
First published in the *Government Gazette*, Electronic Edition, on 29th October 2012 at 5:00 pm.

No. S 530

CHARITIES ACT
(CHAPTER 37)

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

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

Regulation

1. Citation and commencement
2. Definitions

PART II

FUND-RAISING APPEALS FOR
CHARITABLE PURPOSES

3. Application of this Part
4. Duty to donors
5. Use of donations
6. Duty to maintain accounting records
7. Fund-raising expenses
8. Requirements relating to financial statements and audits of charities
9. Requirements relating to fund-raising appeals of \$1 million or more by charities
10. Power of Sector Administrator to inspect records
11. Power of Sector Administrator to give directions in relation to receipts from fund-raising appeal

PART III

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

Regulation

12. Definitions of this Part
13. Meaning of “commercial fund-raiser”
14. Prohibition on commercial fund-raiser, etc., raising funds for charitable institution without written agreement
15. Availability of books, documents or other records
16. Commercial fund-raisers, etc., required to indicate institutions benefiting and arrangements for remuneration
17. Cancellation of payments and agreements made in response to fund-raising appeals
18. Right of charitable institution to prevent unauthorised fund-raising
19. False statement as to “charity”, “charitable body”, etc., and derivatives
20. False statement relating to institutions which are not registered charities

PART IV

ADDITIONAL REGULATIONS FOR
FUND-RAISING APPEALS FOR
FOREIGN CHARITABLE PURPOSES

21. Permit to conduct fund-raising appeal
22. Grant of permit to conduct fund-raising appeal
23. Manner of conducting fund-raising appeal
24. Time limit to fund-raising appeal
25. Age limit of collector
26. Maintenance of records
27. False representation

PART V

GENERAL

28. Penalties
 29. Revocation
 30. Savings and transitional provisions
-

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);

“charity” does not include any exempt charity or any charity that is an institution of a public character;

“commercial fund-raiser” means any person who for reward solicits or otherwise procures money or other property for, or purportedly for, the benefit of a charity or any charitable, benevolent or philanthropic purpose;

“commercial participator” has the same meaning as in section 39(1) of the Act;

“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 39(1) of the Act;

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

“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;

“person” includes any company or association or body of persons, corporate or unincorporate, but excludes any charity within the meaning of the Act.

(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 40B 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

(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 40B of the Act to supervise the sector that the charity is in, it shall be read as a reference to that Sector Administrator.

PART II
FUND-RAISING APPEALS FOR
CHARITABLE PURPOSES

Application of this Part

3.—(1) This Part shall apply to all fund-raising appeals, including fund-raising appeals for any foreign charitable purpose, unless otherwise stated in paragraph (2).

- (2) Nothing in this Part shall apply to any fund-raising appeal by —
- (a) any institution of a public character;
 - (b) any commercial fund-raiser for, or purportedly for, the benefit of any institution of a public character;
 - (c) any exempt charity; or
 - (d) any commercial fund-raiser for, or purportedly for, the benefit of any exempt charity.

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) 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; and
 - (iii) whether any commercial fund-raiser has been engaged in soliciting the donation;
- (c) any information relating to donors is kept confidential, and any information relating to a donor must not be given to any other organisation or individual except with the consent of the donor or as permitted by the Personal Data Protection Act 2012; and

-
-
- (d) any arrangement by it to solicit donations has adequate control measures and safeguards to ensure proper accountability and to prevent any loss or theft of donations.
- (2) Where any commercial fund-raiser is engaged by a charity or a person to solicit donations —
- (a) all donations collected by the commercial fund-raiser shall be paid in gross directly to the charity or the person without deducting or setting off any payment or reimbursement of expenditure due to him; and
- (b) any payment due to the commercial fund-raiser from the charity or the person shall be paid separately by the charity or the person, as the case may be.

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) Where a donation, or any part of it, cannot be used by a charity under paragraphs (2) to (5), or 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.

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.

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.

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.

Requirements relating to fund-raising appeals of \$1 million or more by charities

9. Where the total gross receipts of a charity from any single fund-raising appeal are not less than \$1 million, the charity shall —

- (a) maintain separate financial accounts in respect of that fund-raising appeal; and
- (b) at the end of the financial year during which the fund-raising appeal ends, disclose on its own Internet website or, where it does not have its own Internet website, on the Internet website of the Sector Administrator —
 - (i) the total gross receipts from the fund-raising appeal;
 - (ii) the total expenses incurred in the fund-raising appeal; and
 - (iii) the purposes for which the funds raised in the fund-raising appeal have been used and will be used.

