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No. S 1037

SINGAPORE ARMED FORCES ACT 1972

SINGAPORE ARMED FORCES (PENSIONS) (AMENDMENT) REGULATIONS 2022

In exercise of the powers conferred by section 205 of the Singapore Armed Forces Act 1972, the Armed Forces Council makes the following Regulations:

Citation and commencement

1. These Regulations are the Singapore Armed Forces (Pensions) (Amendment) Regulations 2022 and come into operation on 1 January 2023.

Amendment of regulation 2

2. In regulation 2(1) of the Singapore Armed Forces (Pensions) Regulations (Rg 9) (called in these Regulations the principal Regulations), after the definition of “national service”, insert —

““non-attributable medical condition” means an adverse medical condition that —

- (a) existed in a member before service; or
- (b) arose during but which was not attributable to service;”.

Amendment of regulation 39

3. In regulation 39(1) of the principal Regulations —

(a) after “a member dies”, insert “on or after 1 January 2023”;
and

(b) replace sub-paragraph (b) with —

“(b) the amount specified by the Armed Forces Council by General Order.”.

Replacement of regulation 40

4. In the principal Regulations, replace regulation 40 with —

“Award of total disability compensation

40.—(1) A member is eligible for an award of the amount specified by the Armed Forces Council by General Order if —

- (a) he sustains, on or after 1 January 2023, an injury received in and which is attributable to service;
- (b) he is disabled from the injury; and
- (c) the Armed Forces Council determines that the degree of his disability amounts to permanent total disability.

(2) An award under paragraph (1) does not affect the member’s eligibility for payment of any of the following:

- (a) any pension payable under regulation 23 or 33;
- (b) any award under regulation 41, 42, 43, 44, 45 or 46.”.

Replacement of regulations 41 to 50

5. In the principal Regulations, replace regulations 41 to 50 with —

“Award in respect of member who has served at least 10 years in pensionable service

41.—(1) This regulation applies to a member —

- (a) who —
 - (i) has served for a period of at least 10 years in the pensionable service; or
 - (ii) has —
 - (A) exercised the option to convert to the non-pensionable service under regulation 32; and
 - (B) served for a period of at least 10 years in the pensionable service as at the date immediately before his conversion; and

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- (b) who retires or is released from service as a result of sustaining, on or after 1 January 2023, any injury received in and which is attributable to service.
- (2) The Armed Forces Council may pay —
- (a) a member mentioned in paragraph (1)(a)(i), an award of a pension under regulation 23; and
- (b) a member mentioned in paragraph (1)(a)(ii), an award of a pension under regulation 33.

Award in respect of member serving on contract

42.—(1) This regulation applies to a member serving on contract who is released from service as a result of sustaining, on or after 1 January 2023, any injury received in and which is attributable to service.

(2) Subject to regulation 30, a member mentioned in paragraph (1) is eligible for an award of the higher of the following amounts:

- (a) an amount equal to the gratuity under regulation 27;
- (b) an amount equal to 12 months of his monthly gross salary.

Award in respect of member serving in pensionable service with less than 10 years' service

- 43.**—(1) This regulation applies to a member who —
- (a) has served for a period of less than 10 years in the pensionable service; and
- (b) retires or is released from service as a result of sustaining, on or after 1 January 2023, any injury received in and which is attributable to service.

(2) A member mentioned in paragraph (1) is eligible for an award of the higher of the following amounts:

- (a) an amount equal to the gratuity under regulation 25;
- (b) an amount equal to 12 months of his pensionable emoluments.

Award in respect of member converted to non-pensionable service with less than 10 years' service

44.—(1) This regulation applies to a member who —

- (a) has exercised the option to convert to the non-pensionable service under regulation 32;
- (b) has served for a period of less than 10 years in the pensionable service as at the date immediately before his conversion; and
- (c) retires or is released from service as a result of sustaining, on or after 1 January 2023, any injury received in and which is attributable to service.

(2) A member mentioned in paragraph (1) is eligible for an award of the higher of the following amounts:

- (a) an amount equal to the gratuity under regulation 35;
- (b) an amount equal to 12 months of his monthly gross salary.

Award in respect of member in non-pensionable service

45. A member who —

- (a) is serving in the non-pensionable service (other than a member to whom regulation 44 applies); and
- (b) retires or is released from service as a result of sustaining, on or after 1 January 2023, any injury received in and which is attributable to service,

is eligible for an award of an amount equal to the gratuity under regulation 37(1)(d).

