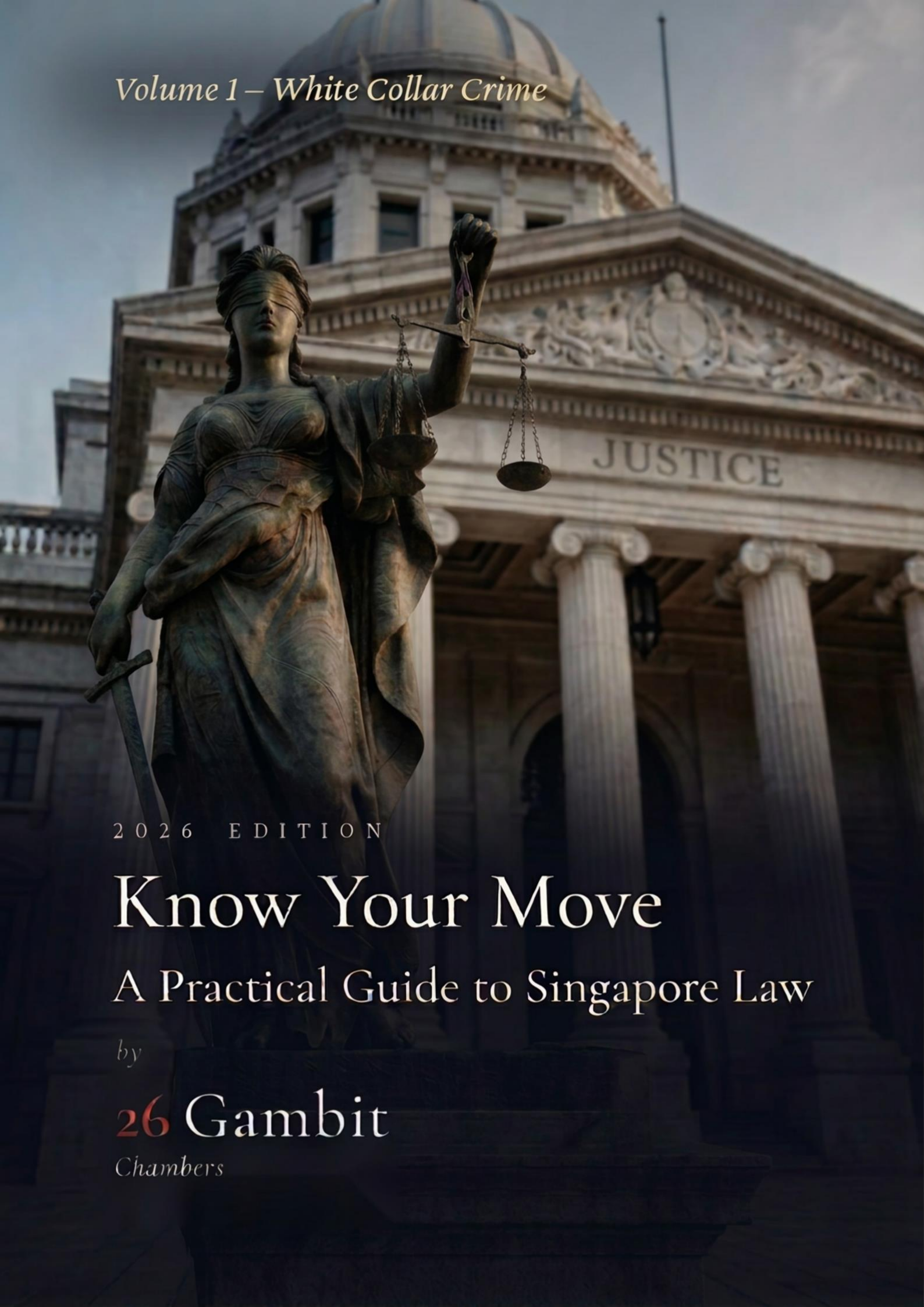


Volume 1 – White Collar Crime

2026 EDITION

Know Your Move

A Practical Guide to Singapore Law

by

26 Gambit

Chambers

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A Practical Guide to Singapore Law

Volume 1 – White Collar Crime

Jeremy Marc Sia and Jonathan Oh
26 Gambit Chambers LLC

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Volume 1 – White Collar Crime
2026 Edition

First published in Singapore in November 2026 by 26 Gambit Chambers LLC, 63 Market Street, #6-00, Bank of Singapore Centre, Singapore 048942.

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The law is stated as at November 2026.

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Printed in Singapore.

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Preface

Know Your Move is a practical guide to Singapore law. This first volume, *White Collar Crime*, covers the offences that most often arise from scams, financial fraud and the running of companies. In particular, this volume deals with directors' offences and fraudulent trading, money laundering, cheating, the misuse of bank accounts and Singpass credentials, criminal breach of trust, forgery and the falsification of accounts, and corruption.

Know Your Move is written for general readers. It is not intended as an academic text or a comprehensive treatise. Its aim is to give readers without legal training, and anyone who needs a quick and reliable overview, a clear and accessible account of how these offences work in practice. The guide explains what each offence involves and what the Prosecution must prove. It covers the punishments the law provides and how the Singapore courts approach sentencing, drawing on recent decisions to show how the law has been applied to real cases.

Each chapter follows the same structure, so that readers can go straight to the part they need: what the offences are and their maximum punishments, recent changes to the law, what the Prosecution must prove and the defences that may be available, how the courts decide the sentence, and the consequences beyond the sentence.

The law is stated as at *November 2026*. Several of the decisions discussed are recent, and some were under appeal at the time of writing – where that is so, the text says so. Please check whether later decisions or amendments have changed the legal position. All amounts are in Singapore dollars unless otherwise stated.

This guide provides general information only and does not constitute legal advice. Every case turns on its own facts, the evidence available, and the charge brought. Anyone facing a criminal investigation or charge should seek advice from a qualified lawyer on his or her own circumstances.

Short answers to the questions most often asked about these offences, and the latest version of this guide, are available on our website at **26gambitchambers.com/answers**.

Thank you for reading *Know Your Move*. We hope you find it useful.

Jeremy Marc Sia and Jonathan Oh

26 Gambit Chambers LLC

November 2026

Chapter 1: Directors' Offences and Fraudulent Trading

1. Chapter Orientation

(1) This chapter is arranged as follows:

(a) **The offences (Parts 2 to 7):** what the offences are and who can be prosecuted for them, their maximum punishments, recent changes to the law, the risks faced by nominee directors, what the Prosecution must prove, and the defences.

(b) **Sentence (Parts 8 to 14):** Part 8 explains how the courts decide the sentence for fraudulent trading and for nominee directors, including the seminal case. Part 9 describes how the courts have applied these sentencing approaches since, and Part 10 sets out the range of sentences seen in decided cases. Part 11 explains when fines are imposed, alone or in addition to imprisonment. Part 12 sets out the factors that can reduce the sentence, Part 13 the effect of a plea of guilty, and Part 14 how sentences for several charges are combined.

(c) **Compensation, disqualification and other consequences (Parts 15 to 17):** compensation orders for victims, disqualification from acting as a director, and personal civil liability.

2. What are the directors' offences?

(2) The offences in this chapter are found in the Companies Act 1967 ("**CA**") and the Insolvency, Restructuring and Dissolution Act 2018 ("**IRDA**"). Any director, whether executive, non-executive or nominee, can be prosecuted for them. While directors are the people most often charged with these offences, several are not limited to directors: for example, improper use of position applies to any officer or agent of the company, and fraudulent trading and wrongful trading can be committed by anyone who is a party to the company's business being carried on in that way. In recent reported cases and police announcements, two groups have featured commonly:

(a) those involved in running investment scams or other schemes using a company, who may face charges of fraudulent trading: for example, the directors of a gold trading company that ran a gold buyback scheme (*How Soo Feng v Public Prosecutor* [2023] SGHC 252), a director of the brokerage used in a foreign exchange investment scheme (*Ng Kuan Chuan v Public Prosecutor* [2026] SGHC 5), and one of two people who ran a fake jobs scheme through three companies (*Lim Jun Yao Clarence v Public Prosecutor* [2023] 3 SLR 862); and

(b) "**nominee directors**", meaning people who lend their names as locally resident directors of companies run by others, whose companies' bank accounts have been used to receive the proceeds of scams. Such directors are often supplied by corporate secretarial or corporate services firms, as part of a service of incorporating and maintaining Singapore companies for foreign clients. A director in that position may be convicted, and could now face imprisonment, even though he or she took no part in the scam, if he or she neglects to carry out proper checks on the client and its business, or to monitor the company's bank accounts (see Parts 4 and 5). In June 2023, for example, the Singapore Police Force and the Accounting and Corporate Regulatory Authority announced charges against 12 nominee directors and people who abetted them, linked to 35 companies whose bank accounts had received about US$36 million in scam proceeds.[1]

(3) Directors of companies in financial difficulty should be particularly aware of wrongful trading, where a director allows a company to incur debts while the company is insolvent without a reasonable prospect of paying them. That is an offence, and the director may also be made personally liable for the company's debts (see Part 17).

[1] Joint news release of the Singapore Police Force and the Accounting and Corporate Regulatory Authority, June 2023.

(4) The main offences are:

(a) **Fraudulent trading (section 238(4) of the IRDA).** Being knowingly a party to carrying on a company's business with intent to defraud creditors, or for any fraudulent purpose.[2]

(b) **Wrongful trading (section 239(6) of the IRDA).** Being a party to the company incurring debts while insolvent (unable to pay its debts), without a reasonable prospect of paying them.

(c) **Failing to act honestly or to use reasonable diligence as a director (section 157(1) of the CA).** This is the charge now regularly brought against nominee directors who exercised no supervision over the company or its bank accounts.

(d) **Improper use of position or information (section 157(2) of the CA).** An officer or agent of a company making improper use of his or her position, or of information obtained through it. Where the improper use takes the form of accepting a bribe or other gratification, for example in return for favouring another party in the company's dealings, the conduct may also amount to the corruption offence of an agent corruptly accepting gratification in relation to his or her principal's affairs (section 6(a) of the Prevention of Corruption Act 1960), which is discussed in Chapter 7.

(e) **Offences by officers of companies in judicial management or liquidation (section 234 of the IRDA).** The offences include concealing or removing company property, and making false entries in the course of judicial management[3] or liquidation.[4]

(f) **Destroying or falsifying the books of a company in judicial management or being wound up (section 236 of the IRDA),** with intent to defraud or deceive.

(g) **Failing to keep proper books of account (section 237(1) of the IRDA),** where the company is under investigation, in judicial management or being wound up.

(h) **Acting as a director while disqualified (section 154(5) of the CA).**

(5) Where several people take part in an offence, a person who intentionally helps a director commit the section 157(1) offence may be charged with abetting it.

(6) Directors may also be charged under the general criminal law, which is dealt with elsewhere in this publication:

(a) criminal breach of trust, including the offence of criminal breach of trust by a director, in Chapter 5;

(b) falsification of a company's accounts in Chapter 6;

(c) corruption in Chapter 7;

(d) cheating, which is often charged alongside fraudulent trading where individual investors were deceived, in Chapter 3; and

(e) money laundering in Chapter 2, which matters here because a conviction for it now leads to automatic disqualification as a director (see Part 16).

3. What is the maximum punishment?

Offence	Section	Maximum punishment for an individual
Fraudulent trading	IRDA s 238(4)[5]	Fine up to $15,000, imprisonment up to 7 years, or both

[2] Before the IRDA came into force, fraudulent trading was an offence under section 340 of the CA, the predecessor provision. Section 340 was repealed by the IRDA and re-enacted, with the same maximum punishment, as section 238 of the IRDA. Conduct before the IRDA came into force continues to be charged under the former section 340 of the CA, and each of the fraudulent trading cases discussed in this chapter was charged in that way.

[3] Judicial management is a court-supervised rescue process.

[4] Liquidation is the winding up of the company.

[5] The maximum punishment for fraudulent trading under the predecessor provision, section 340(5) of the CA, was the same as under the current section 238(4) of the IRDA.

Offence	Section	Maximum punishment for an individual
Wrongful trading	IRDA s 239(6)	Fine up to $10,000, imprisonment up to 3 years, or both
Director failing to act honestly or to use reasonable diligence; officer or agent making improper use of position or information	CA s 157(1), (2), punishable under s 157(3)(b)	Fine up to $20,000, imprisonment up to 12 months, or both (offences from 6 May 2026; previously fine up to $5,000, imprisonment up to 12 months, or both)
Offences by officers of companies in judicial management or liquidation	IRDA s 234	Fine up to $10,000 or imprisonment up to 2 years
Destroying or falsifying books of a company in judicial management or being wound up	IRDA s 236	Fine up to $10,000 or imprisonment up to 2 years
Failing to keep proper books of account	IRDA s 237(1)	Fine up to $10,000 or imprisonment up to 12 months
Acting as a director while disqualified	CA s 154(5)	Fine up to $10,000, imprisonment up to 2 years, or both

4. Recent changes to the law

4.1 Fraudulent trading moved from the Companies Act to the IRDA

(7) Fraudulent trading used to be an offence under section 340 of the CA. That section was repealed by the IRDA and re-enacted, with the same maximum punishment, as section 238 of the IRDA. Conduct that took place before the IRDA came into force continues to be charged under the former section 340 of the CA.

4.2 Higher fines for directors' duty offences (offences from 6 May 2026)

(8) The Corporate and Accounting Laws (Amendment) Act 2025 raised the maximum fine for an offence under section 157 of the CA (i.e. a director failing to act honestly or to use reasonable diligence, or an officer or agent making improper use of his or her position or of information obtained through it) from $5,000 to $20,000, with effect from 6 May 2026. The maximum term of imprisonment, 12 months, did not change.

(9) A person cannot be given a greater punishment than the one in force when the offence was committed (Article 11(1) of the Constitution). The higher fine therefore applies only to offences committed on or after 6 May 2026.

4.3 Automatic disqualification for money laundering convictions

(10) The Corporate and Accounting Laws (Amendment) Act 2025 extended automatic disqualification from acting as a director to persons convicted of money laundering and related offences, with effect from 6 May 2026 (section 154(1)(a)(iii) of the CA). These are the offences under sections 50, 51, 53, 54, 55 and 55A of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992 ("**CDSA**"), which are discussed in Chapter 2.

4.4 Tighter rules on arranging nominee directors (from 9 June 2025)

(11) Since 9 June 2025, under the Corporate Service Providers Act 2024, a person who acts as a nominee director by way of business must have the appointment arranged by a registered corporate service provider, failing which he or she may be fined up to $10,000. The provider must be satisfied that the person is fit and proper before arranging it. A provider that fails to do so faces a fine of up to $100,000.

4.5 Nominee directors: imprisonment is now the starting point

(12) The treatment of nominee directors has been one of the most significant recent developments for directors. It is of particular relevance in the present commercial setting, where Singapore companies with nominee directors have been used to receive the proceeds of scams. A nominee director can be caught by the offence of failing to use reasonable diligence (section 157(1) of the CA) without knowing of, or taking part in, any scam. A director who lends his or her name to a company and leaves its affairs and bank accounts entirely to others, without doing reasonable checks on the client and its business or monitoring the accounts, may be guilty and convicted if the company's accounts are then used to receive the proceeds of scams. Since April 2025, such a director faces a presumptive sentence of imprisonment rather than a fine. Notably, this applies equally where the directorship was arranged through a corporate secretarial or corporate services provider as a routine service. The High Court has described directors who take office intending to abdicate their duty as presenting serious risks to their companies and to Singapore's corporate and financial ecosystem, and later cases have stressed the need for deterrence. The wider risks for nominee directors are discussed in Part 5.

(13) Before 24 April 2025, nominee directors convicted under section 157(1) of the CA were sentenced by reference to a 2017 High Court decision, *Abdul Ghani bin Tahir v Public Prosecutor* [2017] 4 SLR 1153, under which fines were the usual outcome.

(14) In *Public Prosecutor v Zheng Jia* [2025] 3 SLR 1290, whose grounds of decision were delivered on 24 April 2025, the High Court held that the 2017 decision should no longer be relied on.[6] It set out a new framework under which imprisonment is the presumptive sentence (see Part 8).

(15) The court declined to confine the new framework to future offences.[7] It therefore applies to offences committed before 24 April 2025 as well, as noted in *Public Prosecutor v Liew Sze Hui* [2025] SGMC 60 ("***Liew Sze Hui***").[8]

5. What are the risks for nominee directors?

5.1 Who is a nominee director?

(16) Every Singapore company must have at least one director who is ordinarily resident in Singapore (section 145(1) of the CA). A nominee director is a person who lends his or her name to fill that role for a company run by others. Such directors are often supplied by corporate secretarial or corporate services firms, as part of a service of incorporating and maintaining Singapore companies for foreign clients.

(17) In law, a nominee director is a director like any other. The duty to act honestly and to use reasonable diligence (section 157(1) of the CA) applies to every director, and the label "nominee" does not reduce it. An agreement that the nominee will play no part in the company does not help: in *Liew Sze Hui*, the court treated such an agreement as formalising the director's abandonment of the duty, and counted it against her (see Part 7).

5.2 Lending one's name is treated as knowing conduct

(18) In *Zheng Jia*, the High Court drew a sharp distinction between a director who is committed to the company's interests but makes a mistake, and a director who takes office intending to look away from its affairs. Directors in the second category present serious risks to their companies and to Singapore's corporate and financial ecosystem, and are acting knowingly, if not intentionally (see Part 6).[9]

5.3 Even a single, short directorship can lead to imprisonment

(19) In *Liew Sze Hui*, the director had agreed, at her partner's request, to act for a single company. The directorship was short, she received no personal benefit, and the nominee business was her partner's, not hers. She was still sentenced to three months' imprisonment and disqualified for

[6] *Public Prosecutor v Zheng Jia* [2025] 3 SLR 1290 at [47].

[7] *Zheng Jia* at [75]–[78].

[8] See paragraphs (37) to (39).

[9] *Zheng Jia* at [45]–[47].

five years. The court held that these points did not detract from her complete abandonment of the duty, and stressed the need for deterrence (see Part 9.1).

5.4 Those who recruit and supply nominee directors have also been imprisoned

(20) The *Zheng Jia* framework applies equally to those who abet a nominee director's failure to use reasonable diligence. In *Zheng Jia* itself, the second charge was for abetting a director whom the offender had recruited. In December 2025, two former directors of a corporate services provider, which had incorporated 109 companies for foreign clients, were each sentenced to 10 months' imprisonment for abetting the nominee directors they had recruited to breach their duty of reasonable diligence.[10]

5.5 Nominee directors have also been convicted of money laundering

(21) Nominee directors have also been convicted of money laundering offences under the CDSA, which carry much heavier punishments, alongside the charge of failing to use reasonable diligence (see Chapter 2). For example:

(a) in January 2026, the sole director of two companies, who had handed control of their bank accounts to a purported foreign investor, was sentenced to eight months and one week's imprisonment. Besides failing to use reasonable diligence, he was convicted of a money laundering offence committed by one of the companies, namely possessing property reasonably suspected of being criminal proceeds, for which he was liable because it was attributable to his neglect as its sole director;[11] and

(b) in February 2026, a woman who had answered a Telegram advertisement offering payment to act as a director, handed over her Singpass login details, and had reason to believe that the person behind the arrangement was engaged in crime, was sentenced to 21 months' imprisonment for helping another person control criminal proceeds and for failing to use reasonable diligence. She was paid $2,000 in total, and was disqualified for five years after her release.[12]

(22) A money laundering conviction now also leads to automatic disqualification as a director (see Parts 4 and 16).

5.6 Where the line is drawn

(23) Not every lapse by a director will lead to imprisonment. In *Zheng Jia*, the High Court accepted that a director who commits an isolated negligent breach of duty may not need to be imprisoned. In a later 2025 decision, *Public Prosecutor v Yeo Teck Soon* [2025] SGHC 179, the High Court noted that the *Zheng Jia* factors were developed in a specific context: professional directors whose business models were premised on providing no or inadequate oversight of companies. A director who is genuinely involved in running a company and makes a mistake is therefore in a different position from one who lends his or her name and looks away.

5.7 What this means in practice

(24) The overall effect is that lending one's name as a director, without real oversight of the company and its bank accounts, now carries a real risk of imprisonment and disqualification, and, where there are signs that the arrangement is criminal, of money laundering charges as well. A person asked to act as a nominee director should carry out proper checks on the client and its business, keep control of and monitor the company's bank accounts, and never hand over banking tokens or Singpass login details.

6. What must the Prosecution prove for each offence?

(a) **Fraudulent trading (section 238(4) of the IRDA).** The Prosecution must prove:

(i) that the business of the company was carried on with intent to defraud creditors (of the company or of any other person), or for any fraudulent purpose; and

(ii) that the accused was **knowingly** a party to carrying it on in that way.

[10] Singapore Police Force news release, December 2025.

[11] Singapore Police Force news release, January 2026.

[12] Singapore Police Force news release, February 2026.

(iii) **Note: Fraudulent trading does not require a winding up, or that the victims be creditors.** The offence can be committed whether or not the company has been, or is being, wound up (section 238(5) of the IRDA). The words "for any fraudulent purpose" are not limited to frauds on creditors. In a 2022 High Court decision, *Lim Jun Yao Clarence v Public Prosecutor* [2023] 3 SLR 862 ("***Clarence Lim***"),[13] the victims were some 1,317 foreign jobseekers who had paid fees for non-existent jobs. The High Court rejected the argument that the offence could not be committed because they were not creditors of the companies used.

(b) **Wrongful trading (section 239(6) of the IRDA).** The Prosecution must prove (1) that the company incurred debts while insolvent, or became insolvent as a result of incurring debts, without a reasonable prospect of paying them in full (section 239(12) of the IRDA); (2) that the accused was a party to this; and (3) that the accused knew this or, in the case of an officer, was in circumstances where he or she ought to have known.

(c) **Failing to act honestly or to use reasonable diligence (section 157(1) of the CA).** A director must "at all times act honestly and use reasonable diligence in the discharge of the duties of his or her office". The charge against a nominee director typically alleges that he or she failed to exercise any supervision over the company's affairs or its bank accounts during the directorship. The High Court has drawn a sharp distinction between two kinds of directors. On the one hand is a director who is involved in the company's affairs but makes a negligent error in discharging his or her duties; an isolated negligent breach of that kind may not call for imprisonment. On the other hand is a director who takes up a directorship but knowingly turns a blind eye to the company's affairs. In *Zheng Jia*, the director was a chartered accountant whose business was to register himself as the locally resident director of companies incorporated for foreign clients, while exercising no control or supervision over them. The court held that this was not a case of mere neglect: the director had every intention of neglecting the duty from the outset, despite knowing the risk that the companies could be abused, and directors who take office with every intention of abdicating their duty are acting knowingly, if not intentionally. This goes to how blameworthy the director is, and therefore to sentence.[14]

(d) **Improper use of position or information (section 157(2) of the CA).** The Prosecution must prove (1) that the accused was an officer or agent of the company; and (2) that he or she made improper use of that position, or of information obtained through it, to gain an advantage, directly or indirectly, for himself or herself or for any other person, or to cause detriment to the company.

(e) **Insolvency-related offences (sections 234, 236 and 237 of the IRDA).** These apply where the company is, or comes to be, in judicial management or liquidation (or, for section 237, under investigation). The elements of each offence are as follows:

(i) **Section 234 (officers of companies in judicial management or liquidation).** The Prosecution must prove (1) that the accused is a past or present officer, or a contributory (for example, a shareholder), of a company that is in judicial management or is being wound up; and (2) that he or she did one of the following acts listed in section 234(1). These acts are:

(A) failing to disclose fully and truly to the judicial manager or liquidator all the company's property, and how, to whom, for what consideration and when any of it was disposed of (section 234(1)(a));

(B) failing to deliver up to the judicial manager or liquidator the company's property, or its books and papers, that the accused is required by law to deliver up (section 234(1)(b));

(C) within the 12 months before the judicial management or winding up began, or at any time after: concealing company property or debts; fraudulently removing company property; concealing, destroying or falsifying the company's books or papers, or making false entries in them; fraudulently altering or omitting anything from the company's documents; obtaining property on credit for the company by fraud, or under the false pretence that

[13] See paragraph (43).

[14] *Zheng Jia* at [45]–[47].

the company is carrying on business, which the company has not paid for; or pawning or disposing of property obtained on credit and not paid for, otherwise than in the ordinary course of business (section 234(1)(c));

(D) making a material omission in a statement relating to the company's affairs (section 234(1)(d));

(E) knowing or believing that a false debt has been proved, failing to inform the judicial manager or liquidator within one month (section 234(1)(e));

(F) preventing the production of the company's books or papers (section 234(1)(f));

(G) within the same period, attempting to account for company property by fictitious losses or expenses (section 234(1)(g)); and

(H) within the same period, making a false representation or committing other fraud to obtain the creditors' consent to an agreement about the company's affairs, the judicial management or the winding up (section 234(1)(h)).

(ii) **Section 236 (destroying or falsifying books).** The Prosecution must prove:

(A) that the accused is an officer or contributory of a company that is in judicial management or is being wound up;

(B) that he or she destroyed, mutilated, altered or falsified the company's books, papers or securities, or made (or was privy to making) a false or fraudulent entry in its registers, books of account or documents; and

(C) that he or she did so with intent to defraud or deceive any person.

(iii) **Section 237(1) (failing to keep proper books of account).** The Prosecution must prove:

(A) that the company is under an investigation under the IRDA, or is in judicial management or is being wound up;

(B) that proper books of account were not kept throughout the two years before the investigation, judicial management or winding up began (or, if shorter, the period since the company was incorporated). Books are not proper if they do not explain the company's transactions and financial position (including day-to-day records of cash received and paid out, and, for a business dealing in goods, records of stock and of goods bought and sold), or if they cannot be conveniently and properly audited (section 237(3)); and

(C) that the accused is an officer of the company who is in default.

(f) **Acting as a director while disqualified (section 154(5) of the CA).** The Prosecution must prove (1) that the accused was disqualified, either automatically following a conviction or by a court order; and (2) that during the period of disqualification he or she acted as a director of a company, or took part, directly or indirectly, in its management, without the court's permission (section 154(3) of the CA).

7. What defences are available?

(25) The possible defences for each of the offences discussed above are as follows:

(a) **Fraudulent trading (section 238(4) of the IRDA).**

(i) **Not "knowingly" a party.** The accused may contend that he or she did not know of the fraud, and so was not knowingly a party to it. Because knowledge is an element of the offence, the Prosecution must prove it. Whether the contention succeeds turns on what the accused knew at the time, and contemporaneous messages and accounts are usually of considerable weight. In *Ng Kuan Chuan v Public Prosecutor* [2026] SGHC 5 ("***Ng Kuan Chuan***"), a 2026 High Court appeal:[15]

(A) a director of the brokerage used in a sham foreign exchange investment scheme said that he had been misled into believing that professional traders

[15] See paragraph (40).

were trading for investors, and that he had merely followed the founder's instructions; and

(B) the High Court rejected this, because on his own evidence he and a colleague had raised concerns with the founder about the shortfall of funds in the brokerage's account while the trades were taking place.

(ii) **No fraudulent purpose.** The accused may dispute that the company's business was in fact carried on with intent to defraud creditors, or for a fraudulent purpose. It is not an answer, however, that the company has not been wound up, or that the victims were not creditors of the company (see Part 6).

(b) **Wrongful trading (section 239(6) of the IRDA).**

(i) **Challenging the elements.** The accused may dispute that the company was insolvent when it incurred the debts (or became insolvent as a result of them), or dispute that it had no reasonable prospect of paying them in full (section 239(12) of the IRDA). He or she may also dispute having known that the company was trading wrongfully or, in the case of an officer, that he or she ought in all the circumstances to have known it.

(ii) **A court declaration obtained in advance.** A company, or with its consent a person involved in carrying on its business, may apply to the court for a declaration that a particular course of conduct, transaction or series of transactions would not constitute wrongful trading (section 239(10) of the IRDA). Such a declaration is not limited to civil liability. Section 239(10) allows the court to declare that the conduct does not constitute wrongful trading "within the meaning of this section", and section 239 contains both the civil liability (section 239(1)) and the offence (section 239(6)). A declaration obtained in advance may therefore be relevant to a later charge concerning the same conduct.

(iii) **However, relief from civil liability is not a defence.** While the court may relieve a person who acted honestly from personal civil liability for wrongful trading (section 239(2) of the IRDA), there is no equivalent provision for the criminal offence. Matters that might have supported relief under section 239(2) of the IRDA from personal liability declared under section 239(1), such as the accused's honesty, may nonetheless be raised in mitigation of sentence.

(c) **Failing to act honestly or to use reasonable diligence (section 157(1) of the CA).**

(i) **Reliance on others.** Section 157C of the CA allows a director, in exercising powers or performing duties, to rely on reports, financial data and professional advice from others. These include employees whom he or she believes on reasonable grounds to be reliable and competent; professional advisers and experts; and other directors, or committees of directors, on matters within their authority. The director must have relied on them in good faith, after making proper inquiry where the circumstances indicated the need for it, and without knowing that the reliance was unwarranted (section 157C(2) of the CA). This may be relevant where a director of a genuine business is said to have failed to use reasonable diligence. It does not assist a nominee director who, by agreement, took no part in the company's affairs:

(A) in *Liew Sze Hui*[16], the director had signed a "Nominee Non-Executive Director Agreement" stating that she would not be involved in the company's financial or business matters;

(B) the court held that this was not a negligent error but an intention from the outset to abandon the duty; and

(C) far from assisting her, the agreement implicated her. The court treated it as formalising her complete abdication of the duty, which counted against her as an offence-specific factor under the *Zheng Jia* framework, and as showing that she had taken up the appointment with every intention of abdicating the duty. That is the kind of director whom the High Court has described as acting knowingly, if not intentionally.

[16] See paragraph (37).

(ii) **Challenging the elements.** The accused may dispute what the director's duties required in the circumstances of the particular company, and whether he or she in fact failed to act honestly or to use reasonable diligence in discharging them.

(d) **Improper use of position or information (section 157(2) of the CA).** There is no specific statutory defence. The accused may challenge the elements, for example by disputing that he or she made use of the position or information, or that the use made of it was improper, or that it was made to gain an advantage or to cause detriment to the company.

(e) **Offences by officers of companies in judicial management or liquidation (section 234 of the IRDA).** Section 234(2) of the IRDA provides two defences, each covering particular offences in section 234(1):

(i) **No intent to defraud.** It is a defence for the accused to prove that he or she had no intent to defraud, where the charge is for failing to disclose the company's property or how it was disposed of, failing to deliver up the company's property or books, making a material omission in a statement of the company's affairs, concealing company property or debts, obtaining property on credit under the false pretence that the company is carrying on business, or pawning or disposing of property obtained on credit and not paid for (section 234(1)(a), (b) and (d), and section 234(1)(c)(i), (vii) and (viii)).

