

Harassing borrower, etc.

47.—(1) Subject to subsection (3), where an unlicensed moneylender —

- (a) displays or uses any threatening, abusive or insulting words, behaviour, writing, sign or visible representation; or
- (b) commits any act likely to cause alarm or annoyance to a borrower or surety, any member of the family of the borrower or surety, or any other person,

in connection with a loan to the borrower, whether or not the unlicensed moneylender does the act personally or by any person acting on the unlicensed moneylender's behalf, the unlicensed moneylender shall be guilty of an offence and —

- (c) in the case where the unlicensed moneylender is a body corporate, shall be liable on conviction to a fine of not less than \$10,000 and not more than \$100,000; or
- (d) in any other case —
 - (i) shall on conviction be punished with imprisonment for a term not exceeding 5 years and shall also be liable to a fine of not less than \$5,000 and not more than \$50,000; and
 - (ii) in the case of a second or subsequent offence, shall on conviction be punished with imprisonment for a term of not less than 2 years and not more than 9 years and shall also be liable to a fine of not less than \$6,000 and not more than \$60,000.

(2) Subject to subsection (3), any person who, acting on behalf of an unlicensed moneylender, commits or attempts to commit any of the acts specified in subsection (1) shall be guilty of an offence and —

- (a) shall on conviction be punished with imprisonment for a term not exceeding 5 years and shall also be liable to a fine of not less than \$5,000 and not more than \$50,000; and
- (b) in the case of a second or subsequent offence, shall on conviction be punished with imprisonment for a term of not less than 2 years and not more than 9 years and shall also be liable to a fine of not less than \$6,000 and not more than \$60,000.

(3) Subject to sections 325(1) and 330(1) of the Criminal Procedure Code 2010 —

- (a) except as provided in paragraph (b), a person who is convicted for the first time of an offence under subsection (1) or (2) shall also be liable to be punished with caning with not more than 6 strokes;

- (b) a person who is convicted for the first time of an offence under subsection (1) or (2) shall also be punished with caning —
 - (i) with not less than 3 and not more than 6 strokes if it is proved to the satisfaction of the court that, in the course of committing the offence, damage was caused to any property;
 - (ii) with not less than 5 and not more than 8 strokes if it is proved to the satisfaction of the court that, in the course of committing the offence, hurt was caused to another person; and
 - (iii) with not less than 6 and not more than 12 strokes if it is proved to the satisfaction of the court that, in the course of committing the offence, hurt was caused to another person and damage was caused to any property;
- (c) except as provided in paragraph (d), a person who is convicted of a second or subsequent offence under subsection (1) or (2) shall also be liable to be punished with caning with not more than 12 strokes; and
- (d) a person who is convicted of a second or subsequent offence under subsection (1) or (2) shall also be punished with caning —
 - (i) with not less than 5 and not more than 10 strokes if it is proved to the satisfaction of the court that, in the course of committing the offence, damage was caused to any property;
 - (ii) with not less than 6 and not more than 12 strokes if it is proved to the satisfaction of the court that, in the course of committing the offence, hurt was caused to another person; and
 - (iii) with not less than 9 and not more than 18 strokes if it is proved to the satisfaction of the court that, in the course of committing the offence, hurt was caused to another person and damage was caused to any property.

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- (4) For the purposes of paragraph (a) of subsection (1), a person who —
 - (a) uses any threatening, abusive or insulting words in any telephone call made by the person; or
 - (b) by any means sends any thing which contains any threatening, abusive or insulting words, writing, sign or visible representation,

whether from a place in Singapore or outside Singapore, to any person or place in

Singapore is taken to have committed an act referred to in that paragraph.

(5) For the purposes of paragraph (b) of subsection (1), a person who makes any telephone call, or by any means sends any article, message, word, sign, image or representation, whether from a place in Singapore or outside Singapore, to any person or place in Singapore, which is likely to cause alarm or annoyance to a person referred to in that paragraph, is taken to have committed an act referred to in that paragraph.

(6) For the purposes of subsection (2), any person who does any of the acts specified in subsection (1) in connection with a demand for the repayment of a loan to an unlicensed moneylender is presumed, until the contrary is proved, to act on behalf of the unlicensed moneylender.

(7) For the purposes of subsection (3), a person is deemed to have caused damage to any property if the person does any of the following acts:

- (a) defacing the property by means of any pen, marker or any other delible or indelible substance;
- (b) defacing the property by affixing, posting up or displaying on the property any poster, placard, bill, notice, paper or other document;
- (c) defacing the property through the use of paint, coffee, soya sauce or any other delible or indelible substance;
- (d) destroying or damaging the property through the use of fire or any other substance;
- (e) doing any other act of mischief which causes a change in any property or which diminishes its value or utility.

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