Award in respect of member performing national service or voluntary service

46.—(1) A member who —

- (a) is performing national service; and
- (b) is released from service as a result of sustaining, on or after 1 January 2023, any injury received in and which is attributable to service,

is eligible for an award of an amount equal to the gratuity under regulation 37(1)(b).

(2) A member who —

- (a) is performing voluntary service; and
- (b) is released from service as a result of sustaining, on or after 1 January 2023, any injury received in and which is attributable to service,

is eligible for an award of an amount equal to the gratuity under regulation 37(1)(b) or (ba), as the case may be.

Special award in respect of total disability arising from military operations or training

47. Where a member —

- (a) is eligible for an award under regulation 40, 41, 42, 43, 44, 45 or 46, as the case may be; and
- (b) has, in the opinion of the Armed Forces Council, suffered total disability as a result of an injury received in the course of military operations or training,

he may be granted a special award of a sum to be determined by the Armed Forces Council, in addition to the award which he is eligible for under those regulations.

Additional award in respect of total disability arising from exceptional circumstances or service beyond call of duty

48. Where a member —

- (a) is eligible for an award under regulation 40, 41, 42, 43, 44, 45 or 46, as the case may be; and
- (b) has, in the opinion of the Armed Forces Council, suffered total disability as a result of an injury received under exceptional circumstances or while rendering service beyond the call of duty,

he may be granted an additional award to be determined by the Armed Forces Council having regard to the principles on which a claim for damages would be determined in the civil courts, in addition to —

- (c) the award which he is eligible for under those regulations; and
- (d) the special award granted to him under regulation 47, if applicable.

Award in respect of total disability caused by aggravation of existing condition

49.—(1) This regulation applies to a member who suffers a disability, the degree of which is determined by the Armed Forces Council to be total disability —

- (a) that is caused as a result of aggravation, which starts on or after 1 January 2023, by service of a non-attributable medical condition; and
- (b) that occurs within 7 years after the aggravation of the non-attributable medical condition.

(2) The member mentioned in paragraph (1) is eligible for an award of 50% of the amount of the following awards which he would have been eligible for if the total disability had occurred as a result of an injury received in and which is attributable to service:

- (a) the award under regulation 40(1);
- (b) any special award under regulation 47 or additional award under regulation 48, or both.

Award for partial disability

50.—(1) Paragraphs (2) and (3) apply where —

- (a) a member sustains, on or after 1 January 2023, an injury received in and which is attributable to service; and
- (b) the Armed Forces Council determines that the member suffers from a partial disability that is permanent as a result of the injury.

(2) Where the member mentioned in paragraph (1) would have been eligible in the case of total disability for an award under regulation 40(1), the member is eligible for the following awards:

- (a) in the case of an injury specified in the Fourth Schedule to the Work Injury Compensation Act 2019 — an award in accordance with the formula $A \times B$, where —
 - (i) A is the percentage equivalent to the percentage of loss of earning capacity specified in that Fourth Schedule in respect of that injury; and
 - (ii) B is the award specified in regulation 40(1);
- (b) in the case of any other injury — the proportion of the award specified in regulation 40(1), as the degree of his partial disability bears to total disability.

(3) Where the member mentioned in paragraph (2) would have been eligible in the case of total disability for a special award

under regulation 47 or additional award under regulation 48, the member is eligible for the proportion of the special award or additional award as the degree of his partial disability bears to total disability.

(4) Paragraph (5) applies to a member whose partial disability —

(a) is determined by the Armed Forces Council to be caused by aggravation, which starts on or after 1 January 2023, by service of a non-attributable medical condition; and

(b) occurs within 7 years after the aggravation of the non-attributable medical condition.

(5) The member mentioned in paragraph (4) is eligible for an award of 50% of the amount of the awards under paragraphs (2) and (3) which he would have been eligible for if the partial disability had occurred as a result of an injury received in and which is attributable to service.

(6) For the purposes of an award under paragraph (2), (3) or (5) (which may be paid provisionally or on any other basis), the degree of the member's partial disability must be assessed on an interim basis unless the member's condition permits a final determination of the extent (if any) of the partial disability.”.

