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CHARITIES ACT (CHAPTER 37)

CHARITIES (ELECTRONIC TRANSACTIONS SERVICE) REGULATIONS 2019

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In exercise of the powers conferred by section 48 of the Charities Act, the Minister for Culture, Community and Youth makes the following Regulations:

PART 1
GENERAL

Citation and commencement

1. These Regulations are the Charities (Electronic Transactions Service) Regulations 2019 and come into operation on 2 April 2019.

Definitions

2. In these Regulations —

“authorised user”, in relation to any person, means any individual who is authorised by the person in the manner required by the Commissioner, to access and use Charity Portal for the person;

“Charity Portal” means the electronic transactions service known as Charity Portal.

Use of Charity Portal and LicenceOne electronic transactions services

3.—(1) Unless the Commissioner otherwise allows —

- (a) the applications, documents and information specified in the First Schedule must be submitted to the Commissioner only through Charity Portal; and
- (b) the applications, documents and information specified in the Second Schedule must be submitted to the Commissioner only through the electronic transactions service known as LicenceOne.

(2) The Commissioner may, through Charity Portal, publish or supply to any person, to the extent that the publication or supply is not restricted by any written law or rule of law relating to confidentiality —

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- (a) any application, document or information submitted to the Commissioner under the Act, whether or not submitted through an electronic transactions service; and
 - (b) any summary, compilation or analysis of the contents of, or any extract from, any such application, document or information.

PART 2

CHARITY PORTAL

Authorisation to use Charity Portal

4.—(1) The Commissioner may determine the conditions under which a person may access and use Charity Portal, including restricting the access and use only to any authorised user of the person.

(2) Where any application, document or information is submitted by any authorised user of a person through Charity Portal —

- (a) it is deemed to have been submitted with the authority of the person; and
- (b) the person is deemed to be aware of all matters in the application, document or information submitted,

unless the person has, before the submission, informed the Commissioner, in the form and manner required by the Commissioner, that the person has revoked the authority of the authorised user for the matter in question.

Refusal to accept applications, documents or information submitted through Charity Portal

5. If the Commissioner is of the opinion that any application, document or information submitted through Charity Portal —

- (a) contains any matter contrary to law;
- (b) is incomplete because of any omission or misdescription;
- (c) does not comply with the requirements of the Act; or

(d) contains any error, alteration or erasure, the Commissioner may refuse to accept the application, document or information, and request that it be appropriately amended or completed and resubmitted, or that a fresh application, document or information be submitted in its place.

Rectification of errors and omissions arising from malfunction of Charity Portal, etc.

6.—(1) The Commissioner may correct any error or omission in any application, document or information that has occurred or arisen as a result of any malfunction of Charity Portal.

(2) The Commissioner must maintain a record of every correction made under paragraph (1).

(3) Any error or omission corrected under paragraph (1) is deemed not to have occurred.

Rectification by Commissioner on application

7.—(1) Any authorised user of a person may notify the Commissioner, in the form and manner required by the Commissioner, of any error contained in any application, document or information submitted for the person through Charity Portal.

(2) Upon receipt of the notification, the Commissioner may rectify the error if the Commissioner is satisfied that —

(a) the error is typographical or clerical in nature; or

(b) the error was unintended, and not calculated to mislead.

(3) In rectifying the error, the Commissioner must not expunge any application, document or information from Charity Portal.

(4) The decision made by the Commissioner on whether to rectify the error is final.

Evidence of submission through Charity Portal

8.—(1) Despite any other written law, in any proceedings under the Act —

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- (a) an electronic record of any application, document or information that was submitted through Charity Portal; or
 - (b) any copy or print-out of that electronic record,

is admissible as evidence of the facts stated or contained in the electronic record, copy or print-out, if that electronic record, copy or print-out —

- (c) is certified by the Commissioner to contain all or any information submitted through Charity Portal in accordance with these Regulations; and
- (d) is duly authenticated in the manner specified in paragraph (3) or is otherwise authenticated in the manner provided in the Evidence Act (Cap. 97) for the authentication of computer output.

(2) To avoid doubt, the electronic record, copy or print-out mentioned in paragraph (1) is not inadmissible in evidence merely because the application, document or information was submitted without the delivery of any equivalent in paper form.

(3) For the purposes of this regulation, a certificate —

- (a) giving the particulars of —
 - (i) any person who submitted the application, document or information; and
 - (ii) any person or device involved in the production or transmission of the electronic record of the application, document or information, or the copy or print-out of the same;
- (b) identifying the nature of the electronic record or copy or print-out of the same; and
- (c) purporting to be signed by the Commissioner or by a person occupying a responsible position in relation to the operation of Charity Portal at the relevant time,

is sufficient evidence that the electronic record, copy or print-out has been duly authenticated, unless the court, in its discretion, calls for further evidence on this issue.

(4) Where the electronic record of any application, document or information, or a copy or print-out of that electronic record, is admissible under paragraph (1), it is presumed, until the contrary is proved, that the electronic record, copy or print-out accurately reproduces the contents of that application, document or that information.

FIRST SCHEDULE

Regulation 3(1)(a)

APPLICATIONS, DOCUMENTS AND INFORMATION TO BE SUBMITTED THROUGH CHARITY PORTAL

1. The following applications:
 - (a) for registration of a charity;
 - (b) for de-registration of a charity;
 - (c) for approval of a charity as an institution of a public character;
 - (d) for extension of an approval of a charity as an institution of a public character.
2. Any annual report (including financial statements and Governance Evaluation Checklist) of a charity that is a registered charity or an exempt charity, for a financial year commencing on or after 1 January 2019.
3. Any Online Financial Summary of a charity, required by the Commissioner under regulation 8AA of the Charities (Accounts and Annual Report) Regulations 2011 (G.N. No. S 352/2011).
4. Information for updating the Organisation Profile of a charity.

SECOND SCHEDULE

Regulation 3(1)(b)

APPLICATIONS, DOCUMENTS AND INFORMATION TO BE SUBMITTED THROUGH LICENCEONE

1. An application for a permit for a fund-raising appeal for any foreign charitable purpose.
2. Any statement of accounts of a fund-raising appeal audited under regulation 26(5) of the Charities (Fund-raising Appeals for Local and Foreign Charitable Purposes) Regulations 2012 (G.N. No. S 530/2012).

SECOND SCHEDULE — *continued*

3. Details of any change to any information provided in an application for a permit for a fund-raising appeal for any foreign charitable purpose.

Made on 1 April 2019.

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Ministry of Culture,
Community and Youth,
Singapore.*

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