

# **Income Tax (Amendment) Bill**

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**Bill No. /2023.**

*Read the first time on*                      *2023.*

A BILL

*i n t i t u l e d*

An Act to amend the Income Tax Act 1947 and to make related amendments to certain other Acts.

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 2023.
- (2) Section 2(*e*) is deemed to have come into force on 1 May 2013.
- (3) Section 2(*f*) and (*g*) is deemed to have come into force on  
5 1 November 2021.
- (4) Sections 2(*b*), (*c*) and (*d*), 5, 7(*b*), (*c*), (*d*), (*e*), (*g*), (*h*), (*i*), (*j*), (*k*), (*m*) and (*n*), 11, 15, 34(*b*), (*c*) and (*d*), 39(*b*) and (*c*) are deemed to have come into force on 15 February 2023.
- (5) Section 46 is deemed to have come into force on 1 April 2023.
- 10 (6) Section 3 is deemed to have come into force on 1 September 2023.
- (7) Sections 2(*a*), 6, 7(*a*), (*f*) and (*l*), 34(*a*), 38 and 39(*a*) come into force on 1 January 2024.

### Amendment of section 10

- 15 2. In the Income Tax Act 1947 (called in this Act the principal Act), in section 10 —
- (*a*) in subsection (20A)(*f*)(*ii*) and (*h*), replace “2023” with “2028”;
- (*b*) in subsection (20A)(*h*), replace “prepayment fee, redemption  
20 premium and break cost” with “early redemption fee and redemption premium”;
- (*c*) in subsection (23), delete the definitions of “break cost”, “prepayment fee” and “redemption premium”; and
- (*d*) in subsection (23), after the definition of “designated unit  
25 trust”, insert —
- ““early redemption fee” and “redemption premium”  
have the meanings given by section 13(16);”;
- (*e*) in subsection (26), replace “or 12B” with “, 12AB, 12B, 12E  
or 12H”;
- 30 (*f*) in subsection (26), after “9,”, insert “12A,”; and

(g) in subsection (26), replace “or 12H” with “, 12H or 12HA”.

### **Amendment of section 10B**

3. In the principal Act, in section 10B(12) —

(a) in the definition of “relevant amount”, replace paragraph (a) with —

“(a) the overseas total wages paid to an employee in any year less the aggregate in that year of such part of the overseas ordinary wages that are paid to the employee in every month in that year which exceeds —

(i) for a month before September 2011 — \$4,500;

(ii) for the month of September 2011 or any subsequent month before January 2016 — \$5,000;

(iii) for the month of January 2016 or any subsequent month before September 2023 — \$6,000;

(iv) for the month of September 2023 or any subsequent month before January 2024 — \$6,300;

(v) for the month of January 2024 or any subsequent month before January 2025 — \$6,800;

(vi) for the month of January 2025 or any subsequent month before January 2026 — \$7,400; or

(vii) for the month of January 2026 or any subsequent month — \$8,000; or”;

(b) in the definition of “specified amount”, replace paragraph (e) with —

“(e) in relation to the year 2016 and every subsequent year, the difference between \$102,000 and the total ordinary wages paid to the employee in that year; and for this purpose, the amount of ordinary wages mentioned in each of the following sub-paragraphs that is paid to the employee for every month specified in that sub-paragraph is disregarded:

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(i) for the month of January 2016 or any subsequent month before September 2023 — any amount in excess of \$6,000;

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(ii) for the month of September 2023 or any subsequent month before January 2024 — any amount in excess of \$6,300;

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(iii) for the month of January 2024 or any subsequent month before January 2025 — any amount in excess of \$6,800;

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(iv) for the month of January 2025 or any subsequent month before January 2026 — any amount in excess of \$7,400;

(v) for the month of January 2026 or any subsequent month — any amount in excess of \$8,000.”.

#### **Amendment of section 10G**

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**4.** In the principal Act, in section 10G —

- (a) in subsections (3)(c) and (3G), replace “is suffering from” with “has”; and
- (b) in subsection (8)(c), replace “begins to suffer from” with “is diagnosed to have”.

**New section 10K**

5. In the principal Act, after section 10J, insert —

**“Tax treatment for covered bond transactions**

**10K.**—(1) This section applies where —

- 5           (a) an approved covered bond company derives income from any cover pool for covered bonds issued by a bank incorporated in Singapore (directly or through its overseas branch), being covered bonds that are issued in compliance with the MAS Notice during the period from 15 February 2023 to 31 December 2028 (both dates inclusive); and
- 10
- (b) the bank had transferred the cover pool to the approved covered bond company under a covered bond transaction entered into during that period, for the purpose of securing the bank’s liabilities under the covered bonds.
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(2) Despite any provision in this Act, if (and only if) the conditions prescribed by rules made under section 7 for the purposes of this section are complied with, then any income derived by the approved covered bond company from the cover pool, is treated for the purposes of this Act as income of the bank (and not the approved covered bond company) for the year of assessment relating to the basis period in which the income is derived.

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(3) Rules made under section 7 for the purposes of this section may provide for the deduction of the expenses, allowances and losses mentioned in subsection (2) otherwise than in accordance with this Act.

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(4) In this section —

30           “approved covered bond company” means a company incorporated and resident in Singapore, that is —

- (a) incorporated principally to enter into a covered bond transaction with a bank incorporated in

Singapore that issues (directly or through its overseas branch) covered bonds; and

(b) is approved by the Minister or an authorised body for the purposes of this section;

5 “covered bond” means any bond, note or other debenture, where payment of the liabilities to the holder thereof and any liabilities arising from the enforcement of the rights of the holder, is —

(a) secured by a cover pool; and

10 (b) recoverable from the issuer of the bond, note or debenture, regardless of whether the cover pool is sufficient to pay off such liabilities;

“covered bond transaction” means —

(a) the issue of any covered bonds; and

15 (b) the transfer, by the issuer of the covered bonds, of the cover pool for those covered bonds to another entity for the purpose of securing the liabilities of the issuer under those covered bonds;

20 “cover pool”, in relation to any covered bonds, means the pool of assets against which the covered bonds are collateralised;

“MAS Notice” means the applicable notice of the Monetary Authority of Singapore relating to the issuance of covered bonds given under section 55 of the Banking Act 1970;

25 “overseas branch”, in relation to a bank incorporated in Singapore, means a branch of the bank situated outside Singapore.”.

### **New section 10L**

30 **6.** In the principal Act, after section 10K (as inserted by section 5), insert —

**“Gains of a relevant entity from the sale of foreign assets**

5 **10L.**—(1) Despite anything in this Act, gains from the sale or disposal by a relevant entity of any movable or immovable property situated outside Singapore at the time of such sale or disposal or any rights or interest thereof (called in this section a foreign asset), that are received in Singapore from outside Singapore on or after 1 January 2024, are treated as income chargeable to tax under section 10(1)(g) for the year of assessment relating to the basis period in which the gains are received in Singapore, if —

(a) the gains would not otherwise be chargeable to tax as income under section 10(1); or

(b) the gains would otherwise be exempt from tax under this Act.

15 (2) Subsection (1) applies only to gains from a sale or disposal of a foreign asset that occurs on or after 1 January 2024.

(3) In subsection (1), a relevant entity is a member of a group of entities where at least one member of the group has a place of business outside Singapore.

20 (4) For the purpose of subsection (3), an entity is a member of a group of entities if its assets, liabilities, income, expenses and cash flows are included in consolidated financial statements prepared by the parent entity of the group.

25 (5) Where any gain from the sale or disposal of a foreign asset is treated as the income of an individual as a result of subsection (1), the income is exempt from tax.

(6) Subsection (1) does not apply to gains from a sale or disposal of a foreign asset that is carried out —

30 (a) by a financial institution (as defined in the Financial Services and Markets Act 2022) in the basis period in which the sale or disposal occurred;

(b) by an entity whose income is exempt from tax, or is taxed at a concessionary rate of tax, under section 13A, 13E, 13P, 43C, 43E, 43I, 43J, 43L, 43N, 43P, 43Q, 43R

or 43U of the Act for the basis period in which the sale or disposal occurred;

(c) by an entity whose income is exempt from tax, or is taxed at a concessionary rate of tax, under Part 2, 3 or 4 of the Economic Expansion Incentives (Relief from Income Tax) Act 1967 for the basis period in which the sale or disposal occurred; or

(d) by an entity that was an excluded entity in the basis period in which the sale or disposal occurred.

(7) For the purpose of subsection (1), the following amounts of gains from the sale or disposal of any foreign asset are treated as received in Singapore from outside Singapore:

(a) any amount from such gains that is remitted to, or transmitted or brought into, Singapore;

(b) any amount from such gains that is applied in or towards satisfaction of any debt incurred in respect of a trade or business carried on in Singapore; and

(c) any amount from such gains that is applied to the purchase of any movable property which is brought into Singapore.

(8) For the purpose of subsection (1), where the sale or disposal of a foreign asset by a relevant entity was at a price less than the open-market price for the foreign asset, the Comptroller may, subject to the application of subsection (10), treat the open market price for the foreign asset as the amount of the gains received in Singapore from outside Singapore.

(9) In subsection (8), the open-market price for a foreign asset is either —

(a) the price which the foreign asset could have been sold for in the open market on the date of its sale or disposal; or

(b) where the Comptroller is satisfied by reason of the special nature of the foreign asset that it is not practicable to determine the price mentioned in



paragraph (a), such other value as appears to the Comptroller to be reasonable in the circumstances.

5 (10) Subject to subsection (11), in ascertaining the amount of any gains chargeable to tax under subsection (1), there is to be deducted any expenditure incurred by the relevant entity to acquire, create or improve the foreign asset or to sell or dispose of the foreign asset.

(11) The following are not deductible under subsection (10):

- 10 (a) any expenditure deductible under this Act against any income (whether or not chargeable to or exempt from tax); or
- 15 (b) any amount of capital expenditure for which an allowance is made under this Act against any income (whether or not chargeable to or exempt from tax) that is in excess of the amount of any balancing charge (or similar charge) made on the sale or disposal of the foreign asset.

20 (12) In this section, the situation of property, and any right or interest thereof, is determined in accordance with the following provisions:

- (a) immovable property, and any right or interest in immovable property, is situated where the immovable property is physically located;
- 25 (b) any tangible movable property, and any right or interest in such property, that is not the subject of any paragraph in this subsection, is situated where the tangible movable property is physically located;
- 30 (c) a ship or aircraft, or any right or interest in a ship or aircraft, is situated where the owner, or the person entitled to the right or interest, is resident;
- (d) any intangible movable property, and any right or interest in such property, that is not the subject of any paragraph in this subsection, is situated where the

ownership rights in respect of the property would be primarily enforceable;

- 5 (e) a secured or unsecured debt (other than a judgment debt or securities), and any right or interest in a secured or unsecured debt, is situated where the creditor is resident;
- (f) a judgment debt, and any right or interest in a judgment debt, is situated where the judgment is recorded;
- 10 (g) shares, equity interests or securities issued by any municipal or governmental authority, or by any body created by such an authority, and any right or interest in such shares, equity interests or securities, are situated where that authority is established;
- 15 (h) subject to paragraph (g), shares in or securities issued by a company, and any right or interest in such shares or securities, are situated where the company was incorporated;
- 20 (i) subject to paragraph (g), equity interests in any entity which is not a company, and any right or interest in such equity interests, are situated where the trade, business or profession of the entity is principally carried on;
- 25 (j) subject to paragraph (g) (and despite paragraphs (h) and (i)), registered shares, equity interests or securities, and any right or interest in registered shares, equity interests or securities, are situated where they are registered and, if registered in more than one register, where the principal register is situated;
- 30 (k) the goodwill relating to a trade, business or profession is situated where the trade, business or profession is principally carried on;
- 35 (l) any intellectual property right, and any licence or other right in respect thereof, are situated where the owner of the intellectual property right, licence or right is resident.

