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CHARITIES ACT (CHAPTER 37)

CHARITIES (FUND-RAISING APPEALS FOR LOCAL AND FOREIGN CHARITABLE PURPOSES) (AMENDMENT) REGULATIONS 2021

In exercise of the powers conferred by sections 39C and 48 of the Charities Act, 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) Regulations 2021 and come into operation on 8 January 2021.

Amendment of regulation 2

2. Regulation 2(1) of 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) is amended —

- (a) by deleting the definition of “charity”;
- (b) by deleting the definitions of “commercial fund-raiser” and “commercial participator” and substituting the following definitions:
 - ““collector”, “commercial fund-raiser” and “commercial participator” have the meanings given by section 39(1) of the Act;”;
- (c) by deleting the semi-colon at the end of the definition of “permit holder” and substituting a full-stop; and
- (d) by deleting the definition of “person”.

Deletion of regulation 3 and new regulations 3 and 3A

3. Regulation 3 of the principal Regulations is deleted and the following regulations substituted therefor:

“Meaning of private fund-raising appeal for local charitable purpose, etc., for this Part

3.—(1) In this Part, a person (called in this Part a private fund-raiser) conducts a private fund-raising appeal for any local charitable purpose if —

- (a) the private fund-raiser conducts a fund-raising appeal for any charitable, benevolent or philanthropic purpose that is not a foreign charitable purpose;
- (b) the private fund-raiser does not publish, or cause to be published, any advertisement that —
 - (i) gives publicity to; or
 - (ii) otherwise promotes or is intended to promote, the fund-raising appeal; and
- (c) the private fund-raiser receives, as a result of the fund-raising appeal, any money or other property, only from any of the following persons:
 - (i) where the private fund-raiser is an individual, other individuals whom the private fund-raiser knows personally;
 - (ii) where the private fund-raiser is an organisation, the employees, officers or voting members of that organisation.

(2) In paragraph (1), the private fund-raiser must be a person other than —

- (a) a registered charity or an exempt charity;
- (b) a commercial fund-raiser; or
- (c) a commercial participator.

(3) In this regulation —

“officer” —

- (a) in relation to an organisation that is a body corporate, means any director, partner, member of the board of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or
- (b) in relation to an organisation that is a body unincorporate, means the president, the secretary, or any member of the committee of management, or any person holding a position analogous to that of president, secretary or member of such a committee and includes any person purporting to act in any such capacity;

“publish” means to disseminate, distribute, exhibit, provide or communicate by oral, visual, written, electronic or other means to the public at large;

“voting member”, in relation to an organisation, means a person (not being a shareholder) who is entitled, by exercise of a voting power, to do either or both of the following:

- (a) to exercise control over, or to influence, the management or operations of the organisation;
- (b) to elect or appoint any person as an officer of the organisation.

Application of this Part, etc.

3A.—(1) Unless stated otherwise in this regulation, this Part applies in relation to every fund-raising appeal, including a fund-raising appeal for any foreign charitable purpose.

(2) Regulations 4 to 11 do not apply to any of the following persons who conducts a fund-raising appeal:

- (a) an exempt charity;

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- (b) an institution of a public character;
 - (c) any commercial fund-raiser who does so on behalf of, or purportedly on behalf of, an exempt charity.

(3) Regulation 6 does not apply to a private fund-raiser who conducts a private fund-raising appeal for any local charitable purpose.”.

Amendment of regulation 4

4. Regulation 4 of the principal Regulations is amended —

- (a) by inserting, immediately before the words “the following” in paragraph (1)(b), the words “in relation to a fund-raising appeal within the meaning of paragraph (a) of the definition of “fund-raising appeal” in section 39(1) of the Act,”;
- (b) by deleting the word “and” at the end of paragraph (1)(b)(ii);
- (c) by inserting, immediately after sub-paragraph (iii) of paragraph (1)(b), the following sub-paragraph:
 - “(iv) in the case of the commercial fund-raiser, commercial participator or person conducting the fund-raising appeal, the percentage of the total gross receipts from the fund-raising appeal expected to be used to pay for the expenses incurred for the conduct of that appeal;”;
- (d) by deleting sub-paragraph (c) of paragraph (1) and substituting the following sub-paragraph:
 - “(c) all information relating to every donor is kept confidential, and is not disclosed to any other person except as authorised by or under any law or with the consent of the donor; and”;

(e) by deleting the words “any arrangement by it to solicit donations has adequate control measures and safeguards to ensure proper accountability” in paragraph (1)(d) and substituting the words “there are adequate control measures and safeguards to ensure proper accountability in relation to any arrangement to solicit or receive donations,”; and

(f) by deleting paragraph (2) and substituting the following paragraphs:

“(2) Where a commercial fund-raiser is engaged by a charity or person to solicit donations —

(a) the commercial fund-raiser must pay directly to the charity or person (as the case may be) the whole amount of donations collected for the charity or person, without any deduction or set-off; and

(b) the charity or person (as the case may be) must not allow the commercial fund-raiser to deduct from any donations collected for the charity or person, any payment due to the commercial fund-raiser from the charity or person.

(3) A charity, commercial fund-raiser, commercial participator or person mentioned in paragraph (1) commits an offence if the charity, commercial fund-raiser, commercial participator or person (as the case may be) fails to comply with any requirement of paragraph (1).

(4) A commercial fund-raiser mentioned in paragraph (2)(a) commits an offence if the commercial fund-raiser fails to comply with paragraph (2)(a).