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The following Act was passed by Parliament on 3 November 2020 and assented to by the President on 25 November 2020:—

REPUBLIC OF SINGAPORE

No. 41 of 2020.

I assent.

HALIMAH YACOB,
President.
25 November 2020.

(LS)

An Act to amend the Income Tax Act (Chapter 134 of the 2014 Revised Edition) and to make related amendments to the Stamp Duties Act (Chapter 312 of the 2006 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

- 1.—(1) This Act is the Income Tax (Amendment) Act 2020.
- (2) Section 40(c) is deemed to have come into operation on 1 March 2010.
- (3) Section 14 is deemed to have come into operation on 1 April 2010.
- (4) Sections 10(d), 11(d), (h) and (i) and 13(b) are deemed to have come into operation on 12 December 2018.
- (5) Sections 10(a), (b), (c), (f) to (o), (q) and (r), 11(a), (b), (c) and (j), 12(a) and (e), 29, 33 to 36, 39(a), (b), (c) and (f) to (k), 40(b) and 52(a), (d) and (f) are deemed to have come into operation on 19 February 2020.
- (6) Sections 9(a), 12(b), (c) and (d), 17, 19, 20, 41, 44, 45, 52(b), (c), (e), (g) and (h), 55 and 58 are deemed to have come into operation on 1 April 2020.
- (7) Section 25 is deemed to have come into operation on 1 July 2020.
- (8) Each subsection of section 61 comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Amendment of section 2

2. Section 2(1) of the Income Tax Act (called in this Act the principal Act) is amended by deleting the definition of “incapacitated person” and substituting the following definition:

““incapacitated person” means an individual —

- (a) who is below 21 years of age; or
- (b) who lacks capacity to make a decision for himself in relation to any matter at the material time because of an impairment of, or a disturbance in the functioning of, the mind or brain, whether such impairment or disturbance is permanent or temporary;”.

New section 3A

3. The principal Act is amended by inserting, immediately after section 3, the following section:

“Assignment of function or power to public body

3A.—(1) This section applies where the Minister, after consultation with the responsible Minister of a public body, by notification in the *Gazette* assigns a function or power under a provision of this Act or any subsidiary legislation made under this Act (called in this section an incentive provision) to the public body.

(2) Starting on the date the Minister assigns a function or power under an incentive provision to a public body in accordance with subsection (1), a reference in that incentive provision to an authorised body is to the public body.

(3) The public body, when carrying out a function or exercising a power under an incentive provision, is treated as carrying out a function or exercising a power conferred on the public body under the Act that establishes it.

(4) The public body must carry out a function or exercise a power under an incentive provision in accordance with any directions given by the Minister.

(5) A member of the public body who is not from the public sector must not be involved in the carrying out of a function or exercise of a power under an incentive provision by the public body.

(6) The public body must not delegate a function or power under an incentive provision to any of its members, or any other person, who is not from the public sector.

(7) Without affecting any obligation as to secrecy or other restriction against the disclosure of information imposed by any law or contract —

(a) a member of the public body who is from the public sector; or

- (b) a person to whom a function or power under an incentive provision has been delegated,

that receives or obtains information relating to a person for the purposes of an incentive provision, must not disclose or provide access to such information to a member of the public body, or any other person, who is not from the public sector.

- (8) Subsection (7) does not apply to the following information:

- (a) information the disclosure of which has been approved by the Minister;

- (b) information relating to a person —

- (i) for which consent for disclosure has been obtained from the person; or

- (ii) that is already in the possession of the public body;

- (c) information that is publicly available.

(9) The public body may carry out a function or exercise a power under an incentive provision despite the absence of a quorum at any meeting of the public body because of subsection (5) or (7), and the absence of a quorum does not affect the validity of anything done by the public body at the meeting.

(10) An assignment of a function or power under an incentive provision in accordance with subsection (1) does not affect or prevent the carrying out of any function or exercise of any power by the Minister.

- (11) In this section —

- (a) a person is from the public sector if the person is a public officer or an employee of a public body; and

- (b) “public body” and “responsible Minister”, in relation to a public body, have the meanings given by section 2(1) of the Public Sector (Governance) Act 2018 (Act 5 of 2018).”.

Amendment of section 6

4. Section 6 of the principal Act is amended —

(a) by inserting, immediately after subsection (4A), the following subsection:

“(4B) The obligation as to secrecy imposed by this section does not prevent the disclosure to an authorised officer of the government of another country of any information concerning any person if —

(a) the person gives express written consent to the disclosure; and

(b) the disclosure is for a purpose, and satisfies the conditions, prescribed by rules under section 7.”; and

(b) by deleting the words “the public scheme known as the wage credit scheme” in subsection (11A)(a) and substituting the words “any of the public schemes specified in the Ninth Schedule”.

Amendment of section 7

5. Section 7(1) of the principal Act is amended by deleting the word “and” at the end of paragraph (a), and by inserting immediately thereafter the following paragraph:

“(aa) to prescribe the mode of payment for any refund under this Act to any person or class of persons; and”.

Amendment of section 10E

6. Section 10E of the principal Act is amended by inserting, immediately after subsection (1A), the following subsection:

“(1B) Where the investment mentioned in subsection (1) is an immovable property, that subsection only applies if the company or trustee of the property trust —

(a) is the legal owner of the investment; or