(13) An entity that sells or disposes of a foreign asset on or after 1 January 2024 must keep and retain in safe custody, for a period of 5 years after the year of assessment relating to the basis period in which the gains from such sale or disposal would be received in Singapore, all records reasonably required for the Comptroller to ascertain the amount of any income chargeable under this section.

(14) In this section —

“consolidated financial statements” means financial statements prepared by an entity in accordance with generally accepted accounting standards, in which the assets, liabilities, income, expenses and cash flows of an entity, and the entities in which it has a controlling interest, are presented as those of a single economic unit;

“controlling interest”, in relation to an entity, means an equity interest in the entity such that the holder of the interest —

(a) is required to consolidate in its financial statements the assets, liabilities, income, expenses and cash flow of the entity on a line-by-line basis in accordance with generally accepted accounting standards; or

(b) would be required to do so if it prepares consolidated financial statements;

“debt securities” has the meaning given by section 43H;

“entity” means —

(a) any legal person (including a limited liability partnership) but not an individual;

(b) a general partnership or limited partnership; or

(c) a trust;

“equity interest”, in relation to an entity, means an interest that carries rights to the profits, capital or reserves of the

entity and is accounted for as equity under generally accepted accounting principles;

“excluded entity”, in relation to a basis period, means —

- 5 (a) a pure equity-holding entity that satisfies all of the following conditions in that basis period:
- (i) the entity complies with every obligation to submit any regular return, statement or account under the written law under which it is incorporated or registered; and
  - 10 (ii) the operations of the entity are managed and performed in Singapore (whether by its employees or other persons);
- 15 (b) an entity that is not a pure equity-holding entity and that satisfies all of the following conditions in that basis period:
- (i) the entity carries on a trade, business profession in Singapore;
  - (ii) the operations of the entity are managed and performed in Singapore (whether by its employees or other persons); and
  - 20 (iii) the entity has reasonable economic substance in Singapore, taking into account the following considerations:
    - 25 (A) the number of employees of the entity (or other person managing or performing the entity’s operations) in Singapore;
    - (B) the qualifications and experience of such employees in Singapore;
    - 30 (C) the amount of business expenditure incurred by the entity in Singapore and outside Singapore relative to the amount of the entity’s income;

(D) whether the key business decisions of the entity are made by persons in Singapore;

“intellectual property rights” has the meaning given by section 19B(11);

“parent entity”, in relation to a group, means an entity that has a controlling interest in all the other members of the group;

“pure equity-holding entity” means an entity —

(a) whose primary function is to hold shares or equity interests in other entities; and

(b) that has no income other than —

(i) dividends or similar payments from the shares or equity interests;

(ii) gains on the sale or disposal of the shares or equity interests; or

(iii) income incidental to its activities of holding shares or equity interests in other entities;

“securities” means debentures and debt securities;

“shares” includes stocks.

(15) In this section, where an entity is a trust —

(a) references to anything done by, to or in relation to the entity are to that thing done by, to or in relation to the trustee of the trust;

(b) references to gains, income or property (or any interest thereof) of the entity are references to those gains, income or property (or any interest thereof) of the trustee of the trust derived or held by it in its capacity as the trustee of the trust.”.

### **Amendment of section 13**

7. In the principal Act, in section 13 —

- (a) in subsections (1)(a)(i) and (ii), (aa), (ab) and (ba) and (2), replace “2023” with “2028”;
- (b) in subsection (1)(b)(ii), (ba) and (bc)(i), replace “prepayment fee, redemption premium and break cost” with “early redemption fee and redemption premium”;
- (c) in subsections (1)(zk), (2C)(b), (2D)(b), (2F), (2H) and (2HA)(a), replace “prepayment fee, redemption premium or break cost” with “early redemption fee or redemption premium”;
- (d) in subsection (16), delete the definitions of “break cost” and “prepayment fee”;
- (e) in subsection (16), after the definition of “debt securities”, insert —
- “early redemption fee” in relation to debt securities, qualifying debt securities or qualifying project debt securities, means any fee payable by the issuer of the securities on the early redemption of the securities;”;
- (f) in subsection (16), in the definition of “qualifying debt securities”, in paragraphs (a) and (b)(ii)(A), replace “2023” with “2028”;
- (g) in subsection (16), in the definition of “qualifying debt securities”, in paragraph (b)(iii), delete “or” at the end;
- (h) in subsection (16), in the definition of “qualifying debt securities”, in paragraph (b)(iv), insert “or” at the end;
- (i) in subsection (16), in the definition of “qualifying debt securities”, in paragraph (b), after sub-paragraph (iv), insert —
- “(v) by any of the following persons and issued during the period from 15 February 2023 to 31 December 2028 (both dates inclusive):

- (A) a bank or merchant bank licensed under the Banking Act 1970;
- 5 (B) a finance company licensed under the Finance Companies Act 1967;
- (C) a person who holds a capital markets services licence under the Securities and Futures Act 10 2001 to carry on a business in any of the following regulated activities:
- (CA) advising on corporate finance;
- 15 (CB) dealing in capital markets products;
- (D) such other person as may be prescribed by rules made under section 7;”;
- 20 (j) in subsection (16), in the definition of “qualifying debt securities”, in paragraph (c)(ii), delete “or” at the end;
- (k) in subsection (16), in the definition of “qualifying debt securities”, in paragraph (c), after sub-paragraph (iii), insert —
- 25 “(iv) by any of the following persons and issued during the period from 15 February 2023 to 31 December 2028 (both dates inclusive):
- (A) a bank or merchant bank licensed under the Banking Act 1970;
- 30 (B) a finance company licensed under the Finance Companies Act 1967;

(C) a person who holds a capital markets services licence under the Securities and Futures Act 2001 to carry on a business in any of the following regulated activities:

(CA) advising on corporate finance;

(CB) dealing in capital markets products;

(D) such other person as may be prescribed by rules made under section 7; or”;

(l) in subsection (16), in the definition of “qualifying debt securities”, replace paragraph (d) with —

“(d) debt securities whose values are derived from insured loss events underlying them, that are issued by a Special Purpose Reinsurance Vehicle during the period between 20 December 2018 and 31 December 2028 (both date inclusive), where —

(i) if the date of issue is between 20 December 2018 and 31 December 2023 (both dates inclusive) — at least 20% of the issue costs for the issue are required to be paid to persons or partnerships carrying on any trade, business or profession in Singapore; or

(ii) if the date of issue is between 1 January 2024 and 31 December 2028 (both dates inclusive) — at least 30% of the issue costs for the issue are required to be paid to persons or



partnerships carrying on any trade,  
business or profession in Singapore.”;

(*m*) in subsection (16), in the definition of “redemption premium”, after the words “upon their maturity”, insert “or on the early redemption of the securities”; and

(*n*) after subsection (16A), insert —

“(16B) In paragraphs (*b*)(v) and (*c*)(iv) of the definition of “qualifying debt securities” in subsection (16), “advising on corporate finance” and “dealing in capital markets products” have the meanings given by the Second Schedule to the Securities and Futures Act 2001.”.

#### **Amendment of section 13M**

**8.** In the principal Act, in section 13M(1), replace “2023” with “2028”.

#### **New section 13QA**

**9.** In the principal Act, after section 13Q, insert —

##### **“Exemption of estate income received by beneficiary, etc.**

**13QA.** Where a person resident in Singapore is a beneficiary of an estate administered in Singapore, and any share of the statutory income of the estate is received by, distributed to or applied to the benefit of that person, that share is exempt from tax in the person’s hands if it would have been exempt from tax under any provision of this Part had it been derived or received directly by that person instead of the executor of the estate.”.

#### **Amendment of section 14A**

**10.** In the principal Act, in section 14A —

(*a*) in subsections (1)(*b*), (1E) and (1F), replace “2025” with “2028”;

(*b*) in subsection (1BB), replace “2025” with “2023”;

(*c*) after subsection (1BB), insert —

“(1BC) Subject to this section, for the purpose of ascertaining the income of a person carrying on a trade or business during the basis period for any year of assessment between the years of assessment 2024 and 2028 (both years inclusive), there is allowed in respect of all of the person’s trades and businesses, in addition to the deduction allowed under subsection (1), a deduction for qualifying intellectual property registration costs incurred during that basis period for the purposes of those trades and businesses computed in accordance with the formula  $A \times 300\%$ ,

where A is the lower of the following:

- (a) the qualifying intellectual property registration costs incurred during that basis period;
- (b) \$400,000.”;
- (d) in subsections (1E) and (1F), replace “and (1BB)” with “, (1BB) and (1BC)”;
- (e) in subsections (1E), (1F) and (2), replace “or (1BB)” with “, (1BB) or (1BC)”;
- (f) in subsection (5A), replace “or (1BB)” wherever it appears with “, (1BB) or (1BC)”.

#### **Amendment of section 14B**

**11.** In the principal Act, in section 14B —

- (a) in the section heading, replace “or to maintenance of overseas trade office” with “, maintenance of overseas trade office, or electronic commerce”;
- (b) in subsection (2), after paragraph (ab), insert —
  - “(ac) any of the following expenses incurred on or after 15 February 2023 that are approved for the firm or company for the purposes of enabling the firm or company to trade goods, or provide services to persons, in a foreign country using an electronic marketplace:

- (i) expenses incurred on the creation and maintenance of an account with the electronic marketplace;
- 5 (ii) expenses incurred on the listing of the goods to be traded or services to be provided on the electronic marketplace;
- 10 (iii) expenses incurred for any promotion campaign using the electronic marketplace, including the design and creation of the materials for the promotion campaign;
- 15 (iv) expenses incurred to engage a person (not being an officer or employee or a related party of the approved firm or company, or an officer or employee of such related party) to provide advisory service to the firm or company in connection with the use of the electronic marketplace;” and
- 20 (c) in subsection (11), after the definition of “approved”, insert —
- ““electronic marketplace” means a medium that —
- (a) allows a person to trade goods or provide services to any other person by electronic means; and
- 25 (b) is operated by electronic means,
- but not any medium that is solely for processing any payment for any trading of goods or provision of services;
- “foreign country” means any country or territory
- 30 outside Singapore;”.

#### **Amendment of section 14C**

**12.** In the principal Act, in section 14C —

- (a) in subsection (1)(aa) and (c), replace “2025” with “2028”;

- (b) in subsection (4)(a), after “section 37G”, insert “or 37R”; and  
 (c) in subsection (5), in the definition of “specified amount”,  
 after “section 37G”, insert “or 37R”.

### **Amendment of section 14D**

5 **13.** In the principal Act, in section 14D —

(a) in subsection (1), replace “2025” wherever it appears with  
 “2028”;

(b) after subsection (1), insert —

10 “(1A) Subject to this section and section 37R, for the  
 purpose of ascertaining the income of a person carrying  
 on any trade or business during the basis period for any  
 year of assessment between the years of assessment 2024  
 and 2028 (both years inclusive), there is allowed in respect  
 of all of the person’s trades and businesses, in addition to  
 15 the deductions allowed under subsection (1) and section  
 14C, a deduction for expenditure or payments for research  
 and development undertaken by the person, of an amount  
 computed in accordance with the formula

$$T \times 150\%$$

20 where T is the lower of the following:

(a) the aggregate of U and V;

(b) \$400,000; and

U and V have the meanings given by subsection (1).”;

25 (c) in subsection (2B), in the definition of “mixed research and  
 development”, after “subsection (1)”, insert “, (1A)”;

(d) after subsection (6), insert —

30 “(6A) For the purpose of subsection (1A), where an  
 individual carrying on a trade or business through 2 or  
 more firms (excluding partnerships) has, during the basis  
 period for any year of assessment between the years of  
 assessment 2024 and 2028 (both years inclusive), incurred  
 qualifying expenditure or made payments in respect of

5 such firms entitling the individual to a deduction under subsection (1A), the deduction that may be allowed to the individual for those expenditure or payments in respect of all of the individual's trades and businesses must not exceed the amount computed in accordance with subsection (1A) for that year of assessment.

