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No. S 530

CHARITIES ACT
(CHAPTER 37)

CHARITIES
(FUND-RAISING APPEALS FOR
LOCAL AND FOREIGN CHARITABLE PURPOSES)
REGULATIONS 2012

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In exercise of the powers conferred by sections 39C and 48 of the Charities Act, Mr Chan Chun Sing, Senior Minister of State, charged with the responsibility of the Minister for Community Development, Youth and Sports, hereby makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Charities (Fund-raising Appeals for Local and Foreign Charitable Purposes) Regulations 2012 and shall come into operation on 1st November 2012.

Definitions

2.—(1) In these Regulations, unless the context otherwise requires —

“auditor” means a person appointed to audit accounts according to the Fourth Schedule to the Charities (Accounts and Annual Report) Regulations 2011 (G.N. No. S 352/2011);

[Deleted by S 13/2021 wef 08/01/2021]

[Deleted by S 13/2021 wef 08/01/2021]

[Deleted by S 13/2021 wef 08/01/2021]

“collector”, “commercial fund-raiser” and “commercial participator” have the meanings given by section 35(1) of the Act;

[S 13/2021 wef 08/01/2021]

[S 18/2023 wef 31/12/2021]

“designated person”, in relation to an organisation, means the person named by the organisation under regulation 21(2)(d) as the designated person for the purposes of these Regulations;

“foreign charitable purpose” means any charitable, benevolent or philanthropic purpose connected wholly or partly with persons, events or objects outside Singapore;

“fund-raising appeal” has the same meaning as in section 35(1) of the Act;

[S 18/2023 wef 31/12/2021]

“institution of a public character” has the same meaning as in section 40 of the Act;

[S 18/2023 wef 31/12/2021]

“organisation” means a group, whether incorporated or not, of persons who —

- (a) conduct their activities under a common name; and
- (b) maintain a list of members;

“permit” means a permit to conduct or participate in a fund-raising appeal granted under regulation 22(1)(a);

“permit holder” means a person who is granted a permit.

[S 13/2021 wef 08/01/2021]

[Deleted by S 13/2021 wef 08/01/2021]

(2) In these Regulations, a reference to Sector Administrator shall include a reference to the Commissioner except that —

- (a) where a Sector Administrator has been appointed under section 41 of the Act to supervise the sector that a charity (whether established before, on or after 1st May 2007) is

in, it shall be read as a reference to that Sector Administrator; or

[S 18/2023 wef 31/12/2021]

- (b) where a commercial fund-raiser conducts a fund-raising appeal for, or purportedly for, the benefit of a charity and a Sector Administrator has been appointed under section 41 of the Act to supervise the sector that the charity is in, it shall be read as a reference to that Sector Administrator.

[S 18/2023 wef 31/12/2021]

PART II

FUND-RAISING APPEALS FOR CHARITABLE PURPOSES

Meaning of private fund-raising appeal for local charitable purpose, etc., for this Part

3.—(1) In this Part, a person (called in this Part a private fund-raiser) conducts a private fund-raising appeal for any local charitable purpose if —

- (a) the private fund-raiser conducts a fund-raising appeal for any charitable, benevolent or philanthropic purpose that is not a foreign charitable purpose;
- (b) the private fund-raiser does not publish, or cause to be published, any advertisement that —
 - (i) gives publicity to; or
 - (ii) otherwise promotes or is intended to promote, the fund-raising appeal; and
- (c) the private fund-raiser receives, as a result of the fund-raising appeal, any money or other property, only from any of the following persons:
 - (i) where the private fund-raiser is an individual, other individuals whom the private fund-raiser knows personally;

- (ii) where the private fund-raiser is an organisation, the employees, officers or voting members of that organisation.

(2) In paragraph (1), the private fund-raiser must be a person other than —

- (a) a registered charity or an exempt charity;
- (b) a commercial fund-raiser; or
- (c) a commercial participator.

(3) In this regulation —

“officer” —

- (a) in relation to an organisation that is a body corporate, means any director, partner, member of the board of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or
- (b) in relation to an organisation that is a body unincorporate, means the president, the secretary, or any member of the committee of management, or any person holding a position analogous to that of president, secretary or member of such a committee and includes any person purporting to act in any such capacity;

“publish” means to disseminate, distribute, exhibit, provide or communicate by oral, visual, written, electronic or other means to the public at large;

“voting member”, in relation to an organisation, means a person (not being a shareholder) who is entitled, by exercise of a voting power, to do either or both of the following:

- (a) to exercise control over, or to influence, the management or operations of the organisation;

- (b) to elect or appoint any person as an officer of the organisation.

[S 13/2021 wef 08/01/2021]

Application of this Part, etc.

3A.—(1) Unless stated otherwise in this regulation, this Part applies in relation to every fund-raising appeal, including a fund-raising appeal for any foreign charitable purpose.

(2) Regulations 4 to 11 do not apply to any of the following persons who conducts a fund-raising appeal:

- (a) an exempt charity;
- (b) an institution of a public character;
- (c) any commercial fund-raiser who does so on behalf of, or purportedly on behalf of, an exempt charity.

(3) Regulation 6 does not apply to a private fund-raiser who conducts a private fund-raising appeal for any local charitable purpose.

[S 13/2021 wef 08/01/2021]

Duty to donors

4.—(1) A charity, commercial fund-raiser, commercial participator or person conducting a fund-raising appeal shall ensure that —

- (a) any information it provides to donors or to the general public is accurate and not misleading;
- (b) in relation to a fund-raising appeal within the meaning of paragraph (a) of the definition of “fund-raising appeal” in section 35(1) of the Act, the following information is disclosed to every person from whom it solicits a donation:

- (i) the name of the charity or the person to which the donation will be given;

- (ii) the purpose for which the donation will be used;

[S 13/2021 wef 08/01/2021]

- (iii) whether any commercial fund-raiser has been engaged in soliciting the donation;

- (iv) in the case of the commercial fund-raiser, commercial participator or person conducting the fund-raising appeal, the percentage of the total gross receipts from the fund-raising appeal expected to be used to pay for the expenses incurred for the conduct of that appeal;

[S 13/2021 wef 08/01/2021]

[S 13/2021 wef 08/01/2021]

[S 18/2023 wef 31/12/2021]

- (c) all information relating to every donor is kept confidential, and is not disclosed to any other person except as authorised by or under any law or with the consent of the donor; and

[S 13/2021 wef 08/01/2021]

- (d) there are adequate control measures and safeguards to ensure proper accountability in relation to any arrangement to solicit or receive donations, and to prevent any loss or theft of donations.

[S 13/2021 wef 08/01/2021]

(2) Where a commercial fund-raiser is engaged by a charity or person to solicit donations —

- (a) the commercial fund-raiser must pay directly to the charity or person (as the case may be) the whole amount of donations collected for the charity or person, without any deduction or set-off; and
- (b) the charity or person (as the case may be) must not allow the commercial fund-raiser to deduct from any donations collected for the charity or person, any payment due to the commercial fund-raiser from the charity or person.

[S 13/2021 wef 08/01/2021]

(3) A charity, commercial fund-raiser, commercial participator or person mentioned in paragraph (1) commits an offence if the charity, commercial fund-raiser, commercial participator or person (as the case may be) fails to comply with any requirement of paragraph (1).