Amendment of regulation 51

6. In regulation 51 of the principal Regulations —

(a) in paragraph (2), delete “, except in a case to which the Third Schedule applies”; and

(b) delete paragraphs (5) and (6).

Replacement of heading to Chapter 2 of Part V

7. In Part V of the principal Regulations, in Chapter 2, replace the Chapter heading with —

“Chapter 2 — Compensation for loss of earnings, etc.”.

Replacement of regulation 53 and new regulation 54

8. In the principal Regulations, replace regulation 53 with —

“Compensation for hospitalisation or medical leave for former members, operationally ready national servicemen and volunteers

53.—(1) This regulation applies to —

- (a) a former member (other than an operationally ready national serviceman and a volunteer) who satisfies the conditions specified in paragraph (2); and
- (b) an operationally ready national serviceman and a volunteer, each of whom satisfies the conditions specified in paragraph (3).

(2) The conditions in paragraph (1)(a) are that the former member —

- (a) sustains, on or after 1 September 2020, any injury received in and which is attributable to service;
- (b) after sustaining the injury mentioned in sub-paragraph (a) —
 - (i) retires from the Singapore Armed Forces on any of the grounds specified in regulation 22;
 - (ii) resigns from the Singapore Armed Forces; or
 - (iii) is —
 - (A) discharged on any of the grounds specified in regulation 17 or 18 of the Enlistment Regulations (Rg 1);
 - (B) discharged with ignominy; or
 - (C) dismissed as a result of the sentence of a subordinate military court or Military Court of Appeal or a sentence substituted by the Armed Forces Council;
- (c) on or after his service end date, is on hospitalisation leave or medical leave due to the injury; and

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- (d) if, while on the hospitalisation leave or medical leave —
- (i) is employed under a contract of service — suffers a loss of earnings under the contract of service as a result of the hospitalisation leave or medical leave, as the case may be; or
 - (ii) is engaged under a contract for services or engaged in any trade, business, profession or vocation — suffers a loss of income derived from the contract for services, trade, business, profession or vocation (as the case may be) as a result of the hospitalisation leave or medical leave, as the case may be.
- (3) The conditions in paragraph (1)(b) are that the operationally ready national serviceman or volunteer —
- (a) sustains, on or after 1 September 2020, any injury received in and which is attributable to service while performing national service or volunteer service, as the case may be;
 - (b) as a result of sustaining the injury mentioned in sub-paragraph (a), on or after his service end date, is on hospitalisation leave or medical leave due to the injury; and
 - (c) if, while on the hospitalisation leave or medical leave —
 - (i) is employed under a contract of service — suffers a loss of earnings under the contract of service as a result of the hospitalisation leave or medical leave, as the case may be;
 - (ii) is engaged under a contract for services or engaged in any trade, business, profession or vocation — suffers a loss of income derived from the contract for services, trade, business, profession or vocation (as the case may be) as a

result of the hospitalisation leave or medical leave, as the case may be; or

(iii) sub-paragraphs (i) and (ii) do not apply, and the operationally ready national serviceman or volunteer has not, within 25 consecutive weeks immediately before sustaining the injury —

(A) been employed under a contract of service;

(B) been engaged under a contract for services; or

(C) been engaged in any trade, business, profession or vocation,

satisfies the Armed Forces Council as to both the following matters:

(D) he has, before or after sustaining the injury —

(DA) entered into a contract of service, been engaged under a contract for services, or been engaged in any trade, business, profession or vocation; or

(DB) applied to enter into a contract of service or to be engaged under a contract for services, or made efforts to be engaged in any trade, business, profession or vocation;

(E) due to the injury, he is unable to —

(EA) continue to work under the contract of service or contract for services, or in the trade, business, profession or vocation, as the case may be; or

(EB) enter into the contract of service, be engaged under the contract for services, or be engaged in the trade, business, profession or vocation, as the case may be.

(4) To avoid doubt but subject to paragraph (3)(c)(iii), this regulation applies even if the person mentioned in paragraph (1) is not —

- (a) employed under a contract of service;
- (b) engaged under a contract for services; or
- (c) engaged in any trade, business, profession or vocation.

(5) Subject to paragraphs (6), (7) and (9), a person mentioned in paragraph (1) is eligible, starting on the person's service end date, to payment at the rate specified by the Armed Forces Council by General Order for each day when the person is on hospitalisation leave or medical leave.