10 (6B) For the purpose of subsection (1A), where a partnership carrying on a trade or business has, during the basis period for any year of assessment between the years of assessment 2024 and 2028 (both years inclusive), incurred qualifying expenditure or made payments entitling the partners of the partnership to a deduction under subsection (1A), the aggregate of the deductions that may be allowed to all the partners of the partnership for those expenditure or payments in respect of all of the trades and businesses of the partnership must not exceed the amount computed in accordance with subsection (1A) for that year of assessment.”;

20 (e) in subsection (9), after “subsection (1)” wherever it appears, insert “, (1A)”;

(f) in subsection (9)(a) and (b), after “section 37G” wherever it appears, insert “or 37R”; and

(g) in subsection (12)(a)(ii), replace “2025” with “2028”.

#### **New section 14EA**

25 **14.** In the principal Act, after section 14E, insert —

#### **“Deduction for expenditure incurred on qualifying innovation projects**

30 **14EA.**—(1) Subject to this section, for the purpose of ascertaining the income of a person carrying on a trade or business during the basis period for any year of assessment between the years of assessment 2024 and 2028 (both years inclusive), there is allowed in respect of all of the person's trades and businesses, a deduction for qualifying expenditure incurred for a qualifying innovation project

undertaken for the purpose of any of those trades and businesses, computed in accordance with the formula

$$A \times 400\%,$$

where A is the lower of the following:

- 5           (a) the qualifying expenditure incurred during the basis period for that year of assessment;
- (b) \$50,000.
- (2) Subsection (1) does not apply if —
- 10           (a) a trade or business of the person involves the carrying out of one or more relevant activities on behalf of another person; and
- (b) the qualifying innovation project is undertaken in the course of carrying on that trade or business.
- (3) No deduction is allowed to a person under this section in respect of any expenditure for which a deduction or an allowance is given or made under section 14, 14A, 14C, 14D, 14U or 19B (as the case may be).
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- (4) Where the qualifying expenditure incurred by a person is also eligible for a deduction under section 14C or 14D and that person makes a claim for a deduction under this section, no deduction under section 14C or 14D is allowed to that person in respect of the whole or any part of the qualifying expenditure.
- 20
- (5) For the purpose of subsection (1), a claim for deduction is allowed to a person only if —
- 25           (a) there is an undertaking by the person that the expenditure is not incurred in the circumstances mentioned in subsection (2)(a) and (b); and
- (b) the claim is made in such manner and subject to such conditions as the Comptroller may require.
- 30           (6) For the purpose of subsection (1), where an individual carrying on a trade or business through 2 or more firms (excluding partnerships) has, during the basis period for any year of assessment between the years of assessment 2024 and 2028

(both years inclusive), incurred qualifying expenditure in respect of those firms for the purposes of the individual's trade or business, the deduction that may be allowed to the individual for that expenditure in respect of all of the individual's trades and businesses must not exceed the amount computed in accordance with subsection (1) for that year of assessment.

(7) For the purposes of subsection (1), where a partnership carrying on a trade or business has, during the basis period for any year of assessment between the years of assessment 2024 and 2028 (both years inclusive), incurred qualifying expenditure for the purposes of the partnership's trade or business, the aggregate of the deductions that may be allowed to all the partners of the partnership for that expenditure in respect of all of the trades and businesses of the partnership must not exceed the amount computed in accordance with subsection (1) for that year of assessment.

(8) For the purposes of this section, any qualifying expenditure incurred by a person prior to the commencement of that person's trade or business is treated as having been incurred by that person on the first day that the person carries on that trade or business, but a deduction for such expenditure is subject to section 14X.

(9) In this section —

“approved educational or research institution” means any institution approved by the Minister for the purpose of this section, that provides education or carries out research and development;

“qualifying expenditure” means any payment made by a person to an approved educational or research institution for the purpose of undertaking a qualifying innovation project with the person;

“qualifying innovation project” means a project that —

- (a) is undertaken by a person with an approved educational or research institution;
- (b) predominantly involves the carrying out of one or more relevant activities; and

(c) is certified by the approved educational or research institution as a project that predominantly involves the carrying out of one or more relevant activities.

“relevant activity” means an activity falling within any of the following categories of activities, being categories specified in the document “Oslo Manual 2018 — Guidelines for Collecting, Reporting and Using Data on Innovation” published by the Organisation for Economic Co-operation and Development on 22 October 2018:

- (a) research and experimental development activities;
- (b) engineering, design and other creative work activities;
- (c) intellectual property related activities;
- (d) software development and database activities.

(10) A reference in this section to qualifying expenditure excludes any expenditure to the extent that it is or is to be subsidised by any grant or subsidy from the Government or a statutory board.”.

#### **Amendment of section 14F**

**15.** In the principal Act, in section 14F, after subsection (4), insert —

“(5) No approval may be granted under this section after 14 February 2023.”.

#### **Amendment of section 14G**

**16.** In the principal Act, in section 14G —

- (a) in subsection (2)(a), after “for that basis period”, insert “except as provided in subsection (2CA)”;
- (b) after subsection (2C), insert —

“(2CA) Subject to subsection (2CB), subsection (2)(a) does not apply to the following provisions and allowance written back by a bank or qualifying finance company in



the basis period for the year of assessment 2022 or any subsequent year of assessment:

- 5 (a) a provision made for expected credit losses of any of the following loans that are not credit-impaired, being losses that were recognised in accordance with FRS 109 or SFRS(I) 9 (as the case may be) in the basis period for the year of assessment 2021 or any preceding year of assessment:
- 10 (i) a loan to and placement with any financial institution in Singapore or any other country;
- (ii) a loan to the Government or the government of any other country;
- 15 (iii) a loan to and placement with the Monetary Authority of Singapore or the central bank or other monetary authority of any other country;
- 20 (iv) a loan to any statutory body or corporation guaranteed by the Government or the government of any other country;
- (v) such other loan or advance as may be prescribed by rules made under section 7;
- 25 (b) a provision made for expected credit losses of securities issued or guaranteed by the Government or the government of any country that are not credit-impaired, being losses that were recognised in accordance with FRS 109 or
- 30 SFRS(I) 9 (as the case may be) in the basis period for the year of assessment 2021 or any preceding year of assessment;
- 35 (c) an allowance for any loan mentioned in paragraph (a)(i) to (v) or any investment in securities mentioned in paragraph (b) that are

5 not credit-impaired, being allowances that were recognised in the retained earnings account of the bank or qualifying finance company as required by an MAS notice in the basis period for the year of assessment 2021 or any preceding year of assessment.

10 (2CB) Subsection (2CA) applies only if the bank or qualifying finance company is able to directly identify, to the satisfaction of the Comptroller, the amount of the provision or allowance mentioned in paragraph (a), (b) or (c) of that subsection that was written back in the basis period for the year of assessment concerned.”;

(c) in subsection (6B), replace “2024” with “2029”; and

(d) in subsection (7), delete the definition of “capital funds”.

15 **Amendment of section 14N**

**17.** In the principal Act, in section 14N(3A), replace “or 2022” with “, 2022 or 2024”.

**Amendment of section 14O**

20 **18.** In the principal Act, in section 14O, in the section heading, after “expenditure”, insert “for years of assessment 2011 to 2018”.

**Amendment of section 14U**

**19.** In the principal Act, in section 14U —

(a) in subsections (1), (2) and (3), replace “2025” with “2028”;

(b) after subsection (1), insert —

25 “(1A) For the purpose of ascertaining the income of a person —

(a) who is a qualifying person for any year of assessment between the years of assessment 2024 and 2028 (both years inclusive); and

30 (b) who carries on a trade or business during the basis period for that year of assessment,

there is allowed in respect of all of the person's trades and businesses, in addition to the deduction allowed under section 14 or 14C (as the case may be) and in lieu of subsection (1), a deduction for expenditure incurred for the purposes of those trades and businesses on the licensing from another person of any qualifying intellectual property rights, computed in accordance with the formula

$$A \times 300\%,$$

where A is the lower of the following:

- (a) the expenditure incurred during the basis period for that year of assessment;
- (b) \$400,000.

(1B) Despite subsection (1A) and section 19B, where the qualifying person has, during the basis period for any year of assessment between the years of assessment 2024 and 2028 (both years inclusive), incurred both —

- (a) expenditure on the licensing from another person of any qualifying intellectual property rights; and
- (b) expenditure on the acquisition of any intellectual property rights,

the total of the expenditure which may be given a deduction under subsection (1A) and the expenditure which may be given an allowance under section 19B(1AD), must not exceed \$400,000 for that year of assessment.

(1C) In this section, a person is a qualifying person for a year of assessment if —

- (a) where the person is a company that is not part of a group — the person derives less than \$500 million in gross revenue in the basis period for that year of assessment;

- (b) where the person is a company that is part of a group — all the entities in the group derive a total of less than \$500 million in gross revenue in that basis period;
- 5 (c) where the person is an individual proprietor — the person derives less than \$500 million in gross revenue in that basis period from all of the person’s trades, professions and businesses that are carried on through one or more individual
- 10 proprietorships;
- (d) where the person is a partner of a partnership, and either the partnership is under the control of a single partner who is an individual or no single partner has control over the partnership — the
- 15 partnership derives less than \$500 million in gross revenue in that basis period; or
- (e) where the person is a partner of a partnership, and the partnership is under the control of a single partner that is a company — the
- 20 partnership, the company and all other entities in the group of which the partnership and the company are parts derive a total of less than \$500 million in gross revenue in that basis period.

25 (1D) In subsection (1C)(d) and (e), whether or not a partnership is under the control of a partner is determined in accordance with FRS 110.

(1E) In subsections (1C) and (1D) —

30 “FRS 110” means the financial reporting standard known as Financial Reporting Standard 110 (Consolidated Financial Statements) that is treated as made by the Accounting Standards Committee under Part 3 of the Accounting Standards Act 2007, as amended from time to time;

“group” means a group of entities (whether incorporated or registered in Singapore or elsewhere) comprising a parent and its subsidiaries within the meaning of FRS 110.”;

5 (c) in subsections (2) and (3), replace “of subsection (1)” with “of subsections (1) and (1A)”;

(d) in subsections (2) and (3), replace “in subsection (1)” with “in subsection (1), or the amount computed in accordance with subsection (1A) as qualified by subsection (1B) (as the case may be)”;

10 and

(e) replace subsection (8) with —

“(8) In this section —

“expenditure incurred on the licensing from another person of qualifying intellectual property rights” means the licence fees but excludes —

15

(a) expenditure for the transfer of ownership of any of those rights; and

(b) legal fees and other costs related to the licensing of such rights;

20 “individual proprietor” has the meaning given by section 2(1) of the Business Names Registration Act 2014.”.

### **Amendment of section 14Z**

**20.** In the principal Act, in section 14Z —

25 (a) in subsections (1) and (13)(b), replace “2023” with “2026”;

(b) in subsection (1)(a), after “of services that”, insert “are performed in Singapore and”;

(c) in subsection (1)(b), after “the qualifying person to”, insert “a position in Singapore with”; and

30 (d) replace subsection (4) with —

“(4) The maximum amount of qualifying expenditure for which deductions may be allowed under subsection (1) in relation to each IPC is —

- 5 (a) \$25,000 for the period between 1 July 2016 and 31 December 2016 (both dates inclusive);
- (b) \$50,000 for each of the calendar years between 2017 and 2023 (both years inclusive); and
- (c) \$100,000 for each of the calendar years between 2024 and 2026 (both years inclusive),
- 10 and this is irrespective of the number of qualifying persons claiming the deduction.”.

### **Amendment of section 14ZC**

**21.** In the principal Act, in section 14ZC —

(a) in subsection (1), replace the table with —

<i>“Provision</i>	<i>Year of assessment</i>
Subsection (2)	2021 or 2022
Subsection (2A)(a)	2022 or 2023
Subsection (2A)(b) and (c)	2022 or a subsequent year of assessment
Subsection (2A)(d)	2023 or a subsequent year of assessment.”;

- 15 (b) in subsection (2A), in paragraph (c), replace the full-stop at the end with a semi-colon; and
- (c) in subsection (2A), after paragraph (c), insert —

20 “(d) the value of any benefit given on or after 1 August 2022 by the Tenth Schedule entity to an individual who drives a chauffeured private hire car or taxi, that is given in connection with an amount received by the Tenth Schedule entity out of a payment made by or on behalf of the Government, pursuant to any other public scheme, or out of any fund, established by or on

25

behalf of the Government for the benefit (whether exclusively or otherwise) of individuals who drive chauffeured private hire cars or taxis.”.

5 **New section 14ZG**

**22.** In the principal Act, after section 14ZF, insert —

**“Deduction for qualifying training expenditure for years of assessment 2024 to 2028**

10 **14ZG.**—(1) Subject to this section, for the purpose of ascertaining the income of a person carrying on a trade or business during the basis period for any year of assessment between the years of assessment 2024 and 2028 (both years inclusive), there is allowed in respect of all of the person’s trades and businesses, in addition to the deduction  
15 under section 14, a deduction for qualifying training expenditure incurred for the purposes of those trades and businesses computed in accordance with the formula

$$A \times 300\%,$$

where A is the lower of the following:

- 20 (a) the qualifying training expenditure incurred during the basis period for that year of assessment;
- (b) \$400,000.

(2) No deduction is allowed to a person under this section in respect of any expenditure that is not allowed a deduction under  
25 section 14.

(3) For the purposes of subsection (1), where an individual carrying on a trade or business through 2 or more firms (excluding partnerships) has, during the basis period for any year of assessment between the years of assessment 2024 and 2028  
30 (both years inclusive), incurred qualifying training expenditure in respect of such firms for the purposes of the individual’s trade or business, the deduction that may be allowed to the individual for that expenditure in respect of all of the individual’s trades and

businesses must not exceed the amount computed in accordance with subsection (1) for that year of assessment.

(4) For the purposes of subsection (1), where a partnership carrying on a trade or business has, during the basis period for any year of assessment between the years of assessment 2024 and 2028 (both years inclusive), incurred qualifying training expenditure for the purposes of the partnership's trade or business, the aggregate of the deductions that may be allowed to all the partners of the partnership for that expenditure in respect of all of the trades and businesses of the partnership must not exceed the amount computed in accordance with subsection (1) for that year of assessment.

(5) In this section —

“central hirer”, in relation to a central hiring arrangement for a group of related parties, means the person that carries out the hiring functions for those parties under the arrangement;

“central hiring arrangement” means an arrangement for a group of related parties entered into for a bona fide commercial reason, where the hiring functions of the parties in the group are carried out by a single person;

“eligible course” means a course that is attended by an employee of a person carrying on a trade or business and that is —

(a) eligible for funding by the SkillsFuture Singapore Agency; and

(b) specified under the “Skills Framework”, on the Internet website of the SkillsFuture Singapore Agency;

“employee”, in relation to a person carrying on a trade or business (called in this definition the first person), includes —

(a) an individual who is —



- 5 (i) engaged by the central hirer of a central hiring arrangement for a group of related parties which includes the first person, and who is deployed to work solely for the first person; and
- 10 (ii) whose salary and other remuneration (including training expenditure incurred in respect of the individual) is borne, directly or indirectly, by the first person and not claimed by the central hirer as a deduction against the central hirer's own income; and
- (b) an individual who, being an employee of another person —
- 15 (i) is seconded to a position of the first person under a bona fide commercial arrangement to work solely for the first person; and
- 20 (ii) whose salary and other remuneration (including training expenditure in respect of the individual) is borne, directly or indirectly, by the first person and not claimed by the other person as a deduction against the other person's own income;

25 “qualifying training expenditure”, in relation to a person carrying on a trade or business, means any course fee, certification fee and assessment fee approved by the SkillsFuture Singapore Agency for an eligible course for the purpose of this section, and that is paid (whether directly or in the form of a reimbursement) by the person to a provider of the eligible course who is registered with the SkillsFuture Singapore Agency;

30

“SkillsFuture Singapore Agency” means the SkillsFuture Singapore Agency established by section 3 of the SkillsFuture Singapore Agency Act 2016.

35 (6) A reference in this section to qualifying training expenditure excludes any expenditure to the extent that it is or is

to be subsidised by any grant or subsidy from the Government or a statutory board (including the SkillsFuture Singapore Agency).”.

**New section 14ZH**

5     **23.** In the principal Act, after section 14ZG (as inserted by section 22), insert —

**“Deduction for expenditure incurred in deriving income from providing delivery services**

10     **14ZH.**—(1) This section applies for the purpose of ascertaining, for the basis period for the year of assessment 2024 or a subsequent year of assessment, a qualifying individual’s income from performing delivery services by any prescribed means, that is chargeable to tax under section 10(1)(a) and in respect of which there are outgoings or expenses that are  
15     deductible under this Part.

(2) In this section, a qualifying individual’s income from performing delivery services does not include —

- (a) any income from delivery services not performed personally by the qualifying individual; and
- 20     (b) any income from delivery services performed by the qualifying individual as an employee of another person.

(3) Despite any other provision in this Part, there is to be deducted from a qualifying individual’s income for a basis period from performing delivery services by one or more prescribed means, in lieu of the outgoings or expenses that are  
25     deductible under this Part, the total of each sum computed by the formula  $A \times B$  in relation to each of those prescribed means (or a combination thereof), where —

- 30     (a) A is the prescribed percentage for the prescribed means or combination of prescribed means; and
- (b) B is the individual’s gross income for the basis period from performing delivery services by the prescribed means or combination of prescribed means.

(4) Subsection (3) does not apply if the qualifying individual's gross income from performing delivery services by prescribed means exceeds \$50,000 for the basis period.

5 (5) Subsection (3) does not apply to a qualifying individual who has made an election under subsection (6) to disapply subsection (3) for the basis period.

10 (6) A qualifying individual may, in such form and manner and within such time as the Comptroller may determine, make an election to the Comptroller to disapply subsection (3) to the individual's income from performing delivery services by prescribed means that is derived in the basis period for a particular year of assessment.

(7) In this section —

15 “delivery services” means the collection, conveyance and delivery, for reward, of any cargo not incidental to the carriage of any passenger;

“prescribed means”, in relation to the performance of delivery services, means such performance —

- (a) on foot;
- 20 (b) by public transport;
- (c) by the use of a bicycle (whether power-assisted or not);
- (d) by the use of a motorised personal mobility device;
- (e) by the use of a motor-cycle; or
- 25 (f) by the use of a van;

“prescribed percentage”, in relation to a prescribed means, means the percentage prescribed in rules made under section 7 that applies to the prescribed means or combination of prescribed means;

30 “qualifying individual”, in relation to any basis period, means an individual who performs delivery services by prescribed means only.”.

### **Amendment of section 19A**

24. In the principal Act, in section 19A(1E) and (1G), replace “or 2022” wherever it appears with “, 2022 or 2024”:

### **Amendment of section 19B**

5 25. In the principal Act, in section 19B —

(a) after subsection (1AC), insert —

“(1AD) Where a company —

10 (a) that is a qualifying company for any year of assessment between the years of assessment 2024 and 2028 (both years inclusive); and

(b) that carries on a trade or business during the basis period for that year of assessment,

15 incurs during the basis period capital expenditure in acquiring one or more intellectual property rights for use in its trade or business, there is to be allowed, in addition to the writing-down allowance under subsection (1AA), a writing-down allowance computed in accordance with the formula

$$A \times 300\%,$$

where A is the lower of the following:

20 (a) the capital expenditure incurred during the basis period for that year of assessment;

(b) \$400,000.

25 (1AE) The writing-down allowance under subsection (1AD) is to be made to the qualifying company during the writing-down period elected under subsection (1AA) for the same expenditure.

(1AF) In this section, a company is a qualifying company for a year of assessment if —

(a) where the company is not part of a group — the company derives less than \$500 million in gross revenue in that basis period; or

5 (b) where the company is part of a group — all the entities in the group derive a total of less than \$500 million in gross revenue in that basis period.

(1AG) For the purposes of subsection (1AF) —

10 (a) “FRS 110” means the financial reporting standard known as Financial Reporting Standard 110 (Consolidated Financial Statements) that is treated as made by the Accounting Standards Committee under Part 3 of the Accounting Standards Act 2007, as  
15 amended from time to time; and

(b) “group” means a group of entities (whether incorporated or registered in Singapore or elsewhere) comprising a parent and its subsidiaries within the meaning of FRS 110.

20 (1AH) No allowance under subsection (1AD) may be made to any qualifying company in respect of any instalment paid by the qualifying company under any agreement to acquire any intellectual property rights that is signed before the basis period for the year of  
25 assessment 2024.”;

(b) in subsection (1C), after “both years inclusive”, insert “or between the year of assessment 2024 and the year of assessment 2028 (both years inclusive)”;

30 (c) in subsections (1C), (2) and (2E), after “subsection (1A),” wherever it appears, insert “(1AD),”;

(d) in subsections (1D), (2D), (2E)(d), (10C) and (12), after “subsections (1A),”, insert “(1AD),”;

(e) in subsection (10)(aa), replace “2025” with “2028”;

(f) in subsection (10A), after “(1AA),” wherever it appears, insert “(1AD),”;

(g) in subsection (10A)(a)(i), after “14E”, insert “, 14EA”;

5 (h) in subsection (10E), after “subsection (1AA),” insert “(1AD),”; and

(i) in subsection (10I), replace “subsection (1BAA)” with “subsection (1AD) or (1BAA) (as the case may be)”.

#### **Amendment of section 19D**

10 **26.** In the principal Act, in section 19D(4A), replace “2025” with “2028”.

#### **Amendment of section 34AA**

**27.** In the principal Act, in section 34AA(5) —

15 (a) in paragraph (a), replace “is transferred by a qualifying person (being a bank or qualifying finance company)” with “on revenue account is transferred by a qualifying person”; and

20 (b) in paragraph (f), after “the provision”, insert “for the impairment loss mentioned in paragraph (c) that is transferred by the transferor and allowed a deduction under paragraph (d)”.

#### **Amendment of section 34AAA**

**28.** In the principal Act, in section 34AAA, after subsection (6), insert —

“(6A) In a case where —

25 (a) a loan on revenue account is transferred by an insurer (called in this subsection the transferor) to another person (called in this subsection the transferee);

30 (b) the transfer is not pursuant to a transfer of businesses by the transferor to the transferee in relation to which section 34CA applies;

5 (c) a provision for an impairment loss arising from that loan, being a loss that is recognised and valued in accordance with the Insurance Act regulations in determining the profit or loss of such loan and reflected in the transferor’s statement of profit and loss that is part of an MAS return, is also transferred by the transferor to the transferee; and

10 (d) a deduction of an amount in respect of a provision for a doubtful debt arising from that loan was previously allowed under section 14 (read with this section) to the transferor,

then, despite any provision of this Act —

15 (e) in a case where both the transferor and transferee are on the date of the transfer in the business of lending money, the deduction previously allowed to the transferor is treated, for the purposes of section 14, as having been allowed to the transferee under that section; and

20 (f) in any other case, the provision for the impairment loss mentioned in paragraph (c) that is transferred by the transferor and allowed a deduction under paragraph (d) is treated as a trading receipt of the transferor for the basis period in which the date of transfer fall.”.

