

Guidelines for Scams-Related Offences



I. USE OF SENTENCING ADVISORY PANEL GUIDELINES

1. These guidelines are established by the Sentencing Advisory Panel (“**SAP**”) of Singapore.¹ SAP guidelines are meant to:
 - (a) Guide judges in passing sentences in criminal cases. The court may have regard to any relevant guidelines.
 - (b) Guide the prosecution and defence in their sentencing submissions. The prosecution and the defence may have regard to any relevant guidelines in submitting on sentence.
 - (c) Assist accused persons in making decisions in criminal proceedings, and defence counsel in advising their clients.
2. SAP guidelines, unlike judicial guidelines, are not binding on any court. The court may decide whether to adopt the guidelines in a given case, and if so, how the guidelines should be applied. If the prosecution or the defence in any case intends to invite the court not to apply a relevant SAP guideline or any part thereof, the party should inform the court, and the other party, of this at the earliest available opportunity. Should the court decide not to apply a relevant guideline, the judge is encouraged to provide reasons for not doing so.

¹ www.sentencingpanel.gov.sg.

II. BACKGROUND AND SCOPE OF PRESENT GUIDELINES

3. These guidelines recommend a sentencing approach for the following offences (“**scams-related offences**”):
 - (a) Section 51(1) of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992 (“**CDSA**”).
 - (b) Section 51(1A) of the CDSA.
 - (c) Section 55A(1) of the CDSA.
 - (d) Section 8A of the Computer Misuse Act 1993 (“**CMA**”).
 - (e) Section 8B of the CMA.
 - (f) Section 420 of the Penal Code 1871 where the deception is communicated over the phone or online through a communication platform (such as WhatsApp) or website and induces the victim into delivering a pecuniary or financial benefit.
4. In 2023, the CDSA and the CMA were amended to introduce the following new offences: (a) rash or negligent money laundering;² (b) dealing with or assisting another person to retain benefits from criminal conduct in certain circumstances;³ (c) disclosure of Singpass credentials knowing or having reason to believe that the purpose is to facilitate an offence;⁴ and (d) obtaining or dealing in Singpass credentials to facilitate criminal activities.⁵
5. These offences were introduced to combat the growing menace posed by scams-related offences. Scams are a major and fast-growing concern. Over the past five years, the number of reported scam cases increased by more than seven-fold, while the amounts lost to scams have quadrupled.
6. Scams-related offences are typically committed by sophisticated organised criminal groups based outside of Singapore. A critical component of these groups are offenders based in Singapore who hand over control of their bank accounts or other payment accounts, or disclose their Singpass credentials to the syndicate members who then use these accounts and credentials to commit scams. Preventing scammers from using these accounts and Singpass credentials is an essential part in our fight against scams.

² Sections 51(1A) and 54(3A) of the CDSA.

³ Section 55A of the CDSA.

⁴ Section 8A of the CMA.

⁵ Section 8B of the CMA.

III. SENTENCING NORM FOR SCAMS-RELATED OFFENCES – CUSTODIAL SENTENCES

7. It is recommended that custodial sentences be the norm for scams-related offences. This is so even for those offences where a fine is a sentencing option. The reasons are as follows.
 - (a) Scams-related offences are prevalent and increasing. They are typically committed after some deliberation and involve an organised criminal group. These are aggravating factors which – in themselves – warrant the imposition of custodial sentences for the purpose of deterrence.
 - (b) The sentences for scams-related offences must be *punitive* enough and commensurate with the *harm* suffered by the victims of scams-related offences. If successful, the scams will result in the victims suffering financial losses. Such losses can be devastating if, e.g., it involves the loss of retirement savings, or monies which could have been channelled to other pressing needs. This loss can also lead to significant psychological harm. The harm caused by scams can also extend beyond the scammed victims and their families. For instance, if the scam involves the personation of an officer from a public or a financial institution and the transfer of funds to an account belonging to the offender, public trust in such institutions and the use of electronic transactions can be eroded.
 - (c) Following from the above, fines, probation and community sentences are generally not appropriate. Imprisonment or reformatory training, whichever is more appropriate, should be considered given the need for deterrence and the public interest in suppressing scams. This applies to *all* offenders (even if below the age of 21) except juvenile offenders dealt with in the Youth Court.