[S 13/2021 wef 08/01/2021]

(4) A commercial fund-raiser mentioned in paragraph (2)(a) commits an offence if the commercial fund-raiser fails to comply with paragraph (2)(a).

[S 13/2021 wef 08/01/2021]

(5) A charity or person mentioned in paragraph (2)(b) commits an offence if the charity or person (as the case may be) fails to comply with paragraph (2)(b).

[S 13/2021 wef 08/01/2021]

(6) A charity, commercial fund-raiser, commercial participator or person who is guilty of an offence under paragraph (3), (4) or (5) shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and
- (b) in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.

[S 13/2021 wef 08/01/2021]

(7) Paragraphs (3), (4) and (5) do not apply to a private fund-raiser who conducts a private fund-raising appeal for any local charitable purpose.

[S 13/2021 wef 08/01/2021]

Use of donations

5.—(1) A charity or person receiving a donation must use the donation in accordance with this regulation.

(2) Where the donor has specified an intention that the donation should be used for any specific lawful purpose, the donation shall be used for that purpose by the charity or person receiving the donation.

(3) Where the donor has not specified such an intention, the donation shall be used by the charity or person receiving the donation according to the purpose communicated to the donor under regulation 4(1)(b)(ii) before or at the time the donation is received.

(4) Where no purpose referred to in paragraph (2) or (3) has been specified or communicated, the donation received by the charity may be used by the charity to fund any activity carried out by the charity that meets its purposes under its governing instruments.

(5) A charity may invest any donation that is not immediately required for use for any purpose or activity referred to in paragraphs (2), (3) and (4) in such investments as are permitted by law.

(6) Subject to paragraph (7), where a donation, or any part of it, cannot be used or invested by a charity under paragraphs (2) to (5), or used by a person under paragraph (2) or (3), the charity or the person, as the case may be, shall —

- (a) refund the amount to the donor; or
- (b) use the amount for such other purpose as may be approved by the Sector Administrator.

[S 13/2021 wef 08/01/2021]

(7) Where —

- (a) the total amount of donations received by a private fund-raiser as a result of the conduct of a private fund-raising appeal for any local charitable purpose is \$10,000 or less; and
- (b) the whole or any part of the donations cannot be used or invested by the private fund-raiser under paragraph (2), (3), (4) or (5) (called the unused amount),

the private fund-raiser must —

- (c) refund the unused amount of each donation to the donor;
- (d) obtain the donor's consent to use the amount for any other charitable, benevolent or philanthropic purpose, and use such amount for the charitable, benevolent or philanthropic purpose that the donor has expressly or impliedly consented to; or
- (e) if the refund mentioned in sub-paragraph (c) cannot be made, or the express or implied consent mentioned in sub-paragraph (d) cannot be obtained, use the unused amount for such other purpose as may be approved by the Sector Administrator.

[S 13/2021 wef 08/01/2021]

(8) A charity or person receiving a donation commits an offence if the charity or person (as the case may be) uses or invests a donation other than in accordance with paragraph (2), (3), (4) or (5).

[S 13/2021 wef 08/01/2021]

(9) A charity or person mentioned in paragraph (6) commits an offence if the charity or person fails to comply with that paragraph.

[S 13/2021 wef 08/01/2021]

(10) A charity or person who is guilty of an offence under paragraph (8) or (9) shall be liable on conviction —

(a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and

(b) in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.

[S 13/2021 wef 08/01/2021]

(11) Paragraphs (8) and (9) do not apply to a private fund-raiser who conducts a private fund-raising appeal for any local charitable purpose.

[S 13/2021 wef 08/01/2021]

Duty to maintain accounting records

6.—(1) A charity, commercial fund-raiser, commercial participator or person conducting a fund-raising appeal shall maintain accounting records containing entries of —

(a) all the donations received and disbursed by it; and

(b) details of all the income received and the expenses incurred by it.

(2) A charity, commercial fund-raiser, commercial participator or person conducting a fund-raising appeal shall maintain every accounting record for a minimum period of 5 years from the end of the financial year to which the accounting entry relates.

(3) A charity, commercial fund-raiser, commercial participator or person mentioned in paragraph (1) commits an offence if the charity, commercial fund-raiser, commercial participator or person (as the

case may be) fails to comply with any requirement of paragraph (1) or (2).

[S 13/2021 wef 08/01/2021]

(4) A charity, commercial fund-raiser, commercial participator or person who is guilty of an offence under paragraph (3) shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and
- (b) in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.

[S 13/2021 wef 08/01/2021]

Fund-raising expenses

7.—(1) The total fund-raising expenses of a charity for the financial year ending on or after 1st April 2008, and for every subsequent financial year, shall not exceed 30% of the total receipts from fund-raising and sponsorships for that financial year, as determined by the following formula:

$$\left(\frac{E + S}{R + S} \right) \times 100\% \leq 30\%,$$

where E refers to the total expenses relating to fund-raising for the financial year, including —

- (a) direct and material indirect expenses of any kind; and
- (b) payments made to commercial fund-raisers engaged by the charity,

but excluding, in a case of the sale of goods by or on behalf of the charity for fund-raising (and not trading), the cost of the goods sold;

R refers to —

- (a) in a case of the sale of goods by or on behalf of the charity for fund-raising (and not trading), the total

receipts from such sale (after deducting only the cost of the goods sold); and

(b) the total gross receipts from any other fund-raising for that financial year; and

S refers to the total amount of sponsorships in cash received by the charity relating to fund-raising for that financial year that is conditioned upon the provision of direct or indirect commercial benefit to the sponsors.

(2) The computation of the formula in paragraph (1) shall be done in accordance with such directions as may be issued by the Commissioner relating to the manner of computation of the various items in the formula.

(3) A charity commits an offence if the charity fails to comply with any requirement of paragraph (1).

[S 13/2021 wef 08/01/2021]

(4) A charity who is guilty of an offence under paragraph (3) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

[S 13/2021 wef 08/01/2021]

Requirements relating to financial statements and audits of charities

8.—(1) A charity shall disclose in its financial statements the total amount of donations received during the period to which the financial statements relate.

(2) The charity shall disclose in its financial statements for the financial year ending on or after 1st April 2008, and for every subsequent financial year, the total amount of sponsorships in cash and the total cost or value of the sponsored property, goods and services it paid or received, as the case may be, during the period to which the financial statements relate in accordance with receipts or other documentary evidence presented to the charity if, and only if, such documentary evidence is available.

(3) A charity shall ensure that for the financial year commencing on or after 1st May 2007, and for every subsequent financial year, an

auditor certifies in the auditor's report of the financial statements whether the charity has complied with the requirements of regulation 7.

9. [*Deleted by S 13/2021 wef 08/01/2021*]

Power of Sector Administrator to inspect records

10. A Sector Administrator —

- (a) shall at all times have full and free access to the accounting records of a charity, commercial fund-raiser or person conducting a fund-raising appeal; and
- (b) may, without fee or reward, inspect, copy or make extracts from any such records.

