

EIGHTH SCHEDULE — *continued*

the carrying on or conduct of a business or an activity (commercial or otherwise) by the sender.

[22/2016; 40/2020]

NINTH SCHEDULE

Section 50(2)

POWERS OF INVESTIGATION OF COMMISSION AND INSPECTORS

Power to require documents or information

1.—(1) For the purposes of an investigation under section 50, the Commission or an inspector may, by written notice to any organisation, require the organisation to produce to the Commission or the inspector a specified document or specified information, which the Commission or inspector considers relates to any matter relevant to such investigation.

(2) A notice under sub-paragraph (1) must indicate the purpose for which the specified document or specified information is required by the Commission.

(3) The Commission may specify in the notice —

- (a) the time and place at which any document is to be produced or any information is to be provided; and
- (b) the manner and form in which it is to be produced or provided.

(4) The power under this paragraph to require an organisation to produce a document includes the power —

(a) if the document is produced —

- (i) to take copies of it or extracts from it; and
- (ii) to require the organisation, or any person who is a present or past officer of the organisation, or is or was at any time employed by the organisation, to provide an explanation of the document; or

(b) if the document is not produced, to require the organisation or person to state, to the best of the organisation's or person's knowledge and belief, where it is.

(5) In sub-paragraphs (1) and (2), “specified” means —

- (a) specified or described in the notice; or
- (b) falling within a category which is specified or described in the notice.

NINTH SCHEDULE — *continued***Power to require provision of information, etc.**

1A.—(1) For the purposes of an investigation under section 50, the Commission or an inspector may do all or any of the following:

- (a) require, by written notice, any person whom the Commission or inspector reasonably believes has any information, or any document in the person's custody or control, that is relevant to the investigation, to provide that information or produce that document, within the time and in the manner specified in the written notice;
- (b) require, by written notice, any person within the limits of Singapore, who appears to be acquainted with the facts or circumstances of the matter, to attend before the Commission or inspector;
- (c) examine orally any person who appears to be acquainted with the facts or circumstances of the matter.

(2) A person examined under sub-paragraph (1)(c) is bound to state truly the facts and circumstances with which the person is acquainted concerning the matter except that the person need not say anything that might expose the person to a criminal charge, penalty or forfeiture.

(3) A statement made by a person examined under sub-paragraph (1)(c) must —

- (a) be reduced to writing;
- (b) be read over to the person;
- (c) if the person does not understand English, be interpreted in a language that the person understands; and
- (d) after correction (if necessary), be signed by the person.

Power to enter premises without warrant

2.—(1) In connection with an investigation under section 50, an inspector, and such other persons as the inspector may require to assist him or her, may enter any premises.

(2) An inspector or a person assisting the inspector must not enter any premises in exercise of the powers under this paragraph unless the inspector has given the occupier of the premises a written notice which —

- (a) gives at least 2 working days' notice of the intended entry; and
- (b) indicates the subject matter and purpose of the investigation.

(3) Sub-paragraph (2) does not apply if the inspector has reasonable grounds for suspecting that the premises are, or have been, occupied by an organisation which is being investigated in relation to a contravention of this Act and if the inspector

NINTH SCHEDULE — *continued*

has taken all such steps as are reasonably practicable to give written notice under that sub-paragraph but has not been able to do so.

(4) Where sub-paragraph (3) applies, the power of entry conferred by sub-paragraph (1) shall be exercised upon production of —

- (a) evidence of the inspector's appointment; and
- (b) a document containing the information referred to in sub-paragraph (2)(b).

(5) An inspector or a person assisting the inspector entering any premises under this paragraph may —

- (a) take with him or her such equipment as appears to him or her to be necessary;
- (b) require any person on the premises —
 - (i) to produce any document which he or she considers relates to any matter relevant to the investigation; and
 - (ii) if the document is produced, to provide an explanation of it;
- (c) require any person to state, to the best of the person's knowledge and belief, where any such document is to be found;
- (d) take copies of, or extracts from, any document which is produced;
- (e) require any information which is stored in any electronic form and is accessible from the premises and which he or she considers relates to any matter relevant to the investigation, to be produced in a form —
 - (i) in which it can be taken away; and
 - (ii) in which it is visible and legible; and
- (f) take any step which appears to be necessary for the purpose of preserving or preventing interference with any document which he or she considers relates to any matter relevant to the investigation.