IV. SCAMS-RELATED OFFENCES UNDER THE CDSA

8. This part applies to the following offences under the CDSA:

Offence	Prescribed Punishment
(a) Section 55A(1)(a) read with s 55A(1)(b)(ii) punishable under s 55A(5) Offender enters into, or is otherwise concerned in, an arrangement by handing over control of his bank account to <i>B</i> without taking reasonable steps to ascertain <i>B</i> 's purpose of accessing, operating, or controlling the account.	Up to \$50,000 fine, OR Up to 3 years' imprisonment, OR Both
(b) Section 51(1A)(a) read with s 51(1A)(b)(ii) punishable under s 51(6)(b) Offender enters into, or is otherwise concerned in, an arrangement by <i>negligently</i> handing over control of his bank account to <i>B</i> .	Up to \$150,000 fine, OR Up to 3 years' imprisonment, OR Both
(c) Section 51(1A)(a) read with s 51(1A)(b)(i) punishable under s 51(6)(a) Offender enters into, or is otherwise concerned in, an arrangement by <i>rashly</i> handing over control of his bank account to <i>B</i> .	Up to \$250,000 fine, OR Up to 5 years' imprisonment, OR Both
(d) Section 51(1) punishable under s 51(5) Offender enters into, or is otherwise concerned in, an arrangement by handing over of control of his bank account to <i>B</i> knowing or having reason to believe that this would assist <i>B</i> to retain criminal benefits.	Up to \$500,000 fine, OR Up to 10 years' imprisonment, OR Both

9. The sentencing guidelines should be used in the following manner:
- (a) Step 1: Identify the appropriate starting sentence with reference to the relevant CDSA offence.
 - (b) Step 2: Adjust the starting sentence based on offence-specific and offender-specific factors, which distinguish the specific case from the archetypal case.
 - (c) Step 3: Consider the use of a disgorgement fine in addition to imprisonment.

A. Archetypal case

10. The starting sentences set out below are pegged to an archetypal case with the following characteristics –
- (a) An offender who hands over control of an existing bank account⁶ to another person,
 - (b) The offender does so with the mental element as stated in the relevant CDSA provision,
 - (c) He hands over control of the bank account without any intention to derive a gain from his act, and
 - (d) The bank account is later used to receive and transfer funds which are benefits from crime.

⁶ This is to be contrasted with a scenario where the offender opened a *new* bank account for the purpose of handing over the account to the other person.

B. Starting sentence

11. Where a first-time offender in an archetypal case is convicted after a trial, it is recommended that the starting sentences be as follows:

Offence	Starting sentence
(a) Section 55A(1)(a) read with s 55A(1)(b)(ii) punishable under s 55A(5) Offender enters into, or is otherwise concerned in, an arrangement by handing over control of his bank account to <i>B</i> without taking reasonable steps to ascertain <i>B</i> 's purpose of accessing, operating, or controlling the account.	6 months' imprisonment (Maximum punishment – 3 years)
(b) Section 51(1A)(a) read with s 51(1A)(b)(ii) punishable under s 51(6)(b) Offender enters into, or is otherwise concerned in, an arrangement by <i>negligently</i> handing over control of his bank account to <i>B</i> .	6 months' imprisonment (Maximum punishment – 3 years)
(c) Section 51(1A)(a) read with s 51(1A)(b)(i) punishable under s 51(6)(a) Offender enters into, or is otherwise concerned in, an arrangement by <i>rashly</i> handing over control of his bank account to <i>B</i> .	12 months' imprisonment (Maximum punishment – 5 years)
(d) Section 51(1) punishable under s 51(5) Offender enters into, or is otherwise concerned in, an arrangement by handing over of control of his bank account to <i>B</i> <i>knowing or having reason to believe</i> that this would assist <i>B</i> to retain criminal benefits.	18 months' imprisonment (Maximum punishment – 10 years)

12. The above starting sentences are derived based on the following considerations:
- (a) Custodial sentences of significant durations are necessary given that scams-related offences are of serious concern and there is a need to deter such offences.
 - (b) The starting sentence should not be excessive when compared to the applicable maximum prescribed punishment.
 - (c) There should be relative proportionality in the starting sentences between the *different* offences.