Power of Sector Administrator to give directions in relation to receipts from fund-raising appeal

11.—(1) A Sector Administrator may give directions to a charity or person conducting a fund-raising appeal —

- (a) to refund all or any part of the receipts from the fund-raising appeal to all or any of the donors; or
- (b) to use all or any part of the receipts from the fund-raising appeal for such other charitable purpose as may be approved by the Sector Administrator,

where the Sector Administrator is satisfied that any of the circumstances referred to in paragraph (2) has arisen in respect of that fund-raising appeal.

(2) The circumstances referred to in paragraph (1) in respect of a fund-raising appeal are —

- (a) the fund-raising appeal has not been conducted in good faith for charitable, benevolent or philanthropic purposes;
- (b) the fund-raising appeal has been improperly administered;
- (c) in connection with the fund-raising appeal conducted, any provision of the Act or any regulations made thereunder or any condition imposed by the Commissioner was not

complied with by any charity or person conducting the fund-raising appeal;

- (d) any proceeds from a fund-raising appeal have not been disbursed within the timeframe in accordance with the agreement referred to in regulation 14; or
- (e) it is desirable in the public interest on any other ground to give directions under paragraph (1).

(3) A charity or person conducting a fund-raising appeal commits an offence if the charity or person (as the case may be) fails to comply with any direction issued to the charity or person under paragraph (1).

[S 13/2021 wef 08/01/2021]

(4) A charity or person who is guilty of an offence under paragraph (3) shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and
- (b) in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.

[S 13/2021 wef 08/01/2021]

PART III

CONTROL OF FUND-RAISING FOR CHARITABLE INSTITUTIONS (INCLUDING INSTITUTIONS OF A PUBLIC CHARACTER)

Definitions of this Part

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

“charitable appeal” means an appeal mentioned in paragraph (a) of the definition of “fund-raising appeal” in section 35(1) of the Act;

[S 13/2021 wef 08/01/2021]

[S 18/2023 wef 31/12/2021]

“charitable contributions”, “charitable institution” and “commercial participator” have the meanings given by section 35(1) of the Act;

[S 13/2021 wef 08/01/2021]

[S 18/2023 wef 31/12/2021]

[Deleted by S 13/2021 wef 08/01/2021]

[Deleted by S 13/2021 wef 08/01/2021]

“credit card” has the meaning given by section 56 of the Banking Act 1970;

[S 13/2021 wef 08/01/2021]

[S 18/2023 wef 31/12/2021]

“debit card” means a card the use of which by its holder to make a payment results in any account of his at a bank, or at any other institution providing banking services, being debited with the payment;

“fund-raising business” and “promotional venture” have the meanings given by section 35(1) of the Act;

[S 13/2021 wef 08/01/2021]

[S 18/2023 wef 31/12/2021]

[Deleted by S 13/2021 wef 08/01/2021]

“radio or television programme” includes any item included in a broadcasting service within the meaning of the Broadcasting Act 1994;

[S 18/2023 wef 31/12/2021]

“represent” and “solicit” have the meanings given by section 35(1) of the Act;

[S 13/2021 wef 08/01/2021]

[S 18/2023 wef 31/12/2021]

“services” includes facilities and, in particular —

- (a) access to any premises or event;
- (b) membership of any organisation;
- (c) the provision of advertising space; and

(d) the provision of any financial facilities,
and references to the supply of services shall be construed accordingly.

(2) In this Part —

- (a) any reference to charitable purposes, where occurring in the context of a reference to charitable, benevolent or philanthropic purposes, shall be a reference to charitable purposes whether or not the purposes are charitable within the meaning of any rule of law; and
- (b) any reference to soliciting or otherwise procuring money or other property is a reference to soliciting or otherwise procuring money or other property whether any consideration is, or is to be, given in return for the money or other property or not.

(3) Where —

- (a) any solicitation of money or other property for the benefit of a charitable institution is made in accordance with arrangements between any person and that charitable institution; and
- (b) under those arrangements that person will be responsible for receiving on behalf of the charitable institution money or other property given in response to the solicitation,

then (if he would not be so regarded apart from this paragraph) that person shall be regarded for the purposes of this Part as soliciting money or other property for the benefit of the charitable institution.

(4) Where any fund-raising venture is undertaken by a commercial fund-raiser in the course of a radio or television programme, any solicitation which is made by a person in the course of the programme at the instance of the commercial fund-raiser shall be regarded for the purposes of this Part as made by the commercial fund-raiser and not by that person (and shall be so regarded whether or not the solicitation is made by that person for any reward).

(5) In relation to a charitable appeal mentioned in regulation 13(2)(c) —

- (a) a promoter is a person who (whether alone or with others and whether for remuneration or otherwise) organises or controls the conduct of the charitable appeal concerned; and
- (b) where no person acts in the manner mentioned in sub-paragraph (a), a person who acts as a collector in respect of the charitable appeal in question is to be treated as a promoter of that charitable appeal.

[S 13/2021 wef 08/01/2021]

Application of this Part to commercial fund-raisers

13.—(1) This Part applies to a commercial fund-raiser only if the commercial fund-raiser is any of the following persons:

- (a) any person (apart from a charitable institution) who carries on a fund-raising business;

[S 13/2021 wef 08/01/2021]

- (b) any other person (apart from a person excluded by virtue of paragraph (2)) who for reward solicits money or other property for the benefit of a charitable institution, if he does so otherwise than in the course of any fund-raising venture undertaken by a person falling within sub-paragraph (a).

[S 13/2021 wef 08/01/2021]

(2) In paragraph (1)(b), a reference to any other person excludes the following:

- (a) any charitable institution or any company connected with any such institution;
- (b) any officer or employee of any such institution or company, or any trustee of any such institution, acting (in each case) in his capacity as such;
- (c) any person acting as a collector in respect of a charitable appeal which is made in any public place or by means of visits from house to house (apart from a person who is to be treated as a promoter of such a collection by virtue of regulation 12(5));

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- (d) any person who in the course of a radio or television programme in the course of which a fund-raising venture is undertaken by —
- (i) a charitable institution; or
 - (ii) a company connected with such an institution, makes any solicitation at the instance of that institution or company;
- (e) any commercial participator.

[S 13/2021 wef 08/01/2021]

(3) For the purposes of this regulation, a company shall be connected with a charitable institution if —

- (a) the charitable institution; or
- (b) the charitable institution and one or more other charitable institutions, taken together,

is or are entitled (whether directly or through one or more nominees) to exercise, or control the exercise of, the whole of the voting power at any general meeting of the company.

[S 13/2021 wef 08/01/2021]

Prohibition on commercial fund-raiser, etc., raising funds for charitable institution without written agreement

14.—(1) It shall be unlawful for a commercial fund-raiser, commercial participator, or person to solicit money or other property for the benefit of a charitable institution unless there is a written agreement with the charitable institution containing details of all the following requirements, and the requirement in paragraph (1A):

- (a) location of appeal, date of appeal and fund-raising appeal method;
- (b) in the case of a commercial participator or other person — the proportion of the total proceeds that will be given to the charitable institution;

[S 13/2021 wef 08/01/2021]

- (c) timeframe within which proceeds must be distributed to the charitable institution; and
- (d) remuneration of the commercial fund-raiser, commercial participator or person.