### **Amendment of section 35**

25 **29.** In the principal Act, in section 35, replace subsection (9) with —

30 “(9) In the case of an estate administered in Singapore, a deduction is allowed in respect of any income included in the computation of the statutory income if such income is received by, distributed to or applied to the benefit of any beneficiary of the estate within the calendar year in which the income is derived, or such longer period that the Comptroller may permit in any particular case or class of cases.”.

### **Amendment of section 37**

**30.** In the principal Act, in section 37 —

(a) in subsection (3A)(a)(ii), replace “2023” with “2026”; and

(b) in subsection (7), replace “and section 37N” with “and sections 37AA and 37N”.

5

### **New section 37AA**

**31.** In the principal Act, after section 37A, insert —

**“Deduction for donation of money by person related to or connected with company approved under section 13O, etc.**

**37AA.**—(1) For the purpose of ascertaining the assessable income for any year of assessment of a person mentioned in subsection (2) that is approved as an approved donor for the purpose of this section, there is to be deducted an amount computed in accordance with subsection (4) of all donations of money made in the year immediately preceding the year of assessment, by the approved donor to all persons approved as approved recipients for the purpose of this section.

10

15

(2) The approved donor is one that is related (directly or indirectly) in accordance with rules made under subsection (13) to any of the following:

20

(a) a company incorporated and resident in Singapore and approved under section 13O (called in this section a section 13O company);

(b) a person, master fund, feeder fund, SPV, master-feeder fund structure, master-feeder fund-SPV structure or master fund-SPV structure approved under section 13U (called in this section a section 13U vehicle).

25

(3) Any deduction under subsection (1) to an approved donor is made only after the deduction (if any) under section 37(3)(a).

30

(4) The amount of deduction under subsection (1) in any year of assessment for any approved donor must not exceed the lower of the following:



(a) the total amount of all donations of money made by the approved donor to approved recipients in the year immediately preceding the year of assessment;

(b) 40% of the statutory income of the approved donor for that year of assessment.

5

(5) Any balance of the amount that is not deducted is not available as a deduction against the approved donor's income for any subsequent year of assessment and is disregarded.

(6) The Minister or an authorised body may, during the period from 1 January 2024 to 31 December 2028 (both dates inclusive) —

10

(a) approve a person mentioned in subsection (2) as an approved donor; or

(b) approve a person or a class of persons as an approved recipient or approved recipients.

15

(7) The approval under subsection (6) is subject to any condition that the Minister or authorised body may impose.

(8) There must not be more than one approved donor at any one time for each section 13O company or section 13U vehicle.

20

(9) Any deduction under subsection (1) is subject to any condition precedent or condition subsequent that the Minister or authorised body may impose on the fund manager managing the funds of the section 13O company or the section 13U vehicle concerned.

25

(10) If the fund manager fails to comply with any of the conditions subsequent, the deduction allowed to the approved donor is treated as the approved donor's income for the year of assessment in which the Comptroller discovers the non-compliance.

30

(11) No deduction may be made under subsection (1) to an approved donor in respect of any donation made to an approved recipient on or after 1 January 2024 unless the approved donor provides to the approved recipient any information within the time and in the form and manner specified by the Comptroller.

(12) Section 37(3C), (3E) (but not the definition of “recipient”), (3F), (3G), (3H), (3I), (3J) and (10A) (except paragraph (b)) applies in relation to a donation of money under subsection (1) as those provisions apply in relation to a donation mentioned in section 37(3)(b), (c), (d), (e) or (f), subject to the necessary modifications and the following other modifications:

- (a) a reference in section 37(3C), (3F), (3G) and (3J) to a donor is to an approved donor;
- (b) a reference in section 37(3C) to a recipient under section 37(3)(b)(i) or (ii), (c), (d), (e) or (f) is to an approved recipient;
- (c) a reference in section 37(10A)(a) and (c) to the person making the donation is to the approved donor;
- (d) such other modifications as may be prescribed by rules under subsection (13).

(13) The Minister may make rules with respect to the following matters:

- (a) the manner in which a person must be related (directly or indirectly) to a section 13O company or a section 13U vehicle, to be an approved donor;
- (b) the conditions of approval of an approved recipient;
- (c) the matters in section 37(3H) as applied by subsection (12);
- (d) any other matter for giving full effect to or for carrying out the purposes of this provision.

(14) In this regulation, “feeder fund”, “master-feeder fund structure”, “master-feeder fund-SPV structure”, “master fund-SPV structure”, “master fund” and “SPV” have the meanings given by section 13U.”.

### **New sections 37R and 37S**

**32.** In the principal Act, after section 37Q, insert —

**“Cash payout under Enterprise Innovation Scheme**

5       **37R.**—(1) Subject to this section, where any eligible person has incurred expenditure during the basis period for any year of assessment between the years of assessment 2024 and 2028 (both years inclusive), for which a deduction or an allowance is allowable or can be made to the eligible person under any provision of this Act mentioned in subsection (3) (as qualified by that subsection), the eligible person may, in lieu of one or more of the deductions or allowances or any part thereof, make an irrevocable written election for a cash payout computed in accordance with subsection (4) in respect of —

      (a) the expenditure qualifying for the deductions or allowances; or

      (b) any part of the expenditure,

15       (called in this section the selected expenditure), the total amount of which (together with the cash price of any intellectual property rights in respect of which an election under subsection (6) is made at the same time) is at least \$400.

      (2) The election under subsection (1) must —

20       (a) be made to the Comptroller by the eligible person —

      (i) at the time the eligible person lodges the person’s return of income for the year of assessment relating to the basis period in which the selected expenditure was incurred, or within such extended time as the Comptroller may allow; and

25

      (ii) before the expiry of the time (including any extended time) for the lodgment of that return, as described in section 62;

30       (b) be made using the electronic service, except that the Comptroller may in any particular case or class of cases permit the election to be made in any other manner; and

(c) be accompanied by any information and supporting document to be given in a form and manner specified by the Comptroller.

(3) For the purposes of subsection (1), the provisions of this Act are —

(a) section 14 in respect of —

(i) expenditure on the licensing from another person of any qualifying intellectual property rights for which a deduction may be given under section 14U(1A); or

(ii) expenditure that falls within the definition of “qualifying training expenditure” in section 14ZG(5) for which a deduction may be given under section 14ZG;

(b) section 14A(1)(b) and (1BC);

(c) section 14C in respect of expenditure that falls within the definition of “qualifying expenditure” in section 14D(11), for which a deduction may be given under section 14D;

(d) section 14D(1) and (1A);

(e) section 14EA(1);

(f) section 14U(1A);

(g) section 14ZG(1); and

(h) section 19B(1AA) and (1AD) other than —

(i) a writing-down allowance made in a case where the requirements under section 19B(2A)(a) and (b) are waived; and

(ii) a writing-down allowance made in respect of any intellectual property rights acquired- under an IPR instalment agreement signed in the basis period for any year of assessment between years of assessment 2024 and 2028 (both years inclusive).

(4) For the purposes of subsection (1), the amount of cash payout for each year of assessment is

$$A \times 20\%,$$

where A is the lower of the following:

- 5           (a) the amount of the selected expenditure;  
              (b) \$100,000.

(5) The Comptroller may reject any election that is not made in accordance with subsection (2).

10           ***Cash payout in respect of IPR acquired under an instalment agreement***

(6) Where —

- 15           (a) an eligible person has, in the basis period for any year of assessment between the years of assessment 2024 and 2028 (both years inclusive), signed an IPR instalment agreement to acquire any intellectual property rights for use in the eligible person's trade or business;
- 20           (b) allowances may be made to the eligible person under section 19B(1AA) and (1AD) for capital expenditure to be incurred under the agreement; and
- (c) the cash price for the intellectual property rights (together with any selected expenditure mentioned in subsection (1) in respect of which an election is made under that subsection at the same time) is at least \$400,

25           the eligible person may, in lieu of all those allowances, make an irrevocable written election for a cash payout.

(7) The election under subsection (6) must —

- (a) be made to the Comptroller by the eligible person —
- 30           (i) at the time the eligible person lodges the person's return of income for the year of assessment relating to the basis period in which the IPR instalment agreement was signed, or

within such extended time as the Comptroller may allow; and

(ii) before the expiry of the time (including any extended time) for the lodgment of that return, as described in section 62;

(b) be made using the electronic service, except that the Comptroller may in any particular case or class of cases permit the election to be made in any other manner; and

(c) be accompanied by any information and supporting document to be given in a form and manner specified by the Comptroller.

(8) The Comptroller may reject any election that is not made in accordance with subsection (7).

(9) Where an election under subsection (6) is made, subsection (4) applies with the following modifications:

(a) the reference to the amount of selected expenditure for a year of assessment, being the year of assessment relating to the basis period in which the IPR instalment agreement is signed, is to the aggregate of —

(i) the cash price of the intellectual property rights; and

(ii) the expenditure mentioned in subsection (1) incurred in that basis period for which a deduction or an allowance is allowable or may be made to the eligible person, and in respect of which an election has been made under that subsection;

(b) the reference to the amount of selected expenditure for a year of assessment excludes the amount of any capital expenditure made by the eligible person under that IPR instalment agreement in the basis period for that year of assessment.

(10) For the purpose of subsections (12) and (22), the amount of cash payout for any intellectual property rights that are the

subject of an IPR instalment agreement is the amount computed under subsection (4) (as modified by subsection (9)) that is attributable to —

(a) the cash price of the intellectual property rights; or

5 (b) if the amount of A is \$100,000, such part of that amount that the eligible person specifies to be attributable to the cash price of the intellectual property rights.

(11) In subsections (9)(a)(i) and (10)(a), a reference to the cash price of the intellectual property rights is, in a case where  
10 section 19B(10I) applies, to the open market price mentioned in section 19B(10F) for those intellectual property rights.

(12) The cash payout for a year of assessment under subsection (6) for any intellectual property rights that are the subject of an IPR instalment agreement, must be made to the eligible person  
15 in the following manner:

(a) the eligible person may claim an amount of cash payout for the year of assessment relating to a basis period during which the eligible person incurred capital expenditure under the agreement for those rights;

20 (b) the amount of cash payout that may be made to the eligible person is the lesser of —

(i)  $A \times 20\%$ , where A is the amount of the capital expenditure incurred in that basis period; and

25 (ii) the amount mentioned in subsection (10) after deducting any cash payout made for those rights in any preceding year of assessment or years of assessment under this subsection;

(c) no cash payout may be made for those rights if the amount mentioned in paragraph (b)(ii) is zero;

30 (d) each claim must be made in a form and be accompanied by any information and supporting document relating to the capital expenditure specified by the Comptroller;

(e) to avoid doubt, a claim may be made for any year of assessment after the year of assessment 2028.

***Cases where no election allowed***

(13) No election under subsection (1) or (6) may be made by a person in respect of —

(a) any deduction allowable under any provision mentioned in subsection (3)(a)(i) and (3)(f) unless the person is a qualifying person within the meaning of section 14U(1C) for the year of assessment in question;

(b) any deduction allowable under any provision mentioned in subsection (3)(b) for any qualifying intellectual property registration costs in respect of an application for the registration or grant of a qualifying intellectual property right incurred by the person over the basis periods of two or more consecutive years of assessment, if the person had made any claim for deduction under that provision in respect of any part of such costs for a previous year of assessment; or

(c) any allowance that may be made under any provision mentioned in subsection (3)(h) unless the person is a qualifying company for the year of assessment in question within the meaning of section 19B(1AF).

***Cash payout to individuals carrying on trade etc. through 2 or more firms***

(14) For the purposes of subsections (1), (4) and (6), an individual carrying on one or more trades, professions or businesses through 2 or more firms (excluding partnerships) must not be granted a cash payout that exceeds the amount computed in accordance with subsection (4) or (6), as the case may be.