C. Adjustments for applicable sentencing factors

Offence-specific factors

13. To arrive at the final sentence, the starting sentence should be adjusted *upwards* if any offence-specific aggravating factors are present in a case. These include⁷ the following:
- (a) The offender opened a *new* bank account to be handed over – as opposed to merely handing over control of an *existing* account.
 - (b) The offender handed over *more than one* bank account. The number of bank accounts handed over should be considered in determining the extent of the sentencing uplift.
 - (c) The offence involved an *abuse of position* or *breach of trust* – e.g. where the offender had misused accounts that were entrusted to him. For instance, where the offender is a director of a company and had handed over control of the company's bank account, the extent of the sentencing uplift should be higher. This is because the offender has a duty to act with reasonable diligence in the discharge of his duty as a director.
 - (d) The offender was motivated to commit the offence for *personal gain*, even if he did not receive the gain. "Gain" refers to the obtaining of any material advantage and does not necessarily require financial profit or monetary gain.
 - (e) Where the offender committed the offence despite having been previously informed that his bank account(s) had been misused. In such situations, where the offender commits an offence after and despite prior intervention by the police or other parties (e.g. financial institutions), his culpability is higher. However, there is a need to guard against double-counting of this factor where the prior information of misuse has already been factored in assessing the offender's state of mind.
 - (f) *Significant funds* (\$100,000 or more) had been received or transferred out of the offender's bank account. In such cases, an uplift of at least 25% of the starting sentence should be considered. The sentencing uplift should be commensurate with the quantum of funds involved.⁸ This is so even if the offender does not know of the extent of funds that have flowed through his bank account after it was handed over. The reasons are as follows.
 - (i) First, as the account holder, he can regain control over it at any time. If he chooses not to do so, then this will be at his own risk.
 - (ii) Second, it would be perverse if an offender can be allowed to rely on his own lapses in safeguarding his own interests and in complying with the law to reduce his blameworthiness for the offence.
 - (iii) Finally, it is well established that the court can consider in sentencing the foreseeable adverse effects of an offender's crime even if they are beyond his control – especially in cases where he has acted negligently.⁹

⁷ The applicable sentencing factors listed here and in the rest of these guidelines are non-exhaustive.

⁸ In assessing this factor, the court may consider the full amount received or transferred out of the offender's bank account (and not just the amounts traceable to reports about scams) unless the offender is able to satisfy the court that any of the receipts or transfers were made for innocent reasons.

⁹ See *Public Prosecutor v Hue An Li* [2014] 4 SLR 661 at [67]–[76]; *Seng Foo Building Construction Pte Ltd v Public Prosecutor* [2017] 3 SLR 201 at [45] and [46].

14. In addition, it is recommended that an uplift be imposed in cases where the funds flowing through the account are linked to a victim of a scam who is a vulnerable person. “Vulnerable persons” are persons: (a) of or above the age of 65; or (b) who, by reason of mental or physical infirmity, disability or incapacity, are substantially unable to protect themselves from abuse, neglect or self-neglect.¹⁰

Scenario	Uplift ¹¹
If the offender knew that vulnerable persons were specifically targeted by the scams.	Uplift of at least 50% of the starting sentence
If vulnerable persons were affected by the scams (even if vulnerable persons were not specifically targeted and even if the offender did not know that vulnerable persons would be affected).	Uplift of at least 25% of the starting sentence

Offender-specific factors

15. Apart from offence-specific factors, the starting sentence should also be adjusted to reflect the *offender*-specific sentencing factors in a case. These typically include the following:
- (a) The presence and number of offences to be taken into consideration for the purpose of sentencing.
 - (b) Relevant antecedents.
 - (c) Lack of remorse.
 - (d) Restitution.
 - (e) Cooperation with the authorities.
16. In line with established case law, the fact that an offender committed an offence (a) out of financial need or (b) in the hope of recouping his losses due to being a scam victim himself does not have any mitigating value – save in the most exceptional or extreme circumstances.¹²
17. Where the offender elects to plead guilty, the court may grant a reduction in sentence based on the [Guidelines on Reduction in Sentences for Guilty Pleas](#).¹³

Disgorgement fine

18. If the offender has received a financial gain from his offence, then in addition to a custodial sentence, the court should also consider imposing an appropriate fine to disgorge such a gain.

¹⁰ See s 74A of the Penal Code 1871.

¹¹ In cases involving a mixture of funds linked to vulnerable and non-vulnerable persons, the court may decide, based on the particular facts, whether the uplifts set out in this table should be adjusted or applied in full.

¹² See e.g., *Lai Oei Mui Jenny v Public Prosecutor* [1993] 2 SLR(R) 406 at [10]; *Public Prosecutor v Ng Siew Wai Carole* [2021] SGDC 148 at [153].