[S 13/2021 wef 08/01/2021]

(1A) For the purposes of paragraph (1), the requirement is that in the case of a written agreement between a commercial fund-raiser and the charitable institution, donations collected by the commercial fund-raiser must be paid in gross directly to the charitable institution without deducting or setting off any remuneration due to the commercial fund-raiser.

[S 13/2021 wef 08/01/2021]

(2) In the event a commercial fund-raiser, commercial participator or person who has an agreement with a charitable institution (referred to hereinafter as the first-mentioned agreement) enters into an agreement with another person (referred to hereinafter as the second-mentioned agreement) to perform the first-mentioned agreement or parts thereof, paragraph (1) shall not apply to the second-mentioned agreement.

(3) It shall be unlawful for a commercial fund-raiser, commercial participator or person to represent that a charitable contribution is to be given to or applied for the benefit of a charitable institution unless the commercial fund-raiser, commercial participator or person does so in accordance with a written agreement with the charitable institution containing details of all the requirements in paragraph (1), and (if applicable) the requirement in paragraph (1A).

[S 13/2021 wef 08/01/2021]

(4) Where on the application of a charitable institution, the General Division of the High Court is satisfied —

- (a) that any person has contravened or is contravening paragraph (1) or (3) in relation to the charitable institution; and
- (b) that, unless restrained, any such contravention is likely to continue or be repeated,

the General Division of the High Court may grant an injunction restraining the contravention; and compliance with paragraph (1) or (3) shall not be enforceable otherwise than in accordance with this paragraph.

[S 1031/2020 wef 02/01/2021]

(5) Where —

(a) a charitable institution makes any agreement with a commercial fund-raiser or commercial participator by virtue of which, as the case may be —

(i) the commercial fund-raiser is authorised to solicit money or other property for the benefit of the institution; or

(ii) the commercial participator is authorised to represent that charitable contributions are to be given to or applied for the benefit of the institution; but

(b) the agreement does not satisfy any requirement in paragraph (1) in any respect,

the agreement shall not be enforceable against the charitable institution except to such extent (if any) as may be provided by an order of the General Division of the High Court.

[S 1031/2020 wef 02/01/2021]

(6) A commercial fund-raiser or commercial participator who is a party to an agreement referred to in paragraph (5)(a) shall not be entitled to receive any amount by way of remuneration or expenses in respect of anything done by him in pursuance of the agreement unless he is so entitled under any provision of the agreement, and —

(a) the agreement contains details of all the requirements in paragraph (1), and (if applicable) the requirement in paragraph (1A); or

[S 13/2021 wef 08/01/2021]

(b) any such provision has effect by virtue of an order of the General Division of the High Court under paragraph (5).

[S 1031/2020 wef 02/01/2021]

(7) A commercial fund-raiser, commercial participator or person mentioned in paragraph (1) or (3) commits an offence if the

commercial fund-raiser, commercial participator or person (as the case may be) fails to comply with any requirement referred to in of paragraph (1) or (3).

[S 13/2021 wef 08/01/2021]

(8) A commercial fund-raiser, commercial participator or person who is guilty of an offence under paragraph (7) shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and
- (b) in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.

[S 13/2021 wef 08/01/2021]

Availability of books, documents or other records

15.—(1) A commercial fund-raiser, commercial participator or person who is a party to an agreement referred to in regulation 14(1) shall, on request and at all reasonable times, make available to a charitable institution which is a party to that agreement any book, document or other record (however kept) which relates to that charitable institution and the performance of the agreement.

(2) In the event that any book, document or other record referred to in paragraph (1) is kept otherwise than in a legible form, the commercial fund-raiser, commercial participator or person shall make the book, document or other record available to the charitable institution in a legible form.

(3) A commercial fund-raiser, commercial participator or person mentioned in paragraph (1) commits an offence if the commercial fund-raiser, commercial participator or person (as the case may be) fails to comply with any requirement of paragraph (1) or (2).

[S 13/2021 wef 08/01/2021]

(4) A commercial fund-raiser, commercial participator or person who is guilty of an offence under paragraph (3) shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and

- (b) in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.

[S 13/2021 wef 08/01/2021]

Charitable institution, commercial fund-raisers, etc., to maintain list of collectors

15A.—(1) A charitable institution conducting a fund-raising appeal that commences on or after 9 October 2023 must maintain a list showing the name, personal identification number (such as NRIC number or foreign identification number), residential address, contact number and email address of every collector of the fund-raising appeal.

(2) Where a commercial fund-raiser, commercial participator, or other person conducts a fund-raising appeal on behalf of a charitable institution that commences on or after 9 October 2023, that commercial fund-raiser, commercial participator or person must —

- (a) maintain the list mentioned in paragraph (1); and
(b) on the request of the charitable institution, make the list available to the charitable institution.

(3) A charitable institution that fails to comply with paragraph (1) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and
(b) in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.

(4) A commercial fund-raiser, commercial participator, or other person mentioned in paragraph (2) that fails to comply with paragraph (2) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and

- (b) in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.

(5) A fund-raising appeal commences when the first appeal for money or other property is made to any person in relation to that fund-raising appeal.

[S 624/2023 wef 09/10/2023]

Commercial fund-raisers, etc., required to indicate institutions benefiting and arrangements for remuneration

16.—(1) Where a commercial fund-raiser or commercial participator solicits money or other property for the benefit of one or more particular charitable institutions, all solicitation and publicity material shall be accompanied by a written statement clearly indicating —

- (a) the name or names of the charitable institution or institutions concerned;
- (b) if there is more than one charitable institution concerned, the proportions in which the charitable institutions are each to benefit;
- (c) the name of the commercial fund-raiser or commercial participator;
- (d) the fact that the commercial fund-raiser or commercial participator is a commercial entity;
- (e) in the case of a commercial fund-raiser — that all donations collected by the commercial fund-raiser will be paid in gross to the charitable institution or institutions concerned without deducting or setting off any remuneration due to the commercial fund-raiser;

[S 13/2021 wef 08/01/2021]

- (ea) in the case of a commercial participator — the proportion of the total proceeds that will be given to the charitable institution or institutions concerned; and

[S 13/2021 wef 08/01/2021]

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- (f) the method (in general terms) by which the remuneration of the commercial fund-raiser or commercial participator in connection with the fund-raising appeal is to be determined.

(2) Where a commercial fund-raiser or commercial participator solicits money or other property for charitable, benevolent or philanthropic purpose of any description (rather than for the benefit of one or more particular charitable institutions), all solicitation and publicity material shall be accompanied by a written statement clearly indicating —

- (a) the purpose for which the commercial fund-raiser or commercial participator is soliciting money or other property;
- (b) the fact that the commercial fund-raiser or commercial participator is soliciting money or other property for those purposes and not for the benefit of any particular charitable institution or institutions;
- (c) the name of the commercial fund-raiser or commercial participator;
- (d) the fact that the commercial fund-raiser or commercial participator is a commercial entity;
- (e) in the case of a commercial fund-raiser — that all donations collected by the commercial fund-raiser will be applied for those purposes without deducting or setting off any remuneration due to the commercial fund-raiser;
[S 13/2021 wef 08/01/2021]
- (ea) in the case of a commercial participator — the proportion of the total proceeds that will be applied for those purposes;
[S 13/2021 wef 08/01/2021]
- (f) the method by which the total proceeds of the appeal may be distributed to one or more charitable institutions established for any of those purposes; and
[S 13/2021 wef 08/01/2021]

(g) the method (in general terms) by which the remuneration in connection with the appeal is to be determined.

