

THE STATUTES OF THE REPUBLIC OF SINGAPORE

CENTRAL PROVIDENT FUND ACT (CHAPTER 36)

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32 of 1963	S 284/72
25 of 1968	S 285/72
55 of 1970	S 115/73
42 of 1973	S 216/73
22 of 1978	S 173/74
15 of 1980	S 184/74
19 of 1981	S 133/75
20 of 1981	S 178/77
19 of 1983	S 155/78
32 of 1984	S 133/79
16 of 1986	S 165/80
32 of 1986	S 187/80
5 of 1987	S 188/81
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Central Provident Fund Act

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

- Section
1. Short title.
 2. Interpretation.
 3. Establishment and constitution of Central Provident Fund Board.
 4. Membership of Board.
 5. Appointment of inspectors.

PART II

CONTRIBUTIONS TO THE FUND

6. Establishment of Central Provident Fund.
7. Rates of contributions.
8. Agreement by statutory body to pay excess contributions deemed void.
9. Payment of interest on contributions in arrears.
10. Expenses.
11. Statement of accounts.
12. Contributions to be paid into Fund.
13. Crediting of contributions into subsidiary accounts.
14. Payment of cash grant by Government into Fund.

PART III

WITHDRAWAL OF CONTRIBUTIONS

15. Authorisation and conditions for withdrawal from Fund.
16. Restrictions on withdrawal from medisave account.
17. Withdrawal from special account for payment of housing loan.
18. Transfer of member's moneys in Fund to parent's retirement account, etc.
19. Moneys transferred to parent's retirement account to be returned to member's account on death of parent.
20. Withdrawals.
21. Charge on immovable property to secure repayment of withdrawals from Fund.

Section

- 22. Provisions which apply to charge under section 15 (9).
- 23. Protection of benefits.
- 24. Moneys payable on death of a member.
- 25. Withdrawals by undischarged bankrupts.
- 26. Nomination to be revoked by marriage.

PART IV

HOME PROTECTION INSURANCE SCHEME

- 27. Interpretation.
- 28. Establishment of Home Protection Insurance Scheme.
- 29. Medical condition of member of Scheme.
- 30. Premium.
- 31. Establishment of Home Protection Fund.
- 32. Premium when due.
- 33. Period of cover.
- 34. Amount payable by Board to Housing Authority or approved mortgagee on death or incapacity of a member of Scheme.
- 35. Housing Authority or approved mortgagee to send notice to Board on payment of premium.
- 36. Non-application of Insurance Act.
- 37. Regulations.

PART V

OFFENCES, PENALTIES AND PROCEEDINGS

- 38. Offences.
- 39. Publication of information to unauthorised person.
- 40. Offences by corporations.
- 41. Penalties.
- 42. Sanction for prosecution.
- 43. Compounding of offences.
- 44. Saving for criminal proceedings.
- 45. Recovery of sums due to Fund.
- 46. Certificate of authorised officer to be evidence.
- 47. Conduct of prosecutions.

PART VI

MISCELLANEOUS

- 48. Protection of employee's interest in execution proceedings and sale under mortgage or charge.
- 49. Power to exempt.
- 50. Approved employees' schemes.
- 51. Transfers between approved employees' schemes and Fund.
- 52. Refund of contributions to Government.
- 53. Transfer to Fund from private provident fund.
- 54. Refund of contributions paid in error.
- 55. Board may engage in activities not directly related to Fund and may call for information.

Section

56. (1) Regulations.
 (2) Rules.
57. Regulations and rules to be presented to Parliament.
58. Reciprocal agreements.
 The Schedule — Rates of contributions.

An Act to make provision for a central provident fund.

[1st July 1955]

PART I

PRELIMINARY

1. This Act may be cited as the Central Provident Fund Act. Short title.

2. In this Act, unless the context otherwise requires — Interpre-

“Board” means the Central Provident Fund Board constituted under section 3; tation.
19/83

“contract” means any contract, whether written or oral, and whether express or implied; 32/84

“employed” means engaged under a contract of service or apprenticeship or in an employment in respect of which contributions are payable under regulations made under section 56; 16/86.

“employee” means any person who —

(a) is employed in Singapore by an employer otherwise than as a master, seaman or apprentice in any vessel; or

(b) being a citizen of Singapore is employed —
 (i) as a master, seaman or apprentice in any vessel, the owners of which have not been exempted from the provisions of this Act; and

(ii) under a contract of service or other agreement entered into in Singapore;

“employer” means —

(a) any person, company, association or body of persons, whether or not incorporated, by whom an employee is employed;

- (b) the owners of any vessel on which an employee is employed;
- (c) any manager, agent or person responsible for the payment of wages to an employee on behalf of an employer; and
- (d) the Government and Her Majesty's Government in the United Kingdom in respect of such categories, classes or descriptions of officers or employees of such Government as may from time to time be declared by the President by notification in the *Gazette* to be employees for the purposes of this Act:

Provided that no such officer or employee employed by or on behalf of the Government or Her Majesty's Government in the United Kingdom shall be personally liable for anything done or omitted to be done by him as an officer or employee of such Government in good faith;

“flat” means a horizontal stratum of any building or part thereof, whether the stratum or part is on one or more levels or is partially or wholly below the surface of the ground;

“Fund” means the Central Provident Fund established under section 6;

“immovable property” includes —

- (a) any estate or interest in land comprising a building or flat which is erected or to be erected on the land;
- (b) any undivided share in any estate or interest in land comprising several flats erected or to be erected thereon;

“inspector” means an inspector appointed under section 5 (1);

“interest in land” means any interest in land recognised as such by law, and includes an estate in land;

“land” includes land, freehold or leasehold, or of whatever tenure, whether or not held apart from the surface, and buildings or parts thereof

(whether completed or otherwise and whether divided horizontally, vertically or in any other manner), and tenements and hereditaments, corporeal or incorporeal;

“master” and “seaman” have the same meaning respectively as in the Merchant Shipping Act; Cap. 179.

“medisave account” means a medisave account maintained under section 13;

“member of the Fund” or “member” means any person to whose credit any amount is standing in the Fund;

“minimum sum” means the sum referred to in section 15 (6); 5/87.

“ordinary account” means an ordinary account maintained under section 13;

“retirement account” means the account referred to in section 15 (6); 5/87.

“special account” means a special account maintained under section 13;

“wages” means the remuneration in money, including any bonus, due or granted to a person in respect of his employment.

3. For the purposes of this Act there shall be a Board, called the Central Provident Fund Board, consisting of a Chairman and such other members as may be appointed under section 4 (2). Establishment and constitution of Central Provident Fund Board.

4.—(1) The Minister shall appoint a person to be the Chairman of the Board, and the Chairman shall hold office during the pleasure of the Minister. Membership of Board.

(2) The other members of the Board shall be appointed by the Minister and shall consist of the following persons:

- (a) two persons holding office of emolument under the Government;
- (b) two persons representing employers;
- (c) two persons representing employees; and
- (d) such other persons, not being more than 4, as the Minister may from time to time determine.

(3) The quorum of the Board shall be 5.

(4) The members of the Board shall be paid such allowances as may be fixed by the Minister.

(5) The appointment of members of the Board other than the Chairman shall be liable to be revoked at any time by the Minister but they shall, unless their appointment is so revoked or they resign in the meantime, hold office for a term of 3 years or for such shorter period as the Minister may in any case determine.

(6) Any person who is a Member of Parliament shall be disqualified from being appointed to or remaining a member of the Board.

(7) The Board shall be a body corporate with perpetual succession and shall have a common seal and may sue and be sued in its corporate name.

(8) All deeds, documents and other instruments requiring the seal of the Board shall be sealed with the common seal of the Board by the authority of the Board in the presence of the General Manager or a member of the Board and of some other person duly authorised by the Board to act in that behalf and shall be signed by the General Manager or the member of the Board, as the case may be, and by that duly authorised person, and such signing shall be sufficient evidence that the common seal of the Board has been duly and properly affixed and that the seal is the lawful seal of the Board.

(9) The Board may by resolution or otherwise appoint an officer of the Board or any other agent either generally or in a particular case to execute or sign on behalf of the Board any agreement or other instrument not under seal in relation to any matter coming within the powers of the Board.

Cap. 269.

(10) Section 12 of the Registration of Deeds Act shall not apply to any instrument purporting to have been executed under subsection (8).

(11) The Board shall have such powers and shall perform such duties as are given or imposed by this Act or as may be prescribed by the Minister and the Minister or the Board may by instrument in writing delegate to any person all or any of those powers and duties.

(12) The Board shall have power to engage a staff consisting of such officers and servants as are in the opinion of the Board necessary for the purpose of carrying out the provisions of this Act.

(13) The members of the Board and the employees thereof, of every description, shall be deemed to be public servants within the meaning of the Penal Code.

Cap. 224.

(14) The Board may make rules for all or any of the purposes of this section and in particular may make rules —

- (a) for the conduct of its proceedings; and
- (b) for the appointment, promotion, dismissal, termination of service and disciplinary control of all persons employed by the Board.

5.—(1) The Board may, with the approval of the Minister, appoint such number of inspectors as it may consider necessary for carrying this Act into effect.

Appointment of inspectors.

(2) The Commissioner for Labour and any Deputy Commissioner for Labour, Assistant Commissioner for Labour or inspecting officer appointed under the Employment Act may exercise all or any of the powers of an inspector.

Cap. 91.

(3) In the course of an inspection, an inspector may at any reasonable time —

- (a) enter any premises or place where he has reasonable cause to believe that a person is employed therein;
- (b) examine, either alone or in the presence of any other person with respect to any matters under this Act or which he may reasonably require information, any person whom he has reasonable cause to believe to be or to have been an employee or an employer, and require every such person to be examined and for the purposes of the examination may summon any such person to attend at the place and time specified in the summons;
- (c) put questions concerning employees to their employers or to any person who may be in charge of them, or to the employees themselves, or to any other person whom he may consider it desirable to question, and the employers or

employees or other person shall be legally bound to answer the questions truthfully to the best of his ability;

- (d) require any employer to produce before him all or any of the employees employed by him together with any contract of service, book of account of salary, register and other document concerning the employees or their employment and to answer such questions relating thereto as he may think proper to ask;
- (e) require any employer to produce for his inspection the audited statements of accounts of his undertaking and other records relating to the accounts and to answer such questions relating thereto as he may think proper to ask; and
- (f) make copies of any book, document or paper required to be produced under paragraph (d) or (e) and take possession of the book, document or paper when in his opinion —
 - (i) the copying thereof cannot reasonably be performed without taking possession;
 - (ii) the book, document or paper may be tampered with unless possession is taken; or
 - (iii) the book, document or paper may be required as evidence in any proceedings for an offence under this Act or in any proceedings for the recovery of any moneys due to the Fund.

(4) If any person wilfully delays an inspector or any of the officers referred to in subsection (2) in the exercise of any power under this section, or fails to comply with the requisition of an inspector or any such officer in pursuance of this section or to produce any record, certificate, notice or document which he is required by or in pursuance of this section to produce, or wilfully withholds any information as to who are the employees of any employer or as to who is the employer of any employee or conceals or prevents or attempts to conceal or prevent a person from appearing before or being examined by an inspector or such officer, that person shall be deemed to obstruct an inspector or that officer in the execution of his duties under this Act.

(5) Any person who obstructs an inspector or any of the officers referred to in subsection (2) shall be guilty of an offence.

PART II

CONTRIBUTIONS TO THE FUND

6.—(1) For the purposes of this Act, there shall be established a fund to be called the Central Provident Fund into which shall be paid all contributions authorised under this Act and out of which shall be met all payments authorised to be paid under this Act.

Establishment of Central Provident Fund.

(2) The Board shall be the trustee of the Fund and all moneys belonging to the Fund may be —

- (a) deposited in a bank or banks approved by the Board;
- (b) invested in any of the investments authorised by law for the investment of trust money and the Board shall have power to convert the same into cash; or
- (c) used for the purchase of any property and for the construction of buildings for the purposes of the Board or for letting to derive income therefrom and the Board may dispose of all or any part of the property or buildings.

(3) The land situate at 79 Robinson Road, Singapore, acquired by the Board and the building constructed thereon prior to 15th May 1980 shall be deemed to have been purchased and constructed by the Board in pursuance of the powers conferred upon the Board by subsection (2) (c).

(4) Interest shall be payable on contributions to the Fund at such rate per annum, not being less than $2\frac{1}{2}\%$, as the Board may from time to time declare:

Provided that the Board shall not declare a rate of interest exceeding $2\frac{1}{2}\%$ per annum except with the approval of the Minister for Finance.

(5) If the Board is at any time unable to pay any sum which the Fund is required to pay under this Act, the sum required to be so paid shall be charged on and advanced to the Board from the Consolidated Fund and the Board shall

as soon as practicable repay to the Government the sum so advanced.

Rates of
contribu-
tions.

7.—(1) Subject to section 49 and any regulations made under section 56, every employer of an employee shall pay to the Fund monthly in respect of each employee contributions at the appropriate rates set out in the Schedule except that the Board may, in its discretion and on such terms and conditions as it may impose, authorise an employer or a class or classes of employers to pay those contributions at other intervals not exceeding 6 months.

(2) Notwithstanding the provisions of any written law or any contract to the contrary, an employer shall be entitled to recover from the monthly wages of an employee the amount shown in the Schedule as so recoverable from the employee.

(3) Where any employer who has recovered any amount from the monthly wages of an employee in accordance with subsection (2) fails to pay the contributions to the Fund within such time as may be prescribed, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 7 years or to both.

(4) Without prejudice to subsections (1) and (2) and the Schedule —

- (a) an employee may at any time contribute voluntarily to the Fund a sum additional to that shown in the Schedule as payable by the employer;
- (b) an employee who desires to have contributions in excess of the appropriate rate deducted from his monthly wages by his employer may give to his employer written notice to that effect, and thereafter, so long as he is employed by that employer, the employer shall make the deductions from his wages for each month until such time, not being less than 6 months from the giving of the previous notice, as he gives further written notice to his employer of his desire to cease to have the excess monthly contributions deducted from his wages and the employer shall pay the amount of the excess deductions to the Fund in addition to the appropriate monthly contributions; or

- (c) an employer may at any time pay to the Fund contributions in respect of any of his employees at a rate in excess of the appropriate rate set out in the Schedule.

(5) Notwithstanding any contract to the contrary, an employer shall not be entitled to recover in any way from an employee in respect of contributions payable under this Act any sum in excess of that permitted to be recovered under subsection (2) together with any sum contributed voluntarily by the employee under subsection (4) and any employer who recovers or attempts to recover any greater sum shall be guilty of an offence.

(6) The portion of any contribution recoverable under the Schedule from the wages of an employee in accordance with subsections (2) and (4) shall be recovered by the employer from the wages in respect of which the contribution is payable at the time of payment of those wages and not otherwise:

Provided that, subject to such conditions as may be prescribed by the Board, where an employer has, by error not occasioned by that employer's negligence, omitted to recover from the wages paid to an employee any amount or part of any amount that he would otherwise have been entitled to recover at the time of payment of the wages, the amount or part thereof may be recovered from the wages payable by the employer to the employee not later than 6 months from the date of the payment of the wages in respect of which the amount or part thereof was omitted to be recovered.

(7) Notwithstanding subsection (6), where wages are payable at intervals of less than one month, if in any month it appears to the employer that the wages of any employee for that month are likely to exceed \$200, he may deduct from that employee's wages at the time of each payment in the month the appropriate proportion of such sum as would be recoverable from the employee in accordance with the Schedule in respect of the wages if paid at the same rate throughout the month and shall make such adjustment as may be necessary on the occasion of the last payment in that month, but if the wages do not actually exceed \$200 for that month, he shall forthwith refund to the employee the amount of the deductions.

(8) The Minister may, by notification in the *Gazette*, amend, add to or vary the Schedule and may prescribe different rates of contributions payable in respect of different types of wages.

Agreement by statutory body to pay excess contributions deemed void. 32/84.

8. Any agreement made between any statutory body specified in the Schedule and any of its employees, whether before or after 28th September 1984, under which that body is liable to pay any contribution to the Fund in respect of that employee in excess of the amount prescribed as payable for that employee shall, in so far as it relates to such liability, be void and of no effect.

Payment of interest on contributions in arrears.

9.—(1) Where the amount of the contributions which an employer is liable to pay under section 7 in respect of any month is not paid within such period as may be prescribed, the employer shall be liable to pay interest on the amount for every day the amount remains unpaid commencing from the first day of the month succeeding the month in respect of which the amount is payable and the interest shall be calculated at the rate of $1\frac{1}{2}\%$ per month or the sum of \$5, whichever is the greater.

(2) The Board may in any case in which it thinks fit waive the payment of the whole or part of, or remit in whole or in part, any interest due or paid under subsection (1).

Expenses.

10. All expenses incurred by the Board including the cost of auditing the accounts of the Fund as provided for in section 11 (1) shall be defrayed out of the moneys of the Fund.

Statement of accounts.

11.—(1) The accounts of the Fund shall be audited at least once annually by the Auditor-General, or an officer authorised by him to act on his behalf who shall submit a report thereon to the Board.

(2) As soon as practicable after the end of each financial year the Chairman of the Board shall submit to the Board an account of the revenue and expenditure of the Fund, of contributions received and of withdrawals made and of interest credited to members of the Fund during the preceding financial year together with a statement of the assets and liabilities of the Fund.

(3) The account and statement referred to in subsection (2) together with the report of the Auditor-General or other authorised officer thereon shall be published in the *Gazette* and presented to Parliament.

(4) The financial year of the Fund shall be determined by the Board.

12.—(1) All sums recovered or collected on account of contributions to the Fund under this Act shall be paid into or carried to the Fund in such manner as may be prescribed. Contributions to be paid into Fund.

(2) The Board shall cause to be credited to each member of the Fund —

- (a) the amount of every contribution paid to the Fund for him; and
- (b) interest at the rate declared under section 6 (4) at such intervals as the Board may prescribe and on the amount standing to his credit in the Fund at such time as the Board may determine.

13.—(1) Subject to subsection (5), there shall be maintained for each member in respect of the money standing to his credit in the Fund the following subsidiary accounts: Crediting of contributions into subsidiary accounts. 32/84 16/86.

- (a) an ordinary account from which, apart from section 15 (2) to (5) and section 18, withdrawals may be made in accordance with regulations made under section 56 (1) (g), (j) or (k);
- (b) a medisave account from which, apart from section 15 (2) to (5) but subject to section 16, withdrawals may be made in accordance with regulations made under section 56 (1) (h); and
- (c) a special account from which no withdrawal may be made except under section 15 (2) to (5) or section 17.

(2) Every ordinary account, medisave account and special account which was maintained by the Board for a member before 28th September 1984 shall be deemed to have been validly maintained.

(3) All moneys standing to the credit of a member in his special account as at 1st April 1984 shall be deemed to have been transferred to his medisave account except where the member is entitled at that date to withdraw such money under section 15.

(4) The Board shall credit to each of the accounts specified in subsection (1) every contribution paid into the Fund for a member in such manner as the Minister may direct, and the Minister may give different directions in respect of different classes of members.

(5) Where any contributions are paid into the Fund by any person pursuant to any regulations made under section 56 (1) (e), the Minister may direct that the amount of every such contribution be credited into —

(a) a medisave account; or

(b) a medisave account and a special account in such manner as the Minister may determine.

16/86.

(6) The Board shall transfer to a member's ordinary account any amount standing to his credit in his medisave account which is in excess of such amount as the Minister may from time to time direct.

Payment of
cash grant by
Government
into Fund.
32/84.

14.—(1) The Board may after 1st June 1984 accept any cash grant made by the Government for the benefit of any person who qualifies for such grant under any approved scheme; and the Board shall credit the cash grant into the ordinary account of that person.

(2) Any cash grant paid into the Fund under subsection (1) shall be deemed to be contributions for the purposes of this Act, but such cash grant or interest thereon shall not be withdrawn under any regulations made under section 56 unless those regulations expressly provide for the withdrawal of such cash grant.

(3) Notwithstanding anything in this Act, the Board shall be entitled to recover on behalf of the Government any cash grant paid into the Fund for the benefit of any person, together with any interest which he is liable to pay the Government under the terms of the cash grant, from any money standing to the credit of that person in the Fund if —

(a) that person has obtained the cash grant by means of any false or misleading statement or any document that is false or misleading in any particular; or

(b) that person has committed a breach of any of the terms and conditions of the cash grant.

(4) Any money recovered by the Board from any person under subsection (3) shall be refunded forthwith to the Government.

(5) In this section —

“approved scheme” means a scheme approved by the Minister for the purposes of this section;

“cash grant” means a cash grant made by the Government under any approved scheme.

PART III

WITHDRAWAL OF CONTRIBUTIONS

15.—(1) No sum of money standing to the credit of a member of the Fund may be withdrawn from the Fund except with the authority of the Board and, subject to section 24 (2) and any regulations and rules made under section 56, that authority shall not be given except on the application of a person entitled to withdraw the money from the Fund under subsections (2) and (3).

Authorisation and conditions for withdrawal from Fund. 5/87.

(2) Subject to this section, a member of the Fund, or a committee of his person or of his estate appointed under the provisions of the Mental Disorders and Treatment Act, shall be entitled to withdraw the sum standing to the credit of the member in the Fund at any time after the Board is satisfied that that member —

Cap. 178.

- (a) has attained the age of 55 years;
- (b) not being a citizen of Singapore, has left or is about to leave Singapore and the States of Malaya permanently with no intention to return thereto;
- (c) being a citizen of Malaysia has left or is about to leave Singapore permanently for the States of Malaya in such circumstances as the Minister may approve;
- (d) is physically or mentally incapacitated from ever continuing in any employment at any time before he attains the age of 55 years; or
- (e) is found to be of unsound mind at any time before he attains the age of 55 years.

(3) Subject to subsection (6), a member of the Fund who has withdrawn any money from the Fund on the ground that he has attained the age of 55 years shall be entitled to make

one further withdrawal of the sum standing to his credit in the Fund on or after every third anniversary of his date of birth after he has attained the age of 55 years.

(4) Notwithstanding subsection (3) but subject to subsection (6), the Board may at any time allow a member who has attained the age of 55 years to withdraw the sum standing to his credit in the Fund if the member satisfies the Board that he has been unemployed throughout the period of 6 months immediately preceding the date on which he makes an application for the withdrawal of any sum of money standing to his credit in the Fund.

(5) After the death of a member of the Fund a person nominated by that member in accordance with section 24 (1) shall be entitled to withdraw such portion of the sum standing to the credit of that member in the Fund as is set out in the memorandum executed in accordance with that section.

5/87.

(6) Subject to subsection (8), a member of the Fund who is entitled to withdraw the sum standing to his credit in the Fund under subsection (2) (a) shall at the time of the withdrawal —

(a) deposit a prescribed sum (referred to in this Act as the minimum sum) with an approved bank or in a retirement account with the Board; or

(b) purchase an approved annuity from an insurer with such minimum sum.

5/87.

(7) A member who attains the age of 60 years shall be entitled to withdraw from the minimum sum deposited with an approved bank or in a retirement account and any interest accruing thereon in accordance with regulations made under this Act.

5/87.

(8) A member need not deposit the minimum sum with an approved bank or in a retirement account or use the minimum sum to purchase an approved annuity from an insurer if the Board is satisfied that —

(a) the member is suffering from a terminal illness or disease;

(b) the member on his retirement will receive a pension, annuity or other benefit as may be approved which will provide him with a monthly

income of not less in value than the amount prescribed by the Minister; or

- (c) the member has attained the age of 55 years before 1st January 1987.

(9) Where a member or his spouse or both of them ^{5/87.} jointly own any immovable property of a value equal to or exceeding the minimum sum, the Board may permit the member to withdraw the minimum sum from his account with an approved bank or his retirement account or to surrender his approved annuity, if the member or his spouse or both of them, as the case may be, agree to the creation of a charge on the immovable property owned by him or his spouse or by them jointly, to secure the payment to the Board of the minimum sum for any of the purposes mentioned in subsection (6).

(10) Where a member or his spouse or both of them ^{5/87.} jointly own any immovable property sold by a Housing Authority or by a lessee of a Housing Authority, the Board may permit the member to withdraw the minimum sum or part thereof from his account with an approved bank or his retirement account or to surrender his approved annuity, if the member or his spouse or both of them, as the case may be, give an undertaking to refund to the Board an amount equal to the minimum sum or part thereof which he is required to set aside for the purposes of subsection (6) in the event the property is sold or otherwise disposed of.

(11) Where a member has withdrawn any money from ^{5/87.} the Fund for the purchase of an immovable property from a Housing Authority or from a lessee of a Housing Authority pursuant to regulations made under section 56 and the sum standing to the credit of the member in the Fund at the time he attains the age of 55 years is less than the minimum sum, the member shall, in the event the property is sold or otherwise disposed of, refund to the Board from the proceeds of sale or other disposition, an amount sufficient to cover the deficiency in the minimum sum.

(12) No moneys deposited in an account with an ^{5/87.} approved bank or in a retirement account under subsection (6) and no withdrawals made by a member from that account with an approved bank or from a retirement account and no payments received by a member from an approved annuity purchased with the minimum sum shall be

liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever, and such moneys, withdrawals and payments shall not pass to the Official Assignee on the bankruptcy of the member, and, if the member is adjudicated a bankrupt or is declared insolvent by a court, such moneys, withdrawals and payments shall be deemed not to form part of his after-acquired property.

5/87.

(13) In this section, "Housing Authority" has the same meaning as in section 27.

Restrictions on withdrawal from medisave account. 32/84. Cap. 178.

16.—(1) Notwithstanding anything in section 15, a member of the Fund, or a committee of his person or of his estate appointed under the Mental Disorders and Treatment Act, shall not be entitled to withdraw any sum standing to the member's credit in the medisave account under section 15 (2) (a), (d) or (e) or section 15 (3) if the amount in his medisave account does not exceed the prescribed amount.

(2) Where the amount in a member's medisave account exceeds the prescribed amount, such amount as is in excess of the prescribed amount may be withdrawn under section 15 (2) (a), (d) or (e) or section 15 (3).

(3) In subsections (1) and (2), "prescribed amount" means such amount as may be prescribed by the Minister from time to time by regulations made under section 56.

Withdrawal from special account for payment of housing loan. 16/86.

17. The Board may allow a member who has purchased any immovable property in accordance with regulations made under section 56 to withdraw the whole or part of the moneys standing to his credit in his special account for the payment of any housing loan taken by him for the purchase of such property.

Transfer of member's moneys in Fund to parent's retirement account, etc. 5/87.

18. The Board may, subject to such terms and conditions as it may impose, permit —

- (a) a member to transfer such portion of the sum standing to his credit in the Fund as may be prescribed to the retirement account of his parent to be applied by the parent; or
- (b) any person to voluntarily maintain a minimum sum with the Board or to pay money into his parent's retirement account,

for any of the purposes mentioned in section 15 (6).

[17A

19. Any moneys transferred by a member to his parent's retirement account or paid by any person into his parent's retirement account under section 18 shall be deemed to be contributions for the purposes of this Act, and shall not form part of the moneys payable out of the Fund on the death of the parent, and, on the death of the parent, any money so transferred or paid or the balance thereof shall be returned to the account from which it was transferred or to the account of the person who made the payment. [17B

Moneys transferred to parent's retirement account to be returned to member's account on death of parent.
5/87.

20.—(1) Upon an application for the withdrawal of the sum of money standing to the credit of a member of the Fund by a person entitled thereto under section 15, the Board may authorise the payment to the applicant of such sum as the member is entitled to withdraw from the Fund and any interest calculated in accordance with section 12 (2) up to the date of the authorisation or, if the applicant is a nominee appointed in accordance with section 24 (1), such portion of the sum as he is nominated to receive:

Withdrawals.
5/87.

Provided that when any contributions are due to be paid for a member of the Fund in respect of any period ending not later than the last day of the month next following the date on which the withdrawal of the sum of money standing to his credit in the Fund is authorised and the contributions are not paid to the Fund until after the date of authorisation, those contributions may in the discretion of the Board be treated as if they had been included in the amount standing to the credit of the member at the date of authorisation of withdrawal and paid to the applicant accordingly.

(2) All applications for withdrawal shall be supported by such evidence as may be prescribed and by such further evidence as the Board may reasonably require. [18

21.—(1) Where in accordance with any regulations made under section 56, a member of the Fund has on or after 1st June 1981 withdrawn any money standing to his credit in the Fund for all or any of the following purposes:

Charge on immovable property to secure repayment of withdrawals from Fund.
19/83
16/86.

- (a) to make payment, either full or partial, towards the purchase of an immovable property;
- (b) to repay or to make periodic payments towards the repayment of any loan taken by the member to finance or re-finance the purchase of an immovable property;

- (c) to pay any costs, fees or other expenses incurred —
 - (i) for the purchase of an immovable property;
 - (ii) for obtaining a loan to finance or re-finance such purchase; and
 - (iii) in connection with withdrawals of any money from the Fund,

5/87. there shall be a charge on the member's estate or interest in the immovable property to secure the repayment of the money withdrawn from the Fund including the interest that would have accrued thereto if the withdrawal had not been made and to secure the payment of the minimum sum into the member's retirement account; and where the immovable property is purchased or owned by the member as a co-purchaser, joint-tenant or tenant-in-common, as the case may be, with one or more persons, the charge shall with the prior written consent of all the co-purchasers or co-owners extend to all their respective estates or interests in the immovable property.

(2) A charge under subsection (1) shall extend to all the rights, benefits and interests of the member or the co-purchasers or co-owners, as the case may be, under his or their agreement for sale and purchase of the immovable property.

5/87. (3) Any charge created over any immovable property under subsection (1) from 1st June 1981 to 31st December 1986 (both dates inclusive) shall unless the Board otherwise decides be deemed to have secured the payment of the minimum sum into a member's retirement account.

16/86. (4) Upon lodgment by the Board with the Registrar of an instrument (which shall be in such form as the Registrar may require) for the purpose of registering or notifying any charge under subsection (1) and the acceptance of the instrument by the Registrar, the Board shall have —

- (a) the power of sale and all other powers relating or incidental thereto as if the Board is a registered mortgagee; and
- (b) the power to sell, assign and dispose of all rights, benefits and interests under the agreement for the sale and purchase of the immovable property.

(5) The Registrar shall not be concerned to enquire into the regularity or validity of a charge under subsection (1), and shall, on acceptance of the instrument to register or notify the charge, register or notify the charge in the appropriate register maintained by the Registrar under the Land Titles Act, the Land Titles (Strata) Act or the Registration of Deeds Act, as the case may be.

Cap. 157.
Cap. 158.
Cap. 269.

(6) Any charge under subsection (1) shall be subject to all statutory rights and charges of any public authority over the immovable property and, in the absence of any agreement giving priority to the Board, to all encumbrances registered or notified prior to the date of acceptance by the Registrar of the instrument to register or notify the charge.

16/86.

(7) The repayment of the minimum sum to the Board, if it is secured by a charge on the member's estate or interest on the immovable property under subsection (1), shall rank after the claims of a mortgagee or chargee other than the Board prior to the date when the member is required to deposit a prescribed sum in accordance with section 15 (6).

5/87.

(8) Notwithstanding section 74 of the Land Titles Act and section 16 of the Registration of Deeds Act —

(a) where further withdrawals from the Fund are authorised by the Board after the registration or notification of any mortgage or charge created in favour of the Board at any time on or after 1st June 1981 or after the acceptance by the Registrar of the instrument lodged under subsection (4) for the purpose of registering or notifying a charge under subsection (1), all such withdrawals shall rank in priority to any other claims as if the withdrawals were made at the date of the creation of the mortgage or charge in favour of the Board; and

(b) where any further advances have been made by a prior mortgagee or chargee after the Board has given notice in writing of the charge under subsection (1) to the prior mortgagee or chargee or after the acceptance by the Registrar of the instrument to register or notify the charge under subsection (4), such further advances shall not rank in priority to the Board's charge under subsection (1).

16/86.

(9) Notwithstanding subsections (1) and (8), advances, interest and other moneys secured by a mortgage or charge on an immovable property may, with the agreement of the Board and subject to such conditions as the Board may impose, rank in priority or in pari passu to the Board's charge under subsection (1) or any mortgage or charge created in favour of the Board.

(10) A charge under subsection (1) shall continue in force until all the moneys secured by the charge have been repaid or are no longer required by regulations made under section 56 to be repaid to the Fund or if the Board is satisfied of the occurrence of any of the events mentioned in section 22 (e) in which event the member concerned or any other party having an interest in the immovable property shall be entitled to have the charge cancelled.

(11) Subsections (4), (9) and (10) shall apply to all charges under subsection (1) securing the repayment of moneys withdrawn from the Fund on or after 1st June 1981 pursuant to regulations made under section 56.

(12) In this section and section 22 —

“public authority” means the Government, the Collector of Land Revenue, the Comptroller of Property Tax, and any other person, corporation or body, authorised or empowered by any written law to attach, sell or acquire land compulsorily;

“Registrar” means —

Cap. 157.

(a) the Registrar of Titles, a Deputy Registrar of Titles or an Assistant Registrar of Titles appointed under the Land Titles Act; and

Cap. 269.

(b) where the occasion requires, the Registrar of Deeds or a Deputy Registrar of Deeds appointed under the Registration of Deeds Act.

16/86.

(13) This section shall not apply to any immovable property or class of immovable properties which the Minister may, by notification in the *Gazette*, specify. [19

Provisions
which apply
to charge
under
section
15 (9).
5/87.

22. The following provisions shall apply to a charge created over any immovable property under section 15 (9):

(a) the charge shall be subject to all prior statutory rights and charges of any public authority over the immovable property and to all encumbrances

- registered or notified prior to the date of the notification of the charge;
- (b) upon lodgment by the Board with the Registrar of an instrument (which shall be in such form as the Registrar may require) for the purpose of registering or notifying the charge and the acceptance of the instrument by the Registrar, the Board shall have —
- (i) the power of sale and all other powers relating or incidental thereto as if the Board is a registered mortgagee; and
 - (ii) the power to sell, assign and dispose of all rights, benefits and interests under the agreement for the sale and purchase of the immovable property;
- (c) the charge shall extend to all the rights, benefits and interests of the member or his spouse or both, as the case may be, under his or their agreement for sale and purchase of the immovable property;
- (d) the Registrar shall not be concerned to enquire into the regularity or validity of the charge, and shall, on acceptance of the instrument to register or notify the charge, register or notify the charge in the appropriate register maintained by the Registrar under the Land Titles Act, the Land Titles (Strata) Act or the Registration of Deeds Act, as the case may be;
- (e) the charge shall on the application of the member or any other person having an interest in the property be cancelled if the Board is satisfied of the occurrence of any one of the following events:
- (i) the death of the member;
 - (ii) if the member is suffering from a terminal illness or disease;
 - (iii) if the member has complied with the requirements of section 15 (6);
 - (iv) if the minimum sum set aside by the member under section 15 (6) has been exhausted on account of withdrawals made by him under section 15 (7); or

Cap. 157.
Cap. 158.
Cap. 269.

- (v) if the member satisfies any of the grounds for withdrawals under section 15 (2) (b) or (c). [19A

Protection of benefits.

23.—(1) Except as may be provided for in regulations made under section 56, no withdrawals made by the authority of the Board from the Fund under section 15 nor the rights of any member of the Fund acquired thereunder shall be assignable or transferable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever.

16/86.

(2) Precious metals and securities purchased by a member under any scheme in accordance with the regulations made under section 56 which allow members to withdraw their moneys in the Fund for the purposes of investment and the proceeds from the sale of such precious metals and securities which a member is obliged to repay into the Fund shall not be liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever, and such precious metals, securities or proceeds shall not pass to the Official Assignee on the bankruptcy of such member, and if such member is adjudicated a bankrupt or is declared insolvent by a court, such precious metals, securities or proceeds shall be deemed not to form part of the property of the member.

(3) All moneys paid out of the Fund on the death of any member of the Fund shall be deemed to be impressed with a trust in favour of —

- (a) the person or persons nominated under section 24 (1) by the deceased member, if any; or
 (b) the person or persons determined by the Public Trustee in accordance with section 24 (2) to be entitled thereto,

Cap. 96.

but shall, without prejudice to the operation of the Estate Duty Act, be deemed not to form part of the deceased member's estate or to be subject to his debts.

(4) No contribution to the Fund or interest thereon shall be subject to the debts of the member of the Fund, nor shall the contribution or interest pass to the Official Assignee on the bankruptcy of the member, but if the member is adjudicated a bankrupt or is declared insolvent by judgment

of the court, the contribution and interest shall be deemed not to form part of the property of the member.

(5) The bankruptcy of an employee shall not affect the payment of contributions from the wages of the employee in accordance with the provisions of this Act, but that payment shall continue to be made notwithstanding the provisions of any written law and the portion of wages so paid shall be deemed not to form part of his after-acquired property. [20

24.—(1) Any member of the Fund may by a memorandum executed in the prescribed manner nominate a person or persons to receive in his or their own right such portions of the amount payable on his death out of the Fund under section 20 (1) as the memorandum shall indicate.

Moneys payable on death of a member.

(2) If, at the time of the death of a member of the Fund, there is no person nominated under subsection (1), the total amount payable out of the Fund shall be paid to the Public Trustee for disposal in accordance with any written law for the time being in force, and if any person nominated, other than a widow, is under the age of 18 years at the time of payment of the amount payable out of the Fund, his portion of the amount payable shall similarly be paid to the Public Trustee for the benefit of the nominated person.

(3) The receipt of a person or persons nominated under subsection (1) or of the Public Trustee shall be a discharge to the Board for such portions of the moneys payable out of the Fund on the death of a member as are payable to the person or persons or the Public Trustee under subsection (2). [21

25.—(1) Subject to this section or any regulations made under section 56, a member who is an undischarged bankrupt shall not be entitled to make withdrawals from the amount standing to his credit in the Fund.

Withdrawals by undischarged bankrupts.

(2) The Board may in its discretion allow a member who is an undischarged bankrupt to withdraw from the amount standing to his credit in the Fund if he satisfies any of the grounds for withdrawals specified in section 15 (2) (a), (d) or (e). Any moneys paid out of the Fund to that member shall be deemed not to form part of his after-acquired property and shall not be liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever.

(3) Where withdrawals are made by a member who is an undischarged bankrupt under subsection (2), the Board may impose such conditions (including conditions as to the amounts that may be withdrawn by the undischarged bankrupt) as it may think fit.

(4) The Board shall not authorise the withdrawal of the total amount standing to the credit of a member who is an undischarged bankrupt under subsection (2) without the approval of the Minister.

(5) All applications for withdrawals under this section shall be in such form and shall be supported by such evidence as the Board may reasonably require. [25

Nomination
to be revoked
by marriage.

26.—(1) Subject to subsection (2), any nomination made by a member of the Fund under section 24 (1) or under any previous corresponding provision shall be revoked by his marriage, whether the marriage was contracted before or after 15th May 1980.

(2) Subsection (1) shall not apply to any nomination made by a member who has died at any time prior to 15th May 1980. [26

PART IV

HOME PROTECTION INSURANCE SCHEME

27. In this Part —

“approved mortgagee” means a mortgagee approved by the Minister by notification in the *Gazette* for the purposes of this Act;

“Home Protection Fund” means the Home Protection Fund established and maintained by the Board under section 31 (1);

“Housing Authority” means any of the following:

(a) the Housing and Development Board constituted under section 3 of the Housing and Development Act;

(b) the Jurong Town Corporation constituted under section 3 of the Jurong Town Corporation Act;

(c) the Minister for Finance incorporated under the Minister for Finance (Incorporation) Act;

Interpre-
tation.
32/84.

Cap. 129.

Cap. 150.

Cap. 183.

(d) the Housing and Urban Development Company Private Limited, a company incorporated under the Companies Act;

Cap. 50.

“incapacitated” means to be physically or mentally incapacitated from ever continuing in any employment and “incapacity” shall be construed accordingly;

“member of the Scheme” means a person who is insured under the Scheme;

30/87.

“premium” means the premium payable by a member of the Scheme;

30/87.

“Scheme” means the “Home Protection Insurance Scheme” established and maintained by the Board under section 28 (1).

[24

28.—(1) The Board is hereby authorised to establish and maintain a Home Protection Insurance Scheme for the purpose of providing that on the death or incapacity of a member of the Scheme at any time during the period in which the member is insured under the Scheme, his liability to repay his housing loan to a Housing Authority or an approved mortgagee secured by a mortgage of the immovable property to that Authority or approved mortgagee, as the case may be, shall be discharged by the Board in accordance with the Scheme.

Establishment of Home Protection Insurance Scheme.
30/87.

(2) Subject to section 29, the Scheme shall apply to every member who has withdrawn moneys standing to his credit in the Fund to repay any instalments of housing loan taken by the member from a Housing Authority or approved mortgagee for the purchase of any immovable property from a Housing Authority.

(3) The Board may permit any person who has purchased from a Housing Authority an immovable property jointly with a member of the Fund to join the Scheme subject to such terms, conditions and restrictions as the Board may impose.

(4) The Board may, on application being made to it by a member, exempt him from the Scheme if the Board is satisfied that —

(a) there is in force an appropriate policy of insurance and the amount payable under the policy is sufficient to discharge the outstanding loan

owing to the Housing Authority or approved mortgagee in the event of the death or incapacity of that member; or

(b) the amount of the loan owing to the Housing Authority or the approved mortgagee does not exceed \$3,000 or such other amount as may be fixed from time to time by the Minister and the loan will be repaid in two years or such other period as may be fixed by the Minister.

(5) The Scheme shall not apply to —

(a) any member if he is 55 years of age or above at the time he is required to join the Scheme; and

(b) any member or class of members whom the Minister may, by notification in the *Gazette*, specify.

(6) Any person who became a member of the Scheme prior to 1st March 1988 shall continue to be a member of the Scheme subject to the same terms, conditions and restrictions which were in force before that date. [25

S 32/88.

Medical
condition
of member
of Scheme.
30/87.

29.—(1) No person shall be entitled to join the Scheme unless the Board is satisfied that he is in good health at the time he joins the Scheme.

(2) For the purposes of determining whether a person is fit to join the Scheme, the Board may require that person to undergo such medical examination as the Board thinks fit.

(3) Any person who joins the Scheme shall disclose to the Board such facts or information concerning his health as the Board may require. [25A

Premium.
30/87.

30.—(1) Every member of the Scheme shall pay a premium of an amount prescribed by regulations made under this Part.

(2) Notwithstanding anything in this Act, the Board shall be entitled to deduct the amount of the premium payable by a member of the Scheme from the contributions standing to the credit of that member in the Fund and where any such deduction has been made by the Board, the Board shall as soon as practicable give to the member concerned notice in writing to that effect.

(3) Where the amount of the premium which a member is liable to pay under the Scheme exceeds the amount standing to his credit in the Fund, the deficiency may be paid in cash, or be recovered from the future contributions paid into the Fund for that member, and the deficiency shall be paid within such time as may be specified by the Board.

(4) Where the joint-owner of an immovable property is insured under the Scheme, the Board may permit the spouse of that joint-owner to use his contributions in the Fund to pay for the whole or part of the premium which the joint-owner is liable to pay under the Scheme. [25B

31.—(1) The Board shall establish and maintain a fund to be known as the Home Protection Fund into which shall be paid all premiums collected under this Part and out of which shall be met all payments to be paid by it under the Scheme. Establishment of Home Protection Fund.

(2) The Home Protection Fund shall be controlled and administered by the Board. [26

32.—(1) Any premium required to be paid by a member of the Scheme shall become payable — Premium when due. 30/87.

- (a) in any case where the loan document or the instrument of mortgage of the immovable property purchased by the member of the Scheme has been executed before the appointed day, two months after that day;
- (b) in any case where the loan document or the instrument of the mortgage of the immovable property purchased by the member of the Scheme has been executed on or after the appointed day, on the date of the commencement of the housing loan or the date of the possession of the immovable property by the member of the Scheme, whichever is the earlier; or
- (c) in any case where any money standing to the credit of the account of a member of the Fund has been withdrawn for the repayment of instalments of housing loan taken by the member for the purchase of an immovable property at any time after the date of the execution of the loan document or instrument of mortgage, on the date of such withdrawal.

(2) In this section —

“appointed day” means 1st November 1981;

“loan document” means any agreement or other document evidencing a loan granted by the Housing Authority or approved mortgagee to a member of the Scheme for the purchase of an immovable property. [27]

Period of
cover.
30/87.

33. Where the prescribed premium payable under the Scheme has been paid by or deducted from a member's contributions standing to his credit in the Fund, the member or person in respect of whom the premium has been paid (referred to in this section as the insured) shall be covered under the Scheme —

(a) in any case where the date the housing loan is repaid or the mortgage of the immovable property is discharged falls on or before the date the insured attains the age of 55 years, from the date the premium is paid or deducted to the date the housing loan is repaid or mortgage is discharged; or

(b) in any case where the date the housing loan is repaid or the mortgage of the immovable property is discharged falls after the date the insured attains the age of 55 years, from the date the premium is paid or deducted to the same date in the period of 12 months immediately after he attains the age of 55 years. [28]

Amount
payable by
Board to
Housing
Authority or
approved
mortgagee on
death or
incapacity of
a member of
Scheme.
30/87.

34.—(1) Where a member of the Scheme dies at any time during the period he is insured under the Scheme, the Board shall, upon proof of death, forthwith pay to the Housing Authority or the approved mortgagee such an amount as is prescribed under regulations made under this Part.

(2) Where there is a claim made to the Board by a member of the Scheme on the ground of incapacity at any time during the period he is insured under the Scheme, the Board shall upon proof of incapacity pay to the Housing Authority or approved mortgagee, as the case may be, the monthly or other periodic loan instalments which the member of the Scheme is liable to pay to the Housing

Authority or approved mortgagee under the housing loan for a period not exceeding two years. The outstanding housing loan shall only be discharged by the Board if the incapacity of the member of the Scheme is in the opinion of the Board likely to continue for more than two years.

(3) If the prescribed premium which a member of the Scheme is liable to pay under the Scheme has not been fully paid or deducted from the contributions standing to his credit in the Fund at the time of his death or incapacity, the amount payable by the Board under subsection (1) shall be such an amount as is prescribed under regulations made under this Part in accordance with the amount of premium actually paid by the member or deducted from his contributions in the Fund at the time of his death or incapacity, as the case may be.

(4) The amount payable by the Board to the Housing Authority or the approved mortgagee under this section on the death or incapacity of a member of the Scheme shall in no case exceed the amount which is necessary to repay the outstanding amount of any loan and interest accruing thereon in order to secure the discharge of the mortgage of the immovable property at the time of the death or incapacity.

(5) The Board shall not be required to make any payment in respect of any member of the Scheme if the death or incapacity of that member occurs within one year from the date he is insured under the Scheme, if —

- (a) the death is the result of suicide; or
- (b) the incapacity is the result of deliberate self-injury.

(6) The Board shall not be required to make any payment in respect of any member of the Scheme if he —

- (a) makes or furnishes to the Board any statement or fact that is false or misleading in a material particular; or
- (b) fails to disclose to the Board any material fact or circumstance known to him at the time he is required to be insured under the Scheme which might influence the Board as to whether he should be insured under the Scheme. [29

Housing Authority or approved mortgagee to send notice to Board on payment of premium.
30/87.

35.—(1) Where a member of the Scheme is required to pay a premium to the Home Protection Fund under section 30, the Housing Authority or approved mortgagee, as the case may be, shall send a written notice thereof to the Board within 14 days from the date the premium is payable by the member of the Scheme.

(2) Every notice under subsection (1) shall be in such form as the Board may require. [30*

Non-application of Insurance Act.
Cap. 142.

36. The Insurance Act shall not apply to anything done by the Board under this Part. [32

Regulations.
30/87.

37. The Minister may make such regulations as are necessary or expedient for the purpose of carrying out the provisions of this Part and, without prejudice to the generality of the foregoing power, such regulations may —

- (a) provide for the rate of premium payable by members under the Scheme;
- (b) provide for the amount of money payable by the Board to the Housing Authority or the approved mortgagee in the event of the death or incapacity of a member of the Scheme;
- (c) provide for the refund of any premium and the circumstances under which the refund shall be made and at such rates as may be prescribed by the Minister;
- (d) prescribe the evidence to be produced and the person, officer or authority to whom that evidence is to be produced for the purposes of this Part;
- (e) provide for the manner in which money in the Home Protection Fund may be invested;
- (f) provide for the premium payable by members of the Scheme in cases where the immovable property is purchased in joint names;
- (g) provide for such information, evidence and documents that the Board may require a member of the Scheme to furnish for the purposes of this Part; and

- (h) prescribe anything which under this Part may be prescribed by the Minister. [37]

PART V

OFFENCES, PENALTIES AND PROCEEDINGS

38. If any person —

Offences.

- (a) for any purpose connected with this Act —
- (i) knowingly makes any false statement; or
 - (ii) produces or furnishes or causes or knowingly allows to be produced or furnished any document which he knows to be false in a material particular;
- (b) fails to pay to the Fund within such period as may be prescribed any amount which he is liable under this Act to pay in respect of or on behalf of any employee in any month;
- (c) obstructs any officer or employee of the Board in the discharge of his functions as such;
- (d) fails to comply with any regulations or rules made under this Act; or
- (e) fails to pay to the Board within such period as may be prescribed any amount which he is liable to pay under the provisions of this Act,

he shall be guilty of an offence. [34]

39.—(1) Any person employed by the Board who without lawful authority publishes or communicates to any person, otherwise than in the ordinary course of his duty or employment, any information acquired by him in the course of his duty or employment shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$4,000 or to imprisonment for a term not exceeding one year or to both.

Publication of information to unauthorised person.

(2) The Board may, on an application by a prospective employer who is considering whether or not to employ any person as an employee, give to the prospective employer the following particulars of that person:

- (a) the name of his employer or, if he has been in the employment of more than one employer, the names of all his employers during the past 3 years; and

(b) the period for which contributions were paid into the Fund for that person by each of his employers.

(3) A prospective employer who wishes to obtain any of the particulars referred to in subsection (2) shall apply to the Board in such form as the Board may determine and shall pay the prescribed fee.

(4) The Board may require an applicant under subsection (3) to furnish proof that he is considering whether to employ the person in respect of whom the application is made.

(5) No refund shall be made of any fee paid under subsection (3). [35]

Offences by corporations.

40. Where an offence under this Act has been committed by a body corporate and is found to have been committed with the consent or connivance of or to be attributable to any act or default on the part of any director, manager, secretary or other officer of the body corporate that director, manager, secretary or other officer as well as the body corporate shall be guilty of an offence. [36]

Penalties.

41.—(1) Any person convicted of an offence under this Act for which no penalty is provided shall be liable to a fine not exceeding \$2,500 and in the case of a second or subsequent offence to a fine not exceeding \$10,000 and the court before which the conviction is had may in addition to the fine order him to pay the amount of any contributions together with any interest due thereon certified by an officer appointed by the Board in that behalf to be due from that person at the date of the conviction and the amount may be recovered according to the law for the time being in force relating to the recovery of fines.

(2) Notwithstanding the provisions of any written law to the contrary, a Magistrate's Court or District Court shall have the jurisdiction to impose the maximum penalty prescribed for an offence under this Act. [37]

Sanction for prosecution.

42. No court shall take cognizance of any offence under this Act or any regulations or rules made thereunder except with the sanction of the Public Prosecutor. [38]

43.—(1) The Board may, in its discretion, compound any offence under this Act or any regulations or rules made thereunder which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$200.

Compound-
ing of
offences.
32/86.

(2) The Board may make rules to prescribe the offences which may be compounded. [38A

44. The provisions of this Act or of any regulations or rules made thereunder shall be without prejudice to any other proceedings under any other written law. [39

Saving for
criminal
proceedings.

45. Any sum due to the Fund may be sued for and recovered by the Board under the Government Proceedings Act as if it were a debt due to the Government. [40

Recovery
of sums due
to Fund.
Cap. 121.

46. In any legal proceedings a copy of an entry in the accounts of the Fund duly certified under the hand of such officer of the Board as is prescribed by the Board shall be prima facie evidence of the entry having been made and of the truth of the contents thereof. [41

Certificate of
authorised
officer to be
evidence.

47. Proceedings in respect of any offence under the provisions of this Act or of any regulations or rules made thereunder may be conducted by any officer authorised in writing in that behalf by the Chairman of the Board. [42

Conduct of
prosecutions.

PART VI

MISCELLANEOUS

48.—(1) Whenever a writ of seizure and sale has been issued in execution of a judgment against an employer and any movable or immovable property or other assets belonging to the employer has been seized or sold or otherwise realised in pursuance of the execution, and, prior to the payment of the proceeds of the sale or other realisation to an execution creditor, notice has been given to the Sheriff or other officer charged with the execution of the writ by the Board that any sum is due to the Fund, no part of the proceeds shall be paid to an execution creditor, unless the court issuing the writ has ascertained and provided for the sum due to the Fund at the date of the sale or other realisation.

Protection of
employee's
interest in
execution
proceedings
and sale
under
mortgage or
charge.

(2) In the event of any interest in any place of employment being sold on the application of a secured creditor under any written law in force for the time being and the Board giving to the Sheriff or other officer charged with the conduct of the sale notice that a sum of money is due by the debtor to the Fund, the proceeds of the sale shall not be paid to any creditor other than to the Government or a secured creditor unless the court ordering the sale has ascertained and provided for the amount due to the Fund at the date of the sale or unless the court is satisfied that all sums due to the Fund have been paid up to the date of sale.

[43]

Power to
exempt.

49. The Minister may from time to time by order exempt any person or class of persons from all or any of the provisions of this Act.

[44]

Approved
employees'
schemes.
19/83.

50.—(1) If the Board is satisfied that an employer has established a welfare scheme which provides for the payment to his employees of pensions, gratuities or other pecuniary or welfare benefits (referred to in this Act as an approved employees' scheme), the Board shall certify to that effect and thereupon the amount which such employer shall be liable to contribute to the Fund in respect of any of his employees who has agreed to join such approved employees' scheme shall be in accordance with such reduced rates as may be prescribed by the Minister for employers who have established approved employees' schemes and not the rates specified in the Schedule.

(2) The Board may at any time revoke any certificate issued under subsection (1) but without prejudice to anything previously done or omitted to be done by virtue thereof.

(3) An employer who has established a scheme which has been certified as an approved employees' scheme under subsection (1) shall —

(a) furnish to the Board such accounts in respect of the scheme, duly audited by an auditor who has been approved as a company auditor under section 9 (2) of the Companies Act as the Board may require;

(b) comply with the rules of the scheme and pay such contributions in accordance with such scheme

Cap. 50.

within such periods as the rules of the scheme require;

- (c) obtain the prior permission of the Board to the making of any amendment to the rules of the scheme; and
- (d) furnish such returns to the Board as the Board may prescribe concerning employees who are members of or who have ceased to contribute to the scheme.

(4) Any amendment to the rules of any approved employees' scheme made without the prior permission of the Board shall for the purposes of this Act be void and of no effect.

(5) Section 23 (1) and (3) shall apply to withdrawals or payments of moneys from any approved employees' scheme and to the rights of any member acquired under the rules of any approved employees' scheme and to moneys paid out of any approved employees' scheme on the death of a member as that section applies to withdrawals from the Fund and to rights acquired under this Act and to moneys paid out on the death of a member of the Fund.

(6) Section 23 (4) and (5) shall apply to contributions to any approved employees' scheme and to interest thereon and to portions of wages paid as contributions to any approved employees' scheme as that section applies to contributions to the Fund and to interest thereon and to portions of wages paid as contributions to the Fund.

(7) Any person who fails to comply with subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and the court before which any person is convicted for failing to pay contributions into any approved employees' scheme within such period as the rules of the approved employees' scheme require may, in addition to such fine, order him to pay the amount of any contributions and any interest due thereon certified by an officer appointed by the Board in that behalf to be due from such person at the date of such conviction and such amount may be recovered according to the law for the time being in force for the recovery of fines.

Transfers
between
approved
employees'
schemes and
Fund.
19/83.

51.—(1) On the death of any employee who was a member of an approved employees' scheme, the employer concerned shall pay to the Board any moneys (if any) which such employee is entitled to under the approved employees' scheme and any such moneys so paid to the Board by the employer shall be disposed of by the Board as if such amount were contributions standing to the credit of the member in the Fund at his death.

(2) Where an employee who is a member of an approved employees' scheme leaves the service of his employer before attaining the age of 55 years, the employer concerned shall pay to the Board to be placed to the credit of the employee in the Fund the money (if any) payable to such employee under the approved employees' scheme on the termination of his employment. [46]

Refund of
contributions
to Govern-
ment.

52. The Board may, when a public officer is confirmed in a pensionable office in the service of the Government, refund to the Government, in respect of the period before his confirmation, such contributions paid by the Government as have not been recovered from the public officer's wages and are standing to the credit of the public officer in the Fund, together with the interest thereon. [47]

Transfer to
Fund from
private
provident
fund.

53. Where by virtue of his employment as an employee any member of the Fund has acquired a right to any pecuniary benefit in a provident fund or other scheme any part or the whole of that benefit may, if the rules of that provident fund or other scheme permit, be transferred to the Fund and treated as an excess contribution paid for him under section 7 (4). [48]

Refund of
contributions
paid in error.

54.—(1) When the Board is satisfied that any amount has been paid in error to the Fund in respect of any person or as interest under section 9, the Board may, subject to subsection (3), refund the amount so paid in error to the person by whom it was paid:

Provided that if the refund of any amount paid in error is not claimed within one year of the date on which it was paid or if the member in respect of whom it was paid has withdrawn it, the amount paid in error shall not be refunded but shall be deemed to have been properly paid under the provisions of this Act as interest or for the person in respect of whom it was paid.

(2) If any amount is due to the Fund from the person to whom refund of the amount paid in error would otherwise be made, the Board may retain the whole or any part of the amount paid in error and set it off against such amount as is due.

(3) No refund shall be made and no amount shall be set off under this section except with the consent of the Board who may require any person who claims to have paid any amount to the Fund in error to make written application for refund and to furnish such information as the Board may require to determine the amount so paid. [48

55. The Board may, if the Minister is satisfied that it is in the public interest to do so, engage in activities not directly related to the administration of the Fund including in particular the compilation of information of a statistical nature or otherwise relating to employers and employees and for this purpose the Board may require employers and employees to furnish such particulars as may be necessary. [50

Board may engage in activities not directly related to Fund and may call for information.

56.—(1) The Minister may, after consulting with the Board, make regulations — Regulations. 19/83.

- (a) to provide for the manner of payment and collection of contributions and any matters incidental thereto;
- (b) to provide for the disposal of amounts which are unclaimed, unpaid or otherwise remain in the Fund;
- (c) to provide for the classification of any employment, not being employment under a contract of service or apprenticeship, as an employment in respect of which contributions are payable under the provisions of this Act;
- (d) to provide that where an employee is employed in a specified employment a person specified as the principal employer shall be deemed to be his employer for the purposes of this Act notwithstanding that the principal employer is not the immediate employer of the employee;
- (e) to require such person as the Minister may specify who derives income from any trade, business,

profession or vocation, or from any other source or sources as the Minister may prescribe, to contribute to the Fund in respect of such income in such a manner and at such rate as may be prescribed by the Minister;

- Cap. 134. (f) to provide that the Comptroller of Income Tax, appointed under the Income Tax Act, may transmit to the Board such information, documents or records as may be required to enable the incomes of the persons referred to in paragraph (e) to be ascertained and to provide for the Board, its officers and employees, when dealing with the information, documents or records to be bound by the same conditions as to secrecy as are the persons mentioned in section 6 of that Act;
- 16/86. (g) to provide for members of the Fund to apply, assign or withdraw all or part of the contributions and interest standing to their credit in the Fund for the purchase of immovable properties or to repay any loan taken to finance or re-finance the purchase of immovable properties including the payment of costs, fees or other incidental expenses incurred for the purchase of immovable property or for obtaining any loan to finance or re-finance such purchase or in connection with withdrawals of any money from the Fund;
- 32/84. (h) with respect to the withdrawal of money from the medisave account of a member for medical treatment or services received by him, his spouse, child, parent or such other persons as may be prescribed, and to provide for the application of those regulations to any withdrawal from such account from 1st April 1984;
- (i) to provide for rates of contributions, other than those specified in the Schedule, in respect of employees declared by the President to be employees for the purposes of this Act by notification in the *Gazette* under section 2;
- (j) to provide for members of the Fund to apply, assign or withdraw all or part of the contributions and interest standing to their credit in the

Fund for the purpose of purchasing the stocks and shares of the Singapore Bus Service (1978) Limited, a company incorporated under the provisions of the Companies Act, subject to such conditions as the Minister may impose; Cap. 50.

- (k) to provide for members of the Fund to apply, 16/86. assign or withdraw all or part of the contributions and interest standing to their credit in the Fund for the purpose of investing in such precious metals and securities as may be approved by the Minister, or for the reimbursement of the cost of the making of any such investments made before or after 1st May 1986, including the payment of any fees, charges or incidental expenses incurred for such investments;
- (l) to prescribe for the purposes of section 15 (6) the 5/87. minimum sum which is required to be set aside by a member at the time of the withdrawal of the sum standing to his credit in the Fund, the method of computing the minimum sum and the amount or manner in which the minimum sum may be withdrawn after a member has attained the age of 60 years or such other age as may be prescribed and different minimum sums may be prescribed for different classes of members, and for the purposes of section 18;
- (m) to provide for rates of contributions, other than those specified in the Schedule, in respect of such categories, classes or descriptions of employees as the Minister may specify; and
- (n) for the purposes of sections 50 and 51.

(2) The Board may, in addition to the other duties Rules. imposed and powers conferred upon it under this Act, make rules —

- (a) to provide for —
 - (i) the return of contributions under this Act, or any part of those contributions, paid in error; and
 - (ii) the payment of contributions under this Act, or of any part of those contributions, omitted to be paid in error;

- (b) to provide for the keeping of books, accounts or records by employers;
- (c) to provide for the appointment of medical boards for the purpose of determining whether a member of the Fund is physically or mentally incapacitated;
- (d) to prescribe the procedure for the withdrawal of amounts from the Fund;
- (e) to prescribe the evidence to be produced and the person, officer or authority to whom the evidence is to be produced for the purposes of section 15;
- (f) to prescribe the procedure to be followed when contributions are paid into the Fund;
- (g) to provide, in cases where an employee is employed concurrently by two or more employers, the extent of the obligation of those employers as to payment of contributions under this Act;
- (h) to prescribe the form and period of any notice to be given by an employee to his employer under section 7;
- (i) to prescribe the procedure to be followed when any voluntary contribution is paid to the Fund;
- (j) to prescribe the returns to be made and the forms and registers to be used in the carrying out of the provisions of this Act; and
- (k) to prescribe anything which under this Act may be prescribed by the Board. [51]

Regulations and rules to be presented to Parliament.

57.—(1) All regulations and rules made under this Act shall be published in the *Gazette* and shall, unless it is otherwise provided by those regulations and rules, come into operation on the date of such publication.

(2) Such regulations and rules shall be presented to Parliament as soon as possible after publication.

(3) Such regulations and rules shall remain in force until disapproved or altered by resolution of Parliament.

(4) Any regulation or rule altered by a resolution of Parliament shall come into operation as altered from the date of the passing of the resolution. [52]

58.—(1) The Minister may, after consulting with the Board, enter into a reciprocal agreement with the government of any other territory in which a fund similar to the Fund has been established and the agreement may provide, amongst other matters, that —

Reciprocal
agreements.

- (a) any period of employment by an employer in the territory of that government shall be treated as a period of employment in Singapore by that employer for the purpose of the definition of employee in section 2; and
- (b) subject to such conditions as may be laid down in the reciprocal agreement, any amount standing to the credit of any member of the Fund who is employed by any employer in the territory of that government may be transferred to his credit in the fund, and any amount standing to the credit in the fund of any person who becomes a member of the Fund may be transferred to his credit in the Fund,

and if any such reciprocal agreement containing such provisions is entered into, the definition of employee in section 2 shall be deemed to be modified accordingly, so however that no person shall be required to contribute to the Fund in respect of any period during which he was not employed in Singapore and no employer shall be required to contribute in respect of any employee during that period, and the transfer by the Board of credits to and from the Fund in that manner shall be permitted.

(2) Any reciprocal agreement made under subsection (1) shall be published in the *Gazette* and shall come into operation on the date of the publication or on such later date as may be provided in the agreement. [53

THE SCHEDULE
RATES OF CONTRIBUTIONS

Section 7.
S 169/84
S 265/84
S 183/85
S 65/86.

1. Subject to paragraph 2 the contributions payable by the employer and the amount recoverable from the employee's wages are as follows:

<i>Total amount of employee's wages for the calendar month</i>	<i>Contribution for the calendar month payable by the employer</i>	<i>Amount recoverable by the employer from the employee's wages for the calendar month</i>
(1)	(2)	(3)
Not exceeding \$50	Nil.	Nil.
Exceeding \$50 but not exceeding \$200	An amount equal to 10% of the total amount of the employee's wages for the month.	Nil.
Exceeding \$200 but not exceeding \$363	An amount equal to the sum of — (a) 20% of the total amount of the employee's wages for the month; and (b) one-third of the difference between the total amount of the employee's wages for the month and \$200.	An amount equal to the sum of — (a) 10% of the total amount of the employee's wages for the month; and (b) one-third of the difference between the total amount of the employee's wages for the month and \$200.
Exceeding \$363	An amount equal to the sum of — (a) 35% of the employee's ordinary wages for the month, subject to a maximum of \$2,100; and (b) 35% of the amount of the additional wages payable to the employee in the month.	An amount equal to the sum of — (a) 25% of the employee's ordinary wages for the month, subject to a maximum of \$1,500; and (b) 25% of the amount of the additional wages payable to the employee in the month.

THE SCHEDULE — *continued*

2. For the purpose of this Schedule —

- (a) the contribution payable by the employer shall be rounded off to the nearest dollar except where the fraction of a dollar is 50 cents it shall be regarded as a dollar;
- (b) in calculating the amount recoverable by the employer from the employee's wages, fraction of a dollar shall be ignored;
- (c) "additional wages" means any remuneration other than ordinary wages;
- (d) "ordinary wages for the month" means the amount of remuneration due or granted wholly and exclusively in respect of employment during that month and payable before the due date for the payment of contribution for that month;
- (e) "total amount of employee's wages for the calendar month" means the total amount of the employee's ordinary wages for the month and additional wages payable to him in that month.

3. The rate of contributions specified in paragraph 1 shall not apply to the employees of the following bodies:

- (1) Any Government-aided School;
- (2) Board of Commissioners of Currency, Singapore;
- (3) Central Provident Fund Board;
- (4) Civil Aviation Authority of Singapore;
- (5) Commercial and Industrial Security Corporation;
- (6) Construction Industry Development Board;
- (7) Economic Development Board;
- (8) Housing and Development Board;
- (9) Institute of Education;
- (10) Institute of Southeast Asian Studies;
- (11) Jurong Town Corporation;
- (12) Majlis Ugama Islam, Singapura;
- (13) Mass Rapid Transit Corporation;
- (14) Monetary Authority of Singapore;
- (15) Nanyang Technological Institute;
- (16) National Computer Board;
- (17) National Maritime Board;
- (18) National Productivity Board;
- (19) National Theatre Trust;
- (20) National University of Singapore;
- (21) Ngee Ann Polytechnic;
- (22) People's Association;
- (23) Port of Singapore Authority;
- (24) Post Office Savings Bank of Singapore;

THE SCHEDULE — *continued*

- (25) Public Utilities Board;
- (26) Rubber Association of Singapore;
- (27) Science Centre Board;
- (28) Science Council of Singapore;
- (29) Sentosa Development Corporation;
- (30) Singapore Broadcasting Corporation;
- (31) Singapore Corporation of Rehabilitative Enterprises;
- (32) Singapore Council of Social Service;
- (33) Singapore Institute of Standards and Industrial Research;
- (34) Singapore Polytechnic;
- (35) Singapore Sports Council;
- (36) Singapore Tourist Promotion Board;
- (37) Telecommunication Authority of Singapore;
- (38) Trade Development Board;
- (39) Urban Redevelopment Authority; and
- (40) Vocational and Industrial Training Board.

4. Contributions shall be payable for and recoverable from the wages of such employees who are —

- (a) pensionable employees at the rates prescribed for pensionable employees of the Government; and
- (b) non-pensionable employees at the rates prescribed for non-pensionable employees of the Government.