(ii) **No intent to conceal or to defeat the law.** It is a defence for the accused to prove that he or she had no intent to conceal the state of affairs of the company or to defeat the law, where the charge is for concealing, destroying or falsifying the company's books, making false entries in them, or preventing their production (section 234(1)(c)(iii) and (iv), and section 234(1)(f)).

(iii) **The remaining offences.** These defences are not available for the other offences in section 234(1), such as fraudulently removing company property, which already require the Prosecution to prove fraud or a false representation. For those offences, the accused may challenge the elements in the usual way.

(f) **Destroying or falsifying books (section 236 of the IRDA).** There is no specific statutory defence. Because the Prosecution must prove an intent to defraud or deceive, the accused may dispute that he or she had that intent, for example where an entry was made in error.

(g) **Failing to keep proper books of account (section 237(1) of the IRDA).** It is a defence for the accused to prove two things: that he or she acted honestly, and that, in the circumstances in which the company's business was carried on, the failure was excusable (section 237(2)). The accused may also dispute that he or she was an officer in default.

(h) **Acting as a director while disqualified (section 154(5) of the CA).** There is no specific statutory defence. The accused may dispute that he or she was disqualified at the time, or that what he or she did amounted to acting as a director or taking part in the company's management, or show that the court had given permission to act (section 154(6) of the CA).

8. How do the courts decide the sentence?

(26) Different approaches apply to the two offences most often prosecuted:

(a) **Fraudulent trading (section 238(4) of the IRDA):** the courts compare the case with earlier decisions (see Part 8.1 below).

(b) **Nominee directors failing to use reasonable diligence (section 157(1) of the CA):** the framework in *Public Prosecutor v Zheng Jia* [2025] 3 SLR 1290 (see Part 8.2 below).

8.1 Fraudulent trading (section 238(4) of the IRDA): comparable precedents

(27) The courts compare the case present before them with earlier decisions, having regard in particular to:

(a) the number of victims implicated;

(b) the sums involved;

(c) the sophistication of the scheme;

(d) how long it lasted;

(e) the actual losses suffered, as opposed to the sums that passed through the scheme; and

(f) the personal gain received by the offender.

(28) The vulnerability of the victims, and persistence after warnings from the authorities, have also been treated as aggravating. The decided cases are described in Part 9.

8.2 Nominee directors offence (section 157(1) of the CA): the Zheng Jia framework

(29) The leading decision is *Public Prosecutor v Zheng Jia* [2025] 3 SLR 1290. The High Court set a sentencing framework for the offence of a director failing to use reasonable diligence under section 157(1) of the CA. The setting was that of nominee directors whose companies' bank accounts were used to receive the proceeds of crime. The framework also applies to those who abet such a failure.[17]

(30) The framework is undertaken in three steps:[18]

(a) **Step 1:** the court identifies which offence-specific factors are present.

(b) **Step 2:** it places the offence in a band according to the number and gravity of those factors.

(c) **Step 3:** it adjusts the sentence for factors personal to the offender.

(31) **Offence-specific factors** include:[19]

(a) the due diligence done on the company's activities and on the client;

(b) efforts to monitor the bank accounts;

(c) how far the director knew or should have known that the failure could enable the company to be misused;

(d) how long the conduct lasted;

(e) whether it was part of a profit-driven business;

(f) any concealment;

(g) any cross-border element; and

(h) the harm caused. The court declined to give harm the same weight as culpability (blameworthiness), because harm is ordinarily beyond the director's control.

(32) The bands are:

Band	Offence-specific factors present	Sentencing range
Band 1	One to three	Up to 4 months' imprisonment
Band 2	Four or five	5 to 8 months' imprisonment
Band 3	More than six	9 to 12 months' imprisonment

(33) Imprisonment is presumptive: it is for the director to show why a custodial sentence should not be imposed.

(34) **Factors personal to the offender** fall on both sides:[20]

(a) **aggravating:** charges taken into consideration (further charges admitted by the offender and taken into account in sentencing, rather than tried separately), and relevant previous convictions; and

[17] *Zheng Jia* at [57].
[18] *Zheng Jia* at [53]–[55].
[19] *Zheng Jia* at [48].
[20] *Zheng Jia* at [56].

(b) **mitigating:** a plea of guilty, genuine remorse, voluntary restitution and voluntary co-operation with the authorities.

(35) **How the framework was applied in *Zheng Jia* itself.** The offender was a chartered accountant who incorporated companies for foreign clients and acted as their locally resident director. As demand grew, he recruited a second person to do the same, and the second charge was for abetting that person's failure to use reasonable diligence. Company bank accounts were used to receive the proceeds of scams on foreign companies: US$64,630 in one case and more than US$2.1 million in another.

(36) The District Judge, applying the earlier approach, imposed fines of $3,500 and $5,000. On the Prosecution's appeal, the High Court placed the two charges in Band 2 (with an indicative sentence of five months) and Band 3 (at least 10 months). It then gave credit for the pleas of guilty, weighed against a charge taken into consideration, and moderated the sentences because they were to run consecutively (one after another). It imposed **three months' and seven months' imprisonment**.[21]

9. How have the courts applied these approaches since?

9.1 A nominee director who moved the money

(37) In *Liew Sze Hui*, a music trainer agreed, at the request of her then partner (now husband), to act as nominee director of a company set up by his corporate services firm for an overseas client. She opened the company's bank accounts, handed the banking token to the overseas director and never checked the transactions. The account received more than US$6 million from an overseas fraud victim.

(38) After investigators contacted her husband about another company, she arranged a cashier's order for the remaining $7.1 million to be sent to China. Seizures recovered most of the money, but US$619,048.48 was lost. The Prosecution sought three and a half months' imprisonment; the defence sought a fine. She pleaded guilty and was sentenced to **three months' imprisonment** and disqualified for five years.

(39) **The takeaway:** the court held that the case called for imprisonment under the *Zheng Jia* framework. Three points were raised in mitigation: the short duration of the directorship, the absence of personal benefit, and the fact that the nominee business was her husband's. However, these factors did not outweigh her complete abandonment of the duty, and her active part in moving the money after investigations began.

9.2 Fraudulent trading: investment schemes

(40) In *Ng Kuan Chuan*, the founder of a foreign exchange investment scheme and a director of the brokerage it used had told investors that professional traders would trade for them. In reality, the two of them keyed in the trades, the brokerages traded against the investors, and withdrawals were paid from later investors' money. The scheme attracted 4,264 investors and about US$21 million, and investors lost about US$13.7 million.

(41) Each had been sentenced to six and a half years' imprisonment for fraudulent trading. The High Court compared the case with a 2012 High Court decision, *Phang Wah v Public Prosecutor* [2012] 1 SLR 646, on a much larger scheme (about $175 million), whose operator had received four and a half years, and with later cases.[22] It reduced the sentences to **four and a half years** for the founder and **four years** for the brokerage director. Their aggregate sentences, taking into account their other charges, became eight and a half years and five years respectively.

(42) **The takeaway:** the sentence must sit sensibly with the earlier cases. Six and a half years was manifestly excessive when compared with the four and a half years imposed for a much larger scheme. The six-month difference between the two offenders reflected the brokerage director's smaller personal gain.

[21] *Zheng Jia* at [58]–[61].

[22] Including *How Soo Feng v Public Prosecutor* [2023] SGHC 252, a 2023 High Court decision in which three years and ten months' imprisonment was imposed for a scheme with revenue of about $121 million and losses of about $12.9 million.

9.3 Fraudulent trading: fake job schemes

(43) In *Clarence Lim*, the offender and another person used three employment agencies over more than a year to collect about $831,049 from some 1,317 foreign jobseekers for jobs that in actual fact did not exist. After the Ministry of Manpower told one company to stop collecting upfront fees, they devised a second version of the scheme: a second company presented itself as an online job portal and charged the jobseekers fees, and a third company then invited them to interviews that were a facade, offering them jobs only if they first paid fees for compulsory "training".

(44) The offender faced three charges of fraudulent trading under the predecessor provision (section 340(1) read with section 340(5) of the CA), one for each of the three companies. Each charge alleged that he was knowingly a party to carrying on the company's business for a fraudulent purpose: to induce foreign jobseekers to pay fees for services relating to securing employment in Singapore, when the jobs did not genuinely exist.

(45) After a trial, he was sentenced to 32, 33 and 34 months' imprisonment on the three charges, and the High Court upheld those sentences. The 32-month and 34-month sentences ran consecutively (one after another) and the 33-month sentence ran concurrently (at the same time), giving **66 months in total**. The High Court also upheld a compensation order of $174,385 in favour of the victims. That sum was not the whole amount taken (about $831,049). It covered only the sums collected by two of the three companies ($57,600 and $116,785), and only for victims who were still in Singapore at the time of sentencing, or who were abroad but able to arrange to receive the money. The limit was not a reduction in the offender's favour: the court explained that it reflected the practical difficulty of returning money to victims who had gone back to their home countries or could no longer be contacted.

(46) **The takeaway:** the number and vulnerability of the victims, premeditation, and carrying on after a warning from the authorities weigh heavily. **The profile of the victims matters:** the court described the fraud as particularly egregious because the offenders had exploited the anxiety of foreign jobseekers trying to secure employment in Singapore. In upholding the compensation order, it also observed that it would be unrealistic and impracticable for these victims, foreigners with little or no familiarity with Singapore's legal system, to seek redress through a civil suit in Singapore.

9.4 Fraudulent trading: a copy-trading scheme with cheating charges

(47) In a 2025 District Court decision, *Public Prosecutor v Ng Swee Khiang* [2025] SGDC 207, the offender was convicted after trial for his part in a copy-trading investment scheme run as a Ponzi scheme. The fraudulent trading charge attracted 24 months' imprisonment, but with 19 charges of conspiring to cheat investors and a charge of falsifying accounts, the total sentence was 80 months.

(48) **The takeaway:** the total depends heavily on which other charges are proceeded with, and on which sentences run consecutively (see Part 14).

10. The sentencing range at a glance

(49) The table below gives the range of sentences seen in the cases reviewed for this chapter, and the main factors that determined where each case fell. Every case turns on its own facts, and the figures are a guide only.

Offence	Sentences seen in decided cases	Main deciding factors
Fraudulent trading (IRDA s 238(4); predecessor CA s 340(5))	**About 2 years to 4 years 6 months' imprisonment per charge** (maximum 7 years); **about 5 years to 8 years 6 months in total** where several charges ran consecutively Sentences for large schemes have clustered between about 3 years and 4 years 6 months per charge. The total is higher where separate cheating, securities or multi-level marketing charges are also proceeded with and ordered to run consecutively (see Part 14).	(a) the number of victims and their vulnerability; (b) the sums involved and the actual losses; (c) the sophistication and duration of the scheme; (d) the offender's personal gain; (e) persistence after a warning from the authorities; and (f) which other charges (cheating, securities, multi-level marketing) are proceeded with.
Nominee director failing to use reasonable diligence (CA s 157(1)), since 24 April 2025[23]	**About 3 to 7 months' imprisonment** per charge, with disqualification for 5 years; the framework runs up to 12 months	(a) the number and gravity of the offence-specific factors: due diligence, monitoring of the accounts, duration, a profit-driven business, concealment, a cross-border element and harm; (b) moving money after investigations began; (c) a plea of guilty; and (d) charges taken into consideration.

11. Fines

(50) Whether a fine alone is appropriate depends on the facts of each case. The courts have recognised that it may be appropriate in some cases, for example:

(a) **Nominee directors.** As explained in Part 8 above, imprisonment is now presumptive, although the director may show why a custodial sentence should not be imposed. The fines imposed under the earlier approach are no longer a guide.

(b) **Fraudulent trading.** A fine of $15,000, with a compensation order of $150,000, was imposed in a 1999 High Court case, *Tan Hung Yeoh v Public Prosecutor* [1999] 2 SLR(R) 262. In *Clarence Lim*, however, the High Court declined to rely on that case because no reasons had been given for the sentence.

(51) In other cases, the courts have imposed imprisonment. In *Zheng Jia* itself, fines of $3,500 and $5,000 were replaced on appeal by three and seven months' imprisonment[24]. In *Liew Sze Hui*[25], a defence submission for the then maximum fine of $5,000 was rejected. For offences committed on or after 6 May 2026, the maximum fine under section 157 of the CA is $20,000.

(52) Fines have been imposed in addition to imprisonment, to strip the offender of his or her gains. In *Ng Kuan Chuan*[26], fines of $150,000 on each of two charges under the Securities and Futures Act 2001 stripped the brokerage director of the US$300,000 he had received.

[23] Before 24 April 2025, nominee directors were usually fined between $3,500 and $5,000 under the earlier approach, which is no longer followed: see paragraph (13).

[24] See paragraph (35).

[25] See paragraph (37).

[26] See paragraph (40).

(53) Some statutes require the court, on conviction, to order the offender to pay a penalty in addition to any other punishment, to strip him or her of the benefit received from the offence. Examples are the Multi-Level Marketing and Pyramid Selling (Prohibition) Act 1973 (the "MLM Act"), for promoting or participating in a pyramid selling scheme (section 7), and the Prevention of Corruption Act 1960, for accepting a bribe (section 13; see Chapter 7). The offences in this chapter carry no penalty of this kind of their own, so a penalty arises only where a charge under such a statute is also proceeded with. In the same appeal, the founder was also convicted of promoting a pyramid selling scheme under the MLM Act, and was ordered to pay a penalty of $3,658,600, with 18 months' imprisonment if it was not paid. A penalty differs from a fine. A fine is a punishment for the offence, fixed by the court within the statutory maximum. A penalty under the MLM Act is aimed at stripping the offender of his or her financial gain, and is measured by the benefit derived: in the same appeal, it was calculated from the US$2.7 million that the founder had siphoned off, less his proven expenses.

12. What can reduce the sentence?

(54) The following have been given weight in decided cases:

(a) **Smaller personal gain.** In *Ng Kuan Chuan*[27], the brokerage director's smaller personal gain (US$300,000) justified a sentence six months below the founder's, even though his part in operating the trades was pivotal.

(b) **Smaller scale.** In the same appeal, the High Court reduced both sentences after comparing the scheme with the earlier scheme in *Phang Wah*, which was larger in scale and in the personal gain received (about US$5.1 million). This was so even though one factor pointed the other way: the investors in this scheme had lost about US$13.7 million, whereas in the earlier case no participant appeared to have been adversely affected. The court nonetheless held that, given the greater scale and reach of the earlier scheme and the slightly greater personal gain of its operator, the sentence should not exceed the four and a half years imposed in that case.

(c) **Fewer offence-specific factors.** Under the *Zheng Jia* framework, the number and gravity of the offence-specific factors determine the band[28]. What the director did to check the company and monitor its accounts, and how quickly he or she acted when warning signs appeared, are therefore central.

(d) **Showing that imprisonment is not warranted.** Because imprisonment is presumptive for nominee directors, the director bears the burden of showing why it should not be imposed. This is a matter for submissions on sentence, supported by evidence of what the director did (or did not do).

(e) **A plea of guilty** (see Part 13). In *Zheng Jia* and in *Liew Sze Hui*[29], credit was given for the plea of guilty.

(55) Not every point raised in mitigation carries weight. In *Liew Sze Hui*[30], four points were raised: the short duration of the directorship, the absence of personal benefit, the fact that the business model was the offender's husband's, and her remorse. They were held not to detract from her complete abandonment of the duty and her active role in moving the money.

(56) **An example.** In *Liew Sze Hui*[31], the Prosecution sought three and a half months' imprisonment and the defence a fine. The court held that the case called for imprisonment under the *Zheng Jia* framework, but imposed three months, below the Prosecution's position. The difference lay in how the offence-specific factors were taken into account. The Prosecution placed the case in Band 2, with a starting point of five months. The court found three offence-specific factors fully present, but treated the director's knowledge of the risk of abuse as only half a factor, because her culpability on that score was engaged only once the authorities had begun investigating another of her husband's companies. With three and a half factors, it placed the case between

[27] See paragraph (40).

[28] See paragraphs (31) and (32).

[29] See paragraph (37).

[30] See paragraph (37).

[31] See paragraph (37).

Bands 1 and 2, with a starting point of four and a half months, and then reduced it by 30% for her early plea of guilty, arriving at three months.

(57) As the cases show, the outcome depends heavily on identifying the mitigating factors that are relevant and carry real weight on the particular facts, supporting them with evidence, and presenting them at the right stage of the framework.

13. How does a plea of guilty affect the sentence?

(58) A plea of guilty can have a significant effect on the sentence, and its timing matters. The Sentencing Advisory Panel has issued Guidelines on Reduction in Sentences for Guilty Pleas, which suggest that an earlier plea may attract a larger reduction. The guidelines are guidance only: they are not binding on the courts, and whether a reduction is given, and how much, is for the sentencing court to decide in the circumstances of each case.

(59) In *Zheng Jia*, credit was given for the pleas of guilty, weighed against a charge taken into consideration.[32] In *Liew Sze Hui*[33], the offender pleaded guilty and received three months, which is materially lower (by about 14%) than the three and a half months sought by the Prosecution.

(60) A plea of guilty admits the offence and gives up any defence. It is therefore very important that the decision whether, and when, to plead guilty is made only after the evidence, the available defences and the mitigating factors have been properly assessed.

14. How are sentences combined when there are several charges?

(61) Cases in this chapter often involve several charges.[34] Each charge receives its own sentence, and the court then decides which sentences run **consecutively** (one after another) and which run **concurrently** (at the same time). Where an offender is convicted at one trial and sentenced to imprisonment for three or more distinct offences, at least two of the sentences must run consecutively (section 307(1) of the Criminal Procedure Code 2010).

(62) The overriding principle is **proportionality**: the total sentence must fit the offender's overall criminality. The High Court has explained the main tools in *Mohamed Shouffee bin Adam v Public Prosecutor* [2014] 2 SLR 998:

(a) **The one-transaction rule.** This is a common law principle, developed by the courts rather than set out in legislation: offences that form part of a single transaction should generally not attract consecutive sentences. Whether offences form part of a single transaction is decided as a matter of common sense, having regard to factors such as how close the offences were in time, place and purpose, and whether they invaded the same legally protected interest.[35]

(b) **The totality principle.** The court takes a "last look" at the total. It asks whether the total is substantially above the normal level of sentence for the most serious offence, and whether it would be crushing and out of keeping with the offender's record and prospects. If so, the court may change which sentences run consecutively, or adjust individual sentences.[36]

(c) **No double counting.** The same aggravating factor must not be counted against the offender twice.

(63) The charges proceeded with have a large effect on the total.[37]

14.1 Parity and consistency with past cases

(64) Proportionality is also measured against the sentences imposed on others:

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[32] *Zheng Jia* at [61].

[33] See paragraph (37).

[34] For example, fraudulent trading charges are often brought together with cheating charges for individual victims, securities charges and multi-level marketing charges; and nominee directors often face a separate charge for each company.

[35] In *Ng Kuan Chuan* (see paragraph (40)), the sentence for the multi-level marketing charge ran consecutively with the fraudulent trading sentence, because the two offences protect different interests.

[36] In *Zheng Jia*, the individual sentences were moderated because they were to run consecutively: *Zheng Jia* at [58]–[61].

[37] See, for example, *Ng Swee Khiang*, described in paragraph (47), where the fraudulent trading charge attracted 24 months' imprisonment but the total sentence was 80 months.

(a) **Parity between co-offenders.** Where several people took part in the same criminal enterprise, their sentences should generally be in line with each other, allowing for relevant differences in their roles and personal circumstances. The High Court has held, in *Lim Bee Ngan Karen v Public Prosecutor* [2015] 4 SLR 1120, that this applies even where co-offenders are charged with different offences, and that where co-offenders are sentenced separately, the Prosecution should place their sentences and the relevant facts before the court. In *Ng Kuan Chuan*[38], the six-month difference between the sentences of the founder and the brokerage director reflected the difference in their personal gain.

(b) **Consistency with past cases.** Courts compare the case with sentences imposed in similar cases for the same offence. In the same appeal, the High Court reduced sentences of six and a half years after comparing the scheme with earlier fraudulent trading cases, including one in which four and a half years had been imposed for a much larger scheme.

(65) Other choices also affect the total, such as whether some charges are taken into consideration rather than proceeded with, and whether conduct is combined into a single amalgamated charge (one charge covering several incidents of the same offence; see Chapter 3). These questions involve a number of factors and judgments, and are frequently the subject of submissions on sentence.

15. Can the court order compensation for victims?

(66) Yes. On conviction, the court may order the offender to pay compensation to the victims (section 359 of the Criminal Procedure Code 2010). A compensation order is not part of the sentence. Its purpose is to allow a victim to recover compensation where a civil claim would be an inadequate or impractical remedy. This is particularly relevant where the victims cannot practically bring their own claims. In *Clarence Lim*, the victims were foreign jobseekers who had each paid between $290 and $1,030. The High Court upheld a compensation order of $174,385, observing that it would be unrealistic and impracticable for them to seek redress through a civil suit in Singapore.

(67) A compensation order differs from a penalty[39]. A compensation order is paid to the victims, to make good the loss caused by the offence, and should not exceed what they could reasonably obtain in civil proceedings. A penalty is measured instead by the benefit the offender received, and is recoverable as a fine, so it is paid to the State rather than to the victims. A penalty does not affect the victims' right to recover their losses from the offender (for example, section 7(4) of the MLM Act).

16. Can I be disqualified from acting as a director?

(68) Disqualification can arise in two ways, and a disqualified person may apply for permission to act:

(a) **Automatic disqualification.** This follows a conviction, in Singapore or elsewhere, for an offence involving fraud or dishonesty punishable with imprisonment for three months or more (section 154(1)(a)(i) of the CA). The person is disqualified from acting as a director, or taking part in the management of a company. Automatic disqualification now also follows convictions for money laundering and related offences under the CDSA (section 154(1)(a)(iii) of the CA, with effect from 6 May 2026; see Part 4). The disqualification lasts five years from the conviction if no imprisonment is imposed, or five years from release from prison if it is (section 154(4) of the CA).

(b) **Disqualification ordered by the court.** The court may also make a disqualification order on conviction (section 154(2) of the CA). This applies to an offence in connection with the formation or management of a company, an offence under section 157 of the CA, and an offence under section 237 or 239 of the IRDA. Five-year orders were made against nominee directors in *Zheng Jia* and in *Liew Sze Hui*[40].

(c) **Permission to act.** A disqualified person may apply to court for permission to act as a director, giving at least 14 days' notice to the Minister (section 154(6) of the CA).

[38] See paragraph (40).

[39] See paragraph (53).

[40] See paragraph (37).

(69) Acting as a director while disqualified is itself an offence, punishable with a fine of up to $10,000, imprisonment of up to two years, or both (section 154(5) of the CA; see Part 3).

17. Beyond the sentence

(70) A conviction may be accompanied or followed by civil liability:

(a) **Breach of directors' duties (section 157 of the CA).** A director who breaches section 157 of the CA is liable to the company for any profit made or damage suffered (section 157(3)(a) of the CA).

(b) **Fraudulent and wrongful trading (sections 238 and 239 of the IRDA).** A person who was knowingly a party to fraudulent trading, or a party to wrongful trading, may be declared personally responsible for the company's debts in insolvency proceedings (sections 238(1) and 239(1) of the IRDA).

(c) **Parallel proceedings.** Civil claims by liquidators often proceed alongside, or after, criminal proceedings on the same facts.

(71) For foreign nationals, a conviction may also have immigration consequences. A conviction is likely to be relevant to professional licensing and to future dealings with banks and regulators.

Note. This chapter sets out the framework. It does not attempt to indicate where any particular case falls within it – that assessment depends on the charge brought, the evidence, and matters that are rarely apparent to the person affected. 26 Gambit Chambers advises and acts for individuals and companies in these matters. Short answers to common questions on directors' offences and nominee directors are available at 26gambitchambers.com/answers.

Chapter 2: Money Laundering

1. Chapter Orientation

(1) This chapter is arranged as follows:

(a) **The offences (Parts 2 to 6):** what the money laundering offences are, their maximum punishments, recent changes to the law, what the Prosecution must prove, and the defences.

(b) **Money laundering and scams carried out overseas (Part 7):** how Singapore law reaches crimes and criminal proceeds connected with other countries, including scams run from overseas by Singaporeans.

(c) **Sentence (Parts 8 to 14):** how the courts decide the sentence, including the leading case, the range of sentences seen in decided cases, fines, the factors that reduce the sentence, the effect of a plea of guilty, and how sentences for several charges are combined.

(d) **Frozen accounts and confiscation (Parts 15 and 16):** when the police can freeze a bank account, the limits on that power, the release of frozen money for legal fees and living expenses, the return of seized money, and confiscation orders.

(2) The money laundering offences in this chapter are in the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992 ("**CDSA**"). The offences most often charged against people who allow their bank accounts or Singpass details to be used by others to move criminal proceeds are dealt with in Chapter 4.

2. What are the money laundering offences?

(3) In essence, "money laundering" means dealing with the proceeds of crime. The CDSA does not have a single money laundering offence. It has a group of offences, which differ according to whose money it is and what the accused knew or should have known. The main ones are:

(a) **Helping someone else keep or control criminal proceeds (section 51(1)).** This is the offence usually charged against cash collectors ("**runners**") for scam syndicates, and against people who knowingly let their accounts be used to receive and pass on scam money.

(b) **Helping someone else keep or control criminal proceeds, rashly or negligently (section 51(1A)).** This covers the same conduct where the accused did not know, and did not have reasonable grounds to believe, that the money was criminal, but acted rashly or negligently.

(c) **Dealing with one's own criminal proceeds (section 54(1)),** sometimes called "self-laundering": for example, a person who has misappropriated money and then transfers or spends it.

(d) **Dealing with someone else's criminal proceeds (sections 54(2) and (3)):** concealing, transferring, acquiring, possessing or using them, knowing or having reasonable grounds to believe what they are.

(e) **Dealing with someone else's criminal proceeds, rashly or negligently (section 54(3A)).**

(f) **Possessing or using property reasonably suspected to be criminal proceeds (section 55),** where the person cannot satisfactorily account for how he or she came by it.

(4) The CDSA contains equivalent offences where the money is the proceeds of **drug dealing** rather than of other crimes: helping another person keep or control the benefits of drug dealing (section 50), and dealing with the benefits of drug dealing (section 53). They follow the same structure and carry the same maximum punishments as sections 51 and 54. They are not discussed further in this chapter.

(5) The offences of handing over a payment account, or moving money through one's own account, without taking reasonable steps (section 55A of the CDSA) are covered in Chapter 4.

3. What is the maximum punishment?

Offence	Section	Maximum punishment for an individual
Helping someone else keep or control criminal proceeds, knowing or having reasonable grounds to believe	s 51(1)	Fine up to $500,000, imprisonment up to 10 years, or both; caning up to 12 strokes where scam proceeds are involved (offences from 30 Dec 2025)
Helping someone else keep or control criminal proceeds rashly – in other words, knowing there was a real risk that the money was criminal, when it was unreasonable to take that risk	s 51(1A)	Fine up to $250,000, imprisonment up to 5 years, or both
Helping someone else keep or control criminal proceeds negligently – in other words, failing to act as a reasonable person would have done	s 51(1A)	Fine up to $150,000, imprisonment up to 3 years, or both
Dealing with one's own criminal proceeds	s 54(1)	Fine up to $500,000, imprisonment up to 10 years, or both; caning up to 12 strokes where scam proceeds are involved (offences from 30 Dec 2025)
Dealing with someone else's criminal proceeds, knowing or having reasonable grounds to believe	s 54(2), (3)	Fine up to $500,000, imprisonment up to 10 years, or both; caning up to 12 strokes where scam proceeds are involved (offences from 30 Dec 2025)
Dealing with someone else's criminal proceeds rashly or negligently	s 54(3A)	Rashly: fine up to $250,000, imprisonment up to 5 years, or both. Negligently: fine up to $150,000, imprisonment up to 3 years, or both
Possessing or using property reasonably suspected to be criminal proceeds, without satisfactorily accounting for it	s 55	Fine up to $150,000, imprisonment up to 3 years, or both

(6) A company convicted of an offence under section 51 or 54 of the CDSA may be fined up to $1 million or twice the value of the criminal proceeds involved, whichever is higher.

4. Recent changes to the law

4.1 Lower thresholds of guilt to catch money mules (from 8 February 2024)

(7) Before 8 February 2024, a person could only be convicted of the money laundering offences under sections 51 and 54 of the CDSA if the Prosecution proved that he or she knew, or had reasonable grounds to believe, that the money was criminal. When the amending Bill was introduced in Parliament on 8 May 2023, against a sharp rise in scams, the Second Minister for Home Affairs explained that this requirement had made it difficult to act against people who allow their bank accounts to be used to move criminal proceeds (referred to in Parliament as "money mules"): of some 19,000 such persons investigated by the police between 2020 and 2022, fewer than 250 were prosecuted.

(8) The amendments, in force from 8 February 2024, added the offences of money laundering **rashly** or **negligently** (sections 51(1A) and 54(3A)), with lower maximum punishments, so that an offence can be made out at a lower level of fault than before.

(9) Because a person cannot be punished for conduct that was not an offence when it was done (Article 11(1) of the Constitution), the rash and negligent offences do not apply to conduct before 8 February 2024. Such earlier conduct may still be charged under the "knowing or reasonable grounds to believe" offences, or under other provisions in force at the time (see Chapter 4 for the provisions used against account holders before that date).

4.2 Caning for money laundering involving scam proceeds (offences from 30 December 2025)

(10) For offences committed on or after 30 December 2025, a person convicted under section 51(1) or section 54(1) to (3) of the CDSA is also liable to caning of up to 12 strokes where the money involved is the proceeds of a serious scam offence. For section 51(1) and sections 54(2) and (3), the accused can avoid caning by proving that he or she took reasonable steps to ensure that the money did not come from a scam.

(11) **Caning is not automatic.** The law makes the offender "liable" to caning, which leaves the decision to the court. As the High Court noted in *Mohamed Erzan Taib Zohri v Public Prosecutor and other appeals* [2026] SGHC 183, Parliament made caning mandatory for scammers and for members and recruiters of scam syndicates, but discretionary for those who facilitate scams; when the amendments were debated on 4 November 2025, the Government explained that this was because those who facilitate scams "have a range of culpability".

5. What must the Prosecution prove?

(12) Each offence has its own elements. In particular, each requires the Prosecution to prove a particular mental state:

(a) **Helping someone else keep or control criminal proceeds (section 51(1)).** The Prosecution must prove: (1) that the accused entered into, or was concerned in, an arrangement; (2) by which another person's keeping or control of criminal proceeds was made easier (or the proceeds were used to provide funds or acquire property for that person); and (3) that the accused knew, or had reasonable grounds to believe, that this was so.

(b) **Helping someone else keep or control criminal proceeds, rashly or negligently (section 51(1A)).** The elements are (1) and (2) in paragraph (12)(a), except that instead of knowledge or reasonable grounds to believe, the Prosecution must prove that the accused acted rashly (knowing there was a real risk that the arrangement related to criminal proceeds, when it was unreasonable to take that risk) or negligently (doing what a reasonable person would not have done, or failing to do what a reasonable person would have done).

(c) **Dealing with one's own proceeds (section 54(1)).** The Prosecution must prove that the property is, or represents, the accused's own proceeds of crime, and that the accused concealed or disguised it, converted or transferred it, removed it from Singapore, or acquired, possessed or used it. The High Court has held that "using" the money is enough on its own; there is no need to show concealment, so that spending misappropriated money on personal expenses can be charged as money laundering. The same decision held that it is not double punishment to charge both the original offence (for example, criminal breach of trust) and the later use of the money, because they are different acts.

(d) **Dealing with someone else's proceeds (section 54(2), (3) and (3A)).** The Prosecution must prove that the property is another person's proceeds of crime, that the accused concealed, converted, transferred, acquired, possessed or used it, and the required mental state: knowledge or reasonable grounds to believe (subsections (2) and (3)), or rashness or negligence (subsection (3A)).

(e) **Possessing property reasonably suspected to be criminal proceeds (section 55).** The Prosecution must prove that the accused possessed or used property that may reasonably be suspected of being criminal proceeds, and that the accused failed to account satisfactorily for how he or she came by it.

(13) In all of these offences, the crime that generated the money need not have been committed in Singapore (see Part 7).

6. What defences are available?

(14) The following may provide a defence, or an answer to the charge:

(a) **No knowledge and no reasonable grounds.** For section 51 of the CDSA, it is a defence for the accused to prove that he or she did not know and had no reasonable ground to believe that the arrangement related to criminal proceeds, or that it would make it easier for another person to keep or control them.

(b) **Reporting the suspicion.** A person who reports a suspicion to an authorised officer (such as a police officer) does not commit the section 51 offence if the report is made before the act and the act is done with the officer's consent, or, if made afterwards, the report is made on the person's own initiative and as soon as reasonable. It is also a defence that the accused intended to report but had a reasonable excuse for not doing so, or (if the accused is an employee) that the suspicion was reported under the employer's internal procedure.

(c) **Accounting for the property (section 55).** The section 55 offence is committed only if the person fails to account satisfactorily for how he or she came by the property. A satisfactory explanation, supported by documents, answers the charge.

(d) **Challenging the elements.** The Prosecution must prove each element: that the money was in fact criminal proceeds, how much of it was, and whether the accused had the requisite mental state at the time. The mental state alleged in the charge (knowledge, reasonable grounds to believe, rashness or negligence) is itself significant, because the maximum punishment and the assessment of culpability both depend on it.

7. Money laundering and scams carried out overseas

(15) Scam syndicates often operate across borders, and Singaporeans have been charged in connection with scam operations abroad. Several features of Singapore law determine whether such conduct can be prosecuted here.

7.1 Proceeds of crimes committed abroad

(16) The CDSA defines "criminal conduct" as doing or being concerned in, whether in Singapore or elsewhere, any act constituting a serious offence or a "foreign serious offence", that is, an offence under foreign law that would have been a serious offence had the conduct occurred in Singapore. Dealing in Singapore with the proceeds of a crime committed abroad can therefore be money laundering here. In a 2023 bail decision, *Public Prosecutor v Su Jianfeng* [2023] SGDC 277, for example, money laundering charges were founded on the proceeds of a remote gambling business allegedly run from the Philippines; the court held that a foreign legal opinion that such operations were lawful there did not, without evidence about the accused's own operation, displace the grounds for the charges.

(17) Singaporeans abroad are also subject to the laws of the country they are in. Most recently, in September 2026, the Ministry of Foreign Affairs and the Singapore Police Force announced that, according to the Chinese authorities, 52 Singapore citizens had been arrested and detained in Guangxi, China, following an operation against suspected pyramid scheme activities and related offences.[1] Investigations were ongoing at the time of writing, and no finding has been made against any of them. The matter is one for the Chinese authorities under Chinese law, and what bearing, if any, it may have in Singapore remains to be seen.

7.2 Scams run from overseas against victims in Singapore

(18) A person does not escape prosecution in Singapore merely because he or she was abroad when a scam on Singapore victims was carried out:

(a) **Offences partly committed in Singapore.** Under section 4B of the Penal Code 1871, offences of dishonesty or fraud, including cheating, criminal breach of trust and forgery, are deemed to have been committed in Singapore if part of the offence took place here, or if the intended gain, loss or harm occurred here.

[1] MFA–SPF Joint Press Statement, "On Singapore Citizens Arrested in Guangxi, China" (4 September 2026).

(b) **Abetment from abroad.** Under section 108B of the Penal Code, a person who abets an offence committed in Singapore is guilty of abetment even if all of his or her acts were done outside Singapore.

(c) **Membership of a scam syndicate.** Under section 5 of the Organised Crime Act 2015, it is an offence to be, or act as, a member of a "locally-linked organised criminal group", that is, a group of three or more people (whether or not based in Singapore) one of whose purposes is to profit from serious offences under Singapore law listed in the Act. The group may be based outside Singapore, and Singaporeans who allegedly worked as callers at an overseas scam centre have been charged under this provision (see below). The maximum punishment is a fine of up to $100,000, imprisonment of up to five years, or both. For offences committed on or after 30 December 2025, a person who is a member of such a group knowing that it is a scam group is also liable to **mandatory** caning of at least six and up to 24 strokes.

(d) **Recruiting from abroad.** A person outside Singapore who recruits others to join or help manage a locally-linked organised criminal group also commits an offence under section 6(2) of the Organised Crime Act.

7.3 Recruiting in Singapore for overseas syndicates

(19) A person in Singapore who recruits others to join or help manage an organised criminal group commits an offence under section 6(1) of the Organised Crime Act even if the group's crimes are committed abroad. Under section 108A of the Penal Code, a person who in Singapore abets an act abroad that would be an offence if committed in Singapore is also guilty of abetment.

7.4 Recent enforcement

(20) In September 2025, the Singapore Police Force and the Cambodian police carried out a joint operation against a scam syndicate that was allegedly run from Phnom Penh by Singaporeans and that impersonated government officials to deceive victims in Singapore; it has been linked to losses reported at more than $41 million. Singaporeans who allegedly worked as callers for the syndicate were repatriated and charged under the Organised Crime Act, and Interpol Red Notices were sought for others. In November 2025, two Singaporeans deported from Thailand and Cambodia were charged with offences including handing over their Singapore bank accounts while allegedly working for scam centres in Myanmar and Cambodia. These cases were pending at the time of writing, and the allegations have not been proved.

7.5 Where there is no link to Singapore

(21) Where neither the conduct nor its effects, nor the proceeds, touch Singapore, prosecution here will depend on whether a specific provision extends Singapore law to that conduct. The person may instead be prosecuted in the country where the offence was committed, and Singapore may receive requests for extradition or mutual legal assistance. Bringing the proceeds into Singapore, however, may itself be money laundering here.

8. How do the courts decide the sentence? The harm–culpability matrix

(22) The leading decision is *Huang Ying-Chun v Public Prosecutor* [2019] 3 SLR 606, in which the High Court set a sentencing framework for the offence now in section 51(1) of the CDSA. The framework was expressly framed for money laundering of cash proceeds of offences committed in Singapore by runners, and those who recruit or manage them.[2]

(23) It has since been applied more widely: in *Public Prosecutor v Tan Shay Howe* [2026] 3 SLR 1304, the High Court held that the same framework applies to dealing with criminal proceeds under section 54(1), and District Courts have applied it to money laundering through bank accounts. No High Court decision setting a framework for the rash and negligent offences had been reported at the time of writing.

(24) The framework works in five steps:[3]

[2] *Huang Ying-Chun v Public Prosecutor* [2019] 3 SLR 606 at [47]–[48].

[3] *Huang Ying-Chun* at [100]–[102].

(a) **Step 1:** the court assesses the **harm** caused (slight, moderate or severe) and the offender's **culpability**, meaning blameworthiness (low, medium or high).

(b) **Step 2:** it identifies the sentencing range for that combination.

(c) **Step 3:** it chooses a starting point within the range.

(d) **Step 4:** it adjusts the starting point for factors personal to the offender, including any plea of guilty.

(e) **Step 5:** where there are several charges, it adjusts the overall sentence so that it is proportionate (see Part 14).

(25) The ranges assume that the offender claimed trial.

(26) **Factors going to harm** include:[4] the amount laundered; whether a syndicate was involved; whether there was a cross-border element; the seriousness of the underlying crime; and harm to public confidence (for example, where scammers impersonated the police). **The profile of the victims also matters:** later decisions treat elderly victims as presumptively vulnerable, which increases the harm.

(27) **Factors going to culpability** include:[5] the degree of planning; the sophistication of the operation; how long the offending lasted; the offender's role; any abuse of position or trust; the offender's state of mind; whether the offender came to Singapore solely to offend; how much the offender knew of the underlying crime; and the prospect of a large reward.

(28) The ranges, for an offender who claims trial, are:

Culpability \ Harm	Slight	Moderate	Severe
Low	Fine and/or short custodial term	10–30 months	30–60 months
Medium	10–30 months	30–60 months	60–90 months
High	30–60 months	60–90 months	90–120 months

(29) **Factors personal to the offender** that increase the sentence include other charges taken into consideration, relevant previous convictions, and an evident lack of remorse. Those that reduce it include a plea of guilty, voluntary restitution and co-operation with the authorities. The lists are not closed.[6]

8.1 How the framework was applied in Huang Ying-Chun itself

(30) The case arose from a police impersonation scam run by a Taiwanese syndicate, which operated in four steps:[7]

(a) Callers posing as the Singapore Police or Interpol telephoned six victims, aged between 50 and 82, and tricked them into revealing their internet banking log-in details.

(b) The callers transferred the victims' money into the accounts of a second group of people ("**victim-mules**"), who had themselves been duped into giving out their account details.

(c) The victim-mules were told by the fake police to withdraw the money in cash and hand it to runners.

(d) The runners passed the cash on to others, who took it out of Singapore.

(31) The offender was recruited in Taiwan for about $2,700 to come to Singapore to "collect and hand over documents". He realised on the first collection that he was collecting money, but went on to make 12 more collections over about two weeks. A total of $957,000 passed through his hands;

[4] *Huang Ying-Chun* at [98].

[5] *Huang Ying-Chun* at [98].

[6] *Huang Ying-Chun* at [98]–[99].

[7] *Huang Ying-Chun* at [6]–[10].

only $1,050 was recovered. He pleaded guilty, but not at the first opportunity, and the District Judge sentenced him to six years and six months' imprisonment.

(32) On appeal, the High Court assessed harm as severe, given the sum, the targeting of elderly victims, the syndicate, the cross-border element and the harm to confidence in public administration in Singapore. Culpability was medium: there was planning, a sophisticated operation and offending over a period, and he came to Singapore only to offend; but he was a "foot soldier" in the syndicate and had not met the victims. The range was 60 to 90 months and the starting point 72 months. The court deducted six months for the plea of guilty, which had come almost a year after he was charged, and reduced the sentence to **66 months' imprisonment**.[8]

9. How have the courts applied the framework since?

9.1 Dealing with criminal proceeds (section 54(1))

(33) In *Tan Shay Howe*, the High Court applied the framework to a member of an organised criminal group that sold anonymous messaging accounts used to hide identities, including in scams. He had pleaded guilty to dealing with about $329,000 and $450,000 of the group's proceeds and had received 15 and 16 months; on the Prosecution's appeal, the sentences were increased to 22 and 26 months.

(34) **The takeaway:** the offender's role, and how it developed, matters a great deal. His culpability on the second charge was higher because by then he was financing the operation and acting as a key member.

9.2 Spending one's own misappropriated money

(35) In *Chong Kum Heng v Public Prosecutor* [2020] 4 SLR 1056, the High Court dealt with a project manager who had sold his employer's surplus cable, banked about $214,000 of the proceeds and spent it on a condominium, a car and personal expenses. The District Judge had imposed the same sentence on most of the money laundering charges regardless of the amount involved.

(36) **The takeaway:** sentences must be calibrated to the harm each offence brought about, of which the amount involved is the clearest measure, and whether the money was recovered also matters. The High Court reduced the individual sentences accordingly, and the overall sentence from 39 to 32 months.

10. The sentencing range at a glance

(37) The table below gives the range of sentences seen in the cases reviewed for this chapter, and the main factors that determined where each case fell. Every case turns on its own facts, and the figures are a guide only.

Offence	Sentences seen in decided cases	Main deciding factors
Helping someone else keep or control criminal proceeds, knowing or having reasonable grounds to believe (s 51(1))	**About 17 months to 5½ years' imprisonment** in the cases reviewed; the matrix runs from a fine to 10 years	The amount; whether a syndicate or a cross-border element was involved; elderly or other vulnerable victims; the offender's role (a "foot soldier" is placed lower); how much the offender knew of the underlying crime; the timing of any plea of guilty; youth; restitution and co-operation
Dealing with criminal proceeds (s 54(1))	**About 22 to 26 months** per charge in *Tan Shay Howe*, for sums of about $329,000 and $450,000	The same matrix; the offender's role in the group and how it developed; the amount; plea of guilty

[8] *Huang Ying-Chun* at [116]–[132].

Offence	Sentences seen in decided cases	Main deciding factors
Spending or using one's own misappropriated money (s 54(1))	**About 2 to 6 months** per charge, with an overall sentence of **about 32 months** in *Chong Kum Heng*	Calibrated to the amount involved in each charge and whether the money was recovered; proportionality of the total
Rash or negligent money laundering (ss 51(1A), 54(3A))	No High Court framework reported at the time of writing	Expected to sit below the "knowing or reasonable grounds" offences, in line with the lower maximum punishments

Several of the cases reviewed concerned conduct before 8 February 2024, when the accused were charged under the former section 44(1)(a) or section 47 of the CDSA (the predecessor numbering of the present sections 51 and 54) or under section 51 or 54 on the "knowing or reasonable grounds to believe" basis. The rash and negligent offences were not available for that conduct.

11. Fines

(38) The maximum fine for an individual is $500,000 for the "knowing or reasonable grounds to believe" offences, $250,000 for rash money laundering and $150,000 for negligent money laundering or for the section 55 offence. The lowest cell of the matrix (slight harm and low culpability) allows a fine, with or without a short custodial term.

(39) In the decisions reviewed for this chapter, however, no sentence of a fine alone was imposed under section 51 or 54 of the CDSA. Fines appeared instead as a way of taking back the offender's profit, in addition to imprisonment: in *Tan Shay Howe* (see paragraph (33)), the offender's profit of $11,000 was taken back by a fine of the same amount, imposed on a related charge.

12. What can reduce the sentence?

(40) The following have been given weight in decided cases:

(a) **A limited role.** In *Huang Ying-Chun*, the starting point was placed towards the lower end of the range because the offender was a "foot soldier" to whom not all the harm caused by the syndicate could fairly be attributed.[9]

(b) **Little knowledge of the wider scheme.** In *Putra Alfian*, a 2024 appeal (MA 9138/2024), the High Court placed harm at the low end of the medium range because the offender had no knowledge of the underlying scams and was not involved in them, and placed culpability at the low end of medium because the aggravating features, including his financial motive, were present only to a low degree. It reduced the sentence from 28 to 21 months.

(c) **Reasonable grounds rather than actual knowledge.** A charge based on reasonable grounds to believe is treated as less culpable than one based on actual knowledge.

(d) **Youth.** The offender's relative youth (he was 22 to 23) was taken into account in *Putra Alfian* (see paragraph (40)(b)), and in *Public Prosecutor v Ang Wei Jun* [2026] SGDC 125, a District Court gave some weight to the youth of a 20-year-old foreign offender even though rehabilitation was not the main consideration.

(e) **Voluntary restitution and co-operation with the authorities** are recognised mitigating factors.[10]

(f) **Recovery of the money** reduces the assessment of harm.

(g) **A plea of guilty** (see Part 13).

[9] *Huang Ying-Chun* at [127]–[129].

[10] *Huang Ying-Chun* at [98].

(41) **An example.** In *Public Prosecutor v Yeong Poh Chin* [2026] SGDC 183, a woman in financial difficulty let an acquaintance use her bank accounts to receive and pass on money said to come from a cryptocurrency business; after her first account was frozen she opened another, and $37,000 of scam proceeds passed through her accounts. The court assessed harm as slight, because the sum was modest and no syndicate or cross-border element was proved, and culpability at the lower end of medium, because she opened a new account and carried on despite her suspicions. This gave a range of 10 to 30 months and a starting point of 16 months. The starting point was increased for the duration of the offending, for other charges taken into consideration and for a previous conviction, and then reduced for her plea of guilty, giving a sentence of 17 months and two weeks.

(42) As the cases show, the outcome depends heavily on identifying the mitigating factors that are relevant and carry real weight on the particular facts, supporting them with evidence, and presenting them at the right stage of the framework.

13. How does a plea of guilty affect the sentence?

(43) A plea of guilty can have a significant effect on the sentence, and its timing matters. The Sentencing Advisory Panel has issued Guidelines on Reduction in Sentences for Guilty Pleas, which suggest that an earlier plea may attract a larger reduction. The guidelines are guidance only: they are not binding on the courts, and whether a reduction is given, and how much, is for the sentencing court to decide in the circumstances of each case.

(44) In *Huang Ying-Chun*, a plea entered almost a year after the charge attracted a reduction of six months from a 72-month starting point;[11] in *Putra Alfian* (see paragraph (40)(b)), an early plea attracted a reduction of 30%.

(45) A plea of guilty admits the offence and gives up any defence. It is therefore very important that the decision whether, and when, to plead guilty is made only after the evidence, the available defences and the mitigating factors have been properly assessed.

14. How are sentences combined when there are several charges?

(46) Money laundering charges are often brought together with the underlying offence (for example, cheating or criminal breach of trust) and with other money laundering charges. Each charge receives its own sentence, and the court then decides which sentences run **consecutively** (one after another) and which run **concurrently** (at the same time). Where an offender is convicted at one trial and sentenced to imprisonment for three or more distinct offences, at least two of the sentences must run consecutively (section 307(1) of the Criminal Procedure Code 2010).

(47) The overriding principle is **proportionality**: the total sentence must fit the offender's overall criminality. The High Court has explained the main tools in *Mohamed Shouffee bin Adam v Public Prosecutor* [2014] 2 SLR 998:

(a) **The one-transaction rule.** This is a common law principle, developed by the courts rather than set out in legislation: offences that form part of a single transaction should generally not attract consecutive sentences. Whether offences form part of a single transaction is decided as a matter of common sense, having regard to factors such as how close the offences were in time, place and purpose, and whether they invaded the same legally protected interest.

(b) **The totality principle.** The court takes a "last look" at the total. It asks whether the total is substantially above the normal level of sentence for the most serious offence, and whether it would be crushing and out of keeping with the offender's record and prospects. If so, the court may change which sentences run consecutively, or adjust individual sentences.

(c) **No double counting.** The same aggravating factor must not be counted against the offender twice.

[11] *Huang Ying-Chun* at [130].

14.1 Parity and consistency with past cases

(48) Proportionality is also measured against the sentences imposed on others:

(a) **Parity between co-offenders.** Where several people took part in the same criminal enterprise, their sentences should generally be in line with each other, allowing for relevant differences in their roles and personal circumstances. The High Court has held, in *Lim Bee Ngan Karen v Public Prosecutor* [2015] 4 SLR 1120, that this applies even where co-offenders are charged with different offences, and that where co-offenders are sentenced separately, the Prosecution should place their sentences and the relevant facts before the court.

(b) **Consistency with past cases.** Courts compare the case with sentences imposed in similar cases. In *Tan Shay Howe* (see paragraph (33)), the High Court checked its sentences against earlier self-laundering sentences of 18 months to two years for sums of about $352,000 to $478,000. Comparisons must, however, be with the offence actually charged: in *Nur Diyanah bte Mohamed Ramdan v Public Prosecutor* [2026] SGHC 174, the High Court reduced a sentence because the lower court had calibrated it against a precedent for a different and more serious offence.

(49) Other choices also affect the total, such as whether some charges are taken into consideration rather than proceeded with, and whether conduct is combined into a single amalgamated charge. These questions involve a number of factors and judgments, and are frequently the subject of submissions on sentence.

15. Frozen bank accounts

15.1 Can the police freeze my bank account?

(50) An account may be restricted in three different ways, each with its own procedure:

(a) by the bank itself, on its own assessment;

(b) by the police, under section 35 of the Criminal Procedure Code 2010 ("**CPC**"), which allows the police to seize, or prohibit dealings with, property in respect of which an offence is suspected to have been committed, property suspected to have been used to commit an offence, or property suspected to be evidence of an offence; for money in a bank account, a police officer of the rank of inspector or above may order the bank to hand it over or not to allow dealings with it; or

(c) under the CDSA's separate regime of restraint and confiscation orders (see Part 16).

15.2 What are the limits of a police seizure?

(51) Police seizure is not unlimited. In *Rajendar Prasad Rai v Public Prosecutor* [2017] 4 SLR 333, the Corrupt Practices Investigation Bureau had seized the money in 10 bank accounts, and a Magistrate had extended the seizure of three of them on the basis of further investigations. The High Court held that:

(a) where money is seized to prevent it from being dissipated, it must be money reasonably believed to be the proceeds, or traceable proceeds, of an identifiable offence;

(b) police seizure is not a means of freezing wealth that is simply unexplained, which is a matter for the separate CDSA regime; and

(c) seizures must be reported to a Magistrate, and when an extension is sought the Prosecution must identify the offence and justify the seizure.

(52) Because the Prosecution had not shown how much of the money was the proceeds of the offences charged, and had not answered the account holders' evidence of its source, the extension was set aside.

15.3 Can frozen money be released to pay legal fees or living expenses?

(53) A person who is prevented from dealing with money frozen by the police may apply to court for its release (CPC section 35(7)). The court may order release only if it is satisfied that release is necessary for one of the following purposes (CPC section 35(8)):

(a) basic expenses, including food, rent, mortgage payments, medicine and medical treatment, taxes, insurance premiums and utility charges;

(b) reasonable legal fees and expenses, or routine charges for holding or maintaining the property;

(c) extraordinary expenses;

(d) satisfying a lien or judgment that arose before the freezing order; or

(e) for a Singapore company, its day-to-day operations.

(54) In *Carlos Manuel De São Vicente v Public Prosecutor* [2023] 5 SLR 1397, a 2023 decision concerning an account holding more than US$558 million, the High Court set out requirements that must all be shown for the release of money for legal fees:

(a) the money is needed because no other funds are available;

(b) it will be used only for the permitted purpose;

(c) the fees are reasonable;

(d) the expenses have already been incurred; and

(e) all of this is proved to the court's satisfaction.

(55) The application failed because the applicant had not shown that other funds, including money transferred abroad and funds held by family members, were unavailable to him.

(56) The position can change as a case progresses. In *Kam Boon Hee Kenneth v Public Prosecutor* [2025] SGMC 29, a 2025 case under appeal at the time of writing, money had been released before trial to pay the accused's tax and legal fees, together with a monthly sum for basic and medical expenses; after he was convicted, a further application for legal fees was refused because the interests of potential victims now outweighed his own, and the monthly payments were ordered to stop.

15.4 How do owners and victims get seized money back?

(57) When seized money is no longer needed for investigations or proceedings, the court may order how it is to be dealt with. Where it is unclear who is entitled to it, the court may direct that it be held while a public notice invites claims. In *Public Prosecutor v Marlene Wise* [2025] 3 SLR 1603, the High Court held that it is the court, and not the Commissioner of Police, that decides such claims, and that a claimant must show a lawfully acquired interest in the money; evidence that the money came from the claimant's own bank account will generally be enough. An overseas scam victim who had transferred US$41,900 into a Singapore account was held entitled to its return.

16. What is a confiscation order?

(58) Separately from the sentence, after a person is convicted of a qualifying offence the Prosecution may apply under the CDSA for a **confiscation order**. If the court is satisfied that the offender derived benefits from crime, it must make an order requiring the offender to pay a sum representing the value of those benefits (CDSA section 7; section 6 for drug dealing).

(59) The order is not limited to the money traced to the offence charged. The CDSA presumes that property held by the offender that is disproportionate to his or her known sources of income, and that cannot be explained to the court's satisfaction, represents benefits from crime unless the contrary is proved. The order can be satisfied out of any property the offender holds, whether or not it was itself derived from crime, and out of certain gifts the offender has made.

17. Beyond the sentence

(60) For foreign nationals, a conviction may have immigration consequences, including the cancellation of passes. A conviction is also likely to be relevant to future dealings with banks and regulators, and to professional licensing.

Note. This chapter sets out the framework. It does not attempt to indicate where any particular case falls within it – that assessment depends on the charge brought, the evidence, and matters that are

rarely apparent to the person affected. 26 Gambit Chambers advises and acts for individuals and companies in these matters. Short answers to common questions on money laundering and frozen bank accounts are available at 26gambitchambers.com/answers.

Chapter 3: Cheating and Scam Offences

1. Chapter Orientation

(1) This chapter is arranged as follows:

(a) **The offences (Parts 2 to 6):** the types of cheating offences, their maximum punishments, recent changes to the law (including the offence of cheating by remote communication introduced in December 2025), what the Prosecution must prove, and the defences.

(b) **Amalgamated charges (Part 7):** what it means when many incidents are combined into one charge, and why it matters.

(c) **Sentence (Parts 8 to 14):** how the courts decide the sentence, including the leading case and when a person can be caned, the range of sentences seen in decided cases, fines, the factors that reduce the sentence, the effect of a plea of guilty, and how sentences for several charges are combined.

(d) **Beyond the sentence (Part 15):** compensation, civil claims and other consequences.

2. What are the cheating offences?

(2) "Cheating" is defined in section 415 of the Penal Code 1871 ("**PC**"). In essence, a person cheats if he or she deceives another person and thereby either (1) fraudulently or dishonestly induces that person to hand over property, or (2) intentionally induces that person to do, or not to do, something that causes or is likely to cause that person harm. The main offences are:

(a) **Cheating (section 417 of the PC).** This is the basic offence. It covers any cheating, whether or not property was handed over.

(b) **Cheating and thereby dishonestly inducing the delivery of property (section 420(1) of the PC).** This is the more serious offence, charged where the victim was induced to hand over property, or to make, alter or destroy a valuable security (for example, a cheque, or another document that creates, transfers or releases a legal right). Commercial frauds and scams are commonly charged under this section.

(c) **Cheating by remote communication (section 420(2) of the PC).** This offence, in force from 30 December 2025, applies where the cheating that induced the delivery of property was carried out by remote communication, which under section 416B of the PC means that the deception was conducted mainly through the Internet, a telephone or other communication device, or other electronic means. It carries mandatory caning (see Part 4 and Part 8.5).

(3) Where the accused committed many incidents of the same offence, the Prosecution may combine them into a single "**amalgamated charge**" (section 124(4) of the Criminal Procedure Code 2010 ("**CPC**")), for which the court may impose up to twice the punishment available for a single incident (see Part 7).

(4) Cheating is often charged together with forgery for the purpose of cheating (section 468 of the PC) or using as genuine a forged document or forged electronic record (section 471 of the PC) (see Chapter 6), and with money laundering of the proceeds (see Chapter 2). Members of scam syndicates may also be charged with being members of an organised criminal group under section 5 of the Organised Crime Act 2015 ("**OCA**") (see Chapter 2, Part 7).

3. What is the maximum punishment?

Offence	Section	Maximum punishment for an individual
Cheating	PC s 417	Imprisonment up to 3 years, a fine, or both
Cheating and thereby dishonestly inducing the delivery of property (or the making, altering or destroying of a valuable security)	PC s 420(1)	Imprisonment up to 10 years (imprisonment is mandatory), and a fine may be added; for offences from 30 Dec 2025, caning may also be ordered
Cheating by remote communication and thereby inducing the delivery of property	PC s 420(2) (offences from 30 Dec 2025)	Imprisonment up to 10 years **and caning of not less than 6 strokes**; imprisonment is mandatory, and a fine may be added
Many incidents of the same offence combined in one amalgamated charge	CPC s 124(4), punishable under s 124(8)(a)	Up to twice the punishment available for a single incident
Being a member of an organised criminal group linked to Singapore	OCA s 5	Fine up to $100,000, imprisonment up to 5 years, or both; for offences from 30 Dec 2025, a member who knows it is a scam group is also liable to mandatory caning of not less than 6 strokes

(5) Under section 420 of the PC, imprisonment is mandatory: the court must impose a term of imprisonment and may add a fine. Under section 417 of the PC, the court may impose imprisonment, a fine, or both.

4. Recent changes to the law

4.1 Higher maximum for section 420 (from 1 February 2008)

(6) The maximum term of imprisonment under section 420 of the PC was raised from seven to ten years by the Penal Code (Amendment) Act 2007, with effect from 1 February 2008. Sentences in older cases, decided when the maximum was seven years, must be read with that in mind.

4.2 Wider definition of cheating (Criminal Law Reform Act 2019)

(7) The present wording of section 415 of the PC was introduced by the Criminal Law Reform Act 2019, with effect from 1 January 2020. It makes clear that the deception need not have been the sole or main reason why the victim acted, and it contains Explanations dealing with companies and automated systems (see Part 5).

4.3 Caning, and cheating by remote communication (offences from 30 December 2025)

(8) Before 30 December 2025, section 420 of the PC provided only for imprisonment of up to ten years, with liability to a fine. With effect from that date, an amending Act (Act 21 of 2025) made two changes:

- (a) a person convicted under section 420(1) of the PC became liable to caning, at the court's discretion; and
- (b) it created the offence of cheating by remote communication in section 420(2), which carries mandatory caning of at least six strokes.

(9) At the time of writing, there has not been any reported decision under section 420(2).

5. What must the Prosecution prove?

(10) Each offence has its own elements. Each requires the Prosecution to prove a particular mental state as well as the conduct:

(a) **Cheating (section 417 of the PC).** The Prosecution must prove (1) that the accused deceived the victim; (2) that the victim was induced by the deception to hand over property, or to do or not do something; and (3) that the accused acted fraudulently or dishonestly (where property was handed over) or intentionally (where the victim was induced to do or not do something that caused or was likely to cause harm). The deception need not have been the sole or main reason why the victim acted.

(b) **Cheating and dishonestly inducing delivery of property (section 420(1) of the PC).** In addition to the elements of cheating, the Prosecution must prove that the victim was dishonestly induced to deliver property, or to make, alter or destroy a valuable security.

(c) **Cheating by remote communication (section 420(2) of the PC).** In addition, the Prosecution must prove that the cheating was carried out by remote communication. A person cheats by remote communication if the deception is conducted mainly by way of remote communication with the victim, which means communication through the Internet, a telephone or any other communication device, television or radio, or any other kind of electronic or other technology for facilitating communication (section 416B of the PC).

(11) Several features of these elements arise frequently in practice:

(a) **Deception by silence.** Dishonestly concealing a fact is a deception (Explanation 1 to section 415 of the PC). In a 2023 District Court case, *Public Prosecutor v Hussain Naina Mohamed* [2023] SGDC 76 ("*Hussain Naina Mohamed*"), a procurement officer who did not tell his employer that he was a partner in the vendor he recommended was convicted of cheating.

(b) **Deceiving a company.** A company can be deceived even if none of its individual officers was personally deceived, for example where an automated system is used (Explanations 4 and 5 and Illustration (k) to section 415 of the PC).

(c) **What counts as "delivery".** Delivery is given a practical meaning. In *Lim Oon Kuin v Public Prosecutor and another matter* [2026] 3 SLR 616 ("*Lim Oon Kuin*"), a 2026 decision concerning bank trade financing described further in paragraph (32), the High Court held that the crediting of financing to the company's overdrawn account was a delivery of property, rejecting an argument that it was a mere set-off.

(d) **Property obtained through a company.** A director who causes his company to obtain the property may be liable even though the money did not go into his own pocket. In *Public Prosecutor v Tan Chee Boon* [2026] SLR(StC) 120 ("*Tan Chee Boon*"), a 2024 District Court case described further in paragraph (28), false invoices were used to obtain $246,400 in government grants for a company, and its director was convicted.

6. What defences are available?

(12) The following may provide a defence, or an answer to the charge:

(a) **No dishonest intention at the time: a breach of contract is not cheating.** Explanation 2 to section 415 of the PC states that a mere breach of contract is not, of itself, proof of an original fraudulent intention. Illustration (g) to section 415 of the PC distinguishes a person who never intended to deliver the goods he was paid for (who cheats) from one who intended to deliver them at the time and later failed to do so (who is liable only for breach of contract). In the context of a business relationship, the critical question is therefore what the accused intended when the representation was made; a later failure to perform is a matter for the civil courts.

(b) **No deception, or no inducement.** The Prosecution must prove that the representation was false to the accused's knowledge, and that it induced the victim to act. Under the present law, the deception need not have been the sole or main inducement, but there must still be a link between the deception and what the victim did.

(c) **Challenging the elements.** The Prosecution must prove each element: (1) whether there was a deception at all; (2) whether the victim relied on it; (3) how much property was obtained by it, which affects both the charge and the sentence; and (4) whether the accused had the required mental state. The provision charged matters, because the maximum punishment under section 417 of the PC is three years and under section 420 is ten years, and because caning is mandatory under section 420(2).

(13) Matters which do not amount to a defence may still reduce the offender's culpability and the sentence. These are discussed in Part 12.

7. What is an amalgamated charge, and why does it matter?

(14) Where the accused is alleged to have committed many incidents of the same offence which together amount to a course of conduct, the Prosecution may combine them into one amalgamated charge under section 124(4) of the CPC.[1] The court may then impose up to twice the punishment that could have been imposed for any one of the incidents (section 124(8)(a) of the CPC).[2]

7.1 Why the higher maximum can rule out a community sentence

(15) The higher maximum can affect the type of sentence available, and not only its length:

(a) **What community sentences are.** Community sentences are orders served in the community, in place of imprisonment, a fine or caning, and are aimed mainly at rehabilitation (section 337(5) of the CPC). They include a mandatory treatment order (psychiatric treatment for an offender whose mental condition contributed to the offence), a day reporting order, a community work order, a community service order and a short detention order.

(b) **When they are not available.** A court cannot make a community order for an offence punishable with imprisonment of more than three years (section 337(1)(i) of the CPC). There is a limited exception allowing a mandatory treatment order for certain prescribed offences punishable with up to seven years (section 337(2)(c) of the CPC).

(c) **The effect of amalgamation.** Cheating under section 417 of the PC carries a maximum of three years' imprisonment, so a community sentence remains possible for a single charge. Once incidents are combined into an amalgamated charge, the maximum becomes six years, which is above the three-year limit, so a community sentence is no longer available.

(16) In a 2021 decision, *Public Prosecutor v Song Hauming Oskar and another appeal* [2021] 5 SLR 965 ("*Song Hauming*"), the offender had found the credit card of his company's chief executive in the office and used it 103 times, spending about $20,642. He faced one amalgamated charge of cheating under section 417 of the PC, and the District Court sentenced him to a short detention order and a mandatory treatment order. On appeal, the High Court held that, because the amalgamated charge carried a maximum of six years' imprisonment, neither order was available, and imposed eight months' imprisonment instead. It cautioned that the Prosecution must take care not to frame amalgamated charges in a way that inadvertently prevents a deserving offender from receiving a community sentence.

(17) How charges are framed can therefore affect the sentencing options available, and is a matter that may be raised with the Prosecution in representations. How the sentence for an amalgamated charge is decided is explained in Part 8.

8. How do the courts decide the sentence?

8.1 There is no single framework for cheating

(18) Unlike some other offences, cheating under sections 417 and 420 of the PC has no single sentencing framework laid down by the High Court for all cases. The courts instead proceed as follows:

[1] *Prakash s/o Mathivanan v Public Prosecutor* [2025] 4 SLR 1386 at [15].

[2] *Prakash* at [37].

(a) **Comparable precedents.** Sentencing is guided by earlier decisions, whose weight depends on how closely their facts correspond to the case at hand. Precedents decided without written reasons carry little weight.

(b) **First principles.** Where the precedents give no reliable guidance, the court reasons from first principles, assessing the harm caused and the offender's culpability (blameworthiness), and then the factors personal to the offender.

8.2 The value of the property, and its limits

(19) The value of the property obtained is often the primary yardstick, because it reflects both the benefit to the offender and the harm to the victim. The High Court has, however, identified two qualifications (in a 2019 decision on a corruption offence, *Gan Chai Bee Anne v Public Prosecutor* [2019] 4 SLR 838, in terms that apply generally): (1) value may not be a good measure of the offender's culpability where the offender was not the person intended to benefit from what the victim parted with (see paragraph (40)(b)); and (2) value measures only the economic harm, not any wider harm to the public interest.

8.3 Factors that increase the sentence

(20) Factors going to harm and culpability that have increased sentences for cheating in the decided cases include:

(a) **the amount obtained and the loss caused**, particularly where nothing has been repaid;

(b) **misuse of a financial instrument or payment system** on which commerce relies, such as cheques, credit cards or PayNow, where general deterrence (deterring others from similar offending) takes centre stage;

(c) **planning and premeditation**, including the use of false invoices, fictitious contracts or other false documents;

(d) **abuse of trust or position**, for example by an employee diverting payments meant for the employer, or a procurement officer concealing an interest in a vendor;

(e) **a major or active role** in the scheme;

(f) **the number of victims and their vulnerability**;

(g) **obtaining public funds**, such as government grants;

(h) **persistence**: offending over a long period, or in many separate transactions;

(i) **harm beyond the immediate victim**, such as harm to Singapore's standing as a financial centre; and

(j) **offending while on bail or under investigation**, and repeated offending.

(21) Aggravating features must, however, have a factual basis. In *Lim Oon Kuin* (see paragraph (32)), the offender's company was a major oil trading company, and the District Court had treated the fraud as having harmed confidence in the oil trading industry as well as Singapore's financial services sector. On appeal, the High Court accepted the harm to the financial services sector, but held that there was no factual basis for treating the fraud as having harmed the oil trading industry, and reduced the sentence accordingly.

8.4 Amalgamated charges: the three-step approach

(22) The leading decision on amalgamated charges is *Prakash s/o Mathivanan v Public Prosecutor* [2025] 4 SLR 1386, in which the High Court set out the approach to sentencing an offender on an amalgamated charge under section 124(4) of the CPC. It applies to amalgamated charges generally, including amalgamated charges of cheating; it does not set ranges for cheating as such. The court proceeds in three steps:[3]

(a) **Step 1:** it identifies the punishment prescribed, and any sentencing guidance, for a single incident of the offence (the "base offence");

(b) **Step 2:** it sets a starting point by a holistic assessment of the whole course of conduct, including how long it lasted and how often the offences were committed; and

[3] *Prakash* at [39], [42]–[46], [129].

(c) **Step 3:** it adjusts the starting point for factors personal to the offender, including any plea of guilty.

8.5 When can a person be caned for cheating?

(23) Only for offences committed on or after 30 December 2025. For those offences:

(a) caning is **mandatory**, with a minimum of six strokes, for cheating by remote communication under section 420(2) of the PC;

(b) caning is **discretionary** for cheating under section 420(1) of the PC, which means that the court decides whether to impose it; and

(c) caning is also mandatory for members and recruiters of organised criminal groups engaged in scams (see Chapter 2, Part 7, and Chapter 4).

9. How have the courts applied these principles since?

9.1 Small, single deceptions

(24) In a 2013 decision, *Idya Nurhazlyn bte Ahmad Khir v Public Prosecutor and another appeal* [2014] 1 SLR 756 ("*Idya Nurhazlyn*"), a first offender who had cheated her aunt of $1,800, and repaid it in full, received **one month's imprisonment**; a further charge of paying $10,509 with a cheque that was dishonoured, while she was already under investigation, attracted **three months**.

(25) **The takeaway:** a first offence is not automatically dealt with by a fine. The High Court indicated that a custodial sentence will generally be appropriate where the victim parted with property of more than negligible value, and that the misuse of cheques calls for deterrence.

9.2 An employee diverting payments

(26) In a 2026 District Court case, *Public Prosecutor v Chai Song Lin* [2026] SGDC 4 ("*Chai Song Lin*"), an assistant manager at a domestic worker agency changed the display name of his own PayNow account to resemble his employer's name and gave clients QR codes linked to it, diverting $92,508 in 72 transactions over five months. Applying *Prakash* to an amalgamated charge under section 420 of the PC, the court took into account the amount, the planning, the abuse of his employer's trust and the misuse of a payment system, and imposed **20 months and two weeks' imprisonment** after his early plea of guilty (see also paragraph (41)).

(27) **The takeaway:** the misuse of a payment system on which the public relies is treated seriously, and the persistence of the offending over many transactions increases the sentence.

9.3 Obtaining government grants through a company

(28) In *Tan Chee Boon*, a 2024 District Court case, a managing director used false invoices to obtain $246,400 in government grants for his company. He played a major and active role, the offending was planned, the sum was significant and no restitution was made. The court gave little weight to the argument that the money had not gone directly into his pocket, as he benefited indirectly through the company, and imposed a global sentence of **40 months' imprisonment**. His plea of guilty, entered only on the first day of trial, carried little weight, and his appeal against the sentence was dismissed.

(29) **The takeaway:** where public funds are obtained through a company, the director's role and the planning involved weigh heavily, and an indirect benefit is still a benefit.

9.4 Concealing a personal interest

(30) In *Hussain Naina Mohamed*, a procurement officer concealed his partnership in a vendor over about ten years, making at least $500,000 in secret profits. The court rejected a submission that a fine alone was sufficient and imposed a global sentence of **30 months' imprisonment** on ten charges (nine amalgamated charges of cheating or abetting cheating, and one amalgamated money laundering charge).

(31) **The takeaway:** concealment over a long period, with substantial secret profits, takes a case well beyond a fine.

9.5 A large commercial fraud

(32) In *Lim Oon Kuin*, the founder and managing director of a major oil trading company was convicted after trial of two charges of cheating a bank into disbursing about US$56.1 million and US$55.8 million against fictitious sale contracts, and one charge of abetting the forgery of a contract for the purpose of cheating. The District Court imposed eight years and six months on each cheating charge and nine years on the forgery charge, with two of the terms running consecutively: 17 years and six months in total.

(33) On appeal, the High Court upheld the convictions but reduced each sentence: it removed the aggravating weight given to harm to the oil trading industry, for which there was no factual basis; it gave substantially more credit for restitution that had almost halved the bank's loss on the first charge; and it gave more weight to his old age. It refused to exercise "judicial mercy" (an exceptional power to reduce a sentence on compassionate grounds), because the offender's ill health did not make his case truly exceptional. The sentences became six years, six years and seven years and six months, for a total of **13 years and six months' imprisonment**.

(34) **The takeaway:** even at the highest end, restitution and the offender's age can make a substantial difference, and every aggravating factor must be supported by the facts.

10. The sentencing range at a glance

(35) The table below gives the range of sentences seen in the cases reviewed for this chapter, and the main factors that determined where each case fell. Every case turns on its own facts, and the figures are a guide only.

Offence	Sentences seen in decided cases	Main deciding factors
Cheating (s 417), single charge	**About 1 to 8 months' imprisonment**	The amount lost; whether it was repaid; whether the offender had offended before; misuse of cheques
Cheating (s 417), amalgamated charge	**About 8 months** on a single amalgamated charge; where there were nine amalgamated charges, **4 to 14 months** per charge and **30 months** in total	The number of incidents and how long they went on; the total amount and profit; any mental condition that contributed to the offending
Cheating and inducing delivery of property (s 420)	**About 20 to 40 months** for frauds of tens or hundreds of thousands of dollars; **several years per charge** for frauds of tens of millions of dollars	The amount; planning and the use of false documents; abuse of trust; whether public funds were involved; restitution; the timing of any plea of guilty; the offender's age
Cheating by remote communication (s 420(2); offences from 30 Dec 2025)	No reported decision at the time of writing	Imprisonment and at least 6 strokes of the cane are mandatory
Membership of an organised criminal group (OCA s 5)	**About 26 months**, with a fine of $11,000 (one District Court case, 2025)	The offender's role in the group, and the profit made

11. Fines

(36) A fine may be imposed as the only punishment under section 417 of the PC, but not under section 420, where imprisonment is mandatory and a fine may only be added to it.

(37) Whether a fine alone is appropriate for cheating under section 417 of the PC depends on the facts of each case. The courts have recognised that it may be appropriate in some cases, for example:

(a) **Where no loss was suffered.** The High Court observed in *Idya Nurhazlyn* (see paragraph (24)) that not every case of cheating causes loss, and that where no loss was ever suffered, a fine might be appropriate.[4]

(b) **Deceptions in share applications.** In an earlier decision, *Lim Choon Kang v Public Prosecutor* [1993] 3 SLR(R) 254, concerning the deception of a company through share applications, the court observed that fines could be imposed in such cases unless the operation was of a substantial scale. In that case itself, three weeks' imprisonment and a fine of $10,000 were upheld.

(38) In other cases, the courts have imposed imprisonment, for example where the victim parted with property of more than negligible value (see paragraph (24)), or where at least $500,000 of secret profits had been made over about ten years (see paragraph (30)). Matters such as the amount involved, whether the victim suffered any loss, whether restitution was made and the offender's record will all bear on whether a fine alone may be appropriate, and this is often a central question in submissions on sentence.

(39) Fines are also imposed in addition to imprisonment, commonly to take back the offender's profit. In a 2025 District Court case concerning an organised criminal group, *Public Prosecutor v Tan Shay Howe* [2025] SGDC 239, the offender's profit of $11,000 was taken back by a fine of the same amount, imposed on the organised crime charge in addition to imprisonment. The fine stood when the High Court later increased his sentences on the related money laundering charges (*Public Prosecutor v Tan Shay Howe* [2026] 3 SLR 1304).

12. What can reduce the sentence?

(40) The following have been given weight in decided cases:

(a) **Restitution.** Repaying the victim reduces the economic harm and, if it is timely and voluntary, is evidence of remorse:

(i) **Its effect can be substantial.** In *Lim Oon Kuin* (see paragraphs (32) and (33)), restitution that almost halved the bank's loss on one charge led the High Court to allow 18 months for it on each of the two cheating charges, in place of the six months allowed by the District Court.

(ii) **Late restitution may still count.** Restitution made late may still be credited if the delay is explained, for example by the offender's limited means, as the High Court accepted in *Idya Nurhazlyn* (see paragraph (24)).

(iii) **Calculated restitution counts for less.** Restitution made on advice, with the calculated purpose of obtaining a lighter sentence, is given less credit.

(iv) **It does not outweigh everything.** Restitution does not outweigh serious aggravating features, such as the use of a dishonoured cheque and further offending while under investigation.

(b) **Who benefited.** Where the offender was not the person intended to benefit from what the victim parted with, the amount lost may not be an accurate measure of his or her culpability. The courts look at the substance, however. Where the money went to a company that the offender controlled, so that he or she benefited indirectly, this has been given little weight (see *Tan Chee Boon*, paragraph (28)). Where the benefit was intended for another person, such as a relative or an associate, its effect on the sentence depends on the facts, including the offender's connection with that person and what the offender stood to gain.

(c) **A mental condition linked to the offending.** A psychiatric condition may reduce the sentence where it is properly diagnosed and contributed to the offending. In *Song Hauming* (see paragraph (16)), the High Court reduced the sentence by four months for two diagnosed conditions that had contributed to the offending. The quality of the medical evidence is important: courts have given little weight to a condition with no link to the

[4] *Idya Nurhazlyn* at [46].

offending, or to a report based entirely on the offender's own account and prepared without knowledge of the scale of the offending.

(d) **Old age.** In *Lim Oon Kuin* (see paragraph (33)), the High Court held that the offender's old age had been given too little weight and allowed a reduction of 18 months for it on each charge, although his ill health did not justify judicial mercy. By contrast, the psychological impact of imprisonment on a particular offender is generally not a reason to avoid a custodial sentence.

(e) **A plea of guilty** (see Part 13).

(41) **An example.** In *Chai Song Lin*, where an assistant manager diverted $92,508 through his PayNow account (see paragraph (26)), the offender at first lied when confronted, then confessed and repaid $10,000. The court fixed a sentence for the base offence, then increased it for the persistence of the offending over 72 transactions.

(42) The court described that increase as low to moderate because the amount and duration were not extreme and some restitution had been made, and said that a larger increase would have been warranted without restitution. A psychiatric report was rejected because it rested on his own account. His early plea of guilty attracted the full reduction, and the sentence was 20 months and two weeks' imprisonment.

(43) As the cases show, the outcome depends heavily on identifying the mitigating factors that are relevant and carry real weight on the particular facts, supporting them with evidence, and presenting them at the right stage of the framework.

13. How does a plea of guilty affect the sentence?

(44) A plea of guilty can have a significant effect on the sentence, and its timing matters. The Sentencing Advisory Panel has issued Guidelines on Reduction in Sentences for Guilty Pleas, which suggest that an earlier plea may attract a larger reduction. The guidelines are guidance only: they are not binding on the courts, and whether a reduction is given, and how much, is for the sentencing court to decide in the circumstances of each case.

(45) In *Chai Song Lin* (see paragraph (26)), an early plea attracted a reduction of 30%. In *Tan Chee Boon* (see paragraph (28)), by contrast, a plea entered only on the first day of trial carried little weight.

(46) A plea of guilty admits the offence and gives up any defence. It is therefore very important that the decision whether, and when, to plead guilty is made only after the evidence, the available defences and the mitigating factors have been properly assessed.

14. How are sentences combined when there are several charges?

(47) Cheating charges are often brought together with forgery charges, with money laundering charges relating to the proceeds, and with other cheating charges. Each charge receives its own sentence, and the court then decides which sentences run **consecutively** (one after another) and which run **concurrently** (at the same time). Where an offender is convicted at one trial and sentenced to imprisonment for three or more distinct offences, at least two of the sentences must run consecutively (section 307(1) of the CPC). In *Lim Oon Kuin* (see paragraph (32)), for example, two of the three sentences ran consecutively.

(48) The overriding principle is **proportionality**: the total sentence must fit the offender's overall criminality. The High Court has explained the main tools in *Mohamed Shouffee bin Adam v Public Prosecutor* [2014] 2 SLR 998:

(a) **The one-transaction rule.** This is a common law principle, developed by the courts rather than set out in legislation: offences that form part of a single transaction should generally not attract consecutive sentences. Whether offences form part of a single transaction is decided as a matter of common sense, having regard to factors such as how close the offences were in time, place and purpose, and whether they invaded the same legally protected interest.

(b) **The totality principle.** The court takes a "last look" at the total. It asks whether the total is substantially above the normal level of sentence for the most serious offence, and whether

it would be crushing and out of keeping with the offender's record and prospects. If so, the court may change which sentences run consecutively, or adjust individual sentences.

(c) **No double counting.** The same aggravating factor must not be counted against the offender twice.

14.1 Parity and consistency with past cases

(49) Proportionality is also measured against the sentences imposed on others:

(a) **Parity between co-offenders.** Where several people took part in the same criminal enterprise, for example a scam in which some are charged with cheating and others with money laundering, their sentences should generally be in line with each other, allowing for relevant differences in their roles and personal circumstances. The High Court has held, in *Lim Bee Ngan Karen v Public Prosecutor* [2015] 4 SLR 1120, that this applies even where co-offenders are charged with different offences, and that where co-offenders are sentenced separately, the Prosecution should place their sentences and the relevant facts before the court.

(b) **Consistency with past cases.** Courts compare the case with sentences imposed in similar cases, but the comparison must be with the offence actually charged and the law that applied. In *Chai Song Lin* (see paragraph (26)), the court treated precedents for criminal breach of trust as not directly relevant because that offence carries a different maximum punishment. For the same reason, sentences under section 420 of the PC decided before 1 February 2008, when the maximum was seven years (it is now ten years), must be read with care.

(50) Other choices also affect the total, such as whether some charges are taken into consideration rather than proceeded with, and whether incidents are combined into a single amalgamated charge (see Part 7). These questions involve a number of factors and judgments, and are frequently the subject of submissions on sentence.

15. Beyond the sentence

(51) Victims may bring civil claims, and the court may make a compensation order on conviction. Money traced to the offence may be seized by the police and held until the court decides who is entitled to it (see Chapter 2, Part 16). Where a cheating offence is committed through a company, its directors may face separate consequences (see Chapter 1). For foreign nationals, a conviction may have immigration consequences, including the cancellation of passes.

Note. This chapter sets out the framework. It does not attempt to indicate where any particular case falls within it – that assessment depends on the charge brought, the evidence, and matters that are rarely apparent to the person affected. 26 Gambit Chambers advises and acts for individuals and companies in these matters. Short answers to common questions on cheating and scam offences are available at 26gambitchambers.com/answers.

Chapter 4: Bank Accounts, Singpass and the Movement of Scam Proceeds

1. Chapter Orientation

(1) This chapter is arranged as follows:

(a) **The offences (Parts 2 to 6):** what the offences are, how they differ from the money laundering offences in Chapter 2, their maximum punishments, recent changes to the law, what the Prosecution must prove, and the defences.

(b) **Sentence (Parts 7 to 13):** how the courts decide the sentence for each offence, including the two leading cases and when a person can be caned; the range of sentences seen in decided cases; fines; the factors that reduce the sentence; the effect of a plea of guilty; and how sentences for several charges are combined.

(c) **Young offenders and other consequences (Parts 14 and 15):** the sentences imposed on offenders aged 21 or under, and the consequences of a conviction beyond the sentence.

2. What are the money mule offences?

(2) A person who allows his or her bank account, other payment account or Singpass credentials to be used by others to move the proceeds of scams is described as a "**money mule**". Since 8 February 2024, this conduct has been dealt with by offences directed specifically at it. The main ones are:

(a) **Handing over a payment account without taking reasonable steps (section 55A(1)(a)(i) read with section 55A(1)(b)(ii) of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992 ("**CDSA**")).** This covers a person who gives another person access to or control of his or her bank account or other payment account without taking reasonable steps to find out what the other person intends to use it for, where the account is then used to move criminal proceeds.[1]

(b) **Moving money through one's own account without taking reasonable steps (section 55A(1)(a)(i) read with section 55A(1)(b)(iii) of the CDSA).** This covers a person who does not hand over the account, but receives money into it and transfers it on, on someone else's instructions, without taking reasonable steps to find out where the money came from or where it is going.[2]

(c) **Disclosing one's own Singpass credentials (section 8A(1) of the CMA),** knowing or having reasonable grounds to believe that they will be used to commit or facilitate an offence.[3]

(d) **Obtaining, retaining or supplying another person's Singpass credentials (section 8B(1) of the CMA).**

2.1 How do these offences differ from the money laundering offences in Chapter 2?

(3) The difference lies in what the Prosecution must show about the accused's state of mind:

(a) **The money laundering offences (section 51 of the CDSA; Chapter 2)** require the Prosecution to prove something about the accused's state of mind in relation to the money

[1] Before 8 February 2024, this conduct was charged as abetting unauthorised access to computer material under section 3(1) read with section 12(1) of the Computer Misuse Act 1993 ("**CMA**") and, where a new account was opened in order to hand it over, also as cheating the bank under section 417 of the Penal Code 1871 ("**PC**"): *Mohamed Erzan Taib Zohri v Public Prosecutor and other appeals* [2026] SGHC 183 at [5]–[8].

[2] Before 8 February 2024, this conduct was in some cases charged as providing a payment service without a licence under section 5(1) of the Payment Services Act 2019 ("**PSA**"): *Nur Diyanah bte Mohamed Ramdan v Public Prosecutor* [2026] SGHC 174 at [1], [28].

[3] Before 8 February 2024, this conduct was charged under section 8(1) of the CMA: *Erzan* at [9]–[10].

itself: that he or she knew, or had reasonable grounds to believe, that the money was the proceeds of crime (section 51(1)), or was rash or negligent as to that (section 51(1A)).

(b) **The money mule offences (section 55A of the CDSA)** do not. The Prosecution need only prove that the accused handed over the account, or moved money through it, without taking reasonable steps to check the other person's purpose or the source or destination of the money. Whether the accused knew or suspected that the money was criminal is not an element of the offence.

(c) **The sentencing frameworks differ.** The money laundering offences are sentenced under the framework described in Chapter 2; the money mule offences under the benchmark and matrix described in Part 7 of this chapter.

(4) In practice, the same facts may be charged under either set of provisions, depending on what the Prosecution considers it can prove about the accused's state of mind. Which provision is charged therefore matters a great deal, and is a matter on which representations may be made to the Prosecution.

3. What is the maximum punishment?

Offence	Section	Maximum punishment for an individual
Handing over a payment account, or moving money through one's own account, without taking reasonable steps (from 8 Feb 2024)	CDSA s 55A	Fine up to $50,000, imprisonment up to 3 years, or both
Disclosing one's own Singpass credentials, knowing or having reasonable grounds to believe they will be used to commit or facilitate an offence (from 8 Feb 2024)	CMA s 8A(1)	Fine up to $10,000, imprisonment up to 3 years, or both; for offences from 30 Dec 2025, caning up to 12 strokes in specified cases (see Part 7)
Obtaining, retaining or supplying another person's Singpass credentials (from 8 Feb 2024)	CMA s 8B(1)	Fine up to $10,000, imprisonment up to 3 years, or both; on a second or later conviction, fine up to $20,000, imprisonment up to 5 years, or both; for offences from 30 Dec 2025, caning up to 12 strokes in specified cases
Helping someone else keep or control criminal proceeds, knowing or having reasonable grounds to believe (see Chapter 2)	CDSA s 51(1)	Fine up to $500,000, imprisonment up to 10 years, or both; for offences from 30 Dec 2025, caning up to 12 strokes in specified cases involving scam proceeds
Helping someone else keep or control criminal proceeds, rashly or negligently (from 8 Feb 2024; see Chapter 2)	CDSA s 51(1A)	Rashly: fine up to $250,000, imprisonment up to 5 years, or both. Negligently: fine up to $150,000, imprisonment up to 3 years, or both
Before 8 Feb 2024: handing over a bank account (abetting unauthorised access)	CMA s 3(1) read with s 12(1)	First conviction: fine up to $5,000, imprisonment up to 2 years, or both; second or later conviction: fine up to $10,000, imprisonment up to 3 years, or both
Before 8 Feb 2024: opening an account in order to hand it over (cheating the bank)	PC s 417	Imprisonment up to 3 years, a fine, or both

Offence	Section	Maximum punishment for an individual
Before 8 Feb 2024: disclosing one's own Singpass credentials	CMA s 8(1)	First conviction: fine up to $10,000, imprisonment up to 3 years, or both; second or later conviction: fine up to $20,000, imprisonment up to 5 years, or both

4. Recent changes to the law

4.1 Before 8 February 2024: no offences aimed at money mules

(5) Before 8 February 2024, there were no offences aimed specifically at money mules, and the general offences referred to in the footnotes to Part 2 were used.[4] The money laundering offences in the CDSA were available, but required proof that the account holder knew or had reasonable grounds to believe that the money was linked to crime. At the second reading of the amending Bills on 8 May 2023, Parliament was told that of some 19,000 money mules investigated between 2020 and 2022, fewer than 250 were prosecuted.[5]

4.2 New offences from 8 February 2024

(6) The Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) (Amendment) Bill (Bill No 12/2023) and the Computer Misuse (Amendment) Bill (Bill No 13/2023) received their second reading on 8 May 2023. The amendments came into force on **8 February 2024**.[6] They created the offences in section 55A of the CDSA and sections 8A and 8B of the CMA, and added the rash and negligent money laundering offences in section 51(1A) of the CDSA (see Chapter 2). Conduct before that date continues to be charged under the predecessor provisions (see Part 7 on how such cases are sentenced).

5. What must the Prosecution prove?

(7) Each offence has its own elements:

(a) **Handing over a payment account (section 55A(1)(b)(ii) of the CDSA).** The Prosecution must prove:

(i) that the accused was concerned in an arrangement that made it easier for another person to control the proceeds of crime;

(ii) that the accused gave that person access to or control of a payment account, which includes a bank account and a debit or credit card;[7] and

(iii) that the accused failed to take reasonable steps to find out the other person's purpose. The question is whether reasonable steps were taken **at the time the accused entered into the arrangement**. The Prosecution does not need to prove that the accused knew the money was criminal.

(b) **Moving money through one's own account (section 55A(1)(b)(iii) of the CDSA).** The Prosecution must prove the first two matters in paragraph (7)(a), together with:

(i) that the accused received or transferred the money through an account he or she operated; and

(ii) that the accused failed to take reasonable steps to find out the source or destination of the money, at the time the accused entered into the arrangement.[8]

[4] *Erzan* at [5]–[10].

[5] *Erzan* at [11], citing *Singapore Parliamentary Debates* (8 May 2023).

[6] *Erzan* at [17].

[7] *Galvez* at [35]; section 55A(7) of the CDSA.

[8] *Galvez* at [32].

(c) **Disclosing one's own Singpass credentials (section 8A of the CMA).** The Prosecution must prove that the accused disclosed his or her Singpass credentials, and that the accused knew, or had reasonable grounds to believe, that the purpose of the disclosure was the commission or facilitation of an offence. A person who discloses Singpass credentials for a genuine purpose, without such grounds, does not commit this offence.

(d) **Obtaining, retaining or supplying another person's Singpass credentials (section 8B of the CMA).** The Prosecution must prove that the accused obtained, retained or supplied the Singpass credentials of another person, subject to the exceptions described in Part 6.

6. What defences are available?

(8) The following may provide a defence, or an answer to the charge:

(a) **No knowledge and no reasonable grounds (section 55A(3) of the CDSA).** It is a defence for the accused to prove that he or she did not know and had no reasonable ground to believe that the arrangement related to anyone's proceeds of crime.[9]

(b) **Is section 55A a strict liability offence?** A strict liability offence is one for which the Prosecution does not have to prove a guilty mind. The High Court has left open whether the offence of moving money through one's own account (section 55A(1)(b)(iii)) is such an offence.[10] In any case, if it is, the general defence in section 26H(4) of the PC, that the accused exercised reasonable care, applies. And an accused who did exercise reasonable care will in any event have taken the reasonable steps that the Prosecution must prove were not taken, so the charge would fail on its elements.[11]

(c) **Exceptions for Singpass credentials (section 8B of the CMA).** Section 8B does not apply where the credentials were obtained, retained or supplied for a purpose other than the commission of an offence and (for supply) the person did not know or have reason to believe that they would be so used.

(d) **Challenging the elements.** The Prosecution must prove each element: that the money was in fact the proceeds of crime, that the accused was concerned in the arrangement, and how much of the money that passed through the bank account is properly attributed to the accused. On the last point, the High Court has held:

(i) the court may count the full amount that passed through the bank account, not only the sums traced to known scam victims, unless the offender shows that particular transfers were made for innocent reasons;[12] but

(ii) money that passed through a different bank account may not be attributable to the offender. In one of the appeals in *Erzan*, the offender had opened one bank account and handed over its login details. Unknown persons then used that access to open a **second** bank account, through which almost $200,000 of scam proceeds passed. The High Court held that the money in the second account could not be attributed to him, because he was not involved in opening it, it was not explained how he could reasonably have foreseen that handing over the first account would lead to a second being opened, and his charge related only to the first account.[13]

7. How do the courts decide the sentence?

(9) Different sentencing guidance applies to the different offences:

(a) **Handing over a payment account (section 55A(1)(b)(ii) of the CDSA):** the benchmark sentence in *Mohamed Erzan Taib Zohri v Public Prosecutor and other appeals* [2026] SGHC 183 ("**Erzan**") (see Part 7.2).

[9] *Galvez* at [32].

[10] *Galvez* at [31].

[11] *Galvez* at [33].

[12] *Erzan* at [90].

[13] *Erzan* at [193]–[194].

(b) **Moving money through one's own account (section 55A(1)(b)(iii) of the CDSA):** the harm–culpability matrix in *Galvez Mary Joe Blanco v Public Prosecutor* [2026] 3 SLR 1427 ("**Galvez**") (see Part 7.3).

(c) **Singpass offences (sections 8A and 8B of the CMA):** the starting points in the Sentencing Advisory Panel's guidelines, as noted in *Erzan* (see Part 7.4).

(d) **Conduct before 8 February 2024:** the benchmarks for the predecessor offences set in *Erzan* and, for the offence under the Payment Services Act 2019, *Vijay Kumar v Public Prosecutor* [2023] 5 SLR 983 (see Part 7.5).

(e) **Knowing, rash or negligent money laundering (section 51 of the CDSA):** the framework in *Huang Ying-Chun v Public Prosecutor* [2019] 3 SLR 606, explained in Chapter 2.

(10) The Sentencing Advisory Panel's Guidelines for Scams-Related Offences, published in August 2024, treat imprisonment as the norm for these offences. The guidelines are not binding, and the High Court has departed from them in some respects.[14]

7.1 The CDSA grades the offences by state of mind

(11) The High Court has described the offences in Part 6 of the CDSA as a spectrum of culpability, which the sentence reflects:[15]

(a) **at the top**, the person who knows or has reasonable grounds to believe that the arrangement involves criminal proceeds (section 51(1));

(b) **below that**, the person who acts rashly or negligently (section 51(1A)); and

(c) **at the bottom** (arguably), the person who merely fails to take reasonable steps (section 55A).

7.2 Handing over a payment account (section 55A(1)(b)(ii) of the CDSA): the Erzan benchmark

(12) *Erzan* was a set of seven separate appeals against sentence, brought by six young offenders and one adult offender (and, in one of them, by the Prosecution), which the High Court heard together and decided on 10 September 2026 so as to lay down guidance for these offences.

(13) The benchmark is **six months' imprisonment** for a first offender convicted after trial, in the typical case: an existing account is handed over, the account is then used to move criminal proceeds, and the offender was motivated by gain.[16] Departing from the Sentencing Advisory Panel's guidelines, the court held in *Erzan* that being motivated by gain is almost invariably part of the typical case and is **not** an aggravating factor, since in almost all cases the offender was offered something.[17]

(14) A distinction is drawn between being offered a payment and actually receiving it. Where the offender actually received and kept the payment, two things follow:

(a) the court may take the actual benefit into account in fixing the sentence;[18] and

(b) the court may impose a fine equal to the sum received (a "**disgorgement fine**"), in addition to imprisonment, so that the offender keeps no benefit from the offence.[19]

(15) **Factors that increase the sentence** include:[20]

(a) opening a new account in order to hand it over;

(b) handing over more than one account;

(c) abuse of a position of trust (for example, a director handing over a company account);

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[14] *Erzan* at [43].
[15] *Galvez* at [45].
[16] *Erzan* at [88].
[17] *Erzan* at [88], [92].
[18] *Erzan* at [275(c)].
[19] *Erzan* at [276].
[20] *Erzan* at [89]–[91].

(d) continuing after being told that the account had been misused;

(e) significant sums passing through the account; and

(f) the involvement of vulnerable victims, the elderly being presumed to be vulnerable.

(16) The weight given to the sum and to vulnerable victims depends on how far these were foreseeable to the offender; an adult is normally taken to know that scammers are likely to target the elderly, but a young offender may not fully appreciate this.[21]

(17) **Factors personal to the offender** fall on both sides:

(a) **aggravating:** other charges taken into consideration, and previous convictions; and

(b) **mitigating:** remorse, restitution, co-operation with the authorities, and a plea of guilty. The absence of previous convictions is neutral, not mitigating.[22]

(18) **How the benchmark was applied in Erzan itself.** The adult offender in *Erzan* had suspected that her accounts would be used for illegal activity but ignored her suspicion; she handed over her existing bank account and allowed a cryptocurrency account to be opened using her Singpass; more than $600,000 passed through the bank account; and she received and spent the $500 she had been promised. The court started from the benchmark of six months and increased it by five months, to 11 months, for these factors. After a reduction of 30% for her early plea of guilty, her sentence of **seven months and two weeks' imprisonment, with a fine of $500** to take back the payment, was upheld.[23]

7.3 Moving money through one's own account (section 55A(1)(b)(iii) of the CDSA): the Galvez matrix

(19) For this form of the offence, the court uses a harm–culpability matrix of the kind used for the money laundering offences (see Chapter 2, Part 8). The court assesses the **harm** caused (slight, moderate or severe) and the offender's **culpability**, meaning blameworthiness (low, medium or high), identifies the range for that combination, chooses a starting point within it, and then adjusts for factors personal to the offender.[24]

(20) The factors considered include the amount moved; the vulnerability of the victims and whether the offender knew of it; and the duration of the offending and the number and frequency of the transactions.[25] The ranges, for an offender who claims trial, are:

Culpability \ Harm	Slight	Moderate	Severe
Low	Fine up to $50,000 and/or up to 6 months	6–12 months	12–18 months
Medium	6–12 months	12–18 months	18–24 months
High	12–18 months	18–24 months	24–36 months

(21) A fine to take back the offender's gain may be added to the sentence.[26]

(22) **How the matrix was applied in Galvez itself.** *Galvez* was decided on 21 May 2026 by the High Court. The offender was a foreign domestic worker who had been drawn in by an older co-worker. She did not hand over her account. Over about two weeks, she received $118,133 into it on the instructions of a third party and transferred most of it to an account in Thailand, receiving $1,151.50 for doing so. Some of the money was traced to two scam victims, one of them 70 years old.

[21] *Erzan* at [90]–[91].

[22] *Galvez* at [64].

[23] *Erzan* at [264], [275]–[276].

[24] *Galvez* at [46]–[47].

[25] *Galvez* at [48]–[59].

[26] *Galvez* at [47].

(23) The court assessed harm as moderate and culpability as low, because she had been misled by her co-worker and the illegality became obvious only in the last six of the 15 days covered by the charge. That gave a range of six to 12 months, and the court took a starting point of seven months to reflect the elderly victim. It reduced this by one month because she had given up her gain and co-operated, and then by 30% for her early plea, arriving at slightly more than four months. As this was more than the **40 days' imprisonment** imposed by the District Court, and the Prosecution had not sought an increase, her appeal was dismissed and the 40-day sentence was left in place. The co-worker who drew her in received five months on each of two charges.[27]

7.4 Singpass offences (sections 8A and 8B of the CMA)

(24) The Sentencing Advisory Panel's guidelines, as noted by the High Court in *Erzan*, give a starting sentence of six months' imprisonment after trial for disclosing one's own Singpass credentials under section 8A of the CMA, and double that, that is, 12 months, for an offence under section 8B, which covers obtaining, retaining or supplying another person's credentials, reflecting the greater culpability of a person who discloses someone else's credentials.[28]

7.5 Conduct before 8 February 2024: the predecessor offences

(25) Conduct before 8 February 2024 continues to be charged under the predecessor provisions, and the sentences for those offences are lower. In *Erzan*, the High Court set benchmarks of three to four months' imprisonment for handing over a bank account (section 3(1) of the CMA) and for opening an account in order to hand it over (section 417 of the PC), with an increase where both are charged together, and four months for disclosing Singpass credentials (section 8(1) of the CMA).[29] Where moving money through one's own account was charged as providing a payment service without a licence under the Payment Services Act 2019 ("**PSA**"), the High Court in *Vijay Kumar v Public Prosecutor* [2023] 5 SLR 983 set a starting point of three weeks' imprisonment for the typical unlicensed transfer.[30]

(26) The High Court explained the position as follows:

(a) the predecessor and the new offences target the same conduct, and the **same sentencing philosophy** applies to both;[31]

(b) the lower benchmarks reflect the **lower maximum punishments** under the predecessor provisions (for example, two years under section 3(1) of the CMA against three years under section 55A of the CDSA), and it was not Parliament's intention that conduct prosecuted under the predecessor provisions should now be punished more severely;[32] and

(c) the guidance in *Erzan* applies to everyone sentenced after 10 September 2026, even if the conduct took place before that date. A person who commits an offence is not entitled to expect any particular sentence; the only limit he or she can count on is the maximum punishment that the statute allowed at the time of the offence.[33]

(27) For a person whose conduct straddles 8 February 2024, or who is charged with offences on both sides of that date, which provisions apply to which conduct is therefore a matter of real importance to the sentence.

7.6 When can a money mule be caned?

(28) For scams and scam-related offences committed on or after **30 December 2025**, caning may be imposed. Parliament made caning **mandatory** for scammers and for members and recruiters of scam syndicates (see Chapters 2 and 3), but **discretionary**, up to 12 strokes, for those who supply bank accounts, SIM cards or Singpass credentials, so that the court decides whether to impose it in the particular case:[34]

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[27] *Galvez* at [61]–[66].

[28] *Erzan* at [51], [111].

[29] *Erzan* at [109]–[111].

[30] *Nur Diyanah* at [28].

[31] *Erzan* at [106].

[32] *Erzan* at [109], [113].

[33] *Erzan* at [107].

[34] *Erzan* at [52]–[53], citing *Singapore Parliamentary Debates* (4 November 2025).

(a) **Singpass credentials.** Under section 8A(5) of the CMA, the offence may attract caning where the offender knew that the purpose of the disclosure was a scam, or where the credentials were in fact used for a scam and the offender **cannot prove** that he or she took reasonable steps to prevent this.

(b) **Payment accounts.** The Government explained in Parliament that discretionary caning would apply where the account was used to launder scam proceeds and the offender failed to take reasonable steps to check the funds. The caning provisions for money laundering involving scam proceeds are explained in Chapter 2.

(29) In April 2026, the Singapore Police Force reported the first money mule to be sentenced to caning: a 23-year-old foreign national who collected cash of about $8,198 from an elderly victim of an investment scam and passed it on. He was charged with the knowing or reasonable-grounds money laundering offence under section 51(1)(a) of the CDSA, and received seven months' imprisonment and one stroke of the cane.

8. How have the courts applied the frameworks since?

8.1 Guilty, and imprisoned, even where the payment was very small

(30) In *Public Prosecutor v Nooryati binte Mion* [2026] SGDC 320, a District Court decision after *Erzan*, a 51-year-old who handed over an existing account for a total payment of $50 was sentenced to the benchmark of **six months' imprisonment**, with a fine of $50 to take back the payment.

(31) **The takeaway:** in the typical case, the benchmark is applied as it stands. The size of the payment received does not reduce the sentence.

8.2 Several accounts, and other offending

(32) In *Public Prosecutor v Jermaine Chan Rou An* [2025] SGDC 246, a District Court case decided before *Erzan*, a 22-year-old handed over two bank accounts for $800 each. She was sentenced to **10 months' imprisonment** and a fine of $1,600. The court started from the six-month starting point in the Sentencing Advisory Panel's guidelines. It increased the sentence for three reasons: $435,920 of criminal proceeds had passed through the account that was the subject of the charge (the guidelines treat $100,000 as significant); the victim was 84 years old; and a second account had been handed over. It then reduced the result by about 30% for her early plea of guilty. The court also increased the sentence because she was motivated by gain, a factor that *Erzan* later held is not aggravating.

(33) In *Public Prosecutor v Haryani binte Juraimi* [2026] SGDC 163, a District Court case also decided before *Erzan*, the offender had opened a new company bank account in order to hand it over. She did so while unlawfully at large from a drug rehabilitation institution, and she faced several other charges. On the section 55A charge she received **12 months' imprisonment** and a fine of $100, after a 30% reduction for her plea of guilty.

(34) **The takeaway:** six months is the benchmark for the simplest case: one existing account handed over, and the offender convicted after a trial. Both of these offenders pleaded guilty, which reduced their sentences by about 30%. Even so, their sentences were well above six months. That is because of the aggravating factors described in Part 7.2: in the first case, the large sum that passed through the account, the elderly victim and the second account; in the second, the opening of a new account in order to hand it over and the offender's other offending.

8.3 Conduct before 8 February 2024 charged under the predecessor provisions

(35) In *Nur Diyanah bte Mohamed Ramdan v Public Prosecutor* [2026] SGHC 174, the High Court dealt with an offender who, before 8 February 2024, had moved about $159,700 through two bank accounts on the instructions of a person she met through a job offer on social media. After her first bank account was frozen by the bank for suspected scam activity, she gave the same person a second account and carried on. Because her conduct took place before section 55A of the CDSA existed, she was charged with providing a payment service without a licence under the PSA. The District Court had calibrated her sentence by reference to a case decided under section 55A, which carries a six-month starting point. The High Court held that this was an error of principle: a court may not sentence an offender as though a different and graver charge had

been brought, and the applicable starting point for the PSA offence was three weeks. It reduced the sentence from seven months and three weeks to **15 weeks' imprisonment**, the uplift from three weeks reflecting the amount of scam proceeds, the number of victims and her persistence after the first account was frozen.[35]

(36) **The takeaway:** the sentence must be calibrated to the offence actually charged, under the law that applied at the time of the conduct. The new offences, and their higher starting points, do not apply to conduct before 8 February 2024.

9. The sentencing range at a glance

(37) The table below gives the range of sentences seen in the cases reviewed for this chapter, and the main factors that determined where each case fell. Every case turns on its own facts, and the figures are a guide only. Cases marked * concern conduct before 8 February 2024, charged under the predecessor provisions.

Offence	Sentences seen in decided cases	Main deciding factors
Handing over a payment account (CDSA s 55A(1)(b)(ii), from 8 Feb 2024)	**About 6 to 12 months' imprisonment**, usually with a fine equal to the payment received	The benchmark is 6 months after trial for one existing account; higher where more than one account, a new account opened to hand over, large sums through the account, elderly victims, suspicion ignored, or other offending; lower for an early plea of guilty
Moving money through one's own account (CDSA s 55A(1)(b)(iii), from 8 Feb 2024)	**40 days** in *Galvez*, left in place on appeal, although the High Court indicated that slightly more than 4 months would have been appropriate; the matrix runs from a fine to 36 months	The amount moved; whether the offender was misled and when the illegality became obvious; elderly victims; duration and number of transactions; giving up the gain and co-operating; plea of guilty
Disclosing one's own Singpass credentials (CMA s 8A)	Starting point of **6 months** after trial (Sentencing Advisory Panel guidelines, as noted in *Erzan*); **7 months and 2 weeks** after an early plea of guilty in *Public Prosecutor v Haryani binte Juraimi* [2026] SGDC 163	As for payment accounts; caning possible for offences from 30 Dec 2025
Obtaining, retaining or supplying another person's Singpass credentials (CMA s 8B)	Starting point of **12 months** after trial (Sentencing Advisory Panel guidelines, as noted in *Erzan*); no reported judgment to date	Greater culpability than disclosing one's own credentials; caning possible for offences from 30 Dec 2025

[35] *Nur Diyanah* at [24]–[31], [38], [44].

Offence	Sentences seen in decided cases	Main deciding factors
Before 8 Feb 2024: handing over an account (CMA s 3(1)); opening an account to hand it over (PC s 417); disclosing Singpass credentials (CMA s 8(1))*	Benchmarks of **3 to 4 months** after trial for handing over or opening an account, higher where both are charged, and **4 months** for disclosing Singpass credentials (*Erzan*); **4 months** and **14 weeks** after pleas of guilty in two cases where a new account had been opened to hand over (*Public Prosecutor v Nooryati binte Mion* [2026] SGDC 320; *Erzan*)	Lower maximum punishments; the same aggravating factors as above; young offenders have received probation (see Part 14)
Before 8 Feb 2024: moving money through one's own account (PSA s 5)*	Starting point of **3 weeks** for the typical unlicensed transfer (*Vijay Kumar v Public Prosecutor* [2023] 5 SLR 983); **15 weeks** on appeal in *Nur Diyanah bte Mohamed Ramdan v Public Prosecutor* [2026] SGHC 174, where about $159,700 was moved and the offender carried on after an account was frozen	The amount of scam proceeds; the number of victims; persistence; must be calibrated to the PSA offence, not to s 55A
Money laundering, knowing or having reasonable grounds to believe (CDSA s 51(1); see Chapter 2)	**7 months and 1 stroke of the cane** for a cash collector (reported by the police, 2026); **20 months** for a cash collector who collected $124,060 from five victims (*Public Prosecutor v Chan King Vun* [2026] SGDC 208)	Harm–culpability matrix in *Huang Ying-Chun v Public Prosecutor* [2019] 3 SLR 606; caning possible in specified cases involving scam proceeds, for offences from 30 Dec 2025

10. Fines

(38) Fines arise in two ways:

(a) **Fines to take back the payment received.** Where the offender received a payment, the court commonly imposes a fine equal to it, in addition to imprisonment. In the cases reviewed, such fines ranged from $50 to $4,100; the largest was imposed in a 2026 case concerning a company's account (*Public Prosecutor v Lee Yun Han* [2026] SGDC 204), and included payments received for other accounts whose charges were taken into consideration. Where the promised payment was never received, no such fine is imposed.

(b) **A fine as the only punishment.** The *Galvez* matrix allows a fine in its lowest band (slight harm and low culpability). In *Galvez*, however, the court rejected the submission that people who were themselves deceived into the role (sometimes called "**victim mules**") should start from a fine, holding that most cases have features of both "money mules" and

"victim mules" and that the CDSA already grades culpability according to the offender's state of mind.[36]

(39) In the decisions reviewed for this chapter, no sentence of a fine alone was imposed for an offence under section 55A of the CDSA. Whether a fine alone may be appropriate in a particular case depends on its facts.

11. What can reduce the sentence?

(40) The following have been given weight in decided cases:

(a) **Being misled, and late awareness.** In *Galvez* (see paragraph (22)), the offender's culpability was assessed as low because she had been misled by an older co-worker and the illegality became obvious only in the last six of the 15 days covered by the charge.[37]

(b) **Giving up the gain, and co-operation.** In *Galvez*, these together reduced the starting point by one month.[38]

(c) **Money that is not properly attributable to the offender.** Transfers shown to have been made for innocent reasons, and money that passed through a different account whose opening was not foreseeable to the offender, may be excluded (see paragraph (8)(d)(ii)).

(d) **A mental condition linked to the offending.** An intellectual or psychiatric condition carries weight only if it is a recognised condition causally linked to the offending. In the adult appeal in *Erzan* (see paragraph (18)), a report of borderline intelligence and a trusting disposition was given no weight because it disclosed no mental condition and no causal link.[39]

(e) **Rehabilitative progress (for young offenders).** For an offender aged 21 or under at the time of the offence, the court may take into account how he or she has lived between the offence and the sentence: whether there has been further offending, and evidence of a settled life such as employment, national service, study and family support. Such progress can change the **type** of sentence, for example from reformative training (a custodial programme) to probation (supervision in the community), as happened in four of the appeals in *Erzan* (see paragraph (41) and Part 14).

(f) **A plea of guilty** (see Part 12).

(41) **An example.** One of the appeals in *Erzan* concerned an offender who was 16 at the time of the offence. He had opened a bank account and handed it over to a person to whom he owed a gambling debt, and later handed over a second account; more than $12 million had passed through the two accounts. He had later committed thefts.

(42) The District Court sentenced him to reformative training at Level 1, that is, detention in a reformative training centre for a minimum of six months, which could extend to three years.

(43) By the time of the appeal, more than three years had passed since his last offence. The High Court accepted that reformative training might have been necessary at an earlier point, but found that he had undergone a genuine and substantial transformation: he had completed national service with commendations, reunited with his family, enrolled in university at his own expense and was working to support himself and his family. He therefore no longer needed the structured institutional environment of reformative training.

(44) The court replaced it with 18 months' probation, with a night-time curfew, 80 hours of community service, random blood testing and a bond from his parents, noting that a breach of the conditions would expose him to being sentenced again.[40]

[36] *Galvez* at [44]–[45].

[37] *Galvez* at [62].

[38] *Galvez* at [64].

[39] *Erzan* at [274].

[40] *Erzan* at [146]–[147], [159], [163]–[169].

(45) As the cases show, the outcome depends heavily on identifying the mitigating factors that are relevant and carry real weight on the particular facts, supporting them with evidence, and presenting them at the right stage of the framework.

12. How does a plea of guilty affect the sentence?

(46) A plea of guilty can have a significant effect on the sentence, and its timing matters. The Sentencing Advisory Panel has issued Guidelines on Reduction in Sentences for Guilty Pleas, which suggest that an earlier plea may attract a larger reduction. The guidelines are guidance only: they are not binding on the courts, and whether a reduction is given, and how much, is for the sentencing court to decide in the circumstances of each case.

(47) In *Galvez* (see paragraph (22)), and in the adult appeal in *Erzan* (see paragraph (18)), an early plea attracted a reduction of 30%.

(48) A plea of guilty admits the offence and gives up any defence. In *Galvez*, the court held that by pleading guilty, and acknowledging that the section 55A(3) defence could not be invoked, the offender had conceded that neither that defence nor the defence of reasonable care under section 26H(4) of the PC was available.[41] It is therefore very important that the decision whether, and when, to plead guilty is made only after the evidence, the available defences and the mitigating factors have been properly assessed.

13. How are sentences combined when there are several charges?

(49) Money mule cases often involve several charges.[42] Each charge receives its own sentence, and the court then decides which sentences run **consecutively** (one after another) and which run **concurrently** (at the same time). Where an offender is convicted at one trial and sentenced to imprisonment for three or more distinct offences, at least two of the sentences must run consecutively (section 307(1) of the Criminal Procedure Code 2010).[43]

(50) The overriding principle is **proportionality**: the total sentence must fit the offender's overall criminality. The High Court has explained the main tools in *Mohamed Shouffee bin Adam v Public Prosecutor* [2014] 2 SLR 998:

(a) **The one-transaction rule.** This is a common law principle, developed by the courts rather than set out in legislation: offences that form part of a single transaction should generally not attract consecutive sentences. Whether offences form part of a single transaction is decided as a matter of common sense, having regard to factors such as how close the offences were in time, place and purpose, and whether they invaded the same legally protected interest.

(b) **The totality principle.** The court takes a "last look" at the total. It asks whether the total is substantially above the normal level of sentence for the most serious offence, and whether it would be crushing and out of keeping with the offender's record and prospects. If so, the court may change which sentences run consecutively, or adjust individual sentences.

(c) **No double counting.** The same aggravating factor must not be counted against the offender twice.

13.1 Parity and consistency with past cases

(51) Proportionality is also measured against the sentences imposed on others:

(a) **Parity between co-offenders.** Where several people took part in the same criminal enterprise, their sentences should generally be in line with each other, allowing for relevant differences in their roles and personal circumstances. The High Court has held, in *Lim Bee*

[41] *Galvez* at [34].

[42] For example, charges for different accounts; charges for conduct on both sides of 8 February 2024, some under the predecessor provisions and some under section 55A of the CDSA; or charges for both handing over an account and disclosing Singpass credentials.

[43] In *Nooryati* (see paragraph (30)), for example, a sentence under section 55A of the CDSA and a sentence under the predecessor provisions were combined to give six months and six weeks' imprisonment, with a fine of $50; in *Public Prosecutor v Syed Faizal bin Syed Abubakar* [2026] SGDC 119, which was under appeal at the time of writing, a section 55A sentence was combined with a sentence under section 8A of the CMA to give 14 months and four weeks.

Ngan Karen v Public Prosecutor [2015] 4 SLR 1120, that this applies even where co-offenders are charged with different offences, and that where co-offenders are sentenced separately, the Prosecution should place their sentences and the relevant facts before the court. Differences in role matter: in *Galvez* (see paragraph (22)), the co-worker who drew the offender in received five months on each of two charges; the court indicated that the offender's own sentence should properly have been slightly more than four months, although her sentence of 40 days was left in place.

(b) **Consistency with past cases.** Courts compare the case with sentences imposed in similar cases, but the comparison must be with the offence actually charged and the law that applied. In *Nur Diyanah* (see paragraph (35)), a sentence for an offence under the PSA was reduced because the lower court had calibrated it against a precedent for a different and more serious offence under section 55A of the CDSA.

(52) Other choices also affect the total, such as whether some charges are taken into consideration rather than proceeded with, and whether conduct is combined into a single amalgamated charge (see Chapter 3). These questions involve a number of factors and judgments, and are frequently the subject of submissions on sentence.

14. What sentences do young offenders receive?

(53) For offenders aged 21 or under at the time of the offence, the High Court in *Erzan* held that the Sentencing Advisory Panel's guidelines should not be read as making imprisonment or reformative training the default. The commission of a scam-related offence does not by itself displace rehabilitation as the primary consideration, and probation and community-based sentences remain available. The court should ordinarily call for pre-sentencing reports. Reformative training is more appropriate where there is a stronger need for specific deterrence (deterring the offender himself or herself), such as knowing or repeated offending.[44]

(54) Of the six young offenders in *Erzan*:

(a) four had reformative training replaced with probation of 12 to 18 months (see paragraph (41) for one of them);

(b) in one, the Prosecution's appeal against a combination of community-based sentences for a 16-year-old was dismissed:

(i) she had opened and handed over two bank accounts to a school friend for a promised $500 that she never received, and $64,500 of scam proceeds had passed through one of them;

(ii) the District Court had imposed a seven-day short detention order, 60 hours of community service and a three-month day reporting order with an electronically monitored night-time curfew;

(iii) the High Court upheld this because the reports showed that she had minimal intervention needs and did not require the structured environment of reformative training; she had not reoffended; her caregivers were committed to supervising her; and the offending was brief and the product of youthful naivety; and

(iv) the court held that community-based sentences tailored in this way, including a short period of detention, could adequately serve both deterrence and rehabilitation;[45]

(c) in one, the offender had been under 21 when some of the offences were committed but was 24 when sentenced and had continued offending after turning 21. He was treated as an adult, and his sentence of 14 weeks' imprisonment was upheld.[46]

(55) For adults, probation is generally inappropriate for these offences, and for a foreign worker it will be "extremely rare".[47]

[44] *Erzan* at [43]–[66].

[45] *Erzan* at [218], [234]–[240].

[46] *Erzan* at [134]–[145].

[47] *Galvez* at [41]–[42].

15. Beyond the sentence

(56) Money in the account may be frozen or seized by the police, and may become the subject of confiscation proceedings (see Chapter 2, Parts 16 and 17). A conviction carries a criminal record, and whether it may later be treated as spent is governed by the Registration of Criminals Act 1949. For foreign nationals, a conviction may have immigration consequences, including the cancellation of work passes.

Note. This chapter sets out the framework. It does not attempt to indicate where any particular case falls within it – that assessment depends on the charge brought, the evidence, and matters that are rarely apparent to the person affected. 26 Gambit Chambers advises and acts for individuals and companies in these matters. Short answers to common questions on money mule offences are available at 26gambitchambers.com/answers.

Chapter 5: Criminal Breach of Trust

1. Chapter Orientation

(1) This chapter is arranged as follows:

(a) **The offences (Parts 2 to 5):** what the criminal breach of trust offences are, their maximum punishments, what the Prosecution must prove, and the defences.

(b) **When the victim does not complain (Part 6):** whether the victim's attitude, or forgiveness, affects the prosecution and the sentence.

(c) **Sentence (Parts 7 to 13):** how the courts decide the sentence, including the leading case and how it has been applied since; the sentences seen in decided cases; fines; the factors that reduce the sentence (including repayment); the effect of a plea of guilty; and how sentences for several charges are combined.

(d) **Beyond the sentence (Part 14):** civil claims, seizure of money and other consequences.

2. What are the criminal breach of trust offences?

(2) Criminal breach of trust ("**CBT**") is defined in section 405 of the Penal Code 1871 ("**PC**"). In essence, a person commits CBT if he or she has been entrusted with property, or with control over it (the PC calls this "**dominion**"), and then does one of the following:

(a) dishonestly misappropriates the property, or converts it to his or her own use;

(b) dishonestly uses or disposes of the property in breach of a legal direction, or of a contract, governing how it is to be dealt with; or

(c) intentionally allows another person to do any of these things.

(3) There is one definition, and four punishment provisions:

(a) **CBT by any person (section 406 of the PC).** This is the basic offence, sometimes called "CBT simpliciter".

(b) **CBT by a carrier or warehouse operator (section 407 of the PC).** This covers property entrusted for transportation for hire, or for storage for rent or a charge.[1]

(c) **CBT by an employee (section 408 of the PC).** "Employee" includes a person engaged in a capacity with the same essential features as employment, whether paid or unpaid.[2]

(d) **CBT by a public servant, a person in a trade or profession, a director, an officer of an unincorporated association, a partner, a key executive or a fiduciary (section 409 of the PC).** This is the most serious form. It covers, among others, bankers, merchants, brokers, attorneys and agents acting in the way of business, company directors, and fiduciaries such as executors, administrators, liquidators, receivers and trustees.[3]

[1] Before 1 January 2020, the predecessor provision in section 407 of the PC referred to a "carrier, wharfinger or warehouse-keeper". The maximum punishment, imprisonment up to 15 years with a fine that may be added, was the same.