¹³ <https://www.sentencingpanel.gov.sg/resources/guidelines/guilty-pleas/>

D. Illustrations¹⁴

Illustration 1

19. A person (A) agrees to hand over control of one bank account to another person (B), in exchange for \$1,000. A opens a new account for this purpose and relinquishes control of the account to B. B transfers \$1,000 to A. A is convicted of an offence under s 55A of the CDSA as he had failed to take reasonable steps to ascertain B's purpose in being able to operate the account. As the bank account was frozen early, only a small sum of money flowed through the bank account.
20. Assuming that other relevant sentencing factors are absent, the sentencing analysis can be as follows:
- (a) Starting sentence – 6 months' imprisonment.
 - (b) Upward adjustment in sentence given the following aggravating factors: (i) A was motivated by gain to commit the offence; and (ii) he had opened a new bank account for this purpose – 3 months' imprisonment.
 - (c) Final custodial sentence if A is convicted after a trial – 9 months' imprisonment.
 - (d) In addition to the custodial sentence, a fine of \$1,000 should also be imposed to disgorge the gain received by A.
 - (e) If A pleads guilty at a sufficiently early stage, a reduction of up to 30% can be applied, resulting in a custodial sentence of around 6 months' imprisonment (see [Guidelines on Reduction in Sentences for Guilty Pleas](#)).

Illustration 2

21. A person (A) agrees to hand over control of one bank account to another person (B) having reason to believe that this would assist B to retain criminal benefits. A relinquishes control of an existing account to B. A is convicted of an offence under s 55(1) of the CDSA. A total of \$100,000 was transferred through the bank account. Further, some of these proceeds came from vulnerable persons who were scammed. A did not have knowledge that such persons would be affected.
22. Assuming that other relevant sentencing factors are absent, the sentencing analysis can be as follows:
- (a) Starting sentence – 18 months' imprisonment.
 - (b) Sentencing uplifts – 9 months' imprisonment:
 - (i) Uplift of at least 25% of the starting sentence (to account for significant funds that were transferred through the account) – 4.5 months' imprisonment; and
 - (ii) Uplift of at least 25% of the starting sentence (to account for the effect on vulnerable persons) – 4.5 months' imprisonment.
 - (c) Final custodial sentence if A is convicted after a trial – 27 months' imprisonment.
 - (d) If A pleads guilty at a sufficiently early stage, a reduction of up to 30% can be applied, resulting in a custodial sentence of around 19 months' imprisonment (see [Guidelines on Reduction in Sentences for Guilty Pleas](#)).

¹⁴ The sentences (including the adjustments in sentence) set out in the Illustrations here and in the rest of these guidelines are provided for illustrative purposes only. The sentence and sentencing adjustments in a specific case are subject to the discretion of the court based on the particular facts.

V. SCAMS-RELATED OFFENCES UNDER THE CMA

23. This part applies to the following offences under the CMA:

Offence	Prescribed Punishment
(a) Section 8A(1) Offender unlawfully discloses his Singpass credentials.	Up to \$10,000 fine, OR Up to 3 years' imprisonment, OR Both
(b) Section 8B(1) punishable under s 8B(5) Offender unlawfully discloses Singpass credentials of another person.	Same as s 8A for first-time offenders. ¹⁵

24. The sentencing guidelines should be used in the following manner:

- (a) Step 1: Identify the appropriate starting sentence with reference to the relevant CMA offence.
- (b) Step 2: Adjust the starting sentence based on offence-specific and offender-specific factors, which distinguish the specific case from the archetypal case.
- (c) Step 3: Consider the use of a disgorgement fine in addition to imprisonment.

SECTION 8A – UNLAWFUL DISCLOSURE OF OFFENDER’S SINGPASS CREDENTIALS

A. Archetypal case

25. The starting sentence below is pegged to an archetypal case involving: (a) an offender who discloses his Singpass credentials without taking reasonable steps to ascertain the identity of the recipient and purpose in which the Singpass credentials will be used; (b) where the disclosed credentials have not been used, e.g., to open bank accounts; and (c) where the offender did not have any intention to derive a gain from his act.

¹⁵ The prescribed punishment for repeat offenders is a fine of up to \$20,000 or imprisonment for a term not exceeding 5 years, or both.