***Section 14A costs deductible for 2 or more consecutive years of assessment treated as incurred on date of approval of application for registration of intellectual property rights, etc.***

(15) For the purposes of this section, where —



- 5 (a) an eligible person has incurred qualifying intellectual property registration costs in respect of an application for the registration or grant of a qualifying intellectual property right for which a deduction is allowable under section 14A(1)(b) and (1BC), over the basis periods of two or more consecutive years of assessment;
- (b) the eligible person is not disqualified from making an election under subsection (1) by reason of subsection (13)(b); and
- 10 (c) the eligible person makes an election under subsection (1) in respect of those costs,

the eligible person is treated as having incurred those costs during the basis period of the year of assessment in which the application or grant is approved or rejected.

15 ***When open market price treated as section 19B expenditure***

(16) Where the Comptroller has treated the open market price mentioned in section 19B(10E) as the capital expenditure incurred for the acquisition of intellectual property rights, then the reference in this section to selected expenditure, insofar as it relates to that capital expenditure, is to the open market price of the intellectual property rights.

20

***Election deemed made on full amount of section 14A or 19B expenditure***

(17) Where an eligible person made an election under subsection (1) or (6) in respect of a deduction or an allowance under section 14A(1)(b) and (1BC) or 19B(1AA) and (1AD), the election is treated as having been made on the full amount of the expenditure qualifying for the deduction or allowance and incurred on —

25

30 (a) the grant or registration of each qualifying intellectual property right in each country; or

(b) the acquisition of each intellectual property right;

as the case may be, to which the election relates, net of any grant or subsidy from the Government or a statutory board.

(18) No part of the amount of any expenditure mentioned in subsection (17) for which an election is made or treated as having been made under subsection (1) or (6) is eligible for a deduction or an allowance against the income of the eligible person for any year of assessment.

***Capital expenditure in acquiring rights in software for licensing not eligible for cash payout***

(19) Despite subsections (1), (6) and (17), where an eligible person has incurred capital expenditure in acquiring any intellectual property rights in any software for the purpose of licensing all or any part of those rights, the eligible person is not allowed to make an election under subsection (1) or (6) in respect of such expenditure.

***Recovery of cash payout by Comptroller***

(20) Where a cash payout has been made to a person under this section in lieu of a deduction under section 14A(1)(b) and (1BC), and the intellectual property rights or the application for the registration or grant of the rights for which the deduction is made is sold, transferred or assigned within one year after the date of filing of the application for the registration or grant of such rights, the following provisions apply:

(a) the person must give written notice to the Comptroller of the sale, transfer or assignment in the manner specified by the Comptroller within 30 days after the date of the sale, transfer or assignment;

(b) the cash payout in respect of the intellectual property rights, or the application for the registration or grant of those rights is recoverable by the Comptroller from the person as a debt due to the Government.

(21) Where a cash payout has been made to a person pursuant to an election under subsection (1) in lieu of a writing-down allowance under section 19B(1AA) and (1AD), and any of the following events occurs within 5 years after the acquisition of the intellectual property rights:

- (a) the intellectual property rights for which the writing-down allowance is made come to an end without being subsequently revived;
- 5 (b) all or any part of the intellectual property rights for which the writing-down allowance is made are sold, transferred or assigned;
- (c) the person permanently ceases to carry on the trade or business for which the intellectual property rights are used;
- 10 (d) all or any part of the intellectual property rights in any software for which the writing-down allowance is granted are licensed to another,

then the following provisions apply:

- 15 (e) the person must give written notice to the Comptroller of that event in the manner specified by the Comptroller within 30 days after the date of such event;
- (f) an amount computed in accordance with the following formula is recoverable by the Comptroller from the person as a debt due to the Government:

20 Amount of cash payout  $\times \frac{\left( \begin{array}{c} 5 - \text{Number of complete years} \\ \text{the intellectual property rights were} \\ \text{held by the person} \end{array} \right)}{5}$

(22) Where —

- (a) an election has been made by a person under subsection (6) for a cash payout in lieu of a writing-down allowance under section 19B(1AA) and (1AD);
- 25 and
- (b) any of the events mentioned in subsection (21)(a) to (d) occurs within 5 years after the acquisition of the intellectual property rights,

then the following provisions apply:

- (c) the person must give written notice to the Comptroller of such event in the manner specified by the Comptroller within 30 days after the date of such event;
- 5 (d) where any amount of the cash payout has been made to the person before the occurrence of the event, an amount computed in accordance with the formula in subsection (21)(f) is recoverable by the Comptroller from the person as a debt due to the Government;
- 10 (e) for the purposes of paragraph (d), the reference in the formula to the amount of cash payout is to the total amount of the cash payout that has been made to the person before the occurrence of the event;
- 15 (f) the amount of the cash payout that may be made to the person for the basis period in which the event occurs and thereafter is, instead of the amount computed in accordance with subsection (12)(b), an amount computed in accordance with the formula

$$\text{Cash payout computed in accordance with subsection (12)(b)} \times \frac{\text{Number of complete years the intellectual property rights were held by the person}}{5}$$

### ***Other provisions***

20 (23) The Comptroller may disallow any cash payout pursuant to an election made under subsection (1) or (6), if the Comptroller is satisfied that the person is not carrying on a trade, profession or business at the time of disbursement of the cash payout.

25 (24) Where any tax, duty, interest or penalty is due under this Act, the Goods and Services Tax Act 1993, the Property Tax Act 1960 or the Stamp Duties Act 1929 by the eligible person to the Comptroller of Income Tax, the Comptroller of Goods and Services Tax, the Comptroller of Property Tax or the  
30 Commissioner of Stamp Duties —

- (a) the amount of cash payout made by the Comptroller to the eligible person is reduced by the amount so due; and

(b) any amount reduced under paragraph (a) is deemed to be tax, duty, interest or penalty paid by the eligible person under the relevant Act and must (if it is due under an Act other than this Act) be paid by the Comptroller to the Comptroller of Goods and Services Tax, the Comptroller of Property Tax or the Commissioner of Stamp Duties, as the case may be.

(25) If an election has been made or treated as made under subsection (1) or (6) in respect of an amount of expenditure qualifying for a deduction or an allowance under section 14, 14A, 14C, 14D, 14EA, 14U, 14ZG or 19B, the amount of expenditure qualifying for the deduction or allowance under that provision is, despite anything in that provision, reduced by the firstmentioned amount.

(26) Where an eligible person has received a cash payout under subsection (1) or (6) —

(a) in respect of any expenditure that is subsequently found not to qualify for the allowance or deduction under any provision of this Act mentioned in subsection (3) or (6);

(b) without having satisfied all of the requirements in this section (excluding the requirements in subsections (20), (21) and (22)) for the payout; or

(c) that is in excess of that which may be given to it under this section,

the amount of the cash payout or the excess amount of the cash payout (as the case may be) is recoverable by the Comptroller from the eligible person as a debt due to the Government.

(27) For the purposes of subsections (20), (21), (22) and (26) —

(a) the amount to be repaid under each of these subsections is payable at the place stated in the notice served by the Comptroller on the eligible person within 30 days after the service of the notice or such further time as the Comptroller may, in the Comptroller's discretion and

subject to such terms and conditions as the Comptroller may impose, allow; and

- (b) sections 86(1) to (6), 87(1) and (2), 89, 90 and 91 apply to the collection and recovery by the Comptroller of the amounts recoverable under these subsections as they apply to the collection and recovery of tax.

***Consequential adjustments to allowable deductions upon recovery of payout***

(28) Unless disallowed by the Comptroller under subsection (29), where the Comptroller has recovered any amount under subsection (26)(b) or (c), the amount of the relevant expenditure mentioned in subsection (25) is to be increased by an amount determined in accordance with the formula

$$A / 20\%,$$

where A is the amount recovered by the Comptroller under subsection (26)(b) or (c).

(29) The Comptroller may disallow the increase under subsection (28) if the Comptroller is satisfied that the eligible person has —

- (a) provided the Comptroller with any information or document, in connection with an election under subsection (1) or (6), which is false or misleading in a material particular;
- (b) omitted any material particular from any information or document given in connection with an election under subsection (1) or (6);
- (c) prepared or maintained or authorised the preparation or maintenance of any false books of account or other records or falsified or authorised the falsification of any books of account or records in connection with an election under subsection (1) or (6); or

- (d) made use of any fraud, art or contrivance whatsoever or authorised the use of such fraud, art or contrivance, in connection with an election under subsection (1) or (6).

***Definitions and miscellaneous provisions***

5 (30) In this section —

“cash price”, in relation to any intellectual property rights that are the subject of an IPR instalment agreement, means the price at which those rights might have been purchased for cash at the time of the signing of the agreement;

10

“central hirer” and “central hiring arrangement” have the meanings given by section 14ZG(5);

“eligible person” means —

15

(a) any company or firm (excluding a partnership) that —

(i) carries on a trade, profession or business in Singapore; and

20

(ii) employs and makes contributions to the Central Provident Fund in respect of at least 3 full-time local employees, each earning a gross monthly salary of at least \$1,400 based on its payroll, for at least 6 months in the basis period of the applicable year of assessment (called in this subsection and subsections (31) and (32) the minimum period);

25

(b) any partner of a partnership, being a partnership that —

30

(i) carries on a trade, profession or business in Singapore; and

(ii) employs and makes contributions to the Central Provident Fund in respect of at least 3 full-time local employees, each earning a

gross monthly salary of at least \$1,400 based on its payroll, for at least the minimum period.

“full-time local employee”, means any Singapore citizen or Singapore permanent resident who is required to work under his or her contract of service with an employer for at least 35 hours a week, but excludes —

(a) in the case of an eligible person in paragraph (a) of the definition of that term that is a company as defined in section 4 of the Companies Act 1967 — a shareholder who is also a director of the eligible person; and

(b) in the case of an eligible person in paragraph (b) of the definition of that term — any partner under a contract of service with the partnership;

“IPR instalment agreement” means an agreement for the purchase of intellectual property rights the payment for which is to be made by instalments;

“qualifying intellectual property registration costs” and “qualifying intellectual property right” have the meanings given in section 14A(6);

(31) In paragraph (a)(ii) and (b)(ii) of the definition of “eligible person”, a reference to a full-time local employee includes —

(a) a Singapore citizen or Singapore permanent resident —

(i) who is engaged by the central hirer of a central hiring arrangement for a group of related parties that includes the eligible person;

(ii) who is deployed to work solely for the company, firm or partnership (called in this subsection and subsection (32) X) for at least the minimum period;

(iii) who is on the payroll of the central hirer or X in that period; and



(iv) whose salary and other remuneration (including training expenditure incurred in respect of the individual) is borne (directly or indirectly) by *X* in that period; or

5 (b) a Singapore citizen or Singapore permanent resident —

(i) who, being an employee of another person (called in this subsection and subsection (32) the employer), is seconded to a position of *X* under a bona fide commercial arrangement to work  
10 solely for *X* for at least the minimum period;

(ii) who is on the payroll of the employer or *X* in that period; and

(iii) whose salary and other remuneration (including training expenditure incurred in respect of the individual) is borne (directly or indirectly) by *X*  
15 in that period.

(32) In determining whether the central hirer or employer mentioned in subsection (31) satisfies the definition of “eligible person” in subsection (30), the individual mentioned in  
20 subsection (31)(a) or (b) is not treated as being employed by the central hirer or the employer based on the payroll of the central hirer or employer for the period in which the salary or other remuneration of the individual (including any training expenditure incurred in respect of him or her) is borne by *X*.