[2] Before 1 January 2020, the predecessor provision in section 408 of the PC referred to a "clerk or servant". The maximum punishment, imprisonment up to 15 years with a fine that may be added, was the same.

[3] Before 1 January 2020, the predecessor provision in section 409 of the PC covered a public servant, or a banker, merchant, factor, broker, attorney or agent in the way of business. Its maximum punishment was imprisonment for life, or imprisonment up to 20 years, with a fine that may be added. In 2017, in the City Harvest case described in Part 7, the High Court held that "agent" in the predecessor provision meant a professional agent offering agency services to the public, so that company directors and church leaders who misappropriated their organisation's funds could be convicted only under section 406 of the PC. The Court of Appeal agreed in 2018 (*Public Prosecutor v Lam Leng Hung and others* [2018] 1 SLR 659). The Criminal Law Reform Act 2019 then rewrote section 409, with effect from 1 January 2020, to cover directors, partners, key executives and fiduciaries expressly, and removed life imprisonment. A director's misappropriation before 1 January 2020 therefore remains chargeable only under section 406; misappropriation by a director from that date falls under section 409.

3. What is the maximum punishment?

Offence	Section	Maximum punishment for an individual
CBT by any person	s 406	Imprisonment up to 7 years, a fine, or both
CBT by a carrier or warehouse operator (property entrusted for transportation for hire or storage for rent or a charge)	s 407	Imprisonment up to 15 years; a fine may be added
CBT by an employee, including a person in an employee-like capacity, paid or unpaid	s 408	Imprisonment up to 15 years; a fine may be added
CBT by a public servant, a person in a trade or profession, a director, an officer of an unincorporated association, a partner, a key executive or a fiduciary	s 409	Imprisonment up to 20 years; a fine may be added

(4) Under sections 407 to 409 of the PC, a sentence of imprisonment must be imposed (although there is no minimum term), and a fine may be added to it. Only under section 406 may a fine be the only punishment.

(5) **Note.** The court in which the case is heard also limits the sentence. A District Court cannot impose more than 10 years' imprisonment for a single offence, and a Magistrate's Court cannot impose more than three years (section 303 of the Criminal Procedure Code 2010 ("**CPC**")). The maximum sentences of 15 and 20 years under sections 407 to 409 of the PC can therefore be imposed only by the High Court. In practice, a case in which the Prosecution seeks a sentence above 10 years is heard in the High Court.

4. What must the Prosecution prove?

(6) The Prosecution must prove each of the following elements, including a particular mental state:

(a) **Entrustment or dominion.** The accused must have been entrusted with the property, or with dominion over it:

(i) Entrustment may arise from established practice as well as from written instructions. In a 2020 decision, *Chong Kum Heng v Public Prosecutor* [2020] 4 SLR 1056 ("***Chong Kum Heng***"), the High Court held that a project manager was entrusted with the proceeds of selling surplus cable. There was no written policy, but there was a longstanding practice, known to him, that the proceeds were to be used for staff welfare and site expenses.

(ii) Entrustment can also be collective. Where a board has dominion over funds, each member is entrusted, and the approval of innocent co-directors does not excuse those who act dishonestly, as the High Court held in the City Harvest case, *Public Prosecutor v Lam Leng Hung and other appeals* [2017] 4 SLR 474 ("***Lam Leng Hung***").[4]

(b) **Misappropriation or wrongful use.** The accused must have misappropriated or converted the property, or used or disposed of it in breach of a legal direction or of the terms of the trust. In *Lam Leng Hung*, church building funds could be used only for building expenses and investments. Bond "investments" that were in substance a way of channelling the funds to the church's music project were held to be a wrongful use. The later "round-tripping" transactions used to redeem the bonds were a continuation of the misappropriation.[5]

[4] *Lam Leng Hung* at [87].

[5] *Lam Leng Hung* at [126]–[170].

(c) **Dishonesty (the mental state).** The question is whether the accused intended to cause wrongful gain or wrongful loss, knowing that he or she was not legally entitled to act in that way:

(i) Motive is distinct from intention. It made no difference to guilt that the City Harvest leaders believed they were acting in the church's best interests.[6]

(ii) Dishonesty is more readily inferred where the course taken was not to the advantage of the person to whom the property belonged (the "**principal**"). The High Court noted this in *Chong Kum Heng*.[7]

(d) **The capacity (for sections 407 to 409 of the PC).** For the more serious offences, the Prosecution must also prove that the property was entrusted to the accused in the capacity the section describes, that is, as a carrier or warehouse operator, as an employee, or as a director, professional, fiduciary or other person listed in section 409.

5. What defences are available?

(7) The following may provide a defence, or an answer to the charge:

(a) **Good faith.** Illustration (d) to section 405 of the PC describes an agent who, in good faith and believing it to be more to the principal's advantage, departs from the principal's directions. He does not commit CBT, although he may be liable to the principal in a civil claim. *Lam Leng Hung* draws the line between that kind of good faith and a dishonest intention to use funds in a way the accused knows he or she is not entitled to, whatever the motive.

(b) **Authorisation and claim of entitlement.** Evidence that the use of the property was authorised, or that the accused genuinely believed he or she was entitled to it, goes to whether the accused acted dishonestly. In family and closely held businesses, informal arrangements about who may use company money, and for what, are frequently at the centre of the dispute, and whether the accused acted dishonestly will depend on the facts of each case.

(c) **Challenging the elements.** The Prosecution must prove each element: whether there was entrustment, whether the use was wrongful, whether the accused acted dishonestly, and how much was misappropriated. For sections 407 to 409 of the PC, it must also prove the capacity in which the property was entrusted and when the conduct took place. The capacity and the date are significant because the maximum punishment depends on them.

(8) Matters that do not amount to a defence may still reduce the sentence; they are discussed in Part 11.

6. What if the victim does not complain, or has forgiven the offender?

(9) A prosecution is brought in the public interest, not on behalf of the victim. In *Chong Kum Heng*,[8] the employer had not complained and regarded itself as having suffered no loss. That did not prevent a conviction, and the court held that it did not reduce the offender's culpability.

(10) The victim's forgiveness generally has no effect on the sentence either, as the High Court confirmed in *Chong Kum Heng*,[9] applying *Public Prosecutor v UI* [2008] 4 SLR(R) 500. Repayment of the money is a different matter: it is treated as a material mitigating factor (see Part 11).

7. How do the courts decide the sentence?

(11) The courts sentence by reference to the maximum punishment for the provision charged and to the sentences imposed in earlier cases, adjusted for the features of the case. There is no prescribed sentencing framework.

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[6] *Lam Leng Hung* at [180], [184].

[7] See paragraph (6)(a).

[8] See paragraph (6)(a).

[9] See paragraph (6)(a).

7.1 Criminal breach of trust (sections 406 to 409 of the PC): comparable precedents and the Lam Leng Hung principles

(12) The leading decision is *Lam Leng Hung*, the High Court decision in the City Harvest case. It concerned CBT charges under section 406 of the PC against the leaders of City Harvest Church (reduced from section 409), and the court described the case as without direct precedent. It does not set a prescribed framework or a matrix of sentencing ranges, and its outcome reflects exceptional facts.[10]

(13) Its statements of principle have, however, been applied in later cases under sections 406 and 408 of the PC:

(a) the amount misappropriated is the starting consideration, adjusted for the other factors in the case;[11] and

(b) where general deterrence (deterring others from similar offending) is the dominant consideration, it does not always require a sentence at the top of the range.[12]

(14) In practice, courts derive a starting point from comparable precedents, calibrated mainly to the amount, and then adjust it for the features of the case.

7.2 Factors that increase the sentence

(15) The factors given weight in the decided cases include the following:

(a) **The amount and the loss.** The amount misappropriated, and whether the victim's loss was repaid or made good, are the most important considerations (on repayment, see Part 12).

(b) **The manner of offending.** The following have all been treated as aggravating:

(i) planning and premeditation;

(ii) the length of time over which the offending took place;

(iii) the creation of false documents, or other steps to cover it up;

(iv) the layering of the proceeds through other accounts; and

(v) drawing family members into the offending.

(c) **The offender's position and gain.** The abuse of a position of corporate trust is aggravating, and in a 2026 case, *Public Prosecutor v Ong Siew Kwee and others* [2026] SGDC 299 ("***Ong Siew Kwee***"),[13] the offender's high position of trust was specifically relied on. Applying the whole of the money to personal use is aggravating. Conversely, the absence of any personal gain, and a motive other than greed, may reduce the sentence (see Part 11).

(d) **The victim.** The profile of the victim matters. In *Public Prosecutor v Loy Wei Ezekiel and another* [2026] SGDC 186 ("***Loy Wei Ezekiel***"), a 2026 decision described below,[14] the vulnerability of the victim, an elderly and cognitively impaired company owner, was treated as aggravating.

7.3 Factors personal to the offender

(16) Factors personal to the offender fall on both sides:

(a) **aggravating:** previous convictions, and other charges taken into consideration; and

(b) **mitigating:** restitution, and a plea of guilty. These are discussed in Parts 11 and 12.

(17) **How the principles were applied in Lam Leng Hung itself.** In the City Harvest case, the leaders of City Harvest Church were convicted of using some $24 million of the church's building fund, through sham bond investments, for the church's "Crossover" music project. They were also convicted in respect of further sums in "round-tripping" transactions to redeem those bonds,

[10] See paragraph (18).

[11] *Lam Leng Hung* at [367].

[12] *Lam Leng Hung* at [370]–[381].

[13] See paragraph (28).

[14] See paragraph (24).

and of falsifying accounts. Once the CBT charges were reduced from section 409 to section 406 of the PC, the court approached sentence afresh.

(18) The sums were large, which would ordinarily place the sentences at the upper end. But the court found exceptional mitigating factors:[15]

(a) the leaders made no personal gain;

(b) they genuinely (if misguidedly) believed that the transactions served the church; and

(c) for most of the charges, they did not intend any permanent loss, since the funds were to be repaid with interest.

(19) The deceit and concealment involved remained aggravating. General deterrence was the dominant consideration. But the court held that a substantial custodial sentence was enough to deter others who might act from altruistic motives through unlawful means.

(20) The total sentences were:[16]

(a) **three years and six months' imprisonment** for the senior pastor (including 28 months on the charge involving $11 million);

(b) three years and four months, and three years and two months, for two other leaders;

(c) two years and six months for the administrator of the music project;

(d) one year and six months for a leader whose involvement was limited; and

(e) seven months for an employee who carried out the decision-makers' instructions.

8. How have the courts applied this approach since?

8.1 Calibrating against an earlier case

(21) In *Chong Kum Heng*, the High Court dealt with a project manager convicted after trial on three charges under section 408 of the PC, for misappropriating $111,000, $54,000 and $49,000 from the sale of his employer's surplus cable. No restitution had been made. He had also been convicted on six money laundering charges for using the money. The District Judge had calibrated the CBT sentences against an earlier case:

(a) in the earlier case, *Public Prosecutor v Wan Kam Lan*, an unreported 2018 District Court decision, an accounts employee who falsified records and issued company cheques to herself received 14 months for $125,796, on a plea of guilty and with partial restitution;

(b) the District Judge started from that case and increased the sentence by 50%, to 21 months;

(c) the High Court accepted that some increase was justified, because the offender had neither pleaded guilty nor made restitution; but

(d) it held that a 50% increase was disproportionate, because the earlier case was more serious in its use of falsified records and cheques.

(22) The arithmetic was as follows:

(a) the District Judge had imposed 21 months on the $111,000 charge and 12 months on each of the $54,000 and $49,000 charges;

(b) the District Judge had ordered three sentences to run consecutively: 21 months, 12 months and a six-month money laundering sentence, making 39 months in total;

(c) the High Court reduced the three CBT sentences to 18, 10 and 10 months respectively, and also reduced the sentences on the six money laundering charges, for example from nine months to five months on a charge involving about $30,000; and

[15] *Lam Leng Hung* at [370]–[381].

[16] *Lam Leng Hung* at [419]–[434].

(d) the High Court ordered the sentences of 18 months, 10 months and a four-month money laundering sentence to run consecutively, with the rest concurrent, making **32 months** in total.[17]

(23) **The takeaway:** an earlier case is a guide, not a formula. The court compares the facts of the two cases, here the absence of a plea and of restitution against the more serious use of false records, rather than simply scaling up the earlier sentence.

8.2 A young director and a vulnerable victim

(24) In *Loy Wei Ezekiel*, a District Court sentenced a 22-year-old full-time national serviceman who, as a director, had taken $1,268,500 in 2016 from a company. The company was owned by an elderly and cognitively impaired man. He was charged under section 406 of the PC.[18] He was convicted after trial and showed no remorse.

(25) The court derived a starting point of five years from earlier cases, calibrated to the amount, and imposed 66 months on the CBT charge. It treated the following as aggravating: the victim's vulnerability; the planning; the abuse of corporate trust; an elaborate cover-up; the use of all the money for himself; and the involvement of a family member.

(26) His youth carried limited weight because he had conceived and carried out a complex scheme over months. His clean record carried little weight given that he faced 35 charges. With 34 money laundering charges, the total was 100 months.

(27) **The takeaway:** the victim's vulnerability can significantly increase the sentence, and personal mitigation such as youth and a clean record carries less weight where the offending was premeditated and sustained.

8.3 Large-scale misappropriation by a senior executive

(28) In *Ong Siew Kwee*, the head of a group of companies was a signatory to the bank account of a related company. He caused $15.8 million to be transferred out of it and supported the transfers with a forged lease and backdated documents. He was convicted under section 408 of the PC after trial. Full restitution had been made, but only under a civil judgment.

(29) The court approached the sentence as follows:

(a) it treated the amount, his high position of trust and the false paper trail as aggravating;

(b) it held that restitution under a judgment did not show remorse, but still had to be given weight, because no loss was ultimately suffered;

(c) from earlier cases in which 6 to 10 years had been imposed on single charges involving about $5.4 million to $8.8 million, it set a starting point of 10 to 11 years;

(d) it adjusted that starting point downwards because there was a single charge, the conduct was not a lengthy series of acts, and restitution had been made; and

(e) it declined to impose the District Court's limit of 10 years, which it reserved for the worst cases.

(30) The court imposed nine years' imprisonment on the CBT charge. With a consecutive sentence for giving false evidence, the total was 10 years and six months. Appeals have been filed.

(31) **The takeaway:** repayment made late, or only under compulsion, does not show remorse. Nevertheless, it is still given weight, because the victim's loss has been made good, and here it was one of the reasons the sentence came down from the 10 to 11 year starting point.

8.4 The highest sentences

(32) The heaviest sentences have been imposed for sustained schemes involving very large sums and no restitution. In *Public Prosecutor v Juandi bin Pungot* [2022] 5 SLR 257, a 2022 decision, the High Court imposed 10 years' imprisonment on a charge involving $8.83 million. The charge

[17] *Chong Kum Heng v Public Prosecutor* [2020] 4 SLR 1056 at [65], [73] and [78]–[79].

[18] Because the conduct took place in 2016, before section 409 of the PC was extended to directors on 1 January 2020 (see the footnote to Part 2), the director could be charged only under section 406, which carries a maximum of seven years' imprisonment.

was part of an employee's scheme that ran for 11 years and involved $93.8 million in total, and the sentence for the CBT charges as a whole was 25 years.

(33) **The takeaway:** the duration of the scheme and the total amount, with nothing repaid, can bring the sentence on each charge towards the upper end of the range, and the total sentence to many years.

8.5 A lawyer misusing clients' money

(34) In *Public Prosecutor v Tan Cheng Yew and another appeal* [2013] 1 SLR 1095, a 2012 decision, a lawyer was convicted after trial of two charges of CBT in the way of his business as an attorney, under the predecessor to section 409 of the PC, for misappropriating $1.5 million and about $1.94 million that he held for his clients, and of two charges of cheating. He had left Singapore and was untraced for about six years before he was extradited. On the Prosecution's appeal, the High Court increased the sentence on each CBT charge to six years, running consecutively, making a total of 12 years.

(35) **The takeaway:** where a lawyer abuses the trust placed in him or her by clients, the court will impose a strong deterrent sentence.

9. The sentencing range at a glance

(36) The table below gives the range of sentences seen in the cases reviewed for this chapter, and the main factors that determined where each case fell. Every case turns on its own facts.

Offence	Sentences seen in decided cases	Main deciding factors
CBT by any person (s 406)	**About 5 months** for a single sum of US$50,000 repaid in full; **about 5 to 6 years** for more than $1 million taken by a director from a vulnerable owner; totals of **7 months to 3 years 6 months** for the church leaders in the leading case	(a) the amount (b) whether it was repaid (c) whether the offender gained personally (d) the victim's vulnerability (e) planning and cover-up (f) the offender's role (g) the timing of any plea of guilty (h) directors' conduct before 1 January 2020 falls under this section (see the footnote to Part 2)
CBT by an employee (s 408)	**About 10 to 18 months per charge** for sums of about $50,000 to $125,000; **about 6 to 10 years per charge** for sums of $5 million to $16 million; **up to 25 years in total** for a scheme involving $93.8 million over 11 years	(a) the amount (b) restitution (c) the use of falsified records or cheques (d) the length of the scheme (e) the offender's position of trust (f) whether the offender gained personally (g) the timing of any plea of guilty
CBT by a director, professional, fiduciary and others (s 409)	**12 years in total** in one 2012 High Court case on the predecessor provision (six years on each of two charges, running consecutively)	(a) the 20-year maximum (b) the amount (c) the earlier cases (d) directors' conduct from 1 January 2020 falls under this section (see the footnote to Part 2)

10. Fines

(37) Under sections 407, 408 and 409 of the PC, imprisonment is mandatory. A fine may be added to the term of imprisonment, but cannot replace it. Under section 406, a fine alone is available.

(38) Whether a fine alone is appropriate under section 406 of the PC depends on the facts of each case. The courts have recognised that it may be appropriate in some cases, for example:

(a) **Small sums, where the offender was not intended to benefit.** In a 2019 decision, *Gan Chai Bee Anne v Public Prosecutor* [2019] 4 SLR 838 ("***Gan Chai Bee Anne***"), concerning a related form of dishonesty (knowingly giving an agent false receipts intended to mislead the agent's principal, an offence under the Prevention of Corruption Act 1960 discussed in Chapter 7), the High Court observed that charges involving small sums would individually have merited only fines, where the offender was not intended to benefit. The custodial threshold (the point at which imprisonment, rather than a fine, becomes appropriate) was crossed only because of the premeditated and sustained nature of the conduct as a whole. The court reduced the sentence from 13 weeks to five weeks.

(39) The amount involved, whether restitution was made, whether the offender gained personally and the offender's record will all bear on whether a fine alone may be appropriate. This is often a central question in submissions on sentence.

11. What can reduce the sentence?

(40) The following have been given weight in decided cases:

(a) **Restitution.** Repaying the money is, in practice, the most significant mitigating factor in CBT cases:

(i) It reduces the economic harm suffered by the victim and, if timely and voluntary, is evidence of remorse, as the High Court explained in *Gan Chai Bee Anne*.

(ii) Restitution made late still reduces the harm (although the extent of the reduction in sentence may be smaller). In a 2026 District Court case, *Public Prosecutor v Daichi Khamkrasin* [2026] SGDC 318 ("***Daichi Khamkrasin***"), the offender misappropriated US$50,000 entrusted to him for an investment in a luxury watch. The Prosecution initially asked for seven and a half months' imprisonment on the CBT charge. After the offender repaid the money, it asked for five months, and five months was imposed. The repayment, of $65,000 in full and final settlement, was made only after several adjournments of the sentencing hearing, but the court still treated it as a major mitigating factor.[19]

(iii) Restitution made only under a civil judgment is given weight because no loss remains, but not as evidence of remorse, as in *Ong Siew Kwee*.[20]

(iv) Conversely, the absence of any restitution was one of the reasons for a higher sentence in *Chong Kum Heng*.[21]

(b) **No personal gain, and a motive other than greed.** In *Lam Leng Hung*,[22] the absence of personal gain and the leaders' genuine belief that they were acting in the church's interests were treated as exceptional mitigating factors.[23] In an earlier District Court case, *Public Prosecutor v Luciana Lim Ying Ying* [2015] SGDC 257, the most significant mitigating factor was that the offender derived no financial benefit. She was motivated not by greed but by debts she had guaranteed to unlicensed moneylenders.

(c) **No intention to cause permanent loss.** In *Lam Leng Hung*,[24] the funds were to be repaid with interest, and for most of the charges no permanent loss was intended.

[19] The offender has appealed against the sentence, and the appeal was pending at the time of writing.

[20] See paragraph (28).

[21] See paragraph (21).

[22] See paragraph (18).

[23] *Lam Leng Hung* at [370]–[377].

[24] See paragraph (18).

(d) **A limited role.** In *Lam Leng Hung*, the leader whose involvement was limited, and the employee who carried out the decision-makers' instructions, received much shorter sentences than the decision-makers.[25]

(e) **A single act rather than a series.** In *Ong Siew Kwee*, the 2026 case involving $15.8 million,[26] the starting point was adjusted downwards because there was a single charge and the conduct was not a lengthy series of acts.

(f) **Youth and previous good character.** These are recognised mitigating factors. But in *Loy Wei Ezekiel*, the 2026 case involving a 22-year-old director,[27] they carried limited weight because the scheme was complex and sustained.

(g) **A plea of guilty** (see Part 12).

(41) The sentencing outcome depends heavily on identifying the mitigating factors that are relevant and carry real weight on the particular facts, supporting them with evidence, and presenting them at the right stage of the sentencing process.

12. How does a plea of guilty affect the sentence?

(42) A plea of guilty can have a significant effect on the sentence, and its timing matters. The Sentencing Advisory Panel has issued Guidelines on Reduction in Sentences for Guilty Pleas, which suggest that an earlier plea may attract a larger reduction. The guidelines are guidance only: they are not binding on the courts, and whether a reduction is given, and how much, is for the sentencing court to decide in the circumstances of each case.

(43) In *Daichi Khamkrasin*, the 2026 watch investment case,[28] a plea of guilty to the CBT charge, entered at an earlier stage under the guidelines, reduced a sentence of six months to five, while the pleas of guilty to the other charges, entered at a late stage, attracted a reduction of 5%. In *Chong Kum Heng*,[29] the absence of a plea was one of the reasons why the sentence was higher than in the earlier case used for comparison.

(44) A plea of guilty admits the offence and gives up any defence. It is therefore very important that the decision whether, and when, to plead guilty is made only after the evidence, the available defences and the mitigating factors have been properly assessed.

13. How are sentences combined when there are several charges?

(45) CBT charges are often brought together with other charges.[30] These are distinct offences. In *Chong Kum Heng*,[31] it was held not to be double punishment to charge both the CBT and the later use of the money, which was charged as money laundering under what was then section 47(1)(c) of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992 (acquiring, possessing or using one's own criminal proceeds; now section 54(1); see Chapter 2).[32] The CBT charges, for depositing the money into his own bank accounts, and the money laundering charges, for using the money, did not overlap, because they were different acts.

(46) Each charge receives its own sentence, and the court then decides which sentences run **consecutively** (one after another) and which run **concurrently** (at the same time).

[25] See paragraph (20).

[26] See paragraph (28).

[27] See paragraph (24).

[28] See paragraph (40)(a)(ii).

[29] See paragraph (21).

[30] Typically money laundering charges for using, moving or spending the money (see Chapter 2), charges of falsifying accounts or forgery (see Chapter 6), and sometimes charges of giving false evidence.

[31] See paragraph (21).

[32] *Chong Kum Heng* at [46]–[51].

(47) Where an offender is convicted at one trial and sentenced to imprisonment for three or more distinct offences, at least two of the sentences must run consecutively (section 307(1) of the CPC).[33]

(48) The overriding principle is **proportionality**: the total sentence must fit the offender's overall criminality. The High Court has explained the main tools in *Mohamed Shouffee bin Adam v Public Prosecutor* [2014] 2 SLR 998:

(a) **The one-transaction rule.** This is a common law principle, developed by the courts rather than set out in legislation: offences that form part of a single transaction should generally not attract consecutive sentences. Whether offences form part of a single transaction is decided as a matter of common sense, having regard to factors such as how close the offences were in time, place and purpose, and whether they invaded the same legally protected interest.

(b) **The totality principle.** The court takes a "last look" at the total. It asks whether the total is substantially above the normal level of sentence for the most serious offence, and whether it would be crushing and out of keeping with the offender's record and prospects. If so, the court may change which sentences run consecutively, or adjust individual sentences.

(c) **No double counting.** The same aggravating factor must not be counted against the offender twice.

13.1 Parity and consistency with past cases

(49) Proportionality is also measured against the sentences imposed on others:

(a) **Parity between co-offenders.** Where several people took part in the same criminal enterprise, their sentences should generally be in line with each other, allowing for relevant differences in their roles and personal circumstances. The High Court has held, in *Lim Bee Ngan Karen v Public Prosecutor* [2015] 4 SLR 1120, that this applies even where co-offenders are charged with different offences, and that where co-offenders are sentenced separately, the Prosecution should place their sentences and the relevant facts before the court. In *Lam Leng Hung*, the six leaders received total sentences ranging from three years and six months to seven months, differentiated according to their roles.[34]

(b) **Consistency with past cases.** Courts compare the case with sentences imposed in similar cases, as *Chong Kum Heng*[35] shows. Comparisons must, however, be with the offence actually charged and the law that applied. In a 2026 decision, *Public Prosecutor v Chai Song Lin* [2026] SGDC 4, a District Court declined to use sentences for CBT by employees under section 408 of the PC when sentencing an employee charged with cheating, because the offence and its maximum punishment were different.

(50) Other matters also affect the total, such as whether some charges are taken into consideration rather than proceeded with, and whether conduct is combined into a single amalgamated charge. These questions involve a number of factors and judgments, and are frequently the subject of submissions on sentence.

14. Beyond the sentence

(51) Victims frequently pursue civil claims at the same time as the prosecution, and a civil judgment may itself bring about repayment, as in *Ong Siew Kwee*.[36] Money traced to the offence may be seized and become the subject of disposal or confiscation proceedings (see Chapter 2).

(52) Directors may be disqualified from acting as directors, including automatically after a conviction for an offence involving fraud or dishonesty (see Chapter 1). Professionals may face disciplinary proceedings, and foreign nationals may face immigration consequences.

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[33] In *Loy Wei Ezekiel* (see paragraph (24)), a 66-month CBT sentence led to a total of 100 months with the money laundering charges. In *Ong Siew Kwee* (see paragraph (28)), a nine-year CBT sentence led to a total of 10 years and six months with a consecutive sentence for giving false evidence.

[34] See paragraph (20).

[35] See paragraph (21).

[36] See paragraph (28).

Note. This chapter sets out the framework. It does not attempt to indicate where any particular case falls within it – that assessment depends on the charge brought, the evidence, and matters that are rarely apparent to the person affected. 26 Gambit Chambers advises and acts for individuals and companies in these matters. Short answers to common questions on criminal breach of trust are available at 26gambitchambers.com/answers.

Chapter 6: Forgery and Falsification of Accounts

1. Chapter Orientation

(1) This chapter is arranged as follows:

(a) **The offences (Parts 2 to 6):** what the forgery and falsification offences are, their maximum punishments, the definition of "fraudulently" introduced in 2020, what the Prosecution must prove, and the defences.

(b) **Liability of outsiders (Part 7):** when a person outside the company, such as a supplier, can be liable for the falsification of the company's records.

(c) **Sentence (Parts 8 to 14):** how the courts decide the sentence, including the seminal case and how it has been applied since; the sentences seen in decided cases (including forged documents submitted to government agencies); fines; the factors that reduce the sentence; the effect of a plea of guilty; and how sentences for several charges are combined.

(d) **Beyond the sentence (Part 15):** disqualification as a director, disciplinary proceedings for professionals, and other consequences.

2. What are the forgery and falsification offences?

(2) The offences in this chapter are in the Penal Code 1871 ("**PC**"). They are usually charged together with other offences rather than on their own. In corporate cases they usually accompany cheating (see Chapter 3), criminal breach of trust (see Chapter 5) or corruption (see Chapter 7). The false document is either the means by which money is obtained or the means by which another wrong is hidden.

(3) "Forgery" is defined in section 463 of the PC as making a false document or electronic record with one of several intents:

(a) to cause damage or injury to the public or any person;

(b) to support a claim or title;

(c) to cause a person to part with property or enter into a contract; or

(d) to commit fraud.

(4) Section 464 of the PC explains when a person "makes a false document". Broadly, this is where the person:

(a) dishonestly or fraudulently makes or signs a document intending it to be believed that it was made by, or with the authority of, a person who did not make or authorise it;

(b) alters a document in a material part without authority; or

(c) causes a person to sign a document whose contents that person does not know, because of deception or incapacity.

(5) The main offences are:

(a) **Forgery.**[1] The general offence.

(b) **Forgery of a court record, public register, certificate purporting to be made by a public servant, or power of attorney.**[2]

[1] Section 465 of the PC.

[2] Section 466 of the PC.

(c) **Forgery of a valuable security (for example, a cheque), will or receipt for money or property.**[3]

(d) **Forgery for the purpose of cheating.**[4] Forgery intending that the false document be used to cheat (cheating is covered in Chapter 3).

(e) **Forgery to harm a person's reputation.**[5] Forgery intending that the document harm a person's reputation, or knowing that it is likely to be used for that purpose.

(f) **Using a forged document as genuine.**[6] Using as genuine a document the person knows or has reason to believe to be forged.

(g) **Possessing a forged document.**[7] Possessing a document of the kind described in section 466 or 467, knowing it to be forged and intending that it be used as genuine.

(h) **Falsification of accounts.**[8] A clerk, officer or servant (in modern terms, an employee) who intentionally falsifies the employer's books, records or accounts, or makes a false entry in them, with intent to defraud.

(6) A related offence of giving or using a false receipt or account to mislead a principal, under the Prevention of Corruption Act 1960, is covered in Chapter 7.

