of the STR filer. Under section 56 of the CDSA, STRO is required to preserve the secrecy of information obtained under the CDSA, including STR information. There are strict measures in place to protect the identity of the STR filer.

58 Additionally, under section 40A of the CDSA, no STR information shall be admitted in evidence in any civil or criminal proceedings. Moreover, no witness in such proceedings shall be obliged to disclose the identity of the STR filer. If a document which is in evidence were to contain any entry that could lead to the discovery of the identity of the STR filer, the court shall cause those entries to be obliterated to protect the identity of the STR filer.

### **Will I be required to testify in court?**

59 If the concern with testifying in courts is that you would then be revealed as the STR filer, section 40A of the CDSA would provide ample assurance that the identity of the STR filer is protected. You may however, be required to testify in court as an ordinary witness (not

## Information Guide (“Guide”) on the Prevention of Money Laundering and Countering the Financing of Terrorism for Pawnbrokers

---

as the STR filer) if there were certain facts that were specifically within your knowledge that is relevant to the trial.

### **Can I be sued for filing a STR against a person, and STRO subsequently finds that the STR was a “false alarm”?**

60 The key issue is whether you made the STR in good faith. Section 39(6) of the CDSA stipulates that disclosures made in good faith will not be treated as a breach of any restriction upon the disclosure imposed by law, contract or rules of professional conduct, and the maker shall not be liable for any loss arising out of the disclosure, or any act or omission in consequence of the disclosure.

### **Am I allowed to inform my customer that I filed a STR against him?**

61 You should **NOT** inform your customer that you or anyone else has filed an STR against him. This may constitute to “tipping off”, an offence under section 48 of the CDSA. “Tipping off” is an act when a person knows or has reasonable grounds to suspect that an authorised officer is acting in connection with an investigation and discloses to any other person information that is likely to prejudice that investigation.

### **How can I obtain more information on anti-money laundering and counter-terrorism financing?**

62 Detailed information can be obtained from the Singapore Police Force website at: <https://www.police.gov.sg/Advisories/Crime/Commercial-Crimes/AML-CFT>



# Information Guide (“Guide”) on the Prevention of Money Laundering and Countering the Financing of Terrorism for Pawnbrokers

---

## Annex A – Suspicious Transaction Reporting Form

- (1) Reporting of Suspicious Money Laundering Transactions pursuant to section 39, Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act
- (2) Reporting of Suspicious Terrorist Financing Activities pursuant to Section 8, Terrorism (Suppression of Financing) Act

<b>Reporting Pawnbroker</b>	
Name:	
Branch:	
Address:	
Contact No:	
Facsimile:	
Email:	
<b>Reporting Officer of Pawnbroker</b>	
Name:	
Designation:	
Report Reference:	
Contact Officer (if different from Reporting Officer):	
Designations:	
<b>Customer’s Particulars</b>	
Name:	
NRIC / Passport No:	
Date of Birth:	
Nationality:	
Address:	
Foreign Address (if any)	
Contact No:	
Occupation:	
Date when particulars were last updated (where available)	

# Information Guide (“Guide”) on the Prevention of Money Laundering and Countering the Financing of Terrorism for Pawnbrokers

---

<b>Suspicious Transaction(s)</b>		
Amount (Dr/Cr)	Date	Description of Transaction (E.g. Funds transfer, source of funds, destination, etc)

<b>Reason(s) for Suspicion</b>

<b>Other Relevant Information</b> (including information on other accounts that may be linked to the transaction(s) and any actions taken by the reporting entity in response to the transaction):

## Supporting documents

A copy of each of the following documents is attached:

- Application for loan
- Customer identification documents
- Relevant documents supporting the Suspicious Transactions

X

\_\_\_\_\_  
(Signature of Reporting Officer)

Date: