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**No. 1312** — INCOME TAX ACT (CHAPTER 134)

SECTION 68(2)

NOTICE TO EMPLOYERS

1. Under Section 68(2) of the Income Tax Act, the Comptroller of Income Tax hereby requires every employer to provide a return prescribed in paragraph 9, for the classes of persons specified in paragraph 2, who were employed by him in Singapore at any time in 2011.

2. A return in the prescribed form is required for the following classes of persons:

- (a) full-time resident employees;
- (b) part-time resident employees;
- (c) non-resident employees;
- (d) company director (including a non-resident director); and
- (e) pensioner.

No return is required for an employee who is posted overseas unless his overseas employment is incidental to his employment in Singapore.

3. Employers who have in total 20 or more persons referred to in paragraph 2 for the entire year ending 31st December 2011 or who received the “Notice to File Employment Income Of Employees Electronically” are required to provide the completed and correct return in an electronic format specified by the Comptroller of Income Tax. Please refer to the IRAS website for the specified electronic format.

4. For employers who do not fall into paragraph 3, only ONE copy of the prescribed form is to be completed and given to the persons specified in paragraph 2.

5. The return as required under paragraphs 3 and 4 must be furnished NOT LATER THAN 1st March 2012. Employers who fail to comply may be charged with an offence under Section 94. The penalty upon conviction is a fine not exceeding \$1,000 and in default of payment to imprisonment for a term not exceeding 6 months.

6. An individual is resident in Singapore if in the year preceding the year of assessment, he resides in Singapore except for such temporary absences from Singapore as may be reasonable and not inconsistent with a claim by such person to be resident in Singapore, and includes a person who is physically present or who exercises an employment (other than as a director of a company) in Singapore for 183 days or more during the year preceding the year of assessment.

7. Under Section 68 of the Income Tax Act, where the employer is a company or a body of persons, the manager or principal officer shall be deemed to be the employer, and any director of a company or person engaged in the management of a company shall be deemed to be a person employed. Representatives of non-resident employers, therefore, are required to make a return in respect of himself and other employees.

8. Remuneration from any employment exercised in Singapore is deemed to be derived from Singapore whether it is received in Singapore or not.

9.

*Types of Forms*

*Purposes of Form*

Form IR8A	To be used to declare remuneration of ALL employees
Appendix 8A	To be completed if employee is provided with Benefits-in-Kind
Appendix 8B	To be completed if employee has derived gains or profits either directly or indirectly from the exercise, assignment or release of any share option right or benefit, or right or benefit from other forms of Share Ownership Plans where such right or benefit was obtained by reason of any office or employment.  To be completed and submitted to Comptroller of Income Tax for employees who are Singaporeans or Singapore Permanent Residents, and they have ceased employment or were posted overseas in year 2011.
Form IR 8S	To be completed if excess CPF contributions are made by the employer.

10. Please refer to the IRAS website at <http://www.iras.gov.sg> and click on “Responsibilities as an employer” to download the prescribed Form IR8A, Appendix 8A, Appendix 8B, Form IR 8S and Explanatory Notes for the year ended 31st December 2011.

MOSES LEE  
*Comptroller of Income Tax,  
Singapore.*