3. What is the maximum punishment?

Offence	Section	Maximum punishment for an individual
Forgery (general)	s 465	Imprisonment up to 4 years, a fine, or both
Forgery of a court record, public register, certificate purporting to be made by a public servant, or power of attorney	s 466	Imprisonment up to 10 years; a fine may be added
Forgery of a valuable security, will or receipt for money or property	s 467	Imprisonment up to 15 years; a fine may be added
Forgery for the purpose of cheating	s 468	Imprisonment up to 10 years; a fine may be added
Forgery to harm a person's reputation	s 469	Imprisonment up to 5 years; a fine may be added
Using a forged document as genuine	s 471	The same punishment as if the user had forged the document
Possessing a forged document of the kind in s 466 or s 467, intending to use it as genuine	s 474	Imprisonment up to 10 years (s 466 documents) or 15 years (s 467 documents); a fine may be added
Falsification of accounts by a clerk, officer or servant	s 477A	Imprisonment up to 10 years, a fine, or both

(7) **When a fine alone is available.** Under sections 465 and 477A of the PC, the punishment is imprisonment **or** a fine, or both, so a fine alone is available. Under sections 466 to 469, the

[3] Section 467 of the PC.
[4] Section 468 of the PC.
[5] Section 469 of the PC.
[6] Section 471 of the PC.
[7] Section 474 of the PC.
[8] Section 477A of the PC.

offender "shall be punished with imprisonment … and shall also be liable to fine". A term of imprisonment must be imposed, and a fine may be added.

(8) **Amalgamated charges.** Where several acts are combined into one charge (an "**amalgamated charge**") under section 124(4) of the Criminal Procedure Code 2010 ("**CPC**"), the offender is liable to up to twice the punishment for a single offence (section 124(8)(a)(ii) of the CPC).

4. The definition of "fraudulently" (from 1 January 2020)

(9) The Criminal Law Reform Act 2019 inserted a statutory definition of "fraudulently" into the PC with effect from 1 January 2020.[9] A person acts fraudulently if he or she acts with intent to deceive another person and, by means of that deception, intends one of two things:

(a) that an advantage should come to himself, herself or another person; or

(b) that a detriment should befall the person deceived or another person.

(10) The advantage or detriment may be temporary or permanent. Where the intended advantage or detriment is so slight that no reasonable person would complain of it, the act is not fraudulent.[10]

(11) The same Act added Explanation 2 to section 477A of the PC. It provides that any books, records, papers, valuable securities or accounts, or any combination of them, form a "set" if they serve the same function or purpose in the employer's affairs or business. A single charge of falsification may therefore relate to a set of records, rather than to each document separately.[11]

(12) Conduct is charged under the version of the law in force when it took place. A person cannot be punished for conduct that was not an offence when it was done, or more severely than the law then allowed (Article 11(1) of the Constitution). Conduct before 1 January 2020 is therefore charged under the predecessor provisions.[12]

5. What must the Prosecution prove?

(13) For each offence, the Prosecution must prove both the act (described in Part 2) and a particular mental state:

(a) **Forgery (section 465 of the PC).** The Prosecution must prove (1) that the accused made a false document within section 464[13] (broadly, making, signing or altering a document so that it appears to have been made or authorised by someone who did not make or authorise it); and (2) that he or she did so with one of the intents in section 463[14] (to cause damage or injury, to support a claim or title, to cause a person to part with property or enter into a contract, or to commit fraud). In the typical case, this means that he or she made or signed the document intending it to be believed that it was made by, or with the authority of, another person. The accused must have known that the other person had not made or authorised it.

(b) **The more serious forms of forgery (sections 466 to 469 of the PC).** In addition to the elements of forgery under section 465, the Prosecution must also prove the type of document (for example, a court record, public register, valuable security or receipt) or the purpose of the forgery (to cheat, or to harm a person's reputation).

(c) **Using a forged document (section 471 of the PC).** The Prosecution must prove (1) that the accused knew or had reason to believe the document was forged; and (2) that he or she used it fraudulently or dishonestly as genuine.

(d) **Falsification of accounts (section 477A of the PC).** The Prosecution must prove:

(i) that the accused was a clerk, officer or servant (or acted in that capacity);

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[9] Section 25 of the PC.

[10] Explanation 1 to section 25 of the PC.

[11] Explanation 2 to section 477A of the PC. A minor drafting correction was made to Explanation 2 by Act 23 of 2021, with effect from 1 March 2022; it did not change the substance.

[12] The predecessor provisions are usually cited as the Penal Code (Cap 224, 2008 Revised Edition). In a 2026 case, for example, conduct spanning several years was charged under that edition.

[13] See paragraph (4).

[14] See paragraph (3).

(ii) that the book, record or account belonged to, or was in the possession of, the employer;

(iii) that the accused intentionally falsified it, or made or helped to make a false entry in it; and

(iv) that he or she did so with intent to defraud. Under Explanation 1 to section 477A, a general intent to defraud may be alleged, without naming the person to be defrauded or the sum.

(14) In a 2019 decision, *Public Prosecutor v Leow Ban Leong and another* [2019] SGHC 29 ("***Leow Ban Leong***"), the High Court described the mental state required for section 477A of the PC as having two parts: (1) an intention to deceive, and (2) an intention to gain some advantage or benefit. In that case, a company's chief executive and a senior manager had prepared documents for onward presentation to the Auditor-General's Office. The documents were intended to mislead the auditors about the identity of the supplier and the cost of buoys supplied to the Police Coast Guard.

(15) The benefit was that the company could keep an additional $1,000 per buoy under a contract priced at cost plus a margin. The Prosecution had also argued that the accused intended to protect the company's reputation with the auditors. The court did not need to decide that point, because the financial benefit was enough on its own to establish the intent to defraud.

6. What defences are available?

(16) The following may provide a defence, or an answer to the charge:

(a) **Authority.** The definition of a false document turns on the absence of authority. A person who signs or completes a document in another's name, with that person's authority, does not make a false document. Where documents were prepared in another's name, disputes about whether authority existed, or was understood to exist within a business, are therefore often central.

(b) **No intent to defraud.** Falsification of accounts requires an intent to defraud, and forgery requires one of the intents listed in section 463 of the PC (to cause damage or injury, to support a claim or title, to cause a person to part with property or enter into a contract, or to commit fraud).[15] Where the advantage intended is so slight that no reasonable person would complain of it, the act is not fraudulent.[16] The threshold is, however, not high. In *Leow Ban Leong*,[17] the intention to gain a benefit was held to be "clear" because the false documents would have allowed the company to keep the additional charge.

(c) **Challenging what the falsification was for.** Falsifying documents to siphon funds is treated as more serious than falsifying them to hide a failure to follow internal procedures. Where the Prosecution alleges the more serious purpose, it must prove it:

(i) In *Public Prosecutor v R Shanmugaratnam and another* [2026] SGDC 7 ("***R Shanmugaratnam***"), the Prosecution's case was that the false escrow confirmation letters had been issued to conceal the true location of the company's funds, that is, to facilitate or hide a diversion of those funds. The court declined to make that finding. The two persons who could have given that evidence did not testify, and no other evidence was adduced on the point.

(ii) Nor was it proved that the letters had in fact deceived the company or its auditors, that they had facilitated or concealed a transfer of the funds, or that they had caused the loss of about 1.1 billion euros and the collapse of the group, as alleged.[18]

(iii) These findings did not lead to an acquittal, because the offence is complete once a false document is made with intent to defraud, and that much was proved. But they reduced the assessment of culpability and harm, because the court sentenced the

[15] See paragraph (3).

[16] See paragraph (9).

[17] See paragraph (14).

[18] *R Shanmugaratnam* at [18]–[21], [25].

accused only for what was proved, and not for the more serious purpose (concealing a diversion of funds) and consequences that the Prosecution had alleged.

(d) **Challenging the elements.** The Prosecution must prove each element: (1) who made the document and with what authority, (2) the accused's capacity (for section 477A of the PC), (3) the intent, and (4) the amount of any loss.

(17) The courts have rejected the following arguments:

(a) **Acting on another person's instructions.** In *Leow Ban Leong*,[19] the court held that even if an agent of the customer had instructed the accused to create the false documents, they would still be liable as abettors (persons who instigate, conspire in or intentionally aid an offence). Acting on instructions may, however, reduce the sentence (see Part 12).

(b) **Using the money to repay sums owed is no excuse.** In *Public Prosecutor v Lim Choon Huat (Lin Chunfa)* [2026] SGDC 188 ("***Lim Choon Huat***"), a 2026 case, the offender claimed that he had made no real gain, because the money went to repay sums he was owed. The claim was rejected: gain includes the recovery of a debt that could not otherwise have been recovered.

(c) **The company's own managing director was involved.** In *Lim Choon Huat*,[20] the offender argued that the harm to the company (which was the victim, not an accused) should be treated as less serious because its own managing director was party to the scheme. The argument was rejected entirely: the company is a separate legal person, and the loss also affected its minority shareholders and creditors.

(d) **A mistaken belief.** In another 2026 case, *Public Prosecutor v Bernard Tan Wen Sheng* [2026] SGDC 61 ("***Bernard Tan Wen Sheng***"),[21] a doctor claimed that he mistakenly believed he had attended the courses for which he forged certificates. This was held neither to justify nor to reduce the seriousness of the deception.

7. Can a person outside the company be liable for falsifying its records?

(18) Yes. Section 477A of the PC is directed at clerks, officers and servants (employees), but persons outside the employer's organisation may be liable for abetting (instigating, conspiring in or intentionally aiding) the offence. In *Lim Choon Huat*, the sole director of a supplier issued fictitious and inflated invoices to a customer at the request of the customer's managing director. He was convicted of abetting, by conspiracy, the falsification of the customer's records (section 477A read with section 109 of the PC).

(19) Similarly, in *Leow Ban Leong*,[22] the court held that a person who creates false documents on another's instructions is liable as an abettor.

8. How do the courts decide the sentence?

(20) The sentence for falsification of accounts and for forgery is determined by assessing the harm caused and the offender's culpability, and by comparison with earlier cases. There is no prescribed sentencing framework.

8.1 Falsification of accounts (section 477A of the PC): the R Shanmugaratnam approach

(21) The fullest statement of the approach is in *R Shanmugaratnam*, a 2026 District Court decision arising out of the collapse of Wirecard AG.[23] The court's approach is as follows:

(a) **Step 1:** the court assesses the offender's **culpability** (blameworthiness) and the **harm** caused.

(b) **Step 2:** it places the case within the full range of punishment for the offence. A fine and/or a short term of imprisonment "may be appropriate where both culpability and harm are

[19] See paragraph (14).

[20] See paragraph (17)(b).

[21] See paragraph (39).

[22] See paragraph (14).

[23] *R Shanmugaratnam* at [6]–[13]. Both accused have appealed, and the appeals were pending at the time of writing.

assessed to be low". A substantial term, up to the 10-year maximum, may be considered where both are high.[24]

(22) **Factors going to culpability** include:[25]

(a) the offender's position and the trust abused;

(b) the nature and extent of the falsification;

(c) the planning, premeditation and sophistication involved;

(d) what the falsification sought to achieve;

(e) the underlying reason for the offence, for example "whether it is for personal gain or to comply with a superior's instruction"; and

(f) whether two or more persons acted together, which is generally treated as aggravating.

(23) **Factors going to harm** include:[26]

(a) whether evidence was destroyed beyond recovery;

(b) the actual harm caused;

(c) the foreseeable risks to which the company and others were exposed; and

(d) whether the victim is a public agency.

(24) In practice, where money was taken, the amount of the loss is used as the main measure of harm. In *Lim Choon Huat*,[27] the court used the actual loss rather than the higher face value of the false invoices.

(25) **How the approach was applied in R Shanmugaratnam itself.** The director of a Singapore corporate services company issued letters falsely confirming that his company held more than €1.1 billion of Wirecard's money in escrow (held for safekeeping on behalf of the parties to a transaction). A businessman who instigated the letters was convicted with him. Both were convicted after trial.

(26) The court assessed culpability at the higher end of "moderate". It noted the abuse of a director's trust, the fabrication of entire documents and the co-ordinated planning, but treated the two accused as followers of the true masterminds.[28] The Prosecution's case that the letters were issued to hide a diversion of funds, and that they had caused the losses alleged, was not proved.[29]

(27) The director was sentenced to **three to five years' imprisonment per charge**, with three sentences running consecutively, for a total of **10 years**. The co-accused, in whose case there was no abuse of trust, received a total of **six and a half years**.[30]

8.2 Forgery and using forged documents (sections 465 to 471 of the PC): comparable precedents

(28) For forgery and using forged documents, the sentence is likewise determined by the harm and culpability involved and by comparison with earlier cases. Where a forged document is presented to a government agency, general deterrence (deterring others from similar offending) is the dominant consideration. In a 1999 decision, *Xia Qin Lai v Public Prosecutor* [1999] 3 SLR(R) 257, the High Court described such offences as "a fraud on the authorities" requiring a custodial sentence that is "not insubstantial".[31]

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[24] *R Shanmugaratnam* at [12(b)].

[25] *R Shanmugaratnam* at [8]–[9].

[26] *R Shanmugaratnam* at [10].

[27] See paragraph (30).

[28] *R Shanmugaratnam* at [16], [22]–[23].

[29] See paragraph (16)(c).

[30] Both accused have appealed, and the appeals were pending at the time of writing.

[31] See paragraph (42).

8.3 Factors personal to the offender

(29) Factors personal to the offender fall on both sides:

(a) **aggravating:** previous convictions, and other charges taken into consideration; and

(b) **mitigating:** a plea of guilty, restitution and, to a limited extent, a clean record. These are discussed in Parts 12 and 13.

9. How have the courts applied this approach since?

9.1 False invoices used to take money from a company

(30) In *Lim Choon Huat*, a 2026 decision, the director of a logistics company issued fictitious and inflated invoices to a customer over more than three years, at the request of the customer's managing director. The customer lost about $809,465. He pleaded guilty to three charges of abetting falsification of accounts, with six similar charges taken into consideration. The court:

(a) measured harm by the actual loss rather than the higher invoice value;

(b) found significant premeditation;

(c) treated the resumption of the scheme after it was first discovered as particularly aggravating; and

(d) accepted that he was less culpable than the managing director who originated the scheme, but held that his role was indispensable.

(31) The total sentence was 18 months' imprisonment.[3233]

(32) **The takeaway:** the measure of loss (here the actual loss, not the invoice value), and conduct after the scheme is first discovered, can significantly affect the sentence.

(33) **A manager siphoning money through false invoices.** In *Public Prosecutor v Gan Hsiao Ching Elizabeth* [2023] SGDC 68, the general manager of a company's sales division masterminded two conspiracies in which false invoices were used to siphon money from the company, and received $598,342. She faced 157 charges and, after trial, was sentenced to between seven and 17 months per charge, for sums of about $31,000 to $137,000, and to 52 months in total. The sentence was upheld on appeal.

(34) **The takeaway:** a mastermind convicted after trial on many charges, who abused a position of authority, faces a substantial total sentence.

(35) **An outsider issuing sham invoices for a small cut.** In *Public Prosecutor v Kwa Tian Hwa* [2017] SGDC 119, a businessman issued 60 fictitious invoices from his businesses to a company at the request of its general manager, who received most of the $2.2 million paid out. The businessman kept about 2.5% of the invoice amounts, about $55,500. He was charged with forgery (section 465 of the PC) and falsification of accounts (section 477A of the PC). Convicted after trial, he received six months per charge and 18 months in total, which was upheld on appeal.

(36) **The takeaway:** an outsider who helps an insider take money from a company is liable, but receiving only a small share of the proceeds can keep the sentence lower.

9.2 Falsification to hide rather than to take money

(37) Where the falsification hid something rather than took money, the courts have imposed fines or short terms of imprisonment. In the case concerning buoys supplied to the Police Coast Guard, *Public Prosecutor v Leow Ban Leong and Foo Fang Liong* [2018] SGDC 157,[34] the District Court fined the chief executive $30,000 and the senior manager $15,000 per charge.[35] In *Public Prosecutor v Chan Siew Lun and others* [2016] SGDC 258, where false invoices hid a conflict of interest, the total sentence was four months' imprisonment.

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[32] See paragraph (52).

[33] The offender has appealed against the sentence, and the appeal was pending at the time of writing.

[34] See paragraph (14).

[35] The Prosecution also appealed against those sentences. No written decision on that appeal was located, and the fines have since been cited in later cases as the sentences imposed.

(38) **The takeaway:** the purpose of the falsification, and whether anyone actually lost money, weigh heavily. Neither of these cases involved money being taken from the employer.

9.3 Forged documents submitted to a government agency

(39) In *Bernard Tan Wen Sheng*, a 2026 decision, a doctor applying to the Ministry of Health for a clinic licence submitted scanned certificates of competence for aesthetic procedures, including two for workshops he had never attended. He had made them by pasting his name over his wife's certificates, and he then told the Ministry that the scans were of original certificates. The Ministry was not in fact deceived, and no patient was harmed.

(40) The court nevertheless held that the custodial threshold (the point at which imprisonment, rather than a fine, becomes appropriate) was crossed, for three reasons:

(a) the forgery was a "direct assault" on a regulatory framework designed to protect public safety;

(b) the steps taken showed premeditation; and

(c) he had kept up the lie for nearly three months after being warned.

(41) He was sentenced to three months' imprisonment on each forgery charge and one month for giving false information, a total of four months.

(42) The decision[36] cited earlier cases at both ends of the range:

(a) *Xia Qin Lai*, in which the High Court reduced the sentence for using a forged passport from eight months to four months per charge;

(b) *Public Prosecutor v Lee Xiu Qi* [2021] SGDC 77, in which a sentence of seven weeks for forging a letter purportedly issued by the Urban Redevelopment Authority was reduced on appeal to one week, because no gain was made; and

(c) cases in which fines were imposed because the documents did not lead the agency to confer a benefit, or no wrongful gain or loss was intended. Examples are forged bills of lading submitted for rebates to which the offender was in any event entitled, in *Public Prosecutor v Teng Siong Wei* [2009] SGDC 465, and falsified payment vouchers used to reduce a modest tax liability, in *Public Prosecutor v Pang Wah* [2010] SGDC 505.

(43) **The takeaway:** deceiving a government agency is treated seriously even if the deception fails. But the outcome depends on what the document was for and whether any benefit was obtained: here, a licence to practise on the public, pursued with persistence after a warning.

9.4 Falsification alongside cheating or forgery

(44) Where falsification of accounts is charged with cheating or forgery, the overall sentence is often driven by the other charges:

(a) In *Public Prosecutor v Gene Chong Soon Hui* [2018] SGDC 117, a District Court case, a finance manager faced 194 charges of cheating and falsification of accounts for offences committed over eight years, and pleaded guilty to 20 of them. For each of the five falsification charges proceeded with, involving sums of about $47,000 to $85,000, he received eight months' imprisonment. The total sentence, driven by the cheating charges (four sentences of 33 months running consecutively), was 132 months. It was upheld on appeal.

(b) In *Public Prosecutor v Noriza binte Aziz* [2015] SGDC 157, concerning a law firm secretary, the sentences were four months for each falsification charge and eight months for each charge of forging a valuable security or receipt (section 467 of the PC). The total was 40 months, despite partial restitution.

(45) **The takeaway:** the overall sentence depends on all the charges brought, not only on the falsification charges.

[36] See paragraph (39).

10. The sentencing range at a glance

(46) The table below gives the range of sentences seen in the cases reviewed for this chapter, and the main factors that determined where each case fell. Every case turns on its own facts, and the figures are a guide only. Unless stated, figures are per charge.

Offence	Sentences seen in decided cases	Main deciding factors
Falsification of accounts to take money from the employer (s 477A)	**About 4 to 17 months per charge**; totals of **about 18 months to 52 months**	(a) the actual loss (not the face value of the false documents) (b) premeditation (c) how long the scheme ran (d) resumption after discovery (e) the offender's role (originator or follower) and share of the proceeds (f) restitution (g) the timing of any plea of guilty
Falsification of accounts on a very large scale (s 477A)	**3 to 5 years per charge**; totals of **6½ to 10 years** (one 2026 District Court case; appeals filed)	Fabrication of entire documents; abuse of a director's trust; co-ordinated planning; whether the alleged purpose (siphoning funds) and actual loss are proved; whether the offender was a follower of others
Falsification of accounts to hide rather than take money (s 477A)	**Fines of $15,000 to $30,000 per charge**; or a total of **about 4 months' imprisonment**	The purpose of the falsification; whether anyone lost money; what was hidden (an audit matter, a conflict of interest)
Falsification charged with cheating or forgery (s 477A, with cheating or s 467 charges)	**About 4 to 8 months per falsification charge**; totals of **40 to 132 months**, driven by the cheating or forgery charges	The cheating or forgery charges; the amounts; restitution; the timing of any plea of guilty
Forgery and using forged documents, especially with a government agency (s 465, s 471)	**From a fine to about 4 months per charge**	Whether a public body was the target; whether any benefit was obtained or intended; premeditation; persistence in the lie after a warning; the timing of any plea of guilty; a clean record

(47) The cases show that the type of document and the purpose of the falsification produce outcomes ranging from a fine to many years' imprisonment under the same section.

11. Fines

(48) A fine alone is available for forgery under section 465 and falsification of accounts under section 477A of the PC. It is not available under sections 466 to 469 (forgery of court records, public registers, certificates or powers of attorney; of valuable securities, wills or receipts; for the purpose of cheating; or to harm a person's reputation), where imprisonment must be imposed (see Part 3).

(49) Whether a fine alone is appropriate depends on the facts of each case. The courts have recognised that it may be appropriate in some cases, for example:

(a) **Where the falsification hid something rather than took money.** Fines of $30,000 and $15,000 per charge were imposed on a chief executive and a senior manager for false documents prepared for auditors, in *Leow Ban Leong and Foo Fang Liong*.[37]

(b) **Where no wrongful gain or loss was intended.** A fine of $10,000 per charge was imposed for falsified payment vouchers used to reduce a modest tax liability, in *Pang Wah*. A fine was also imposed for forged bills of lading submitted for rebates to which the offender was in any event entitled, in *Teng Siong Wei*.[38]

(c) **Where a fine is high enough to deter.** A deterrent sentence "need not always take the form of a custodial sentence", and may be a fine if it is high enough, as the High Court held in *Public Prosecutor v Cheong Hock Lai and other appeals* [2004] 3 SLR(R) 203.

(50) Where an employer has been deprived of money, or a public regulatory framework has been undermined, imprisonment has been warranted and imposed. A defence submission for fines was rejected both in *Bernard Tan Wen Sheng*[39] and, for the co-accused who instigated the letters, in *R Shanmugaratnam*.[40]

12. What can reduce the sentence?

(51) The following have been given weight in decided cases:

(a) **A limited purpose.** Falsification to hide a failure to follow internal procedures is treated as less serious than falsification to siphon funds, and the Prosecution must prove the more serious purpose if it alleges it.[41]

(b) **Acting on instructions, or as a follower.** Although not a defence, acting to comply with a superior's instruction rather than for personal gain is a recognised factor in assessing culpability. In *R Shanmugaratnam*, both accused were treated as followers of the true masterminds, although the court found that both had acted for personal gain. In *Lim Choon Huat*,[42] the offender was accepted to be less culpable than the managing director who originated the scheme.

(c) **No actual loss or benefit.** Where the document did not deceive anyone into conferring a benefit, or no wrongful gain or loss was intended, fines or short sentences have been imposed.[43]

(d) **Restitution.** Repaying the loss is relevant. In *Lim Choon Huat*,[44] the court contrasted the absence of any restitution with an earlier case, *Noriza binte Aziz*, in which partial restitution had been made.

(e) **Previous good character.** A clean record is relevant, but its weight is reduced where the offending was sustained and deliberate.[45]

(f) **A plea of guilty** (see Part 13).

(52) **An example.** In *Lim Choon Huat*,[46] the court weighed the following, and fixed sentences of 10, 12 and 14 months for the three charges on the basis of a trial, scaled to the invoice amounts:

(a) the offender's clean record, whose weight was "diminished by the sustained and deliberate nature of the offending over more than three years";

(b) his humble background, family and care of an elderly mother, which were given limited weight because hardship to the family is an inevitable consequence of imprisonment;

(c) six charges taken into consideration, which increased the sentence; and

[37] See paragraph (37).
[38] See paragraph (42).
[39] See paragraph (39).
[40] See paragraph (26).
[41] *R Shanmugaratnam* at [18].
[42] See paragraph (30).
[43] See paragraph (42).
[44] See paragraph (30).
[45] See paragraph (52).
[46] See paragraph (30).

(d) the absence of any restitution.

(53) It then applied the full reduction under the Sentencing Advisory Panel's guidelines for his early plea of guilty. The result was 7, 10 and 8 months' imprisonment, with the two higher sentences running consecutively, for a total of 18 months. The Prosecution had sought 18½ to 21 months, and the Defence six months.

(54) The sentencing outcome depends heavily on identifying the mitigating factors that are relevant and carry real weight on the particular facts, supporting them with evidence, and presenting them at the right stage of the sentencing process.

13. How does a plea of guilty affect the sentence?

(55) A plea of guilty can have a significant effect on the sentence, and its timing matters. The Sentencing Advisory Panel has issued Guidelines on Reduction in Sentences for Guilty Pleas, which suggest that an earlier plea may attract a larger reduction. The guidelines are guidance only: they are not binding on the courts, and whether a reduction is given, and how much, is for the sentencing court to decide in the circumstances of each case.

(56) In *Lim Choon Huat*,[47] an early plea attracted a reduction of 30%. In *Bernard Tan Wen Sheng*,[48] the full reduction for an early plea was also given, together with weight for his clean record and community and pandemic service.

(57) A plea of guilty admits the offence and gives up any defence. It is therefore very important that the decision whether, and when, to plead guilty is made only after the evidence, the available defences and the mitigating factors have been properly assessed.

14. How are sentences combined when there are several charges?

(58) Forgery and falsification charges are often brought in numbers, and together with other charges.[49] Each charge receives its own sentence, and the court then decides which sentences run **consecutively** (one after another) and which run **concurrently** (at the same time).

(59) Where an offender is convicted at one trial and sentenced to imprisonment for three or more distinct offences, at least two of the sentences must run consecutively (section 307(1) of the CPC).[50]

(60) The overriding principle is **proportionality**: the total sentence must fit the offender's overall criminality. The High Court has explained the main tools in *Mohamed Shouffee bin Adam v Public Prosecutor* [2014] 2 SLR 998:

(a) **The one-transaction rule.** This is a common law principle, developed by the courts rather than set out in legislation: offences that form part of a single transaction should generally not attract consecutive sentences. Whether offences form part of a single transaction is decided as a matter of common sense, having regard to factors such as how close the offences were in time, place and purpose, and whether they invaded the same legally protected interest.

(b) **The totality principle.** The court takes a "last look" at the total. It asks whether the total is substantially above the normal level of sentence for the most serious offence, and whether it would be crushing and out of keeping with the offender's record and prospects. If so, the court may change which sentences run consecutively, or adjust individual sentences.

(c) **No double counting.** The same aggravating factor must not be counted against the offender twice.

[47] See paragraph (30).

[48] See paragraph (39).

[49] Typically charges of cheating (see Chapter 3), criminal breach of trust (see Chapter 5) or giving false information to a public servant.

[50] In *R Shanmugaratnam*, three of the director's sentences ran consecutively; in *Lim Choon Huat*, described in paragraph (30), two did.

14.1 Parity and consistency with past cases

(61) Proportionality is also measured against the sentences imposed on others:

(a) **Parity between co-offenders.** Where several people took part in the same criminal enterprise, their sentences should generally be in line with each other, allowing for relevant differences in their roles and personal circumstances. The High Court has held, in *Lim Bee Ngan Karen v Public Prosecutor* [2015] 4 SLR 1120, that this applies even where co-offenders are charged with different offences, and that where co-offenders are sentenced separately, the Prosecution should place their sentences and the relevant facts before the court.[51]

(b) **Consistency with past cases.** Courts compare the case with sentences imposed in similar cases. In *Lim Choon Huat*,[52] the court reviewed earlier falsification sentences ranging from four months to 17 months per charge. Comparisons must, however, take account of differences in the charges. Where cheating or forgery charges were also brought, the total in the earlier case may be driven by those charges.[53]

(62) Other matters also affect the total, such as whether some charges are taken into consideration rather than proceeded with, and whether conduct is combined into a single amalgamated charge, which doubles the maximum punishment (see Part 3). These questions involve a number of factors and judgments, and are frequently the subject of submissions on sentence.

15. Beyond the sentence

(63) A conviction for an offence involving fraud or dishonesty punishable with imprisonment for three months or more automatically disqualifies a person from acting as a director (section 154(1)(a)(i) of the Companies Act 1967). The disqualification lasts for five years from conviction or, if the person is sentenced to imprisonment, for five years after release from prison (section 154(4) of the Companies Act 1967). Chapter 1 explains director disqualification in more detail.

(64) Professionals such as doctors, lawyers and accountants may also face disciplinary proceedings before their professional bodies on the same facts.

Note. This chapter sets out the framework. It does not attempt to indicate where any particular case falls within it – that assessment depends on the charge brought, the evidence, and matters that are rarely apparent to the person affected. 26 Gambit Chambers advises and acts for individuals and companies in these matters. Short answers to common questions on forgery and falsification of accounts are available at 26gambitchambers.com/answers.

[51] In *R Shanmugaratnam*, the co-accused received a shorter total than the director because there was no abuse of trust in his case. In *Lim Choon Huat*, described in paragraph (30), the offender was accepted to be less culpable than the managing director who originated the scheme.

[52] See paragraph (30).

[53] See paragraph (44).

Chapter 7: Corruption

1. Chapter Orientation

(1) This chapter is arranged as follows:

(a) **The offences (Parts 2 to 5):** the types of corruption offences, their maximum punishments, what the Prosecution must prove, and the defences.

(b) **Companies (Part 6):** when a company can be prosecuted for a bribe given by its employee.

(c) **Sentence (Parts 7 to 13):** how the courts decide the sentence, including the two seminal cases and how they have been applied since; the sentences seen in decided cases; the cases in which only a fine was imposed; the factors that reduce the sentence; the effect of a plea of guilty; and how sentences for several charges are combined.

(d) **The penalty and other consequences (Parts 14 and 15):** consequences of a conviction.

2. What are the corruption offences?

(2) The corruption offences are found in the Prevention of Corruption Act 1960 ("**PCA**"). These offences are investigated by the Corrupt Practices Investigation Bureau ("**CPIB**") or the Commercial Affairs Department ("**CAD**").[1] Private sector corruption is the larger part of enforcement. The CPIB reported that, of the 90 individuals it prosecuted in 2025, 94% were from the private sector. Construction, manufacturing, and transportation and storage were the sectors most affected over the past decade.

(3) "Gratification", the bribe, is not limited to cash. In the decided cases discussed in this chapter, it has included a share of profits, a discount on a car, money sent to a third person, entertainment and loans. The main offences are:[2]

(a) **General corruption (section 5 of the PCA).** Corruptly soliciting, receiving, giving, promising or offering gratification as an inducement or reward for any person doing, or not doing, anything in any matter or transaction, including matters in which a public body is concerned.

(b) **An agent accepting a bribe (section 6(a) of the PCA).** An agent (for example, an employee) corruptly accepting or obtaining, or agreeing or attempting to accept or obtain, gratification for doing or not doing something in relation to the principal's (for example, the employer's) affairs.

(c) **Giving a bribe to an agent (section 6(b) of the PCA).** Corruptly giving, agreeing to give or offering gratification to an agent as an inducement or reward for doing, or not doing, something in relation to the principal's affairs.

