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CHARITIES ACT 1994

CHARITIES (FUND-RAISING APPEALS FOR LOCAL AND FOREIGN CHARITABLE PURPOSES) (AMENDMENT NO. 2) REGULATIONS 2023

In exercise of the powers conferred by sections 38 and 57 of the Charities Act 1994, the Minister for Culture, Community and Youth makes the following Regulations:

Citation and commencement

1. These Regulations are the Charities (Fund-Raising Appeals for Local and Foreign Charitable Purposes) (Amendment No. 2) Regulations 2023 and come into operation on 9 October 2023.

New regulation 15A

2. In the Charities (Fund-Raising Appeals for Local and Foreign Charitable Purposes) Regulations 2012 (G.N. No. S 530/2012) (called in these Regulations the principal Regulations), after regulation 15, insert —

“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 participant, 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.”.

New Part IIIA

3. In the principal Regulations, after regulation 20, insert —

“PART IIIA

COLLECTIONS FOR FUND-RAISING APPEALS

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.

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.

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.

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;

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- (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;
 - (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.

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.

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;

(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.”.

Amendment of regulation 25

4. In the principal Regulations, in regulation 25, in the regulation heading, after “**collector**”, insert “**of fund-raising appeal for foreign charitable purpose**”.

[G.N. Nos. S 1031/2020; S 13/2021; S 18/2023]

Made on 30 August 2023.

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Ministry of Culture,
Community and Youth,
Singapore.*

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(To be presented to Parliament under section 57(5) of the Charities Act 1994).