

Annex A: Offences Targeting the Misuse of Local SIM Cards

New Offences	Examples (non-exhaustive)	Penalties*
Group A: Irresponsible subscribers of local SIM cards		
<p>It will be an offence for a person to:</p> <ul style="list-style-type: none"> a. Hand over local SIM cards registered with his own particulars to another person, or allow his own particulars to be used to sign up for a local SIM card by another person; if b. He knows, or has reasonable grounds to believe, that the local SIM card would be used to (i) commit or facilitate a crime, or (ii) cause a wrongful gain or loss to someone else. <p>The person will be presumed to have fulfilled condition (b)(i) above, if he meets any of the following conditions:</p> <ul style="list-style-type: none"> a. He gave away the local SIM card or his own particulars for any gain; or b. He did not take reasonable steps to find out the identity and physical location of the recipient of the local SIM card or the recipient’s particulars; or c. He did not take reasonable steps to find out the recipient’s purpose for obtaining the local SIM card or his particulars. 	<p>Examples of offending acts (non-exhaustive):</p> <ul style="list-style-type: none"> a. Handing over one’s own particulars to a stranger to sign up for SIM cards b. Selling SIM cards registered under one’s own particulars, in exchange for money <p>Example of what would not constitute an offence:</p> <ul style="list-style-type: none"> a. Registering for SIM cards on behalf of family member(s) 	<p>A fine of up to \$10,000 or imprisonment of up to three years, or both.</p>

<p>A person will not be liable for the offences if he had legitimate reason for handing over his local SIM card or his particulars to another person.</p>		
<p>Group B: Receiving, supplying or possessing SIM cards</p>		
<p>It will be an offence for a person to:</p> <ul style="list-style-type: none"> a. Receive, supply or possess local SIM cards which are (i) registered using other persons' particulars, or (ii) unregistered; if b. He intends to use the local SIM card, or knows or has reasonable grounds to believe that the local SIM card would be used, to (i) commit or facilitate a crime, or (ii) cause a wrongful gain or loss to someone else. <p>The person will be presumed to have fulfilled condition (b)(i) above, if he meets any of the following conditions:</p> <ul style="list-style-type: none"> a. 11 or more local SIM cards were involved; or b. The local SIM card was previously used for crime; or c. In cases where the local SIM card was registered in another person's particulars: <ul style="list-style-type: none"> i. He received or supplied the local SIM card for any gain; or 	<p>Examples of offending acts (non-exhaustive):</p> <ul style="list-style-type: none"> a. Possessing 11 or more SIM cards, which are not registered under one's own particulars (including unregistered SIM cards) b. Selling SIM cards, which are registered under another person's particulars, for example, on an e-commerce platform <p>Example of what would not constitute an offence:</p> <ul style="list-style-type: none"> a. Employers holding on to SIM cards intended for employees 	<p><u>For a first offence:</u> a fine of up to \$10,000 or imprisonment of up to three years, or both.</p> <p><u>For a second or subsequent offence:</u> a fine of up to \$20,000 or imprisonment of up to five years, or both.</p>

<ul style="list-style-type: none"> ii. He supplied the local SIM card without taking reasonable steps to find out the identity and physical location of the recipient of the SIM card; or iii. He supplied the local SIM card without taking reasonable steps to find out the recipient's purpose for obtaining the SIM card. <p>The Bill will also make it an offence to buy, sell or rent a local SIM card registered in another person's particulars, without the need to prove the person's criminal intent.</p> <p>A person will not be liable for the offences if he had legitimate reason for receiving, supplying or possessing local SIM cards which are (i) registered using other persons' particulars, or (ii) unregistered.</p>		
<p>Group C: Errant Retailers facilitating fraudulent registration of SIM cards</p>		
<p>It will be an offence for:</p> <ul style="list-style-type: none"> a. A mobile service provider or retailer to register a local SIM card using any person's particulars without that person's authorisation, or knowing that the particulars were false or misleading; if b. Either: <ul style="list-style-type: none"> i. The mobile service provider or retailer knows or has reasonable grounds to believe that the local SIM card would be used to (A) commit 	<p>Example of an offending act:</p> <ul style="list-style-type: none"> a. Retailer using a person's particulars to register for SIM cards without the person's knowledge, despite knowing that the SIM cards would be used for scams 	<p><u>For a first offence:</u> a fine of up to \$10,000 or imprisonment of up to three years, or both.</p> <p><u>For a second or subsequent offence:</u> a fine of up to \$20,000 or imprisonment of up to five years, or both.</p>

<p>or facilitate a crime, or (B) cause a wrongful gain or loss to someone else; <u>or</u></p> <p>ii. The local SIM card is proven to have subsequently been used to (A) commit or facilitate a crime, or (B) cause a wrongful gain or loss to someone else.</p>		
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**All new offences will apply to corporations and unincorporated associations such as partnerships and societies. As these entities are not able to be subject to imprisonment, the maximum fines for these entities will be twice the amount for individuals.*