25 **Penalties for false information, etc., resulting in payment under section 37R**

30 **37S.**—(1) Any person who gives to the Comptroller any information under section 37R(2) that is false in any material particular, or who omits any material particular from any information or document given under that provision, shall be guilty of an offence and shall on conviction be punished with a penalty that is equal to the amount of cash payout that has been made to the person or any other person as a result of the offence, or which would have been made to the person or any other person  
35 if the offence had not been detected.

(2) Any person who without reasonable excuse or through negligence gives to the Comptroller any information under section 37R(2) that is false in any material particular, or omits any material particular from any information or document given under that provision, shall be guilty of an offence and shall on conviction be punished with a penalty that is double the amount of cash payout that has been made to the person or any other person as a result of the offence, or which would have been made to the person or any other person if the offence had not been detected, and shall also be liable to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both.

(3) Any person who wilfully with intent to obtain, or to assist another person to obtain, a cash payout or a higher amount of cash payout which the person or that other person is not entitled to —

(a) gives to the Comptroller any information under section 37R(2) that is false in any material particular or omits any material particular from any information or document given under that provision; or

(b) gives any false answer, whether verbally or in writing, to any question or request for information asked or made by the Comptroller,

shall be guilty of an offence and shall on conviction be punished with a penalty that is treble the amount of cash payout that has been made to the person or that other person as a result of the offence, or which would have been made to the person or that other person if the offence had not been detected, and shall also be liable to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

(4) Any person who wilfully with intent to obtain, or to assist another person to obtain, a cash payout or a higher amount of cash payout which the person or that other person is not entitled to —

(a) prepares or maintains or authorises the preparation or maintenance of any false books of account or other

records or falsifies or authorises the falsification of any books of account or records; or

(b) makes use of any fraud, art or contrivance or authorises the use of such fraud, art or contrivance,

5 shall be guilty of an offence and shall on conviction be punished with a penalty that is 4 times the amount of cash payout that has been made to the person or that other person as a result of the offence, or which would have been made to the person or that other person if the offence had not been detected, and shall also  
10 be liable to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 5 years or to both.

(5) Where an individual has been convicted for —

(a) 3 or more offences under subsection (3) or section 37M(3) or 96;

15 (b) 2 or more offences under subsection (4) or section 37M(4) or 96A; or

(c) one offence under either subsection (3) or section 37M(3) or 96, and one offence under either subsection (4) or section 37M(4) or 96A,

20 the imprisonment the individual shall be liable to shall not be less than 6 months.

(6) Where in any proceedings under subsection (3) it is proved that any information that is false in a material particular is given to the Comptroller under section 37R(2) by or on behalf of any  
25 person, the person who gave the information is presumed, unless the contrary is proved, to have given it with intent to obtain, or to assist the person on whose behalf the information is given to obtain, a cash payout or a higher amount of cash payout.

(7) Where in any proceedings under subsection (4) it is proved  
30 that any false statement or entry is made in any books of account or other records maintained by or on behalf of any person, the person who made the statement or entry is presumed, unless the contrary is proved, to have made that false statement or entry with intent to obtain, or to assist the person on whose behalf the

statement or entry is made to obtain, a cash payout or a higher amount of cash payout.

(8) The Comptroller may compound any offence under this section other than subsection (4).

5 (9) In this section, a reference to the amount of cash payout that has been made to a person as a result of an offence, or which would have been made to the person if the offence had not been detected, excludes an amount of the cash payout that the person is entitled to.

10 (10) In this section, “cash payout” means a payment under section 37R.”.

### **Amendment of section 39**

**33.** In the principal Act, in section 39 —

(a) in subsection (1)(b), replace “suffering from” with “had”;

15 (b) before subsection (2)(d), in the section sub-heading, replace “*handicapped spouse*” with “*spouse with physical or mental infirmity*”;

(c) before subsection (2)(j), in the section sub-heading, replace “*handicapped siblings*” with “*siblings with physical or*  
20 *mental infirmity*”;

(d) in subsection (2)(p), replace sub-paragraph (iii) with —

“(iii) either —

(A) where the year of assessment is between  
25 the year of assessment 2005 and year of assessment 2023 (both years inclusive) — was not carrying on any trade, business, profession, vocation or employment in the year preceding the year of assessment; or

(B) where the year of assessment is the year of  
30 assessment 2024 or any subsequent year of assessment — did not derive income exceeding \$4,000 from any trade, business, profession, vocation or

employment in the year preceding the year of assessment,”; and

(e) in subsection (11), replace “In” with “For the year of assessment 2024 and any preceding year of assessment, in”.

5 **Amendment of section 43H**

**34.** In the principal Act, in section 43H —

(a) in subsections (1)(aa), (ab) and (ac), (2)(a), (b), (c) and (d) and (3), replace “2023” with “2028”;

10 (b) in subsections (1)(ac) and (2)(d), replace “prepayment fee, redemption premium or break cost” with “early redemption fee or redemption premium”;

(c) in subsection (4), delete the definitions of “break cost”, “financial institution”, “prepayment fee”, “qualifying debt securities” and “redemption premium”; and

15 (d) in subsection (4), after the definition of “debt securities”, insert —

““early redemption fee”, “financial institution”, “qualifying debt securities” and “redemption premium” have the meanings given by section 13(16);”.

20

**New section 43MA**

**35.** In the principal Act, after section 43M, insert —

**“Concessionary rate of tax for estate income received by beneficiary, etc.**

25 **43MA.** Where any person resident in Singapore is a beneficiary of an estate administered in Singapore, and any share of the statutory income of the estate is received by, distributed to or applied to the benefit of that person, that share is, if it would have been subject to a concessionary rate of tax under any provision of this Part had it been derived or received directly by that person instead of the executor of the estate, subject to the same concessionary rate of tax.”.

30

**Amendment of section 43R**

36. In the principal Act, in section 43R(4), replace “2023” with “2028”.

**Amendment of section 43X**

5 37. In the principal Act, in section 43X(2), replace “2023” with “2028”.

**Amendment of section 45**

38. In the principal Act, in section 45(9)(a), replace “2023” with “2028”.

**Amendment of section 45A**

39. In the principal Act, in section 45A —

(a) in subsections (2), (2A) and (2B)(a), replace “2023” with “2028”;

15 (b) in subsection (2B)(a) and (b), replace “prepayment fee, redemption premium or break cost” with “early redemption fee or redemption premium”; and

(c) in subsection (3), replace the definitions of “break cost”, “prepayment fee”, “qualifying debt securities”, “qualifying project debt securities” and “redemption premium” with —

20 ““early redemption fee”, “qualifying debt securities”, “qualifying project debt securities” and “redemption premium” have the meanings given by section 13(16);”.

**Amendment of section 45F**

25 40. In the principal Act, in section 45F —

(a) in subsection (1), replace “and (2)” with “, (2) and (2A)”;

(b) in subsection (1A), replace “subsection (2)” with “subsections (2) and (2A)”;

(c) after subsection (2), insert —

5 “(2A) Where an individual or a foreign firm to which section 43(4) or (4A) applies makes an irrevocable option under section 43(5) to be taxed under section 43(1)(b) on any payment of income accruing in or derived from Singapore by the individual or foreign firm, the application of section 45 by subsections (1), (1A) and (2) is further modified as follows:

10 (a) the reference to the payment of income to the individual or foreign firm is to such payment after deducting any expenditure that the person making the payment reasonably believes is wholly and exclusively incurred by the individual or foreign firm in the production of that income; and

15 (b) the deduction of tax under section 45 for such payment is at the rate specified in section 43(1)(b).”.

#### **Amendment of section 45GA**

**41.** In the principal Act, in section 45GA —

20 (a) in subsection (1), replace “and (2A)” with “, (2A) and (2B)”;  
and

(b) after subsection (2A), insert —

25 “(2B) The reference in subsection (1) to income is to the amount of the income after deducting any expenditure which the person making the payment reasonably believes is wholly and exclusively incurred by the public entertainer in the production of that income.”.

#### **New section 50BA**

**42.** In the principal Act, after section 50B, insert —

30 “**Tax credits for estate income received by beneficiary, etc.**

**50BA.**—(1) Where an executor of an estate administered in Singapore receives income in Singapore from outside Singapore

(called in this section the income) for which a tax credit is allowable under this Part against the tax payable in respect of the income, and any share of that income is —

5 (a) received by or distributed to a beneficiary who is resident in Singapore; or

(b) applied to the benefit of such beneficiary,

the tax credit in respect of that share must be given to the beneficiary instead of the executor.

10 (2) The tax credit to be given to a beneficiary under subsection (1) is computed in accordance with section 50 or 50A (as the case may be) as if the share of the income had been received in Singapore directly by the beneficiary rather than the executor of the estate.”.

#### **Amendment of section 50C**

15 **43.** In the principal Act, in section 50C —

(a) in subsection (6), replace “and 50B(2)” with “, 50B(2) and 50BA(2)”; and

(b) in subsection (7), replace “and 50B” with “, 50B and 50BA”.

#### **New section 68A**

20 **44.** In the principal Act, after section 68, insert —

##### **“Duty to collect and retain information of certain persons, etc.**

**68A.**—(1) The Minister may make rules under section 7 to prescribe a class of persons to whom this section applies.

25 (2) The Comptroller may —

30 (a) by written notice require any person (*X*) that falls within a prescribed class of persons to collect, keep and retain in safe custody for a specified period, specified identification information and income information of any person or each person within a class (*Y*) (including information of any outgoings and expenses incurred by



*Y*) that entered into an agreement or arrangement of a specified description with *X* for *Y* to carry on any trade, business, profession or vocation for which *Y* derives income chargeable to tax under this Act; and

5           (*b*) by written notice to *X*, require *X* to provide the Comptroller or any person specified in the written notice, any information retained under paragraph (*a*) in the form and manner and within the time specified in the notice, or any extension of such time by the  
10           Comptroller in any particular case.

(3) Any person who, without reasonable excuse, fails to comply with any requirement under subsection (2)(*a*) or (*b*) shall be guilty of an offence.

15           (4) In this section, “person” includes a partnership, and the reference in subsection (2)(*a*) to income of *Y* that is chargeable to tax is, in a case where *Y* is a partnership, to the income of the partners of *Y*.”

#### **Amendment of section 80A**

20           **45.** In the principal Act, in section 80A (as amended by section 37 of the Income Tax (Amendment) Act 2022) —

(*a*) in subsection (1A), replace “the parties object” with “any party objects”; and

(*b*) in subsections (4)(*a*) and (5)(*a*), replace “the parties object” with “any party objects”.

#### **Amendment of section 93**

25           **46.** In the principal Act, in section 93 —

(*a*) in subsection (9)(*c*), after “any year” insert “before 2024”;

(*b*) in subsection (9)(*c*), delete “or” at the end;

(*c*) in subsection (9)(*d*), after “any year”, insert “before 2023”;

30           (*d*) in subsection (9)(*d*), replace the full-stop at the end with a semi-colon;

(*e*) in subsection (9), after paragraph (*d*), insert —

“(*e*) for any part of the interest period falling in the 6-month period beginning on 1 April of any calendar year beginning with 2023, 1.5%-point above the applicable 3-month compounded SORA; or

(*f*) for any part of the interest period falling in the 6-month period beginning on 1 October of any calendar year beginning with 2023, 1.5%-point above the applicable 3-month compounded SORA.”; and

(*f*) after subsection (11), insert —

“(12) In subsection (9)(*e*) and (*f*) —

“3-month compounded SORA”, means —

(*a*) in the case of subsection (9)(*e*), the compounded average of the SORA for the 3-month period immediately before 1 March of the same calendar year, as determined and published by the Monetary Authority of Singapore on its website or (where the website is unavailable to the public) in one or more other forms that are readily accessible by the public; or

(*b*) in the case of subsection (9)(*f*), the compounded average of the SORA for the 3-month period immediately before 1 September of the same calendar year, as determined and published by the Monetary Authority of Singapore on its website or (where the website is unavailable to the public) in one or more other forms that are readily accessible by the public;

“Singapore Overnight Rate Average” or “SORA”, in relation to any particular day, means the volume-weighted average rate of borrowing transactions in

5 the unsecured overnight interbank Singapore dollar cash market in Singapore between 8 a.m. and 6.15 p.m., as determined and published by the Monetary Authority of Singapore on its website or (where the website is unavailable to the public) in one or more other forms that are readily accessible by the public.”.

