

Charities (Amendment) Bill

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Bill No: 22/2006

Read the first time: 8th November 2006

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Charities (Amendment) Bill

Bill No. 22/2006

Read the first time on 8th November 2006.

An Act to amend the Charities Act (Chapter 37 of the 1995 Revised Edition) and to make consequential amendments to certain other written laws.

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

Short title and commencement

1. This Act may be cited as the Charities (Amendment) Act 2006 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Repeal and re-enactment of long title

2. The long title to the Charities Act is repealed and the following long title substituted therefor:

“An Act to make provision for the registration of charities, the administration of charities and their affairs, the regulation of charities and institutions of a public character, the regulation of fund-raising activities carried on in connection with charities and other institutions and the conduct of fund-raising appeals, and for purposes connected therewith.”.

Amendment of section 2

3. Section 2(1) of the Charities Act is amended by inserting, immediately after the definition of “company”, the following definition:

“ “Council” means the Charity Council established under section 4A;”.

Amendment of section 3

4. Section 3 of the Charities Act is amended —

- (a) by deleting the words “sections 24, 25 and 30” in subsection (2) and substituting the words “sections 24, 25, 25A, 26A, 26B and 30”; and
- (b) by inserting, immediately after subsection (2), the following subsection:

“(3) An Assistant Commissioner of Charities shall have and may exercise all the powers, duties and functions of the Commissioner as may be delegated to him by the Commissioner in writing, except those which are exercisable under sections 24, 25, 25A, 26A, 26B and 30.”.

Repeal and re-enactment of section 4

5. Section 4 of the Charities Act is repealed and the following section substituted therefor:

“Objectives and general functions of Commissioner

4.—(1) The objectives of the Commissioner shall be —

- (a) to maintain public trust and confidence in charities;
- (b) to promote compliance by charity trustees with their legal obligations in exercising control and management of the administration of their charities;
- (c) to promote the effective use of charitable resources; and
- (d) to enhance the accountability of charities to donors, beneficiaries and the general public.

(2) The general functions of the Commissioner shall be —

- (a) to determine whether institutions are or are not charities;
- (b) to encourage and facilitate the better administration of charities;
- (c) to identify and investigate apparent misconduct or mismanagement in the administration of charities;
- (d) to take remedial or protective action in connection with misconduct or mismanagement in the administration of charities;
- (e) to obtain, evaluate and disseminate information in connection with the performance of any of the Commissioner’s functions or meeting any of the Commissioner’s objectives;
- (f) to give information or advice, or make proposals, to the Minister on matters relating to any of the Commissioner’s functions or meeting any of the Commissioner’s objectives; and
- (g) to perform such other functions as the Minister may determine.

(3) The Commissioner shall, as soon as possible after the end of every year, submit to the Minister a report on his operations during that year, and the Minister shall present a copy of the report to Parliament.”.

New Part IIA

6. The Charities Act is amended by inserting, immediately after section 4, the following Part:

“PART IIA

CHARITY COUNCIL

Charity Council

4A.—(1) There shall be established a Charity Council consisting of a Chairman and such other members as the Minister may appoint.

(2) The Chairman and other members of the Council shall be appointed for such duration and on such terms and conditions as the Minister may determine.

Functions of Council

4B.—(1) The functions of the Council shall be —

- (a) to advise the Commissioner on any question which he may refer to it in connection with the administration of this Act, and the objectives and functions of the Commissioner under this Act;
- (b) to make such recommendations to the Commissioner as it may think fit in relation to the regulation of charities; and
- (c) to promote self-regulation and good governance standards in the charity sector.

(2) The Council may perform such other functions as the Minister may determine.

(3) The Council may regulate its own procedure.”.

Amendment of section 5

7. Section 5 of the Charities Act is amended by inserting, immediately after subsection (3), the following subsections:

“(3A) The Commissioner shall refuse to register an institution as a charity —

- (a) if it appears to the Commissioner that the registration of the institution will be contrary to the public interest; or
- (b) on such other ground as the Minister may prescribe.

(3B) The Commissioner shall remove an institution from the register of charities —

- (a) if it appears to the Commissioner that the continued registration of the