

**Income Tax (Concessionary Rate of Tax for Approved Global Trading Companies) (Amendment) Regulations 2011**

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**No. S 26**

**INCOME TAX ACT  
(CHAPTER 134)**

**INCOME TAX (CONCESSIONARY RATE OF TAX  
FOR APPROVED GLOBAL TRADING COMPANIES) (AMENDMENT)  
REGULATIONS 2011**

In exercise of the powers conferred by section 43P 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 (Concessionary Rate of Tax for Approved Global Trading Companies) (Amendment) Regulations 2011 and shall, subject to paragraph (2), come into operation on 19th January 2011.

(2) Regulations 2(a), (b), (d) and (e), 3(b) and (c) and 4(b), (c) and (d) shall be deemed to have come into operation on 27th February 2009.

## Amendment of regulation 2

2. Regulation 2 of the Income Tax (Concessionary Rate of Tax for Approved Global Trading Companies) Regulations 2003 (G.N. No. S 204/2003) (referred to in these Regulations as the principal Regulations) is amended —

- (a) by deleting the definition of “commodity futures trading” and substituting the following definition:

““commodity futures trading” means trading in commodity futures contracts or options in any commodity —

- (a) if the income is derived before the basis period relating to the year of assessment 2006, on any exchange specified in the Second Schedule or on any approved commodity exchange carried out by an approved global trading company in accordance with the rules and regulations or customs and practices of that exchange with —
- (i) a person who is neither a resident of nor a permanent establishment in Singapore;
  - (ii) a branch office outside Singapore of a company resident in Singapore;
  - (iii) an Asian Currency Unit of a financial institution;
  - (iv) a futures member of the Singapore Exchange;
  - (v) a member of the Singapore Commodity Exchange;
  - (vi) an approved oil trading company;
  - (vii) an approved international commodity trading company; or
  - (viii) another approved global trading company;

- (b) if the income is derived at any time between

the beginning of the basis period relating to the year of assessment 2006 and 26th February 2009, on any exchange carried out by an approved global trading company in accordance with the rules and regulations or customs and practices of that exchange with —

- (i) a person who is neither a resident of nor a permanent establishment in Singapore;
- (ii) a branch office outside Singapore of a company resident in Singapore;
- (iii) an Asian Currency Unit of a financial institution;
- (iv) a futures member of the Singapore Exchange;
- (v) a member of the Singapore Commodity Exchange;
- (vi) an approved oil trading company;
- (vii) an approved international commodity trading company;
- (viii) another approved global trading company;
- (ix) an approved commodity derivatives trading company; or
- (x) a financial sector incentive company which is —
  - (A) a bank licensed under the Banking Act (Cap. 19); or
  - (B) a merchant bank approved under section 28 of the Monetary Authority of

Singapore Act (Cap. 186);

- (c) if the income is derived at any time between 27th February 2009 and 31st December 2013, on any exchange carried out by an approved global trading company in accordance with the rules and regulations or customs and practices of that exchange, where the company is a member of the exchange, or where the trade is executed through another person who is a member of the exchange on behalf of the company; or
  - (d) if the income is derived on or after 1st January 2014, on any exchange specified in the Second Schedule or on any approved commodity exchange carried out by an approved global trading company in accordance with the rules and regulations or customs and practices of that exchange, where the company is a member of the exchange, or where the trade is executed through another person who is a member of the exchange on behalf of the company;”;
- (b) by inserting, immediately after the definition of “financial sector incentive company”, the following definitions:
  - ““financial sector incentive (derivatives market) (exchange-traded commodity derivatives) company” means a company approved as such under section 43Q of the Act;
  - “financial sector incentive (derivatives market) (financial, over-the-counter and exchange-traded commodity derivatives) company” means a company approved as such under section 43Q of the Act;
  - “financial sector incentive (derivatives market) (over-the-counter commodity derivatives) company” means a company approved as such under section 43Q of the Act;

“financial sector incentive (derivatives market) (over-the-counter and exchange-traded commodity derivatives) company” means a company approved as such under section 43Q of the Act;”;

- (c) by deleting paragraphs (c) and (d) of the definition of “physical trading”;
- (d) by deleting the word “or” at the end of paragraph (h) of the definition of “physical trading”; and
- (e) by deleting the comma at the end of paragraph (i) of the definition of “physical trading” and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs:

- “(j) a financial sector incentive (derivatives market) (exchange-traded commodity derivatives) company;
- (k) a financial sector incentive (derivatives market) (financial, over-the-counter and exchange-traded commodity derivatives) company;
- (l) a financial sector incentive (derivatives market) (over-the-counter commodity derivatives) company;
- or
- (m) a financial sector incentive (derivatives market) (over-the-counter and exchange-traded commodity derivatives) company,”.

#### **Amendment of regulation 4**

3. Regulation 4(1) of the principal Regulations is amended —

- (a) by deleting sub-paragraph (c)(iv) and (v);
- (b) by deleting the word “or” at the end of sub-paragraph (c)(ix)(B); and
- (c) by deleting the full-stop at the end of sub-paragraph (x) of sub-paragraph (c) and substituting a semi-colon, and by inserting immediately thereafter the following sub-paragraphs:

- “(xi) a financial sector incentive (derivatives market) (exchange-traded commodity derivatives) company;
- (xii) a financial sector incentive (derivatives market) (financial, over-the-counter and exchange-traded