



THE STATUTES OF THE REPUBLIC OF SINGAPORE

COMMUNITY CARE ENDOWMENT FUND ACT 2005

2020 REVISED EDITION

This revised edition incorporates all amendments up to and including 1 December 2021 and comes into operation on 31 December 2021.

Prepared and Published by

THE LAW REVISION COMMISSION
UNDER THE AUTHORITY OF
THE REVISED EDITION OF THE LAWS ACT 1983

Community Care Endowment Fund Act 2005

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An Act to establish the Community Care Endowment Fund for the purposes of providing assistance to citizens and permanent residents of Singapore and their family members living in Singapore, who are in financial and other difficulties, and for matters connected therewith; and to terminate the charitable trust known as the Community Assistance Fund.

[24 October 2005]

PART 1**PRELIMINARY****Short title**

1. This Act is the Community Care Endowment Fund Act 2005.

Interpretation

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

“authorised officer” means any officer authorised by the Minister in writing to exercise such power or perform such function or duty under this Act as the Minister may specify therein;

“ComCare Fund” means the Community Care Endowment Fund established under section 3(1);

“Council” means the Supervisory Council established under section 7.

PART 2**COMMUNITY CARE ENDOWMENT FUND****Establishment of Community Care Endowment Fund**

3.—(1) A fund called the Community Care Endowment Fund is established into which must be paid —

- (a) all capital moneys as are appropriated from time to time from the Consolidated Fund and authorised to be paid into the ComCare Fund by this Act or any other written law;
- (b) all gifts or bequests given or made for the purposes of the ComCare Fund; and
- (c) the net income from investments of capital moneys in the ComCare Fund.

(2) The ComCare Fund must be regarded as a Government fund and as comprising public moneys for the purposes of any other written law.

(3) For the purposes of subsection (1)(c), the net income from investments of capital moneys is the amount ascertained by adding to, or deducting from, the income received from the investments of capital moneys any profit derived or loss sustained (as the case may be) from the realisation of such investments.

Administration of ComCare Fund

4. The Minister is responsible for the administration of the ComCare Fund and all moneys belonging to the Fund may be deposited in any bank and invested in any investment authorised under the Financial Procedure Act 1966.

Capital moneys of ComCare Fund

5.—(1) On 24 October 2005, such sum as the Minister for Finance may determine out of moneys to be provided by Parliament must be paid into the ComCare Fund as capital moneys.

(2) The Minister for Finance may, from time to time, after 24 October 2005 pay into the ComCare Fund such sums of capital

moneys as he or she may determine out of moneys to be provided by Parliament.

(3) Despite the terms of any gift or bequest, all gifts and bequests given or made for the purposes of the ComCare Fund must be paid into the Fund as capital moneys.

(4) The capital moneys of the ComCare Fund must not be used for any purpose other than for investment.

(5) Where at any time there is a permanent diminution of the capital moneys of the ComCare Fund, the Minister must, before paying out any income of the Fund, make good such diminution from the income of the Fund.

Objects and application of income of ComCare Fund

6.—(1) The objects for which the income of the ComCare Fund may be applied are —

- (a) the provision of assistance to citizens and permanent residents of Singapore and their family members living in Singapore with financial or other difficulties to enable them to attain sufficient income to meet their basic needs;
- (b) the provision of assistance to address the developmental issues faced by children from families of citizens and permanent residents of Singapore living in Singapore with financial or other difficulties;
- (c) the provision of assistance to citizens and permanent residents of Singapore and their family members living in Singapore with financial or other difficulties who require help to integrate into society; and
- (d) the development of programmes to enhance the capacity of the community to undertake the objects set out in paragraphs (a), (b) and (c).

(2) In carrying out the objects of the ComCare Fund, the Minister may, from time to time, authorise the income of the Fund to be paid out and expended for all or any of the following purposes:

- (a) the provision of grants to be given to individuals or families through organisations;
- (b) the provision of grants to be given to organisations to carry out programmes consistent with the objects of the Fund;
- (c) such other purposes consistent with the objects of the Fund, as may be prescribed.