(3) Where any representation is made by a commercial fund-raiser or commercial participator to the effect that charitable contributions are to be given to or applied for the benefit of one or more particular charitable institutions, the representation shall be accompanied by a written statement clearly indicating —

(a) the name or names of the charitable institution or institutions concerned;

(b) if there is more than one charitable institution concerned, the proportions in which the charitable institutions are each to benefit;

(c) the name of the commercial fund-raiser or commercial participator;

(d) the commercial fund-raiser or commercial participator is a commercial entity;

(e) in the case of a commercial fund-raiser — that all donations collected by the commercial fund-raiser will be paid in gross to the charitable institution or institutions concerned without deducting or setting off any remuneration due to the commercial fund-raiser;

[S 13/2021 wef 08/01/2021]

(ea) in the case of a commercial participator — the proportion of the total proceeds that will be given to the charitable institution or institutions concerned; and

[S 13/2021 wef 08/01/2021]

(f) the method (in general terms) by which it is to be determined —

(i) what proportion of the consideration given for goods or services sold or supplied by him, or of any other proceeds of a promotional venture undertaken by him, is to be given to or applied for the benefit of the charitable institution or institutions concerned; or

- (ii) what sums by way of donations by him in connection with the sale or supply of any such goods or services are to be so given or applied,

as the case may require.

(4) Where any requirement under paragraphs (1), (2) and (3) is not complied with in relation to any solicitation or representation, the commercial fund-raiser or commercial participator concerned shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction.

(5) It shall be a defence for a person charged with any offence under paragraph (4) to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(6) Where the commission by any person of an offence under paragraph (4) is due to the act or default of some other person, that other person shall be guilty of the offence; and a person may be charged with and convicted of the offence by virtue of this paragraph whether or not proceedings are taken against the first-mentioned person.

(7) In this regulation, “appeal”, in relation to any solicitation by a commercial fund-raiser or commercial participator, means the campaign or other fund-raising venture in the course of which the solicitation is made.

Cancellation of payments and agreements made in response to fund-raising appeals

17.—(1) Where —

- (a) a person (referred to in this paragraph as the donor) makes any payment exceeding \$200 to a commercial fund-raiser in response to any solicitation or representation referred to in regulation 16(1), (2) or (3) which —

- (i) is made face-to-face between the commercial fund-raiser and one or more donors; or

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- (ii) is made during any live telephone conversation between the commercial fund-raiser and one or more donors; and
 - (b) before the end of the period of 7 days beginning on the date of the solicitation or representation, the donor serves on the commercial fund-raiser a notice in writing which, however expressed, indicates the donor's intention to cancel the payment,

the donor shall, subject to paragraph (4), be entitled to have the payment refunded to him without delay by the commercial fund-raiser.

[S 13/2021 wef 08/01/2021]

(2) Paragraph (2A) applies where a person (called in this paragraph and paragraph (2A) a donor), in response to any solicitation or representation mentioned in regulation 16(1), (2) or (3), enters into an agreement with a commercial fund-raiser under which —

- (a) the donor is or may be liable to make one payment or a series of payments to the commercial fund-raiser; and
- (b) the amount or aggregate amount which the donor is, or may be, liable to pay to the commercial fund-raiser under the agreement exceeds \$200.

[S 13/2021 wef 08/01/2021]

(2A) If the donor serves on the commercial fund-raiser a written notice to cancel the agreement mentioned in paragraph (2) within a period of 7 days starting on the date of the solicitation or representation, the notice has the following effect:

- (a) on the date of the notice, the agreement and any liability of any person (other than the donor) in connection with the payment or series of payments under that agreement are cancelled;
- (b) subject to paragraph (4), the donor is entitled to have the following refunded to the donor without delay by the commercial fund-raiser:
 - (i) where the agreement concerns one payment — that payment;

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- (ii) where the agreement concerns a series of payments — all or any of the payments made under that agreement as the donor may request.

[S 13/2021 wef 08/01/2021]

(3) Where, in response to any solicitation or representation referred to in regulation 16(1), (2) or (3), a person (referred to in this paragraph as the donor) —

- (a) makes any payment exceeding \$200 to a commercial fund-raiser; and
- (b) does not enter into any such agreement as is mentioned in paragraph (2),

then, if before the end of the period of 7 days beginning on the date of the solicitation or representation, the donor serves on the commercial fund-raiser a notice in writing which, however expressed, indicates the donor's intention to cancel the payment, the donor shall, subject to paragraph (4), be entitled to have the payment refunded to him without delay by the commercial fund-raiser.

[S 13/2021 wef 08/01/2021]

(4) The right of any person to have a payment refunded to him under paragraph (1), (2A) or (3) —

- (a) is a right to have refunded to him the amount of the payment less any administrative expenses reasonably incurred by the commercial fund-raiser in connection with the making of the refund, or (in the case of a refund under paragraph (2A)) dealing with the notice of cancellation served by that person; and
- (b) shall, in the case of a payment for goods already received, be conditional upon restitution being made by him of the goods in question.

[S 13/2021 wef 08/01/2021]

(5) Nothing in paragraphs (1), (2), (2A) and (3) shall have effect in relation to any payment made or to be made in respect of services which have been supplied at the time when the relevant notice is served.

[S 13/2021 wef 08/01/2021]

(6) In this regulation, any reference to the making of a payment is a reference to the making of a payment of whatever nature and (in the case of paragraph (2) or (3)), a payment made by whatever means, including a payment made by means of a credit card or debit card.

[S 13/2021 wef 08/01/2021]

(7) A commercial fund-raiser commits an offence if the commercial fund-raiser, without reasonable excuse, fails to refund to the donor without delay an amount that the donor is entitled to under paragraph (1), (2A) or (3).

[S 13/2021 wef 08/01/2021]

(8) A commercial fund-raiser who is guilty of an offence under paragraph (7) shall be liable on conviction —

(a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and

(b) in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.

[S 13/2021 wef 08/01/2021]

Right of charitable institution to prevent unauthorised fund-raising

18.—(1) Where on the application of any charitable institution —

(a) the General Division of the High Court is satisfied that any person has done or is doing either of the following, namely:

(i) soliciting money or other property for the benefit of the institution; or

(ii) representing that charitable contributions are to be given to or applied for the benefit of the institution, and that, unless restrained, he is likely to do further acts of that nature; and

[S 1031/2020 wef 02/01/2021]

(b) the General Division of the High Court is also satisfied as to one or more of the matters specified in paragraph (2), then, subject to paragraph (3), the General Division of the

High Court may grant an injunction restraining the doing of any such acts.