### **Amendment of section 101**

- 10 **47.** In the principal Act, in section 101 —
- (a) in subsection (1), replace “or 96A” with “, 96A or 105M”;
  - (b) in subsection (2), after “96A,”, insert “105M(1) and (1B)”;  
and
  - (c) in subsection (3), replace “, 98 or 105M” with “or 98”.

### **New section 102A**

- 15 **48.** In the principal Act, after section 102, insert —

#### **“Notice to attend court**

20 **102A.**—(1) Where the Comptroller has reasonable grounds to believe that a person has committed an offence under this Act (or any subsidiary legislation made thereunder) that is punishable by a fine or by an imprisonment term not exceeding 12 months or both, the Comptroller may, in lieu of applying to a court for a summons, serve on that person a written notice, containing such information as may be prescribed by rules made under section 7, requiring that person to attend at the court described, at the time and on the date specified in the notice.

(2) The Comptroller must, if so required by a court, produce a copy of the notice to the court.

30 (3) The notice may be served on the person alleged to have committed the offence in the manner provided in section 102, as if it were a summons issued by a court.

(4) On a person appearing before a court pursuant to such notice, the court is to proceed as though the person were

produced before the court under section 153 of the Criminal Procedure Code 2010.

(5) If a person on whom such notice has been served fails to appear before a court in accordance with the notice, the court may, if satisfied that the notice was duly served —

(a) issue a warrant for the arrest of the person, unless that person has before that date been permitted to compound the offence; or

(b) proceed with the matter in the absence of the person pursuant to section 156 of the Criminal Procedure Code 2010, and a reference in that section to a summons or notice to attend court is to a written notice served under this section.

(6) Upon a person arrested pursuant to a warrant issued under subsection (5)(a) being produced before a court, the court is to proceed as though the person were produced under section 153 of the Criminal Procedure Code 2010.

(7) The Comptroller may, at any time before the date specified in the notice, cancel the notice.”.

#### **Amendment of Fifth Schedule**

**49.** In the principal Act, in the Fifth Schedule —

(a) in paragraph 5(1A), after “a child”, insert “(X)”;

(b) in paragraph 5(1A)(b), replace “the child” with “X”;

(c) in paragraph 5(1A), before “the following deductions”, insert “and sub-paragraph (1AA) applies, then”;

(d) in paragraph 5(1A), replace sub-paragraphs (c), (d) and (e) with —

“

(c) if X is the first eligible child	15% of her earned income
(d) if X is the second eligible child	20% of her earned income

(e) if <i>X</i> is the third eligible child or a subsequent eligible child	25% of her earned income.”;
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(e) in paragraph 5, after sub-paragraph (1A), insert —

“(1AA) For the purpose of sub-paragraph (1A), the date mentioned in sub-paragraph (a), (b), (c), (d) or (e) (whichever is applicable) must be on or before 31 December 2023 —

- 5 (a) if *X* is born to the married woman, divorcee or widow and her husband, former husband or deceased husband (as the case may be), on or after the date of their marriage — the date of *X*’s birth;
- 10 (b) if *X* is born to the married woman, divorcee or widow and her husband, former husband or deceased husband (as the case may be), before the date of their marriage — the date of the marriage;
- (c) if *X* is a stepchild of the married woman, divorcee or widow — the date of *X*’s birth;
- 15 (d) if *X* is adopted by the married woman, divorcee or widow and her husband, former husband or deceased husband (as the case may be) in accordance with any written law relating to the adoption of children — the date of *X*’s adoption as specified in the adoption order; or
- 20 (e) if *X* is not a citizen of Singapore by birth — the date that *X* becomes a citizen of Singapore.

(1AB) Where a married woman, divorcee or widow maintained, in a year immediately preceding any year of assessment (being the year of assessment 2025 or any subsequent year of assessment), a child (Y) who —

25

- (a) is a citizen of Singapore as at 31 December of that year; or
- (b) if *Y* died in that year, was a citizen of Singapore on the date of his or her death,

30 and sub-paragraph (1AC) applies, then the following deductions are, without affecting any deduction allowable under paragraph 1 or proviso (v) to section 39(2)(e), allowable for that year of assessment to her only:

(c) if <i>Y</i> is the first eligible child	\$8,000
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(d) if <i>Y</i> is the second eligible child	\$10,000
(e) if <i>Y</i> is the third eligible child or a subsequent eligible child	\$12,000.

(1AC) For the purpose of sub-paragraph (1AB), the date mentioned in sub-paragraph (a), (b), (c), (d) or (e) (whichever is applicable) must be on or after 1 January 2024 —

- 5 (a) if *Y* is born to the married woman, divorcee or widow and her husband, former husband or deceased husband (as the case may be), on or after the date of their marriage — the date of *Y*'s birth;
- 10 (b) if *Y* is born to the married woman, divorcee or widow and her husband, former husband or deceased husband (as the case may be), before the date of their marriage — the date of the marriage;
- (c) if *Y* is a stepchild of the married woman, divorcee or widow — the date of *Y*'s birth;
- 15 (d) if *Y* is adopted by the married woman, divorcee or widow and her husband, former husband or deceased husband (as the case may be) in accordance with any written law relating to the adoption of children — the date of *Y*'s adoption as specified in the adoption order; or
- 20 (e) if *Y* is not a citizen of Singapore by birth — the date that *Y* becomes a citizen of Singapore.”;
- (f) in paragraph 5(1B) and (3), replace “sub-paragraph (1A)” with “sub-paragraphs (1A) and (1AB)”;
- (g) in paragraph 5(2), after “sub-paragraph (1A)”, insert “or (1AB)”;
- 25 (h) in paragraph 6(2), after “and 5(1A)”, insert “or (1AB)”.

### Miscellaneous amendments

**50.** In the principal Act —

- (a) in section 2(1), in the definition of “Comptroller”, after “37M(5),”, insert “37S(8),”;

(b) in the following provisions, after “or (4A)”, insert “or 37R(1) or (6)”:

section 8A(15)(a)

section 8A(16);

5 (c) in the following provisions, after “14C,”, insert “14EA,”:

section 14X(2)(c)

section 34G(9);

(d) in section 14X(2)(c), after “14C(2),”, insert “14EA(8),”;

(e) in the following provisions, after “14E,”, insert “14EA,”:

10 section 15(2)

section 107(11);

(f) in section 15(2), replace “or 14T” with “, 14T or 14U”;

(g) in section 34G, before subsection (9), in the section sub-heading, after “**14C**,”, insert “**14EA**,”;

15 (h) in section 34G(18)(d), after “(1AC),”, insert “(1AD) to (1AH),”;

(i) in section 37O(15)(a), after “section 37G”, insert “or 37R”;

(j) in section 37Q(2)(a), after “14D(12)(b),”, insert “14EA(10),”;

20 (k) in the following provisions, after “or (4),”, insert “37S(3) or (4),”

section 65B(1A)

section 65F(1)(a);

25 (l) in section 96(2), replace “or section 37M(3)” with “, section 37M(3) or section 37S(3)”;

(m) in section 96(2), replace “either section 96A or 37M(4)” with “section 96A, 37M(4) or 37S(4)”;

(n) in section 96A(2)(b), after “section 37M(4)”, insert “or 37S(4)”;

(*o*) in section 96A(2)(*b*), replace “or 37M(3)” with “, 37M(3) or 37S(3)”;

(*p*) in the following provisions, after “37M,”, insert “37S,”:

section 101(1)

5 section 104(2)(*a*);

(*q*) in section 101(2), after “(except subsection (4)),”, insert “37S (except subsection (4)),”;

(*r*) in section 107(11), after “14Z”, insert “, 14ZG”; and

(*s*) in the Third Schedule, in Part 2, in section 34G(18)(*d*), after  
10 “(1AC),”, insert “(1AD), (1AE), (1AF), (1AG), (1AH),”.

### **Related amendments to Goods and Services Tax Act 1993**

**51.** In the Goods and Services Tax Act 1993 —

(*a*) in section 53(2), (5)(*a*) and (6)(*a*) (as replaced by  
15 section 46(*r*) of the Income Tax (Amendment) Act 2022),  
replace “the parties object” with “any party objects”; and

(*b*) after section 73, insert —

#### **“Notice to attend court**

**73A.**—(1) Where the Comptroller has reasonable  
20 grounds to believe that a person has committed an offence  
under this Act that is punishable by a fine or by an  
imprisonment term not exceeding 12 months or both, the  
Comptroller may, in lieu of applying to a court for a  
summons, serve on that person a written notice,  
containing such information as may be prescribed by  
25 regulations made under section 86, requiring that person  
to attend at the court described, at the time and on the date  
specified in the notice.

(2) The Comptroller must, if so required by a court,  
produce a copy of the notice to the court.



(3) The notice may be served on the person alleged to have committed the offence in the manner provided in section 73, as if it were a summons issued by a court.

5 (4) On a person appearing before a court pursuant to such notice, the court is to proceed as though the person were produced before the court under section 153 of the Criminal Procedure Code 2010.

10 (5) If a person on whom such notice has been served fails to appear before a court in accordance with the notice, the court may, if satisfied that the notice was duly served —

(a) issue a warrant for the arrest of the person, unless that person has before that date been permitted to compound the offence; or

15 (b) proceed with the matter in the absence of the person pursuant to section 156 of the Criminal Procedure Code 2010, and a reference in that section to a summons or notice to attend court is to a written notice served under this section.

20 (6) Upon a person arrested pursuant to a warrant issued under subsection (5)(a) being produced before a court, the court is to proceed as though the person were produced under section 153 of the Criminal Procedure Code 2010.

25 (7) The Comptroller may, at any time before the date specified in the notice, cancel the notice.”.

### **Related amendment to Property Tax Act 1960**

**52.** In the Property Tax Act 1960, after section 68, insert —

#### **“Notice to attend court**

30 **68A.**—(1) Where the Comptroller has reasonable grounds to believe that a person has committed an offence under this Act that is punishable by a fine or by an imprisonment term not exceeding 12 months or both, the Comptroller may, in lieu of applying to a court for a summons, serve on that person a written

notice, containing such information as may be prescribed by regulations made under section 72, requiring that person to attend at the court described, at the time and on the date specified in the notice.

5 (2) The Comptroller must, if so required by a court, produce a copy of the notice to the court.

(3) The notice may be served on the person alleged to have committed the offence in the manner provided in section 68, as if it were a summons issued by a court.

10 (4) On a person appearing before a court pursuant to such notice, the court is to proceed as though the person were produced before the court under section 153 of the Criminal Procedure Code 2010.

15 (5) If a person on whom such notice has been served fails to appear before a court in accordance with the notice, the court may, if satisfied that the notice was duly served —

(a) issue a warrant for the arrest of the person unless that person has before that date been permitted to compound the offence; or

20 (b) proceed with the matter in the absence of the person pursuant to section 156 of the Criminal Procedure Code 2010, and a reference in that section to a summons or notice to attend court is to a written notice served under this section.

25 (6) Upon a person arrested pursuant to a warrant issued under subsection (5)(a) being produced before a court, the court is to proceed as though the person were produced under section 153 of the Criminal Procedure Code 2010.

30 (7) The Comptroller may, at any time before the date specified in the notice, cancel the notice.”.

### **Saving and transitional provision**

**53.** For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe any

provision of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

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