(d) **False documents to mislead a principal (section 6(c) of the PCA).** Knowingly giving an agent, or an agent knowingly using, a receipt, account or other document that is false and is intended to mislead the principal.

(e) **Corruption in relation to Government or public body contracts (section 7 of the PCA).** An offence under section 5 or 6 where the matter concerned a contract, proposed contract or subcontract with the Government, a government department or a public body. This carries a higher maximum punishment.

[1] The CPIB is the agency responsible for investigating corruption offences under the PCA, together with any other offence disclosed in the course of a corruption investigation. The CAD is the department of the Singapore Police Force that investigates commercial and financial crime, such as cheating, criminal breach of trust and money laundering, and it may investigate those offences where they accompany corruption.

[2] Cases on earlier conduct cite the predecessor version of the Act, the Prevention of Corruption Act (Cap 241, 1993 Revised Edition), whose section numbers are the same.

2.1 Jurisdiction over Singapore citizens abroad (in personam jurisdiction)

(4) Under section 37 of the PCA, the Act applies to Singapore citizens outside Singapore as if the offence had been committed in Singapore. A Singapore citizen who commits any of the above offences abroad may be prosecuted and punished in Singapore.

3. What is the maximum punishment?

Offence	Section	Maximum punishment for an individual
General corruption: soliciting, receiving, giving, promising or offering gratification	s 5	Fine up to $100,000, imprisonment up to 5 years, or both
An agent accepting a bribe	s 6(a)	Fine up to $100,000, imprisonment up to 5 years, or both
Giving a bribe to an agent	s 6(b)	Fine up to $100,000, imprisonment up to 5 years, or both
False receipt, account or other document intended to mislead a principal	s 6(c)	Fine up to $100,000, imprisonment up to 5 years, or both
Any of the above offences (general corruption under s 5, or an agent accepting a bribe, a person giving a bribe to an agent, or a false document to mislead a principal under s 6) where the matter concerned a contract, proposed contract or subcontract with the Government, a government department or a public body	s 7	Fine up to $100,000, imprisonment up to 7 years, or both
Receiving gratification (in addition to any punishment)	s 13	A penalty equal to the amount or value of the gratification, which must be ordered (see Part 14)

(5) Where several transactions are combined in one charge (an "**amalgamated charge**") under section 124(4) of the Criminal Procedure Code 2010 ("**CPC**"), the offender is liable to twice the punishment for a single offence (section 124(8)(a)(ii) of the CPC).

4. What must the Prosecution prove?

(6) In general, the Prosecution must prove four things, the last of which is the mental state:

- (a) that gratification was given or received (or offered, solicited, agreed or attempted, as the charge alleges);
- (b) that it was given as an inducement or reward for the act or omission described in the charge;
- (c) that the transaction was corrupt by ordinary, objective standards (the "**objectively corrupt element**"); and
- (d) that the accused knew that what was done was corrupt by those standards (the "**guilty knowledge**").

(7) These were the elements addressed by the trial court in a case upheld by the High Court in 2023, *Teo Chu Ha (alias Henry Teo) v Public Prosecutor and other appeals* [2023] 5 SLR 1304.[3] In addition, each offence has its own specific requirements:

- (a) **Section 5 of the PCA (general corruption: corruptly soliciting, receiving, giving, promising or offering gratification):** the gratification must have been an inducement or

[3] See paragraph (33).

reward for a person doing, or not doing, something in relation to a matter or transaction, actual or proposed. The offence is not limited to agents, and applies whether the matter is private or one in which a public body is concerned.

(b) **Section 6(a) and (b) of the PCA:** the recipient must be an agent, and the act or omission must relate to the principal's affairs or business.

(c) **Section 6(c) of the PCA:** the receipt, account or other document must be false, the accused must have known this, and it must be intended to mislead the principal.

(d) **Section 7 of the PCA:** the matter must concern a contract, proposed contract or subcontract with the Government, a government department or a public body.

(8) Several provisions of the PCA tilt the starting position in the Prosecution's favour:

(a) **A presumption in public sector cases, which shifts the burden of proof (section 8 of the PCA).** Ordinarily, the Prosecution must prove every element of the offence, including that the gratification was corrupt. Section 8 reverses this in public sector cases. Once the Prosecution proves that gratification was paid to or received by a person employed by the Government or a public body, by or from a person who has or seeks dealings with the Government or that body, the gratification is presumed to have been given and received corruptly. The burden of proof then shifts to the accused, who must prove, on a balance of probabilities, that it was not.

(b) **No need to show that the recipient could or did act (section 9 of the PCA).** An agent who corruptly accepts gratification, having reason to believe or suspect that it was offered as an inducement, is guilty regardless of what followed. It is no defence that he or she had no power to do the act, did not intend to do it, or did not do it.

(c) **Custom is not a defence (section 23 of the PCA).** Evidence that the gratification is customary in a profession, trade or calling is not admissible.

5. What defences are available?

(9) The following may provide a defence, or an answer to the charge:

(a) **No corrupt element.** The key inquiry is whether a payment was a legitimate commercial payment (a commission, introducer's fee, profit share, loan or hospitality) or a bribe:

(i) In *Teo Chu Ha*,[4] the defence was that payments made under agreements with a third company were for legitimate business services. The trial court found instead that they were rewards for passing on confidential tender information, and the High Court upheld the convictions.

(ii) The outcome in such cases depends on the documents, what was disclosed to the principal, and the relationship between the parties.

(b) **No guilty knowledge.** Even where a payment is objectively corrupt, the accused must have known it. Where the accused received a payment through an intermediary, or the arrangement was documented as a commercial contract, his or her knowledge is often the decisive issue.

(c) **Rebutting the presumption (section 8 of the PCA).** In public sector cases where the section 8 presumption applies,[5] the burden of proof shifts to the accused. The Prosecution need only prove that the gratification passed between the two persons. It is then for the accused to prove, on a balance of probabilities, that it was not given or received corruptly. The accused must therefore be ready to give an innocent explanation for the payment and to support it with evidence.

[4] See paragraph (33).

[5] See paragraph (8)(a).

6. Can a company be prosecuted for an employee's bribe?

(10) A company is criminally liable for corruption only if the employee who acted can be regarded as its "directing mind and will" in relation to the act (in effect, the company itself acting through that person), or if senior management knew of and tacitly approved it.

(11) In *Public Prosecutor v China Railway Tunnel Group Co Ltd (Singapore Branch)* [2025] 4 SLR 69, the general manager of the Singapore branch of a foreign contractor had arranged loans of $200,000 and $20,000 to a Land Transport Authority officer. On appeal, the High Court upheld the company's acquittal. The general manager himself had fled to China, where he was convicted of bribing a foreign official. The branch was one of 24 within a hierarchical organisation, and the manager had no authority over tenders. The fact that employees had to defraud the company to fund the loans showed that the company had not approved them.

7. How do the courts decide the sentence?

(12) Two sentencing frameworks apply, each with a defined scope:

- (a) **Private sector corruption under section 6(a) and (b) of the PCA:** the framework in *Goh Ngak Eng v Public Prosecutor* [2023] 4 SLR 1385, a High Court decision delivered in October 2022 (see Part 7.1). The court made clear that it does not extend to offences under section 5, or to public sector corruption under section 6.[6]
- (b) **Corruption in relation to contracts with the Government or a public body (section 6 read with section 7 of the PCA):** the matrix in *Public Prosecutor v Wong Chee Meng and another appeal* [2020] 5 SLR 807 (see Part 7.2).

(13) Where a charge falls outside both frameworks (for example, a section 5 charge, or public sector corruption charged under section 6 alone), the court sentences by reference to the precedents and the sentencing factors. In particular:

- (a) the High Court has held, in *Takaaki Masui v Public Prosecutor and another appeal and other matters* [2021] 4 SLR 160, that a custodial sentence is the norm for public sector corruption, and for private sector corruption that engages the public service rationale;
- (b) for purely private sector corruption there is no such norm, and offending of lower culpability may be dealt with by a fine, depending on the nature of the corruption; and
- (c) for private sector corruption, sentences in cases decided before October 2022 were set under an earlier framework that is no longer followed, and are of limited use as precedents (see Part 8).

7.1 Private sector corruption (section 6(a) and (b) of the PCA): the *Goh Ngak Eng* framework

(14) The *Goh Ngak Eng* framework works in five steps:

- (a) **Step 1:** the court assesses the **harm** caused (slight, moderate or severe) and the offender's **culpability**, meaning blameworthiness (low, medium or high).
- (b) **Step 2:** identifies the sentencing range for that combination.
- (c) **Step 3:** chooses a starting point within the range.
- (d) **Step 4:** adjusts the starting point for factors personal to the offender, including any plea of guilty.
- (e) **Step 5:** where there are several charges, adjusts the overall sentence so that it is proportionate (see Part 13).

(15) The ranges assume that the offender claimed trial.

(16) **Factors going to harm** include:[7]

- (a) actual loss to the principal;
- (b) the benefit to the giver;

[6] *Goh Ngak Eng v Public Prosecutor* [2023] 4 SLR 1385 at [50]–[55].

[7] *Goh Ngak Eng* at [59]–[95].

(c) loss to third parties;

(d) public disquiet;

(e) syndicate and cross-border elements;

(f) whether the public service rationale is engaged (broadly, the need to protect the integrity of public administration);

(g) risks to public health or safety;

(h) the involvement of a strategic industry; and

(i) the bribery of a foreign public official.

(17) **Factors going to culpability** include:

(a) the amount of the gratification;

(b) the degree of planning;

(c) the sophistication of the scheme;

(d) how long it lasted;

(e) any abuse of position;

(f) the offender's motive;

(g) the use of threats or coercion; and

(h) the offender's role, active or passive.

(18) The ranges, for an offender who claims trial, are:[8]

Culpability \ Harm	**Slight**	**Moderate**	**Severe**
Low	Fine or up to 6 months	6 to 12 months	1 to 2 years
Medium	6 to 12 months	1 to 2 years	2 to 3 years
High	1 to 2 years	2 to 3 years	3 to 5 years

(19) Even at the lowest end of the spectrum (slight harm and low culpability), the court may impose a custodial term of up to six months.[9] The matrix does not provide for a fine in addition to imprisonment, and one is not added automatically. The court may add a fine to the imprisonment term where the offender has profited substantially from the corruption.[10]

(20) **Factors personal to the offender** fall on both sides:

(a) **aggravating:** other charges taken into consideration, and any obstruction of the investigation; and

(b) **mitigating:** a plea of guilty, and genuine co-operation. These are discussed in Parts 11 and 12.

(21) **How the framework was applied in *Goh Ngak Eng* itself.** The offender, a company director, had with two others arranged for vendors to Keppel FELS, an offshore and marine engineering company, to mark up their invoices. The mark-up was shared between the conspirators and a Keppel FELS employee who was in a position to recommend vendors. He pleaded guilty to 15 charges of conspiring to commit offences under section 6(a) of the PCA and four charges under section 6(b), with 40 further charges taken into consideration. The bribes in the 15 conspiracy charges totalled $566,289.15.

(22) The High Court held that the District Judge had wrongly treated the harm as only "potential": Keppel FELS had in fact paid inflated invoices to fund the bribes. It reassessed the conspiracy

[8] *Goh Ngak Eng* at [103].

[9] *Goh Ngak Eng* at [98].

[10] *Goh Ngak Eng* at [100]–[102].

charges as involving moderate harm and medium culpability. After allowing for the plea of guilty, the sentences for those charges became 10 to 15 months each (the shorter sentences on the section 6(b) charges were left unchanged). The total sentence was increased from 17 months and three weeks to **37 months and three weeks**, even though it was the offender, not the Prosecution, who had appealed.[11]

7.2 Corruption in relation to Government or public body contracts (section 6 read with section 7 of the PCA): the *Wong Chee Meng* matrix

(23) In *Wong Chee Meng*, the High Court set out a harm and culpability matrix for section 7 offences, spanning the full range from a fine to seven years' imprisonment. It held that the "public service rationale" is engaged in virtually every such case, so that a custodial sentence will typically be imposed.[12] It was not persuaded that the matrix could be adapted to other cases simply by scaling it down.[13]

(24) **How the matrix was applied in *Wong Chee Meng* itself.** The general manager of the Ang Mo Kio Town Council, employed by its managing agent, received a discount on a car, money remitted to his mistress in China, and entertainment. These came from a contractor whose companies tendered for town council works. Both men pleaded guilty to three charges under section 6 read with section 7 of the PCA.

(25) The High Court held that the District Judge had been wrong to think that the award of the contracts by open tender reduced the harm. Any intervention by an insider in public tenders affects the process.[14]

(26) It set starting points of 18 to 26 months per charge, and reduced each by four months for the pleas of guilty and the consent to other charges being taken into consideration. The total sentences were increased from 27 to **39 months** for the general manager, and from 21 to **33 months** for the contractor.[15] In addition, the general manager was ordered to pay a penalty of $23,398.09.

8. How have the courts applied the frameworks since?

8.1 Small-scale private sector corruption

(27) At the lowest level of the *Goh Ngak Eng* harm and culpability matrix (slight harm and low culpability), recipients have usually still received short custodial sentences.[16] In *Public Prosecutor v Lim Jialu Jensen* [2026] SGDC 31, a site manager who received at least $5,250 over eight months in return for directing subcontracts to a former colleague received a total of 10 weeks' imprisonment.[17]

(28) In *Public Prosecutor v Piradeep s/o Sathish* [2023] SGDC 62, a District Court decision, a dormitory employee had conspired with two colleagues to accept $4,000 from a caterer seeking the dormitory's business. His own role was limited to making the introduction, he received $1,700 of the bribe, and the employer suffered no quantifiable loss. The court assessed the harm as slight and the culpability as low, found that the custodial threshold had not been crossed, and imposed a fine of $8,500 (five times his share) together with a penalty of $2,300. The Prosecution's appeal was withdrawn.

(29) **The takeaway:** for a recipient, a fine is not assured even where the harm is slight and the culpability low. The lowest cell of the matrix allows a custodial term of up to six months, and the courts have used it. A fine has been imposed where the recipient's role was minor and his share of the bribe small.

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[11] *Goh Ngak Eng* at [107]–[130].

[12] *Public Prosecutor v Wong Chee Meng* [2020] 5 SLR 807 at [62]–[88].

[13] *Wong Chee Meng* at [60].

[14] *Wong Chee Meng* at [91].

[15] *Wong Chee Meng* at [102]–[106].

[16] Starting points of three to four weeks (*Public Prosecutor v Goh Hai Chew Edward* [2023] SGDC 197), five to six weeks (*Public Prosecutor v Zhao Chunsheng* [2025] SGDC 216) and eight weeks (*Joe Chua Yip Min v Public Prosecutor*, Magistrate's Appeal No 9216 of 2022, a High Court appeal) have been used in comparable cases.

[17] See paragraph (44).

8.2 Givers who did not initiate the bribe: a fine rather than imprisonment

(30) A giver who did not initiate the bribe may be dealt with by a fine, without a custodial sentence. In *Heng Tze Yong v Public Prosecutor* [2017] 5 SLR 976, the High Court held that a giver who did not initiate the bribe, but gave way to the recipient's request, is less culpable than one who proposed it, and that this supports a fine where the other factors do not call for imprisonment. The giver in that case was the director of a supplier to a semiconductor manufacturer. At the request of the manufacturer's facility manager, he had paid $7,000 (with a further payment of $3,000 taken into consideration) to keep the manufacturer's business. The sum was well below $30,000, the manufacturer suffered no real loss, and the giver had not initiated the payments. The High Court replaced five weeks' imprisonment with a fine of $35,000.

(31) District Courts have since fined givers on similar facts. In *Public Prosecutor v Quek Chun Hua Dominic* [2024] SGDC 147, the operations manager of a tyre supplier was fined $30,000 for three loans totalling $9,500, made at the request of a customer's tender executive, where the customer suffered no loss and the arrangement was unsophisticated. In *Lim Jialu Jensen*, [18] the subcontractor who paid a share of his earnings at the site manager's request was fined $22,000 and $20,000. In each of these cases the giver did not propose the arrangement, the sums were modest, and the principal suffered no actual loss.

(32) **The takeaway:** who proposed the arrangement, how much was paid, and whether the principal lost anything, matter a great deal. A fine for a giver is an outcome on particular facts, not a rule.

8.3 General corruption (section 5 of the PCA) where the conduct could also have been charged under section 6

(33) Although the *Goh Ngak Eng* framework does not technically apply to section 5 charges, in *Teo Chu Ha* the High Court explained how it approaches a section 5 charge that covers conduct which could equally have been charged under section 6 (a private sector agent taking a bribe). The court weighs three factors together:

- (a) the aggravating and mitigating factors;
- (b) the sentences in earlier comparable cases; and
- (c) the sentence that would notionally have been imposed under the *Goh Ngak Eng* framework had the charge been brought under section 6.

(34) **The takeaway:** where a section 5 charge covers conduct that could have been charged under section 6 of the PCA, the *Goh Ngak Eng* framework still informs the sentence.

8.4 Cases decided before *Goh Ngak Eng* (October 2022)

(35) Private sector corruption cases decided before *Goh Ngak Eng* are of limited use as sentencing precedents. Their sentences were set under an earlier framework laid down by the High Court in 2020 in *Takaaki Masui*, which the court in *Goh Ngak Eng* declined to follow as "excessively complex and technical" and replaced with the simpler matrix described in Part 7.1.[19]

(36) **The takeaway:** a sentence imposed before October 2022 should not be relied on as a benchmark without considering how the case would be assessed under the *Goh Ngak Eng* matrix.

9. The sentencing range at a glance

(37) The table below gives the range of sentences seen in the cases reviewed for this chapter, and the main factors that determined where each case fell. Every case turns on its own facts, and the figures are a guide only.

[18] See paragraph (44).

[19] *Goh Ngak Eng* at [34]–[44].

Offence	Sentences seen in decided cases	Main deciding factors
Private sector corruption: recipients and initiators (s 6(a), (b))	**A fine of $8,500** for a recipient with a minor role and a small share of the bribe; **about 7 to 10 weeks** in total for small sums at the lowest level of the matrix; **about 3 years** in total for bribes of about $566,000	The amount of the bribes; whether the principal actually lost money (for example, by paying inflated invoices); planning and duration; who proposed the arrangement; the offender's role; obstruction of the investigation; the timing of any plea of guilty
Private sector corruption: givers who did not initiate the bribe (s 6(b))	**Fines of about $20,000 to $35,000** for modest sums paid at the recipient's request	Who proposed the arrangement; the amount; whether the principal suffered any loss; who received the money
Corruption in relation to Government or public body contracts (s 6 read with s 7)	**About 33 to 39 months** in total in *Wong Chee Meng*, for both the recipient and the giver	The public service rationale; an insider's intervention in public tenders; the value of the gratification; the timing of any plea of guilty. A custodial sentence is typical
General corruption overlapping with s 6 (s 5)	**About 56 to 84 months** in total in *Teo Chu Ha* (High Court, 2023), including a money laundering charge	The notional sentence under the *Goh Ngak Eng* framework, weighed with the earlier cases; confidential tender information; conviction after trial

10. Fines

(38) Whether a fine alone is appropriate depends on the facts of each case. The courts have recognised that it may be appropriate in some cases, for example:

(a) **Givers who did not initiate the bribe.** Fines of $20,000 to $35,000 have been imposed on private sector givers who paid modest sums at the recipient's request, where the principal suffered no actual loss.[20]

(b) **Recipients at the lowest level of the matrix whose role was minor.** Within the *Goh Ngak Eng* matrix, a fine alone is available in the lowest cell (slight harm and low culpability). A recipient whose role was limited to an introduction, and who received $1,700, was fined $8,500.[21]

(c) **Private sector offending of lower culpability.** The High Court has said that such offending may be dealt with by a fine, depending on the nature of the corruption (see Part 7).

(39) In other cases, the courts have imposed imprisonment. Even in the lowest cell of the matrix, recipients have usually received short custodial terms.[22] For public sector corruption, and for offences under section 7 of the PCA, a custodial sentence is the norm.

(40) **Fines in addition to imprisonment.** These are used to strip the offender of his or her gains.[23] In *Takaaki Masui*, a 2020 High Court decision involving more than $2 million in bribes, the fine was set at about 10% of the bribe for each charge.

(41) **The penalty is not a fine.** A person convicted of receiving a bribe must also be ordered to pay a penalty equal to the gratification, which is separate from any fine (see Part 14).

[20] See paragraph (30).

[21] See paragraph (27).

[22] See paragraph (27).

[23] *Goh Ngak Eng* at [100].

11. What can reduce the sentence?

(42) The following have been given weight in decided cases:

(a) **Not initiating the bribe, and a passive role.** The offender's role, active or passive, is a culpability factor under *Goh Ngak Eng*. Givers who did not initiate the bribe have been fined rather than imprisoned.[24]

(b) **No actual loss to the principal.** Whether the principal actually suffered loss is a harm factor. In *Goh Ngak Eng*,[25] harm was assessed as moderate precisely because the principal had paid inflated invoices to fund the bribes.

(c) **A plea of guilty, and consent to other charges being taken into consideration.** In *Wong Chee Meng*,[26] these reduced each starting point by four months (see Part 12).

(d) **Genuine remorse and co-operation.** These can be taken into account, but not where the offender obstructed the investigation.[27]

(e) **Returning the gratification.** Returning or giving up the bribe reduces the penalty under section 13 of the PCA (see Part 14).

(43) Some matters commonly put forward carry little or no weight. In the example in paragraph (44), a clean record was treated only as the absence of an aggravating factor because the offending was repeated. Psychological distress and family caring responsibilities did not justify a further reduction.

(44) **An example.** In *Lim Jialu Jensen*, a site manager with authority over subcontracting directed cable detection subcontracts to a former colleague in return for a share of the earnings. He pleaded guilty to two amalgamated charges and one attempt charge. A further attempted solicitation, and a charge of deleting WhatsApp messages to obstruct the investigation, were taken into consideration.

(45) For the principal charge (at least $5,250 over eight months), the court found slight harm and culpability at the higher end of low, so that the range was a fine or up to six months. It set a starting point of about six weeks by comparison with three earlier cases. It then:

(a) added about four weeks for the two charges taken into consideration, describing obstruction of justice as "particularly serious";

(b) allowed a reduction of up to 30% for the early plea of guilty;

(c) gave no further reduction for remorse or co-operation, because the obstruction suggested "quite the contrary";

(d) treated his clean record as the absence of an aggravating factor, not as a mitigating one, given the repeated offending;

(e) rejected an employer's letter describing the conduct as "out of character", because he had approached another contractor for kickbacks before; and

(f) held that his psychological distress, and his role as carer and provider for his children and parents, did not justify a further reduction.

(46) The result was seven weeks' imprisonment on that charge and a total of 10 weeks, with penalties totalling $9,000. The giver, who had not proposed the arrangement, was fined $22,000 and $20,000.

(47) The sentencing outcome depends heavily on identifying the mitigating factors that are relevant and carry real weight on the particular facts, supporting them with evidence, and presenting them at the right stage of the sentencing process.

[24] See paragraph (30).
[25] See paragraph (21).
[26] See paragraph (24).
[27] See paragraph (44).

12. How does a plea of guilty affect the sentence?

(48) A plea of guilty can have a significant effect on the sentence, and its timing matters. The Sentencing Advisory Panel has issued Guidelines on Reduction in Sentences for Guilty Pleas, which suggest that an earlier plea may attract a larger reduction. The guidelines are guidance only: they are not binding on the courts, and whether a reduction is given, and how much, is for the sentencing court to decide in the circumstances of each case.

(49) In *Goh Ngak Eng*, the court held that the reduction for a plea of guilty is assessed qualitatively, not mathematically.[28] In *Wong Chee Meng*,[29] the pleas of guilty and the consent to other charges being taken into consideration reduced each starting point by four months.[30] In *Lim Jialu Jensen*,[31] an early plea attracted a reduction of up to 30%.

(50) A plea of guilty admits the offence and gives up any defence. It is therefore very important that the decision whether, and when, to plead guilty is made only after the evidence, the available defences and the mitigating factors have been properly assessed.

13. How are sentences combined when there are several charges?

(51) Corruption cases often involve many transactions, and therefore many charges.[32] Each charge receives its own sentence, and the court then decides which sentences run **consecutively** (one after another) and which run **concurrently** (at the same time).

(52) Where an offender is convicted at one trial and sentenced to imprisonment for three or more distinct offences, at least two of the sentences must run consecutively (section 307(1) of the CPC).

(53) The overriding principle is **proportionality**: the total sentence must fit the offender's overall criminality. The High Court has explained the main tools in *Mohamed Shouffee bin Adam v Public Prosecutor* [2014] 2 SLR 998:

(a) **The one-transaction rule.** This is a common law principle, developed by the courts rather than set out in legislation: offences that form part of a single transaction should generally not attract consecutive sentences. Whether offences form part of a single transaction is decided as a matter of common sense, having regard to factors such as how close the offences were in time, place and purpose, and whether they invaded the same legally protected interest.

(b) **The totality principle.** The court takes a "last look" at the total. It asks whether the total is substantially above the normal level of sentence for the most serious offence, and whether it would be crushing and out of keeping with the offender's record and prospects. If so, the court may change which sentences run consecutively, or adjust individual sentences.

(c) **No double counting.** The same aggravating factor must not be counted against the offender twice.

(54) **Amalgamated charges.** Combining several transactions in one charge doubles the maximum punishment (see Part 3). In *Prakash s/o Mathivanan v Public Prosecutor and other appeals* [2025] 4 SLR 1386, the High Court observed that an amalgamated charge also demonstrates persistence and "may also shift the court's consideration from a fine to a custodial sentence".

13.1 Parity and consistency with past cases

(55) Proportionality is also measured against the sentences imposed on others:

(a) **Parity between co-offenders.** Where several people took part in the same criminal enterprise, their sentences should generally be in line with each other, allowing for relevant differences in their roles and personal circumstances. The High Court has held, in *Lim Bee*

[28] *Goh Ngak Eng* at [118].

[29] See paragraph (24).

[30] *Wong Chee Meng* at [103]–[106].

[31] See paragraph (44).

[32] In *Goh Ngak Eng*, the offender pleaded guilty to 19 charges, with 40 more taken into consideration. Corruption charges may also be brought together with money laundering charges for dealing with the bribes (see Chapter 2), falsification or forgery charges for the false invoices used to fund them (see Chapter 6), and charges of obstructing the investigation.

Ngan Karen v Public Prosecutor [2015] 4 SLR 1120, that this applies even where co-offenders are charged with different offences, and that where co-offenders are sentenced separately, the Prosecution should place their sentences and the relevant facts before the court. Differences in role can, however, justify different types of sentence.[33]

(b) **Consistency with past cases.** Courts compare the case with sentences imposed in similar cases, as *Lim Jialu Jensen*[34] shows. Comparisons must, however, take account of the framework in force. Sentences imposed before *Goh Ngak Eng* (October 2022) were set under a different approach, and in section 5 cases the court weighs earlier cases together with the notional *Goh Ngak Eng* sentence.[35]

(56) Other choices also affect the total, such as whether some charges are taken into consideration rather than proceeded with, and whether conduct is combined into a single amalgamated charge. These questions involve a number of factors and judgments, and are frequently the subject of submissions on sentence.

14. What is the penalty for receiving a bribe?

(57) A person convicted of accepting gratification must, in addition to any other punishment, be ordered to pay a **penalty** equal to the amount or value of the gratification (section 13(1) of the PCA). A fine and a penalty are different things. A fine is a punishment. Whether to impose one, and how much, is for the court to decide.

(58) A penalty, on the other hand, is a disgorgement order: it takes back from the offender the value of the bribe he or she received. The court must order it, in addition to the sentence, and its amount is fixed by the value of the gratification. One penalty must be ordered for each charge on which the offender is convicted.[36] Under section 13(2), the penalty may be increased by the value of the gratification in charges taken into consideration. Like a fine, a penalty is enforced by imprisonment if it is not paid.

(59) Where the gratification has been repaid or given up, the Court of Appeal held in 2021, in *Public Prosecutor v Takaaki Masui and another and other matters* [2022] 1 SLR 1033, that the penalty should reflect the value of the gratification the recipient actually **kept**. A recipient who returns the money to the principal is therefore not made to pay twice. Where money has been seized, the court may order it forfeited or direct that the penalty be paid from the seized sum, and may add a sum reflecting the benefit of having had the use of the money.

(60) Penalties in the cases discussed in this chapter range widely.[37] If the penalty is not paid, the offender serves a term of imprisonment in default. In *Chang Peng Hong Clarence v Public Prosecutor* [2024] 2 SLR 722, the Court of Appeal set out how that term is calibrated where there are several charges. As a starting point, the court allows one day of default imprisonment for every $1,000 of the penalty on each charge. It then checks the statutory limits: 30 months for each charge, and an overall limit for the trial as a whole, which includes the imprisonment imposed as punishment. For the District Court that overall limit is 20 years: its ordinary limit for a single sentence is 10 years, but where sentences run consecutively (as default terms must) the total may be up to twice that.[38] Finally, it adjusts the total under the totality principle, taking into account whether the offender has the means to pay.[39] In that case, penalties totalling about $5.9 million on 19 charges attracted a total default term of 120 months.[40]

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[33] In *Lim Jialu Jensen*, the giver was fined while the site manager who proposed the arrangement and received the payments was imprisoned. The court held that the parity principle did not apply.

[34] See paragraph (44).

[35] See paragraph (33).

[36] *Chang Peng Hong Clarence v Public Prosecutor* [2024] 2 SLR 722 at [61].

[37] $9,000 in *Lim Jialu Jensen*; $23,398.09 in *Wong Chee Meng*; $1,004,716.50 for each of two executives in *Takaaki Masui*; and $2,324,954.45 in *Teo Chu Ha*.

[38] Sections 303(2)(a), 306(4) and 319(1)(d)(i) and (e) of the CPC. The 30-month limit for each charge is one half of the five-year maximum for a PCA offence.

[39] *Chang Peng Hong* at [62]–[65].

[40] *Chang Peng Hong* at [68]–[72].

15. Beyond the sentence

(61) In addition to the sentence and the penalty, the principal may recover the amount or value of the gratification as a civil debt from the agent or from the person who gave it, whether or not anyone has been convicted or acquitted (section 14 of the PCA). A conviction may lead to disqualification from acting as a director (see Chapter 1), loss of professional licences and employment, and, for foreign nationals, immigration consequences.

(62) Gratification and its proceeds may be seized and made the subject of confiscation proceedings under the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992 (see Chapter 2).

Note. This chapter sets out the framework. It does not attempt to indicate where any particular case falls within it – that assessment depends on the charge brought, the evidence, and matters that are rarely apparent to the person affected. 26 Gambit Chambers advises and acts for individuals and companies in these matters. Short answers to common questions on corruption are available at 26gambitchambers.com/answers.

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