[S 1031/2020 wef 02/01/2021]

- (2) The matters referred to in paragraph (1)(b) are —
- (a) that the person in question is using methods of fund-raising to which the institution objects;
 - (b) that that person is not a fit and proper person to raise funds for the institution; and
 - (c) where the conduct complained of is the making of such representations referred to in paragraph (1)(a)(ii), that the institution does not wish to be associated with the particular promotional or other fund-raising venture in which that person is engaged.
- (3) The power to grant an injunction under paragraph (1) shall not be exercisable on the application of a charitable institution unless the institution has, at least 14 days before making the application, served on the person in question a notice in writing —
- (a) specifying the circumstances which gave rise to the serving of the notice and the grounds on which an application under this regulation is to be made;
 - (b) requesting him to cease immediately soliciting money or other property for the benefit of the institution, or representing that charitable contributions are to be given to or applied for the benefit of the charitable institution, as the case may be; and
 - (c) stating that, if he does not comply with the notice, the charitable institution will make an application under this regulation for an injunction.
- (4) Where —
- (a) a charitable institution has served on any person a notice under paragraph (3) (referred to in this paragraph as the relevant notice) and that person has complied with the notice; but

- (b) that person has subsequently begun to carry on activities which are the same, or substantially the same, as those in respect of which the relevant notice was served,

the charitable institution shall not, in connection with an application made by it under this regulation in respect of the activities carried on by that person, be required by virtue of that paragraph to serve a further notice on him, if the application is made not more than 12 months after the date of service of the relevant notice.

False representation as to “charity”, “charitable body”, etc.

19.—(1) A person commits an offence if —

- (a) the person solicits money or other property in relation to any fund-raising appeal for the person or on behalf of another person (called the beneficiary);
- (b) the person represents that the person or beneficiary is a “charity”, “charitable body”, “charitable enterprise” or “charitable organisation”; and
- (c) the person knows or ought reasonably to know that, or is reckless as to whether, the representation mentioned in sub-paragraph (b) is false or misleading.

(2) In paragraph (1)(b), a reference to the term “charity”, “charitable body”, “charitable enterprise” or “charitable organisation” includes a reference to any derivative of that term.

(3) A person who is guilty of an offence under paragraph (1) shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and
- (b) in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.

[S 13/2021 wef 08/01/2021]

False representation as to registered charity

20.—(1) A person commits an offence if —

- (a) the person solicits money or other property for the benefit of an institution;
- (b) the person represents that the institution is a registered charity even though the institution is not; and
- (c) the person knows or ought reasonably to know that, or is reckless as to whether, the representation mentioned in sub-paragraph (b) is false or misleading.

(2) A person who is guilty of an offence under paragraph (1) shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and
- (b) in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.

[S 13/2021 wef 08/01/2021]

PART IIIA

COLLECTIONS FOR FUND-RAISING APPEALS

[S 624/2023 wef 09/10/2023]

Definitions of this Part

20A. In this Part, unless the context otherwise requires —

“charitable fund-raiser” means any of the following that conducts, or engages another person to conduct, any fund-raising appeal:

- (a) a registered charity;
- (b) an exempt charity;
- (c) a permit holder;

“Charity Portal” means the Charity Portal accessible from the Internet website at <https://www.charities.gov.sg>;

“collection” means any fund-raising appeal to the public or any class of the public, made by means of visits from house to house or soliciting in any public places, or by both such means;

“third-party fund-raiser” means any commercial fund-raiser, commercial participator or other person that solicits or otherwise procures monies or other property on behalf of a charitable fund-raiser, but excludes a volunteer or employee of the charitable fund-raiser who conducts a collection for the charitable fund-raiser.

[S 624/2023 wef 09/10/2023]

Application of this Part

20B.—(1) This Part applies in relation to every collection in a fund-raising appeal, including a collection in a fund-raising appeal for a foreign charitable purpose, that commences on or after 9 October 2023.

(2) A collection, in relation to a fund-raising appeal, commences when the first member of the public is visited at his residence or is solicited in any public place, by a collector, in relation to that fund-raising appeal.

[S 624/2023 wef 09/10/2023]

Duty to submit information

20C.—(1) In order to facilitate the availability of meaningful and accurate information relating to collections, for every collection conducted by or for a charitable fund-raiser, the charitable fund-raiser must, before the collection commences, submit to the Commissioner all of the following information through the Charity Portal:

- (a) the collection’s charitable purpose, duration and method of collection;
- (b) the location or locations (if more than one location) in Singapore where the collection is to be conducted;
- (c) the name of the charitable fund-raiser and the contact number and email address of the charitable fund-raiser that

the public can use to contact the charitable fund-raiser to seek clarification on the collection;

- (d) where a third-party fund-raiser is involved in the collection —
- (i) the name of the third-party fund-raiser;
 - (ii) the percentage of the total gross receipts from the collection that is expected as payment for the expenses incurred for the conduct of the collection, including the expenses incurred by the third-party fund-raiser; and
 - (iii) a declaration by the charitable fund-raiser that —
 - (A) the charitable fund-raiser has entered into a written agreement with the third-party fund-raiser containing details of all the requirements in regulation 14(1)(a), (b), (c) and (d) and (if applicable) the requirement in regulation 14(1A); and
 - (B) the charitable fund-raiser has acted with reasonable diligence to ascertain that the third-party fund-raiser is a fit and proper person to conduct the collection.

(2) Where a third-party fund-raiser is involved in a collection, the third-party fund-raiser must not conduct the collection unless the charitable fund-raiser complies with paragraph (1).

(3) A charitable fund-raiser that fails to comply with paragraph (1) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and
- (b) in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.

(4) A third-party fund-raiser that fails to comply with paragraph (2) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and
- (b) in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.

[S 624/2023 wef 09/10/2023]

Identification requirement

20D.—(1) Every collector, who conducts a collection for a charitable fund-raiser, must, at the point of solicitation —

- (a) clearly identify himself as conducting a collection for the charitable fund-raiser; and
- (b) present an official letter from the charitable fund-raiser (in hardcopy or electronic form) that contains the following details:
 - (i) the official letterhead of the charitable fund-raiser;
 - (ii) the serial number of the letter;
 - (iii) the collection's charitable purpose and duration, as submitted under regulation 20C(1)(a);
 - (iv) the location or locations (if more than one location) in Singapore where the collection is to be conducted, as submitted under regulation 20C(1)(b);
 - (v) the name of the third-party fund-raiser conducting the collection, if any;
 - (vi) the signature of the chairperson, chief executive officer, executive director or officer of equivalent designation of the charitable fund-raiser, or if the charitable fund-raiser is an individual, the signature of the individual;
 - (vii) where a third-party fund-raiser is involved in the collection, the signature of the chief executive officer or officer of equivalent designation of the third-party fund-raiser, or if the third-party fund-raiser is an individual, the signature of the individual;

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- (viii) the Quick Response code or Internet website address from or at which the information on the Charity Portal regarding the collection as submitted by the charitable fund-raiser under regulation 20C(1) may be accessed;
 - (ix) the contact number and email address of the charitable fund-raiser that the public can use to contact the charitable fund-raiser to seek any clarification on the collection.
- (2) A charitable fund-raiser and a third-party fund-raiser (if a third-party fund-raiser is involved in the collection) must ensure that every collector conducting the collection for the charitable fund-raiser —
- (a) is informed of the requirements in paragraph (1); and
 - (b) is provided with all relevant information and documents relating to the collection, including the official letter mentioned in paragraph (1)(b).
- (3) A collector who fails to comply with paragraph (1) shall be guilty of an offence and shall be liable on conviction —
- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and
 - (b) in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.
- (4) A charitable fund-raiser that fails to comply with paragraph (2) shall be guilty of an offence and shall be liable on conviction —
- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and
 - (b) in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.
- (5) A third-party fund-raiser that fails to comply with paragraph (2) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and
- (b) in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.