B. Starting sentence

26. It is recommended that in an archetypal case under s 8A where a first-time offender is convicted after a trial, the starting sentence should be **6 months' imprisonment**.
27. The starting sentence is derived based on the following considerations:
 - (a) Singpass is the national digital identity system. Singpass credentials can be used to access highly personal and sensitive information. Singpass is also used by most public agencies for the provision of public services as well as financial incentives and benefits.
 - (b) Once disclosed, Singpass credentials can be used to repeatedly defraud public agencies as well as for committing other crimes. Such crimes can result in serious harm. Public confidence in Singpass can also be undermined. This, in turn, will have a detrimental impact on the Government's push for more services and transactions to be conducted online.

C. Adjustments for applicable sentencing factors

28. To arrive at the final sentence, the starting sentence should also be adjusted to reflect the offence-specific sentencing factors in a case. These include the following:
 - (a) Where the offender was motivated to commit the offence for *personal gain*, even if he did not receive the gain. "Gain" refers to the obtaining of any material advantage and does not necessarily require financial profit or monetary gain. Other motivations that may be aggravating include the intention to cause harm to another person or to compromise national interests.
 - (b) Where the offender disclosed his Singpass credentials knowing that it would be used to commit an offence ("**predicate offence**"), as opposed to only having reasonable grounds to believe that it would be so used, this is an aggravating factor. Generally, an offender who is convicted with such knowledge is more blameworthy than one who is convicted on the latter basis.
 - (c) If the predicate offence is committed, an uplift should be imposed. (*Note: An offence under s 8A can be committed even if the predicate offence was not carried out: see s 8A(2)(a).*)
 - (d) If the disclosure of the Singpass credentials has led to the opening of bank accounts, the incorporation of companies, or the making of any claim for Government incentives and benefits, an appropriate uplift should be added to the starting sentence. The extent of the uplift will depend on, among others, the number of bank accounts and/or companies created, the amount of Government incentives and benefits claimed for/disbursed.

- (e) If there is evidence that the bank accounts were created for money laundering purposes, then an uplift from the starting sentence should also be added. The extent of the uplift should be commensurate with the amount of funds that had been received/flowed through these accounts.¹⁶ Where *significant funds* (\$100,000 or more) had been received or transferred out of these accounts, an uplift of at least 25% of the starting sentence should be considered. This is so even if the offender does not know of the extent of funds that have flowed through these accounts.
- (f) Where actual harm or loss occurs as a result of the disclosure of the Singpass credentials, this should be accounted for in the sentence with an appropriate uplift.

29. In addition, where the disclosure of the Singpass credentials has led to the creation of bank accounts for money laundering purposes, it is recommended that an uplift be imposed in cases where the funds flowing through the accounts are linked to a victim of a scam who is a vulnerable person. "Vulnerable persons" are persons: (a) of or above the age of 65; or (b) who, by reason of mental or physical infirmity, disability or incapacity, are substantially unable to protect themselves from abuse, neglect or self-neglect.¹⁷

Scenario	Uplift ¹⁸
If the offender knew that vulnerable persons were specifically targeted by the scams.	Uplift of at least 50% of the starting sentence
If vulnerable persons were affected by the scams (even if vulnerable persons were not specifically targeted and even if the offender did not know that vulnerable persons would be affected).	Uplift of at least 25% of the starting sentence

30. The starting sentence should also be adjusted to reflect the offender-specific sentencing factors in a case and the offender's plea of guilt, where relevant: see [15]–[17] above.

Disgorgement fine

31. If the offender has received a financial gain from his offence, then in addition to a custodial sentence, the court should also consider imposing an appropriate fine to disgorge such a gain.

¹⁶ In assessing this factor, the court may consider the full amount received or transferred out of the bank accounts (and not just the amounts traceable to reports about scams) unless the offender is able to satisfy the court that any of the receipts or transfers were made for innocent reasons.

¹⁷ See s 74A of the Penal Code 1871.

¹⁸ In cases involving a mixture of funds linked to vulnerable and non-vulnerable persons, the court may decide, based on the particular facts, whether the uplifts set out in this table should be adjusted or applied in full.

