

**Income Tax (Exemption of Income of Prescribed Persons Arising from Funds
Managed by Fund Manager in Singapore) Regulations 2010**

Table of Contents

Enacting Formula

1 Citation and commencement

2 Definitions

3 Exemption from tax of income under section 13CA of Act

4 No deduction in respect of loss arising from designated investments

5 Persons exempted from application of certain provisions

6 Definition of associate

7 Annual statement and annual declaration

THE SCHEDULE Repealed

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No. S 6

**INCOME TAX ACT
(CHAPTER 134)**

INCOME TAX
(EXEMPTION OF INCOME OF
PRESCRIBED PERSONS ARISING FROM FUNDS
MANAGED BY FUND MANAGER IN SINGAPORE)
REGULATIONS 2010

In exercise of the powers conferred by section 13CA of the Income Tax Act, the Minister for Finance hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Income Tax (Exemption of Income of Prescribed Persons Arising from Funds Managed by Fund Manager in Singapore) Regulations 2010 and shall be deemed to have come into operation on 1st September 2007.

[S 384/2016 wef 11/04/2016]

(2) No liability to pay any penalty under section 13CA of the Act shall arise in respect of any exemption from tax prior to 7th January 2010.

Definitions

2.—(1) In these Regulations —

“approved start-up fund manager” means a start-up fund manager approved under paragraph (4);

“bona fide entity” means an entity that is not a non-bona fide entity;

“commodity derivatives” means derivatives the payoffs of which are wholly linked to the payoffs or performance of the underlying commodity;

[S 262/2013 wef 17/02/2012]

“compensatory payments” has the same meaning as in section 10N(12) of the Act;

“designated investments” means —

(a) *[Deleted by S 485/2021 wef 01/07/2021]*

(b) *[Deleted by S 485/2021 wef 01/07/2021]*

(c) in relation to income derived on or after 21 February 2014, investments specified in Part A of the Third Schedule;

[S 384/2016 wef 21/02/2014]

“designated person” means —

(a) GIC Private Limited, as renamed from time to time;

- (b) any of the following companies as renamed from time to time, but only if the company is wholly owned (directly or indirectly) by the Minister in the Minister's capacity as a corporation established under the Minister for Finance (Incorporation) Act (Cap. 183):
 - (i) GIC (Ventures) Pte. Ltd.;
 - (ii) GIC (Realty) Private Limited;
 - (iii) Eurovest Pte Ltd;
- (c) a company that is wholly owned (directly or indirectly) by any company that is a designated person by reason of paragraph (b);
- (d) any other company that is wholly owned (directly or indirectly) by the Minister in the Minister's capacity as a corporation established under the Minister for Finance (Incorporation) Act, and is approved by the Minister or such person as the Minister may appoint; or
- (e) any statutory board;

[S 106/2017 wef 22/03/2017]

“emission derivatives” means derivatives the payoffs of which are wholly linked to the payoffs or performance of the underlying emission allowances;

[S 262/2013 wef 17/02/2012]

“financial derivatives” means derivatives the payoffs of which are linked, whether in whole or in part, to the payoffs or performance of any financial assets, securities, financial instruments or indices, but excludes derivatives the payoffs of which are wholly linked to the payoffs or performance of commodities;

[S 262/2013 wef 17/02/2012]

“financial sector incentive company” has the same meaning as in section 43Q of the Act;

“freight derivatives” means derivatives the payoffs of which are wholly linked to the payoffs or performance of the underlying freight rates;

[S 262/2013 wef 17/02/2012]

“insolvency proceedings” means winding-up, bankruptcy, administration, provisional supervision or reorganisation (by way of voluntary arrangement, scheme of arrangement or otherwise) of a person under the laws of any jurisdiction;

[S 498/2010 wef 22/01/2009]

“Islamic debt securities” has the same meaning as in section 43N(4) of the Act;

[S 498/2010 wef 22/01/2009]

“liquidation claims” means claims or other causes of actions (including interests, rights and demands) of creditors or equity holders of any person against such person, however arising, on cash or other tangible or intangible assets, from a person upon and in connection with any insolvency proceeding of that person;

[S 498/2010 wef 22/01/2009]

“prescribed person” —

- (a) in relation to an individual, means an individual who, at all times during the basis period for the year of assessment —
 - (i) is neither a Singapore citizen nor resident in Singapore; and
 - (ii) is the beneficial owner of funds managed in Singapore by any fund manager;
- (b) in relation to a company, means a company in relation to which all the following are satisfied at all times during the basis period for the year of assessment:
 - (i) the company is not resident in Singapore;
 - (ii) the company does not have a permanent establishment in Singapore (other than a fund manager);
 - (iii) the company does not carry on any business in Singapore;
 - (iv) the aggregate value of the company’s issued securities beneficially owned (directly or indirectly) by Singapore persons is less than 100%;
 - (v) the income of the company is not derived from any tax-exempt investment; and
- (c) in relation to a trustee of a trust fund, means a trustee of a trust fund in relation to whom all the conditions in sub-paragraph (i) or (ii) (as the case may be) are satisfied at all times during the basis period for the year of assessment:
 - (i) in the case of income derived in a basis period that ends at any time before 1 April 2014 —
 - (A) the trustee is not a resident in Singapore, a Singapore citizen or a permanent establishment in Singapore;
 - (B) the trustee does not, in its capacity as trustee of the

trust fund, have a permanent establishment in Singapore (other than a fund manager for that trust fund);

- (C) the trustee does not, in its capacity as trustee of the trust fund, carry on any business in Singapore apart from acting as such trustee;
- (D) the income derived by the trustee in its capacity as trustee of the trust fund is not derived from any tax-exempt investment; and
- (E) the aggregate value of the trust fund beneficially held (directly or indirectly) by Singapore persons is less than 100%;

(ii) in the case of income derived in a basis period other than that mentioned in sub-paragraph (i) —

- (A) the trustee does not, in its capacity as trustee of the trust fund, have a permanent establishment in Singapore (other than a fund manager for that trust fund);
- (B) the trustee does not, in its capacity as trustee of the trust fund, carry on any business in Singapore apart from acting as such trustee;
- (C) the income derived by the trustee in its capacity as trustee of the trust fund is not derived from any tax-exempt investment; and
- (D) the aggregate value of the trust fund beneficially held (directly or indirectly) by Singapore persons is less than 100%;

[S 384/2016 wef 01/04/2014]

“qualifying debt securities” has the same meaning as in section 13(16) of the Act;

“registered business trust” has the same meaning as in the Business Trusts Act (Cap. 31A);

[S 498/2010 wef 22/01/2009]

“securities lending or repurchase arrangement” has the same meaning as in section 10N(12) of the Act;