Power to enter premises under warrant

3.—(1) The Commission or any inspector may apply to a court for a warrant and the court may issue such a warrant if it is satisfied that —

- (a) there are reasonable grounds for suspecting that there are, on any premises, documents —
 - (i) the production of which has been required under paragraph 1 or 2; and

NINTH SCHEDULE — *continued*

- (ii) which have not been produced as required;
 - (b) there are reasonable grounds for suspecting that —
 - (i) there are, on any premises, documents which the Commission or the inspector has power under paragraph 1 to require to be produced; and
 - (ii) if the documents were required to be produced, they would not be produced but would be concealed, removed, tampered with or destroyed; or
 - (c) an inspector or a person assisting the inspector has attempted to enter the premises in the exercise of his or her powers under paragraph 2 but has been unable to do so and that there are reasonable grounds for suspecting that there are, on the premises, documents the production of which could have been required under that paragraph.
- (2) A warrant under this paragraph authorises a named officer, and such other persons as the inspector may require to assist him or her, to do all or any of the following:
- (a) to enter the premises specified in the warrant, using such force as is reasonably necessary for the purpose;
 - (b) to search any person on those premises if there are reasonable grounds for believing that that person has in his or her possession any document, equipment or article which has a bearing on the investigation;
 - (c) to search the premises and take copies of, or extracts from, any document appearing to be of a kind in respect of which the application under sub-paragraph (1) was granted (the relevant kind);
 - (d) to take possession of any document appearing to be of the relevant kind if —
 - (i) such action appears to be necessary for preserving the document or preventing interference with it; or
 - (ii) it is not reasonably practicable to take copies of the document on the premises;
 - (e) to take any other step which appears to be necessary for the purpose mentioned in sub-paragraph (d)(i);
 - (f) to require any person to provide an explanation of any document appearing to be of the relevant kind or to state, to the best of the person's knowledge and belief, where it may be found;

NINTH SCHEDULE — *continued*

- (g) to require any information which is stored in any electronic form and is accessible from the premises and which he or she considers relates to any matter relevant to the investigation, to be produced in a form —
 - (i) in which it can be taken away; or
 - (ii) in which it is visible and legible; and
 - (h) to remove from those premises for examination any equipment or article which relates to any matter relevant to the investigation.
- (3) If, in the case of a warrant under sub-paragraph (1)(b), the court is satisfied that it is reasonable to suspect that there are also on the premises other documents relating to the investigation concerned, the warrant also authorises the actions mentioned in sub-paragraph (2) to be taken in relation to any such document.
- (4) Where possession of any document is taken under sub-paragraph (2)(d) or (3), the named officer may, at the request of the person from whom possession of the document was taken, provide such person with a copy of the document.
- (5) A named officer may allow any equipment or article which has a bearing on an investigation and which may be removed from any premises for examination under sub-paragraph (2)(h) to be retained on those premises subject to such conditions as the named officer may require.
- (6) A warrant issued under this paragraph —
- (a) must indicate the subject matter and purpose of the investigation; and
 - (b) continues in force until the end of one month beginning from the day on which it is issued.
- (7) The powers conferred by this paragraph must not be exercised except upon production of a warrant issued under this paragraph.
- (8) A person entering any premises by virtue of a warrant under this paragraph may take with the person such equipment as appears to the person to be necessary.
- (9) If there is no one at the premises when the named officer proposes to execute such a warrant, the named officer must, before executing it —
- (a) take such steps as are reasonable in all the circumstances to inform the occupier of the intended entry; and
 - (b) if the occupier is informed, give the occupier or the occupier's legal or other representative a reasonable opportunity to be present when the warrant is executed.