D. Illustration

32. A person (A) is convicted of an offence under s 8A for disclosing his Singpass credentials to another person (B), in exchange for \$500. B had used the credentials to open a bank account. As the bank account was frozen early, the amounts transacted through the account were minimal.
33. Assuming that other relevant sentencing factors are absent, the sentencing analysis can be as follows:
- (a) Starting sentence – 6 months’ imprisonment.
 - (b) Upward adjustment in sentence given the following aggravating factors: (i) A was motivated by gain to commit the offence; and (ii) a bank account was opened as a result of the offender’s disclosure – 3 months’ imprisonment.
 - (c) Final custodial sentence if A is convicted after a trial – 9 months’ imprisonment.
 - (d) In addition to the custodial sentence, a fine of \$500 should also be imposed to disgorge the gain received by A for disclosing his Singpass credentials.
 - (e) If A pleads guilty at a sufficiently early stage, a reduction of up to 30% can be applied, resulting in a custodial sentence of around 6 months’ imprisonment (see [Guidelines on Reduction in Sentences for Guilty Pleas](#)).

SECTION 8B – UNLAWFUL DISCLOSURE OF ANOTHER PERSON’S SINGPASS CREDENTIALS

A. Archetypal case

34. An archetypal case under s 8B involves an offender who discloses another person’s Singpass credentials without that person’s consent. The starting sentence below applies to cases where the disclosed credentials have not been used, e.g., to open bank accounts.

B. Starting sentence

35. It is recommended that the starting sentence in an archetypal case for s 8B where a first-time offender is convicted after a trial should be *significantly higher* than that for an archetypal case under s 8A – i.e., **12 months’ imprisonment**. Disclosing *another person’s* credentials should attract a higher penalty as it involves a much higher degree of culpability. Such offending is also more difficult to detect (as the credentials belong to someone else) and is more proximate to supporting the operations of scam syndicates.

C. Adjustment for applicable sentencing factors

36. Just like s 8A, to arrive at the final sentence, the starting sentence for an offence under s 8B should also be adjusted to take into account the offence-specific sentencing factors in the case.
37. It is recommended that the offence-specific sentencing factors stated in [28]–[29] above apply to s 8B as well.
38. Finally, the starting sentence should also be adjusted for offender-specific factors in the case and the offender’s plea of guilt, where relevant: see [15]–[17] above.

Disgorgement fine

39. If the offender has received a financial gain from his offence, then in addition to a custodial sentence, the court should also consider imposing an appropriate fine to disgorge such a gain.

D. Illustration

40. A person (*A*) is convicted of an offence under s 8B CMA for disclosing a person’s (*C*) Singpass credentials to another person (*B*), in exchange for \$500. *B* had used the credentials to open a bank account, through which only a small amount was transacted. *C* did not consent.
41. Assuming that other relevant sentencing factors are absent, the sentencing analysis can be as follows:
 - (a) Starting sentence – 12 months’ imprisonment.
 - (b) Upward adjustment in sentence given the following aggravating factors: (i) *A* was motivated by gain to commit the offence; and (ii) a bank account was opened because of the offender’s disclosure – 3 months’ imprisonment.
 - (c) Final custodial sentence if *A* is convicted after a trial – 15 months’ imprisonment.
 - (d) In addition to the custodial sentence, a fine of \$500 should also be imposed to disgorge the gain received by *A* for disclosing *C*’s Singpass credentials.
 - (e) If *A* pleads guilty at a sufficiently early stage, a reduction of up to 30% can be applied, resulting in a custodial sentence of around 10.5 months’ imprisonment (see [Guidelines on Reduction in Sentences for Guilty Pleas](#)).

VI. UPLIFT FOR SCAM OFFENCES INVOLVING VULNERABLE VICTIMS

42. In relation to cheating offences under s 420 of the Penal Code 1871 committed by scammers where the deception is communicated over the phone or online through a communication platform (such as WhatsApp) or website and induces the victim into delivering a pecuniary or financial benefit, it is recommended that an uplift be imposed where the victim is a vulnerable person.
43. “Vulnerable persons” are persons: (a) of or above the age of 65; or (b) who, by reason of mental or physical infirmity, disability or incapacity, are substantially unable to protect themselves from abuse, neglect or self-neglect.¹⁹

Scenario	Uplift ²⁰
If the offender specifically targeted vulnerable persons.	Uplift of at least 50% in the sentence
If vulnerable persons were affected by the scams (even if vulnerable persons were not specifically targeted and even if the offender did not know that vulnerable persons would be affected).	Uplift of at least 25% in the sentence

¹⁹ See s 74A of the Penal Code 1871.

²⁰ In cases involving a mixture of funds linked to vulnerable and non-vulnerable persons, the court may decide, based on the particular facts, whether the uplifts set out in this table should be adjusted or applied in full.