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) Any charity or person conducting a fund-raising appeal must comply with any direction issued to it under paragraph (1).

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 to members of the public to give money or other property (whether for consideration or otherwise) which is made in association with a representation that the whole or any part of its proceeds is to be applied for charitable, benevolent or philanthropic purposes;

“charitable contributions”, in relation to any representation made by any commercial participator or other person, means conducting a charitable appeal —

- (a) the whole or part of —
 - (i) the consideration given for goods or services sold or supplied by the commercial participator or other person; or
 - (ii) any proceeds (other than such consideration) of a promotional venture undertaken by the commercial participator or other person; or
- (b) sums given by the commercial participator or other person by way of donation in connection with the sale or supply of any such goods or services (whether the amount of such sums is determined by reference to the value of any such goods or services or otherwise);

“charitable institution” means a charity, or an institution which is established for charitable, benevolent or philanthropic purpose, and includes an institution of a public character;

“commercial participator” means any person who carries on for gain a business other than a fund-raising business, but who, in the course of that business, engages in any promotional venture in the course of which it is represented that charitable contributions are to be given to or applied for the benefit of a charitable institution;

“credit card” means a card, cheque, voucher, coupon, stamp, form, booklet or other document or thing given to an individual by a person who undertakes —

- (a) that on the production of it (whether or not some other action is also required), the person will supply cash, goods and services (or any of them) on credit; or
- (b) that on the production of it to a third party (whether or not some other action is also required), the third party supplies cash, goods and services (or any of them), he will pay the third party for them (whether or not

deducting any discount or commission), in return for payment to the person by the individual;

“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” means any business carried on for gain and wholly or primarily engaged in soliciting or otherwise procuring money or other property for charitable, benevolent or philanthropic purposes;

“promotional venture” means any advertising or sales campaign or any other venture undertaken for promotional purposes;

“radio or television programme” includes any item included in a broadcasting service within the meaning of the Broadcasting Act (Cap. 28);

“represent” and “solicit” mean, respectively, represent and solicit in any manner whatever, whether expressly or impliedly, and includes —

(a) speaking directly to the person or persons to whom the representation or solicitation is addressed (whether or not in his or their presence); or

(b) a statement published in any newspaper, film or radio or television programme or the Internet,

and references to a representation or solicitation shall be construed accordingly;

“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 public charitable appeal —

- (a) “collector” means any person by whom that appeal is made (whether made by him alone or with others and whether made by him for remuneration or otherwise); and

-
-
- (b) “promoter” means a person who (whether alone or with others and whether for remuneration or otherwise) organises or controls the conduct of the charitable appeal in question, and associated expressions shall be construed accordingly,

but where no person acts in the manner mentioned in sub-paragraph (b) in respect of a charitable appeal, any person who acts as a collector in respect of it shall, for the purposes of this Part, be treated as a promoter of it as well.

Meaning of “commercial fund-raiser”

13.—(1) In this Part, “commercial fund-raiser” means —

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

(2) Paragraph (b) of the definition of “commercial fund-raiser” in paragraph (1) shall not apply to any of 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));
- (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.

(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.

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:

- (a) location of appeal, date of appeal and fund-raising appeal method;
- (b) percentage of proceeds to the charitable institution;
- (c) timeframe within which proceeds must be distributed to the charitable institution; and
- (d) remuneration of the commercial fund-raiser, commercial participator or person.

(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).

(4) Where on the application of a charitable institution, 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 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.

(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 High Court.

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

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.

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) the proportion of total proceeds that will go to charitable causes; and
 - (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) the proportion of total proceeds that will go to charitable causes;
- (f) the method by which the proceeds of the appeal between the different charitable institutions is to be distributed; and
- (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) the proportion of total proceeds that will go to charitable causes; and
- (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
 - (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 immediately by the commercial fund-raiser.

