

Moneylenders Bill

Table of Contents

Bill No: 33/2008

Read the first time: 20th October 2008

Long Title

Enacting Formula

Part I PRELIMINARY

1 Short title and commencement

2 Interpretation

3 Persons presumed to be moneylenders

4 Appointment of Registrar, etc.

Part II LICENSING OF MONEYLENDERS

5 No moneylending except under licence, etc.

6 Renewal of licences

7 Other grounds for refusing to issue or renew licence, etc.

8 Licence fee

9 Revocation or suspension of licence

10 Approval of places of business

11 Forfeiture of security deposit

12 Approval and notification of change of profile

13 Publication of lists

14 Unlicensed moneylending

15 Other offences under this Part

**Part III REGULATION OF BUSINESS OF MONEYLENDING,
ENFORCEMENT AND PROCEEDINGS**

16 Regulation of advertising and marketing, etc.

17 Prohibition of unsolicited loans

18 Signage at place of business

19 Licensees to inform borrowers of terms of loan

20 Note of moneylender's contract to be given to borrower

21 Provision of statements of account, loan documents and receipts

22 Charges other than permitted fees unenforceable

23 Re-opening of certain transactions

24 Accounts to be kept and submissions to Registrar

25 Power to inspect, and require information or documents

26 General power to issue directions

27 False statements or representations to induce borrowing an offence

28 Harassing borrower, besetting his residence, etc.

29 Special provisions relating to non-resident principal

30 Powers of police officer

Part IV MISCELLANEOUS

31 Certain offences seizable and non-bailable

32 Jurisdiction of court

33 Offences by bodies corporate, etc.

34 Composition of offences

35 Exemption on application

36 Class exemption

37 Rules

38 Consequential amendments to other written laws

39 Repeal, transitional and savings provisions

Explanatory Statement

Expenditure of Public Money

Moneylenders Bill

Bill No. 33/2008

Read the first time on 20th October 2008.

An Act to repeal and re-enact with amendments the Moneylenders Act (Chapter 188 of the 1985 Revised Edition) for the regulation of moneylending and for matters connected

therewith, and to make consequential amendments to the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Chapter 65A of the 2000 Revised Edition) and 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:

PART I

PRELIMINARY

Short title and commencement

1. This Act may be cited as the Moneylenders Act 2008 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2. In this Act, unless the context otherwise requires —

“Authority” means the Monetary Authority of Singapore established under section 3 of the Monetary Authority of Singapore Act (Cap. 186);

“body corporate” includes a limited liability partnership;

“business name”, in relation to a moneylender, means the name under which the moneylender is authorised by a licence to carry on the business of moneylending;

“business trust” has the same meaning as in section 2 of the Business Trusts Act (Cap. 31A);

“company” has the same meaning as in section 4(1) of the Companies Act (Cap. 50);

“corporation” has the same meaning as in section 4(1) of the Companies Act;

“director” has the same meaning as in section 4(1) of the Companies Act;

“excluded moneylender” means —

- (a) any body corporate, incorporated or empowered by an Act of Parliament to lend money in accordance with that Act;
- (b) any person licensed, approved, registered or otherwise regulated by the Authority under any other written law, to the extent that such

person is permitted or authorised to lend money or is not prohibited from lending money under that other written law;

- (c) any society registered as a credit society under the Co-operative Societies Act (Cap. 62);
- (d) any pawnbroker licensed under the Pawnbrokers Act (Cap. 222);
- (e) any person who —
 - (i) lends money solely to his employees as a benefit of employment;
 - (ii) lends money solely to accredited investors within the meaning of section 4A of the Securities and Futures Act (Cap. 289);
 - (iii) lends money solely to —
 - (A) corporations;
 - (B) limited liability partnerships;
 - (C) trustees or trustee-managers, as the case may be, of business trusts for the purposes of the business trusts;
 - (D) trustees of real estate investment trusts for the purposes of the real estate investment trusts,

or who carries on any combination of such activities or services; or

- (f) any person carrying on any business not having for its primary object the lending of money in the course of which and for the purposes whereof he lends money;

“exempt moneylender” means any moneylender who has been granted an exemption under section 35 or 36 from holding a licence;

“firm” means an unincorporated body of 2 or more individuals, or one or more individuals and one or more corporations, or 2 or more corporations, who have entered into partnership with one another with a view to carrying on business for profit and that is registered under the Business Registration Act (Cap. 32);

“interest”, in relation to a loan, means any amount by whatsoever name called in excess of the principal paid or payable to a moneylender in consideration of or