

# **Income Tax (Central Fund Administrators) Regulations 2004**

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**No. S 40**

## **INCOME TAX ACT (CHAPTER 134)**

### **INCOME TAX (CENTRAL FUND ADMINISTRATORS) REGULATIONS 2004**

In exercise of the powers conferred by section 107(2) of the Income Tax Act, the

Minister for Finance hereby makes the following Regulations:

### **Citation and commencement**

1. These Regulations may be cited as the Income Tax (Central Fund Administrators) Regulations 2004 and shall be deemed to have come into operation on 1st January 2004.

### **Definitions**

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

“applicant” means an institution of a public character in respect of which an application for approval to a Central Fund Administrator has been made;

“appropriate Central Fund Administrator”, in relation to an approved institution of a public character, means the Central Fund Administrator which approved the institution of a public character;

“approved institution of a public character” means an institution of a public character which is approved by a Central Fund Administrator under section 37 of the Act;

“related approved institution of a public character”, in relation to a Central Fund Administrator, means an approved institution of a public character which is approved by that Central Fund Administrator.

### **Approval of institutions of a public character**

3.—(1) A Central Fund Administrator may specify —

(a) the form for the application for approval of an institution of a public character; and

(b) that the form be accompanied by such information and documents as the Central Fund Administrator may require.

(2) A Central Fund Administrator which receives an application which complies with paragraph (1) shall consider the application and may approve the application where the applicant satisfies the conditions set out in regulation 4.

(3) The approval of an institution of a public character shall be made only by an officer of the Central Fund Administrator who is holding an office not lower than that of a director.

(4) When an institution of a public character has been approved by a Central Fund Administrator, the Central Fund Administrator shall, as it thinks fit —

- (a) allow the approved institution of a public character to issue a tax deduction receipt in respect of any donation which qualifies for deduction under section 37 of the Act made to the approved institution of a public character; or
- (b) not allow the approved institution of a public character to issue any tax deduction receipt.

(5) Where a Central Fund Administrator does not allow an approved institution of a public character to issue any tax deduction receipt under paragraph (4)(b), the Central Fund Administrator shall issue a tax deduction receipt in respect of any donation which qualifies for deduction under section 37 of the Act made to the approved institution of a public character.

### **Conditions for approval of institution of a public character**

4.—(1) A Central Fund Administrator may approve any institution of a public character as an approved institution of a public character, for a period not exceeding 5 years, where the applicant satisfies the following conditions:

- (a) it is —
  - (i) a charity registered under section 5 of the Charities Act (Cap. 37);
  - (ii) a charity which is an exempt charity as defined under section 2 of the Charities Act and which is not required to be registered by virtue of section 5 (4) of that Act; or
  - (iii) such institution or fund which falls within the definition of “institution of a public character” under section 2(1) of the Act as the Minister or such person as he may appoint may specify;
- (b) unless otherwise approved by the Minister, its activities are beneficial to the community in Singapore as a whole and are not confined to sectional interests or groups of persons based on race, belief or religion;
- (c) its activities meet its objectives under its governing instruments and the objectives of the Central Fund Administrator;
- (d) it is administered by a board of trustees and not more than 50% of the members of the board have an interest in the applicant or any person who or any organisation which has established the applicant;
- (e) at least half of the individuals making up its board of trustees shall be