[S 624/2023 wef 09/10/2023]

Age limit of collector or third-party fund-raiser involved in collection

20E.—(1) A person below 16 years of age (called in this regulation a minor) must not, without the permission of the Commissioner, in relation to a collection —

- (a) act as a collector of money; or
- (b) act as a third-party fund-raiser.

(2) A person must not, in relation to a collection, cause or authorise a minor to act as a collector of money or a third-party fund-raiser unless the minor has been granted permission under paragraph (1) to act as a collector or third-party fund-raiser, as the case may be.

(3) A person who contravenes paragraph (2) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and
- (b) in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.

[S 624/2023 wef 09/10/2023]

Behaviour of collector

20F.—(1) Every collector, who conducts a collection for a charitable fund-raiser, must not —

- (a) cause annoyance to any person or remain at the door of or in any premises, if requested by an occupant of the premises to leave;

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- (b) conduct the collection at any location that is not specified in the official letter mentioned in regulation 20D(1)(b);
 - (c) act in any way that might reasonably cause a member of the public to become alarmed or anxious;
 - (d) act in a fraudulent or dishonest manner;
 - (e) behave in a manipulative manner or deliberately seek to make a member of the public feel guilty;
 - (f) exert undue pressure on a member of the public to make a donation;
 - (g) block a public right of way or obstruct a member of the public;
 - (h) exploit his position as a collector for personal gain; or
 - (i) engage in any behaviour that may harm the reputation of the charitable fund-raiser.

(2) A charitable fund-raiser and a third-party fund-raiser (if a third-party fund-raiser is involved in the collection) must ensure that every collector conducting the collection for the charitable fund-raiser is informed of the requirements in paragraph (1).

(3) A collector who fails to comply with paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(4) A charitable fund-raiser that fails to comply with paragraph (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(5) A third-party fund-raiser that fails to comply with paragraph (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[S 624/2023 wef 09/10/2023]

PART IV
ADDITIONAL REGULATIONS FOR
FUND-RAISING APPEALS FOR
FOREIGN CHARITABLE PURPOSES

Permit to conduct fund-raising appeal

21.—(1) Any person who wishes to conduct or participate in any fund-raising appeal for any foreign charitable purpose (other than solely as a volunteer or as an agent or employee of a permit holder or a person exempted under section 36(3) of the Act) must, at least 30 days before the date on which the fund-raising appeal is to be held or to commence, apply to the Commissioner for a permit to conduct or participate in the fund-raising appeal.

[S 18/2023 wef 31/12/2021]

(2) A person making an application under paragraph (1) shall state —

- (a) the person's name;
- (b) where the person is an individual, that person's residential or principal business address in Singapore;
- (c) where the person is an incorporated organisation, the address in Singapore of its registered office or principal place of business;
- (d) where the person is an unincorporated organisation, the name and address of an individual in Singapore appointed for the purposes of these Regulations as the designated person of the unincorporated organisation;
- (e) the charity or charitable, benevolent or philanthropic purpose for which the fund-raising appeal is to be conducted;
- (f) the date on which the fund-raising appeal will be held or commence and the date on which the fund-raising appeal will end;
- (g) who is to derive any money or gain or reward from the fund-raising appeal, if any;
- (h) the form of the fund-raising appeal;

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- (i) the area in which the fund-raising appeal is to be conducted;
 - (j) the name of the public accountant or independent person who is reasonably believed by the governing board members to have the requisite ability and practical experience to carry out a competent examination of the accounts of the fund-raising appeal; and
 - (k) such other particulars as the Commissioner may require in any particular case.

Grant of permit to conduct fund-raising appeal

22.—(1) The Commissioner may, on receiving an application under regulation 21 from a person (referred to in this regulation as the applicant) —

- (a) grant a permit, conditionally or otherwise, to the applicant to conduct or participate in the fund-raising appeal for a foreign charitable purpose specified in the application for a date or period to be specified by the Commissioner in his discretion; or
- (b) refuse to grant a permit to the applicant to conduct or participate in the fund-raising appeal on any ground specified in paragraph (2) or (3).

(1A) The Commissioner may, in any particular case, extend the period mentioned in paragraph (1)(a) after the grant of the permit.

[S 13/2021 wef 08/01/2021]

(2) No permit to conduct or participate in any fund-raising appeal for any foreign charitable purpose shall be granted under this regulation unless the applicant undertakes to apply within Singapore not less than 80% of the net proceeds received in response to the fund-raising appeal, unless the Commissioner in his discretion otherwise allows.

(3) Without prejudice to paragraph (2), the Commissioner may refuse to grant a permit to conduct, or participate in a fund-raising appeal for a foreign charitable purpose, if he is of the opinion that —

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- (a) in relation to the gross proceeds likely to be received in response to the fund-raising appeal, an excessive proportion of the proceeds likely to be received is to be used for administrative expenses or to remunerate persons conducting or participating in the fund-raising appeal or both;
- (b) the applicant is not a fit and proper person to conduct the fund-raising appeal by reason that the applicant or, in the case of an organisation, any officer or member of the organisation, has been convicted (whether before, on or after 8 January 2021, and whether in Singapore or in any other country or territory) of —
- (i) any offence involving dishonesty (including fraud, corruption, bribery and deception);
 - (ii) any offence involving terrorism, terrorism financing or money laundering; or
 - (iii) any offence of a kind the commission of which would likely be facilitated by the grant of a permit;
- [S 13/2021 wef 08/01/2021]*
- (c) granting a permit to conduct the fund-raising appeal would be likely to facilitate the commission of an offence under any written law, or that any force, threat or compulsion is likely to be used in order to obtain any money, gain or reward in connection with the fund-raising appeal;
- (d) the fund-raising appeal is in aid of a charitable purpose or institution that is illegal, fictitious or objectionable on grounds of public policy;
- (e) the applicant or, in the case of an organisation, any officer or member thereof, is a member of an unlawful society within the meaning of the Societies Act 1966;
- [S 18/2023 wef 31/12/2021]*
- (f) the applicant has furnished false information to the Commissioner in his application under regulation 21 to conduct or participate in the fund-raising appeal; or

(g) it would be otherwise undesirable to grant a permit regarding the fund-raising appeal.

(4) The Commissioner may at any time revoke a permit if he is of the opinion that —

(a) there exists a ground on which he would be entitled under paragraph (3) to refuse to grant the permit to conduct or participate in a fund-raising appeal;

(b) any condition of the permit has been breached;

(c) there has been misconduct by the permit holder of such a nature that the fund-raising appeal should not continue;

(d) the permit holder has failed, without reasonable excuse, to furnish any information or document required by the Commissioner under section 44 of the Act; or

[S 18/2023 wef 31/12/2021]

(e) where the permit is given for a purpose consisting of the objects of any organisation, that organisation has ceased to exist or has ceased to operate.