Supervisory Council

7.—(1) A Supervisory Council comprising such members as the Minister may appoint is established to oversee the administration and use of the moneys of the ComCare Fund.

(2) The Minister must appoint one of the members as chairperson.

(3) The Schedule has effect with respect to the Council.

PART 3

FINANCIAL PROVISIONS

Expenses

8. All expenses incurred in connection with the administration of the ComCare Fund, including the cost of auditing the accounts of the Fund, must be defrayed out of the income of the Fund.

Financial year of ComCare Fund

9. The financial year of the ComCare Fund begins on 1 April of each year and ends on 31 March of the succeeding year.

Accounts

10.—(1) The Minister must cause to be kept proper accounts and records of all transactions and affairs relating to the ComCare Fund and must do all things necessary to ensure that all payments out of the Fund are properly authorised and correctly made and that adequate control is maintained over the assets and receipts of the Fund.

(2) The Minister must, as soon as practicable after the close of each financial year, cause to be prepared and submitted financial statements in respect of that year to the auditor of the ComCare Fund.

No payment unless approved by Minister

11. A payment must not be made out of the ComCare Fund unless the payment is approved by the Minister or any authorised officer.

Appointment, powers and duties of auditor

12.—(1) The accounts of the ComCare Fund must be audited by the Auditor-General or such other auditor as may be appointed annually by the Minister in consultation with the Auditor-General.

(2) A person is not qualified for appointment as an auditor under subsection (1) unless he or she is a public accountant who is registered or deemed to be registered under the Accountants Act 2004.

(3) The auditor or any person authorised by him or her is entitled at all reasonable times to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the ComCare Fund and may make copies of, or extracts from, any such accounting and other records.

(4) The auditor must in the auditor's report state —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the ComCare Fund;
- (b) whether proper accounting and other records have been kept, including records of all assets of the ComCare Fund;
- (c) whether receipts, expenditure, and investment of moneys and the acquisition and disposal of assets on account of the ComCare Fund during the financial year were in accordance with the provisions of this Act; and
- (d) such other matters arising from the audit as he or she considers necessary.

(5) The auditor must —

- (a) as soon as practicable after the accounts of the ComCare Fund have been submitted for audit, send a report of the audit to the Minister; and

- (b) submit such periodical and special reports to the Minister as may appear to the auditor to be necessary or as the Minister may require.

(6) Where the Auditor-General is not the auditor of the ComCare Fund, a copy of the audited financial statements and any report made by the auditor must be forwarded to the Auditor-General.

Failure to furnish information to auditor

13.—(1) The auditor or any person authorised by the auditor may require any person to furnish him or her with such information in the possession of that person or to which that person has access as the auditor considers necessary for the purposes of the auditor's functions under this Act.

(2) Any person who, without reasonable excuse, fails to comply with any requirement of the auditor under subsection (1) or who otherwise hinders, obstructs or delays the auditor in the performance of his or her duties or the exercise of his or her powers shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

Presentation of annual report, financial statements and auditor's report to Parliament

14. The Minister must, as soon as practicable, cause an annual report in respect of the administration of the ComCare Fund during the preceding financial year to be prepared and must present a copy of such report and of the audited financial statements and the auditor's report to Parliament.

PART 4

MISCELLANEOUS

False or misleading information, etc.

- 15.** Any person who, for any purpose connected with this Act —
- (a) knowingly makes any false statement to the Minister or an authorised officer or to the auditor or a person authorised by him or her; or

- (b) produces or furnishes or causes or knowingly allows to be produced or furnished to the Minister or an authorised officer or to the auditor or a person authorised by him or her, any document which he or she knows to be false in a material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Offences by bodies corporate, etc.

16.—(1) Where an offence under this Act committed by a body corporate is proved —

- (a) to have been committed with the consent or connivance of an officer; or

- (b) to be attributable to any neglect on his or her part,

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director of the body corporate.

