

**Registration of Criminals (Amendment) Act 2005**  
**(No. 20 of 2005)**

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**REPUBLIC OF SINGAPORE**  
**GOVERNMENT GAZETTE**  
**ACTS SUPPLEMENT**

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The following Act was passed by Parliament on 16th May 2005 and assented to by the President on 31st May 2005:—

**REGISTRATION OF CRIMINALS (AMENDMENT) ACT 2005**

**(No. 20 of 2005)**

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I assent.

SIM KEE BOON,  
*President.*  
*Person exercising the*  
*Functions of the President*  
*31st May 2005.*

**Date of Commencement: 17th October 2005**

An Act to amend the Registration of Criminals Act (Chapter 268 of the 1985 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

**Short title and commencement**

1. This Act may be cited as the Registration of Criminals (Amendment) Act 2005 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

**New Part IIA**

2. The Registration of Criminals Act is amended by inserting, immediately after section 7, the following Part:

“PART IIA

SPENT CRIMINAL RECORDS

**Interpretation and application of this Part**

7A.—(1) In this Part, unless the context otherwise requires —

“appointed day” means the date of commencement of the Registration of Criminals (Amendment) Act 2005;

“criminal record”, in relation to a person, means the record which is kept in the register before, on or after the appointed day of his conviction for —

- (a) any crime within Singapore; or
- (b) any offence outside Singapore registrable under this Act,

and the registrable particulars related thereto;

“term of imprisonment” does not include a term of imprisonment imposed by a court in default of payment of a fine or penalty.

(2) For the purposes of this Part, a person who is subject to a home detention order under section 52 of the Prisons Act (Cap. 247) is deemed to be in legal custody.

(3) This Part shall bind the Government.

### **Criminal record of Singapore crime may become spent**

**7B.**—(1) Subject to section 7C, all records in the register of any person convicted within Singapore of any crime shall be capable of becoming spent in accordance with this Part, whether the conviction is before, on or after the appointed day.

(2) The record in the register of a person’s conviction within Singapore for a crime shall become spent on the expiration of the crime-free period applicable to the person, unless he is disqualified under section 7C.

(3) A record of a person’s conviction that is spent in accordance with this section shall not be revived by the subsequent conviction of the person for any offence after the crime-free period.

(4) In this section —

“crime-free period” means a period of not less than 5 consecutive years starting from the relevant date applicable to a person, during which the person —

- (a) has not been convicted of a crime;
- (b) has not been unlawfully at large in relation to any crime;
- (c) has not been detained or subject to police supervision under section 30 of the Criminal Law (Temporary Provisions) Act (Cap. 67); and
- (d) has not been subject to a supervision order or admitted to an approved institution under the Misuse of Drugs Act (Cap. 185) or admitted to an approved centre under the Intoxicating Substances Act (Cap. 146A);

“relevant date”, in relation to a person, means —

- (a) where the sentence of the person does not include a term of imprisonment and is no longer subject to appeal, the date on which the sentence was passed;
- (b) where the sentence of the person includes a term of imprisonment and is no longer subject to appeal, the date of his release from legal custody; or
- (c) where a sentence of imprisonment has been wholly remitted or commuted to or substituted with a sentence other than a term of imprisonment, the date of that remission, commutation or substituted sentence, as the case may be.

### **Person disqualified from having criminal record become spent**

**7C.** A person is disqualified from having the record in the register of his conviction becoming spent under section 7B if —

- (a) that conviction was for any offence specified in the Third Schedule;
- (b) the sentence imposed on him for that conviction included —
  - (i) a term of imprisonment exceeding 3 months; or
  - (ii) a fine exceeding \$2,000;
- (c) that conviction was for a crime committed within 5 years after he had been released from —
  - (i) an approved institution under the Misuse of Drugs Act (Cap. 185); or
  - (ii) an approved centre under the Intoxicating Substances Act (Cap. 146A);
- (d) he has been detained or subject to police supervision under section 30 of the Criminal Law (Temporary Provisions) Act (Cap. 67) at any time before that conviction;
- (e) for the time being, he has a warrant of arrest for any offence issued against him which remains unexecuted;
- (f) he has records in the register of more than one conviction, whether or