(5) When the Commissioner refuses to grant a permit or revokes a permit which has been granted, he shall give written notice to the applicant or the permit holder informing him of the right of appeal given by this regulation and stating —

(a) upon which one or more grounds set out in paragraph (3), the application for the permit has been refused; or

(b) upon which one or more grounds set out in paragraph (4), the permit has been revoked.

(6) Notwithstanding paragraph (5), the Commissioner may decline to state his reasons for the refusal to grant a permit or revoke a permit granted, or to disclose the nature or source of the information on which he acted, if the refusal to grant the permit or revoke the permit granted is based on the ground set out in paragraph (3)(g).

(7) The applicant whose application for a permit has been refused under paragraph (3) or the permit holder whose permit has been revoked under paragraph (4) may appeal to the Minister against the

refusal to grant or the revocation of the permit, as the case may be, and the decision of the Minister shall be final.

(8) The time within which any such appeal may be brought shall be 14 days after the date on which written notice is given under paragraph (5).

(9) If the Minister decides that the appeal shall be allowed, the Commissioner shall grant a permit or cancel the revocation of the permit granted, as the case may be, in accordance with the decision of the Minister.

Manner of conducting fund-raising appeal

23.—(1) Subject to the provisions of these Regulations, a permit holder must conduct or participate in the fund-raising appeal in accordance with —

- (a) the particulars in the application made under regulation 21 for that permit; and
- (b) the conditions specified in that permit.

(2) A permit holder commits an offence if the permit holder conducts or participates in a fund-raising appeal otherwise than in accordance with the particulars in the application made under regulation 21 to which the permit relates.

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(3) A permit holder who is guilty of an offence under paragraph (2) shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and
- (b) in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.

[S 13/2021 wef 08/01/2021]

24. *[Deleted by S 13/2021 wef 08/01/2021]*

Age limit of collector of fund-raising appeal for foreign charitable purpose

25.—(1) No person below the age of 16 years (referred to in this regulation as a minor) shall conduct a fund-raising appeal for a foreign charitable purpose without the permission of the Commissioner.

(2) No person shall cause or authorise a minor to conduct or participate in a fund-raising appeal for a foreign charitable purpose, unless the minor has been granted permission under paragraph (1) to conduct or participate in the fund-raising appeal, as the case may be.

(3) Any person who contravenes paragraph (2) shall be guilty of an offence.

(4) A person who is guilty of an offence under paragraph (3) shall be liable on conviction —

(a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and

(b) in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.

[S 13/2021 wef 08/01/2021]

[S 624/2023 wef 09/10/2023]

Maintenance of records

26.—(1) Every permit holder shall keep, or cause to be kept, proper accounts and other records in respect of the fund-raising appeal and shall do all things necessary to ensure that all payments out of the proceeds are correctly made and properly authorised.

(2) All books of accounts shall be prepared and kept by the permit holder on a basis consistent and in accordance with generally accepted accounting principles, standards and practices.

(3) Every permit holder shall maintain in respect of the fund-raising appeal records as to —

(a) the name of each person authorised to participate in the fund-raising appeal;

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- (b) the dates on which the fund-raising appeal commenced and concluded;
 - (c) the gross proceeds received in response to the fund-raising appeal;
 - (d) the net proceeds applied to the foreign charitable purpose for which the fund-raising appeal was conducted and the means by which they were distributed;
 - (e) the amount of proceeds transmitted to any person outside Singapore and to whom it was so transmitted; and
 - (f) the items of expenditure disbursed from the proceeds.

(4) The records required to be maintained under this regulation shall be kept at all times at the address or the registered office or principal place of business of the permit holder.

(5) Subject to paragraph (5A), a permit holder shall, within 60 days after the last day of the fund-raising appeal, or within such extended period as may be allowed by the Commissioner in any particular case, furnish to the Commissioner the statements of accounts relating to the fund-raising appeal audited by —

- (a) a public accountant; or
- (b) where the total amount of moneys collected is \$10,000 or lower, an independent person who is reasonably believed by the governing board members to have the requisite ability and practical experience to carry out a competent examination of the accounts of the fund-raising appeal.

[S 13/2021 wef 08/01/2021]

(5A) A permit holder, being a registered charity or an exempt charity that is required to transmit to the Commissioner an annual report under section 14(2) of the Act, must do either of the following:

- (a) with the Commissioner's written approval, furnish to the Commissioner the statements of accounts relating to the fund-raising appeal, within the financial statements audited by a public accountant set out in the annual report for the financial year in which the fund-raising appeal was conducted;

- (b) furnish to the Commissioner the statements of accounts relating to the fund-raising appeal under paragraph (5).

[S 13/2021 wef 08/01/2021]

[S 18/2023 wef 31/12/2021]

- (6) Any permit holder who fails to —

- (a) maintain any records which the permit holder is by this regulation required to maintain;
- (b) keep those records at the address at which the permit holder is required by this regulation to keep them; or
- (c) furnish the statements of accounts as required by paragraph (5) or (5A), as the case may be,

[S 13/2021 wef 08/01/2021]

shall be guilty of an offence.

- (7) A permit holder who is guilty of an offence under paragraph (6) shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and
- (b) in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.

[S 13/2021 wef 08/01/2021]

False representation

- 27.—(1) Any person —

- (a) who is conducting or is proposing to conduct a fund-raising appeal for any foreign charitable purpose; or
- (b) who is acting on behalf of a person who is conducting or is proposing to conduct a fund-raising appeal for any foreign charitable purpose,

and who represents to any employee, agent or collector (whether voluntary or otherwise) that anything required or permitted by these Regulations to be done, or any condition to the fund-raising appeal to be complied with, as the case may be, has been done or complied

with, when it has not in fact been done or complied with, as the case may be, shall be guilty of an offence.

[S 13/2021 wef 08/01/2021]

(2) A person who is guilty of an offence under paragraph (1) shall be liable on conviction —

(a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and

(b) in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.

[S 13/2021 wef 08/01/2021]

PART V

GENERAL

28. *[Deleted by S 13/2021 wef 08/01/2021]*

Revocation

29. The following regulations are revoked:

(a) the Charities (Fund-raising Appeals for Foreign Charitable Purposes) Regulations (Rg 2); and

(b) the Charities (Fund-Raising Appeals) Regulations (Rg 8).

Savings and transitional provisions

30.—(1) *[Deleted by S 13/2021 wef 08/01/2021]*

(2) *[Deleted by S 13/2021 wef 08/01/2021]*

(3) *[Deleted by S 13/2021 wef 08/01/2021]*

(4) These Regulations shall not apply to any inquiry, investigation or other proceeding commenced before 1st November 2012 and the revoked Charities (Fund-Raising Appeals) Regulations or the Charities (Fund-raising Appeals for Foreign Charitable Purposes) Regulations shall continue to apply to that inquiry, investigation or proceeding as if these Regulations had not been enacted.

(5) *[Deleted by S 13/2021 wef 08/01/2021]*

(6) [*Deleted by S 13/2021 wef 08/01/2021*]

Made this 25th day of October 2012.

CHAN HENG KEE
*Permanent Secretary,
Ministry of Community
Development,
Youth and Sports,
Singapore.*

[MCYS 19-01-05 V6; AG/LLRD/SL/37/2010/2 Vol. 2]

(To be presented to Parliament under section 48(4) of the Charities Act).