(3) Where an offence under this Act committed by a partnership is proved —

- (a) to have been committed with the consent or connivance of a partner; or

- (b) to be attributable to any neglect on his or her part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

- (a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or

(b) to be attributable to any neglect on the part of such an officer or member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

“body corporate” includes a limited liability partnership;

“officer” —

(a) in relation to a body corporate, means any director, partner, member of the committee 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 unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of a committee and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

Composition of offences

17.—(1) The Minister or any authorised officer may compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$500.

(2) On payment of the sum of money, no further proceedings may be taken against the person in respect of such offence.

(3) The Minister may make regulations to prescribe the offences which may be compounded.

Regulations

18. The Minister may make such regulations as are necessary or expedient for the purpose of carrying out the provisions of this Act, and in particular, the regulations may —

- (a) prescribe the procedure for payments out of the ComCare Fund;
- (b) provide for matters relating to applications for funds, financial assistance or incentives;
- (c) prescribe the procedure of the Council; and
- (d) prescribe anything which may be prescribed under this Act.

THE SCHEDULE

Section 7(3)

SUPERVISORY COUNCIL

1.—(1) Subject to this paragraph, every member of the Council holds and vacates his or her office in accordance with the terms of his or her appointment and, on ceasing to be a member, is eligible for re-appointment.

(2) Any member of the Council may resign his or her office at any time by giving written notice to the Minister.

(3) If the Minister is satisfied that a member of the Council —

- (a) is guilty of neglect of duty or misconduct;
- (b) has become bankrupt or made an arrangement with his or her creditors;
- (c) is incapacitated by physical or mental illness; or
- (d) is otherwise unable or unfit to discharge the functions of a member,

the Minister may remove him or her from office.

2. The validity of any proceedings of the Council is not affected by any vacancy among the members or by any defect in the appointment of any member.

3. The arrangements relating to meetings of the Council are such as the Council may determine.

4. The chairperson presides at all meetings of the Council at which he or she is present and, in the chairperson's absence, the members present must elect one of their number to act as chairperson of that meeting.

THE SCHEDULE — *continued*

5. Subject to the provisions of this Act, the Council may regulate its own procedure in such manner as it thinks fit.

LEGISLATIVE HISTORY

COMMUNITY CARE ENDOWMENT FUND ACT 2005

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

1. Act 33 of 2005 — Community Care Endowment Fund Act 2005

| | | |
|---------------------------|---|-------------------|
| Bill | : | 24/2005 |
| First Reading | : | 15 August 2005 |
| Second and Third Readings | : | 19 September 2005 |
| Commencement | : | 24 October 2005 |

2. 2006 Revised Edition — Community Care Endowment Fund Act (Chapter 49B)

| | | |
|-----------|---|--------------|
| Operation | : | 31 July 2006 |
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Abbreviations

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|-------------------|---|
| C.P. | Council Paper |
| G.N. No. S (N.S.) | Government Notification Number Singapore (New Series) |
| G.N. No. | Government Notification Number |
| G.N. No. S | Government Notification Number Singapore |
| G.N. Sp. No. S | Government Notification Special Number Singapore |
| L.A. | Legislative Assembly |
| L.N. | Legal Notification (Federal/Malaysian Subsidiary Legislation) |
| M. Act | Malayan Act/Malaysia Act |
| M. Ordinance | Malayan Ordinance |
| Parl. | Parliament |
| S.S.G.G. (E) No. | Straits Settlements Government Gazette (Extraordinary) Number |
| S.S.G.G. No. | Straits Settlements Government Gazette Number |

COMPARATIVE TABLE

COMMUNITY CARE ENDOWMENT FUND ACT 2005

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

| 2020 Ed. | 2006 Ed. |
|---------------------------------------|-----------------|
| <i>[Omitted as having had effect]</i> | 19—(1) |
| <i>[Omitted as having had effect]</i> | (2) |
| <i>[Omitted as having had effect]</i> | (3) |
| <i>[Omitted as having had effect]</i> | (4) |