

# CHARITIES ACT

## (CHAPTER 37, SECTION 48)

### CHARITIES (FUND-RAISING APPEALS FOR FOREIGN CHARITABLE PURPOSES) REGULATIONS

[1st January 1995]

#### PART I

#### PRELIMINARY

##### **Citation.**

1. These Regulations may be cited as the Charities (Fund-raising Appeals for Foreign Charitable Purposes) Regulations.

##### **Definitions.**

2. In these Regulations, unless the context otherwise requires ?

"approved auditor" means an auditor approved by the Commissioner;

"designated person" , in relation to an organisation, means the designated person named by the organisation under regulation 3 (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;

"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 4 (1) (a);

"permit holder" means a person who has been granted a permit.

#### PART II

### FUND-RAISING APPEALS FOR FOREIGN CHARITABLE PURPOSES

##### **Permit to conduct fund-raising appeal.**

3. (1) Any person who wishes to conduct or participate in any fund-raising appeal for any foreign charitable purpose may, not less than 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 name of that person;
- (b) where that person is a natural person, that person's residential or principal business address in Singapore;
- (c) where that person is an incorporated organisation, the address in Singapore of its registered office or principal place of business;
- (d) where that person is an unincorporated organisation, the name and address of a natural person in Singapore appointed for the purposes of these Regulations as the designated person of the 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) whether any person is to derive any money or gain or reward from the fund-raising appeal;
- (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 approved auditor who will audit the accounts of the fund-raising appeal; and
- (k) such other particulars as the Commissioner may require.

**Grant of permit to conduct fund-raising appeal.**

4. (1) Subject to paragraph (2), the Commissioner may, on receiving an application under regulation 3 ?

- (a) grant a permit, conditionally or otherwise, to conduct or participate in the fund-raising appeal for a foreign charitable purpose specified in the application; or
- (b) refuse to grant a permit to conduct or participate in the fund-raising appeal on any ground specified in paragraph (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) The Commissioner may, without prejudice to paragraph (2), 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 as remuneration to 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, of any offence conviction for which necessarily implied a finding that he 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;

(f) it would be undesirable to grant a permit regarding the fund-raising appeal; or

(g) the applicant has furnished false information to the Commissioner in his application under regulation 3 to conduct or participate in the fund-raising appeal.

(4) The Commissioner may at any time revoke the 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 a 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 9 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 or the revocation of a permit, or to disclose the nature or source of the information on which he acted, if the refusal to grant or the revocation of the permit is based on the ground set out in paragraph (3) (f).

(7) The applicant whose application for a permit has been refused under paragraph (3) or the permit holder whose permit has been revoked 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 from the date on which 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, as the case may be, in accordance with the decision of the Minister.

**Manner of conducting fund-raising appeal.**

**5.** (1) Subject to the provisions of these Regulations, a permit holder may conduct or participate in the fund-raising appeal in accordance with ?

(a) the particulars in the application made under regulation 3 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 3 relating thereto; or

(b) contravenes or fails to comply with any of the conditions specified in the permit, shall be guilty of an offence.

**Time limit to fund-raising appeal.**

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

(2) Any permit holder who contravenes or fails to comply with paragraph (1) shall be guilty of an offence.

**Age limit of collector.**

**7.** (1) No person below the age of 16 years shall conduct or participate in a fund-raising appeal for a foreign charitable purpose without the permission of the Commissioner

(2) No person shall cause or authorise a person below the age of 16 years to conduct or participate in a fund-raising appeal for a foreign charitable purpose, unless the person below the age of 16 years has obtained permission under paragraph (1) to conduct or participate in the appeal, as the case may be.

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

**Maintenance of records.**

**8.** (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 of the last day of the fund-raising appeal or within such extended period as may be allowed by the Commissioner, furnish to the Commissioner the statements of account relating to the fund-raising appeal audited by an approved auditor.

(6) Any permit holder who fails ?

- (a) to maintain any records which the permit holder is by this regulation required to maintain;
- (b) to keep those records at the address at which the permit holder is required by this regulation to keep them; or
- (c) to submit the statements of account as required by paragraph (5), shall be guilty of an offence.

### **False representation.**

**9.** 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 has been done or complied with when it has not in fact been done or complied with shall be guilty of an offence.

## **PART III**

## OFFENCES AND MISCELLANEOUS

### **Penalties.**

**10.** A person who is guilty of an offence under these Regulations shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year or to both.

### **Exemption.**

**11.** (1) Subject to paragraph (2), where any person conducts or participates in a fund-raising appeal for any foreign charitable purpose solely as a volunteer or as the agent or employee of a permit holder or a person exempted under section 39 (3) of the Act, that person shall be exempt from the provisions of these Regulations.

(2) A person conducting or participating in a fund-raising appeal for any foreign charitable purpose shall not be exempt from the provisions of these Regulations by virtue of paragraph (1) where that person knows or ought reasonably to know that that fund-raising appeal is being conducted otherwise than in accordance with the provisions of these Regulations.