(2) Where —

- (a) a person (referred to in this paragraph as the donor), in response to any solicitation or representation referred to in regulation 16(1), (2) or (3), enters into an agreement with a commercial fund-raiser under which the donor is, or may be, liable to make any payment or payments to the commercial fund-raiser, and the amount or aggregate amount which the donor is, or may be, liable to pay to him under the agreement exceeds \$200; 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 agreement,

the notice shall operate, as from the time when it is so served, to cancel the agreement and any liability of any person other than the donor in connection with the making of any such payment or payments, and the donor shall, subject to paragraph (4), be entitled to have the payment made by him under the agreement refunded to him immediately by the commercial fund-raiser.

(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 immediately by the commercial fund-raiser.

(4) The right of any person to have a payment refunded to him under paragraph (1), (2) 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 (2)) 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.

(5) Nothing in paragraphs (1), (2) 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.

(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; and regulation 16(5) shall have effect for determining when a payment is made for the purposes of this regulation as it has effect for determining when a payment is made for the purposes of regulation 16(1), (2) or (3).

Right of charitable institution to prevent unauthorised fund-raising

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

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

paragraph (3), the High Court may grant an injunction restraining the doing of any such acts.

- (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 statement as to “charity”, “charitable body”, etc., and derivatives

19. Where a person solicits money or other property in relation to any fund-raising appeal for himself or on behalf of another person (referred to as the beneficiary) with a representation that the person or the beneficiary is a “charity”, “charitable body”, “charitable enterprise”, “charitable organisation” or any of its derivatives when in fact the person or beneficiary is not as represented, the person shall be guilty of an offence.

False statement relating to institutions which are not registered charities

20. Where a person solicits money or other property for the benefit of an institution in association with a representation that the institution is a registered charity, and the institution is not such a charity, he 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.

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 39A(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.

(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;

-
-
- (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).

(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 —

- (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 of the fact that he or, in the case of an organisation, any officer or member thereof, has been convicted, whether in Singapore or elsewhere and whether before, on or after 1st November 2012, of any offence conviction for which necessarily implied a finding that he or the officer or member had acted fraudulently or dishonestly, or of any offence of a kind the commission of which would be likely to be facilitated by the grant of a permit;
- (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 (Cap. 311);
- (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 41A of the Act; or
 - (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) Any permit holder who by virtue of paragraph (1) conducts or participates in a fund-raising appeal and who —

- (a) does so otherwise than in accordance with the particulars in the application made under regulation 21 relating thereto; or
- (b) contravenes any of the conditions specified in the permit,

shall be guilty of an offence.

Time limit to fund-raising appeal

24.—(1) A permit holder shall not continue to conduct or participate in the fund-raising appeal at any time beyond the date or period specified in the permit.

(2) Any permit holder who contravenes paragraph (1) shall be guilty of an offence.

Age limit of collector

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.

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;
- (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) Every 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.

- (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) submit the statements of accounts as required by paragraph (5),

shall be guilty of an offence.

False representation

27. 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.

PART V GENERAL

Penalties

28. Any charity, commercial fund-raiser, commercial participator or person which or who contravenes any provision of these Regulations for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a

term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$50 for every day or part thereof during which the offence continues after conviction.

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) Any permit granted or approved under the revoked Charities (Fund-Raising Appeals) Regulations (Rg 8) or the Charities (Fund-raising Appeals for Foreign Charitable Purposes) Regulations (Rg 2) shall, in so far as it is not inconsistent with the provisions of these Regulations, continue and be deemed to have been granted or approved under the corresponding provisions of these Regulations.

(2) Any application or other document lodged for approval under the provisions of the revoked Charities (Fund-Raising Appeals) Regulations or the Charities (Fund-raising Appeals for Foreign Charitable Purposes) Regulations before 1st November 2012 and which was not approved before that date shall, where applicable, be deemed to be an application or a document lodged for approval under the corresponding provisions of these Regulations.

(3) Where an appeal has been made to the Minister under regulation 4(7) of the revoked Charities (Fund-raising Appeals for Foreign Charitable Purposes) Regulations and the appeal has not been dealt with or disposed of immediately before 1st November 2012, the appeal shall be dealt with in accordance with that revoked regulation as if these Regulations had not been enacted.

(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) Regulation 16(1) shall apply to any agreement entered on or after 1st November 2012 between —

(a) a charitable institution; and

(b) a commercial fund-raiser, commercial participator or other person,

to solicit money or other property for the benefit of the charitable institution referred to in sub-paragraph (a).

(6) Nothing in this regulation shall be taken as prejudicing section 16 of the Interpretation Act (Cap. 1).

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).