(6) Paragraph (5) does not apply to hospitalisation leave or medical leave granted on any day after the earlier of the following:

- (a) where within one year after the person's service end date, the person mentioned in paragraph (1) is paid an award in respect of total disability under regulation 40(1), or regulation 41(2)(b) as in force before 1 January 2023, as the case may be — the expiry of one year starting on the person's service end date;
- (b) in any other case — the earlier of the following:
 - (i) the date on which the award in respect of total disability under regulation 40(1), or regulation 41(2)(b) as in force before 1 January 2023, as the case may be, is paid;
 - (ii) the 720th day starting on the person's service end date.

(7) The person mentioned in paragraph (1) must apply for the payment mentioned in paragraph (5) no later than 720 days after the person's service end date or any later date that the Armed Forces Council may allow in any particular case.

(8) Where a person mentioned in paragraph (1) is eligible for any payment under paragraph (5), that payment must not be deducted from any of the following awards or compensation to which the person becomes eligible:

- (a) an award or compensation in respect of total disability under regulation 40(1), 41, 42, 43, 44, 45, 46, 47, 48 or 49, or regulation 41, 42, 43, 44, 45, 46, 47, 48 or 49 as in force before 1 January 2023, as the case may be;
- (b) an award or compensation in respect of partial disability under regulation 50, or regulation 50 as in force before 1 January 2023, as the case may be.

(9) If a person mentioned in paragraph (1) has, before 1 January 2023, received any payment from the Government in respect of hospitalisation leave or medical leave in the circumstances specified in paragraph (2) or (3), the amount of the payment mentioned in paragraph (5) is to be reduced by the amount of the firstmentioned payment.

(10) For the purposes of this regulation —

- (a) where a person mentioned in paragraph (1) is certified by a health professional of an approved medical institution specified in the Second Schedule to be ill enough to need to be hospitalised but the person is not hospitalised for any reason whatsoever, the person is deemed to be hospitalised; and
- (b) the person is not taken to be on hospitalisation leave or medical leave on any day when the person takes a rest day or paid leave under the Employment Act 1968 or the Child Development Co-Savings Act 2001.

(11) In this regulation —

“health professional” means —

- (a) a registered medical practitioner under the Medical Registration Act 1997 and includes any person exempted from registration under that Act; or
- (b) a registered dentist under the Dental Registration Act 1999,

and includes any medical practitioner or dentist registered to practise under the laws of the jurisdiction where a person mentioned in paragraph (1) was certified to be ill enough to need to be hospitalised;

“service end date” means —

- (a) in the case of a former member, the date on which the former member retires, resigns or is discharged or dismissed, as the case may be;
- (b) in the case of an operationally ready national serviceman — the date immediately after the last date of the period that the operationally ready national serviceman was liable to perform national service during which he sustained the injury mentioned in paragraph (3)(a); or
- (c) in the case of a volunteer — the date immediately after the last date of the period that the volunteer was liable to perform voluntary service during which he sustained the injury mentioned in paragraph (3)(a).

Compensation for loss of earnings from light duties for former members, operationally ready national servicemen and volunteers

54.—(1) This regulation applies to —

- (a) a former member (other than an operationally ready national serviceman and a volunteer) who satisfies the conditions specified in paragraph (2); and
- (b) an operationally ready national serviceman and a volunteer, each of whom satisfies the conditions specified in paragraph (3).

(2) The conditions in paragraph (1)(a) are that the former member —

- (a) sustains, on or after 1 September 2020, any injury received in and which is attributable to service;
- (b) after sustaining the injury mentioned in sub-paragraph (a) —
 - (i) retires from the Singapore Armed Forces on any of the grounds specified in regulation 22;
 - (ii) resigns from the Singapore Armed Forces; or
 - (iii) is —
 - (A) discharged on any of the grounds specified in regulation 17 or 18 of the Enlistment Regulations;
 - (B) discharged with ignominy; or
 - (C) dismissed as a result of the sentence of a subordinate military court or Military Court of Appeal or a sentence substituted by the Armed Forces Council; and
- (c) on or after his service end date, is on light duties due to the injury and suffers —

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- (i) a loss of earnings under his contract of service;
or
 - (ii) a loss of income derived from his contract for services, trade, business, profession or vocation.
 - (3) The conditions in paragraph (1)(b) are that the operationally ready national serviceman or volunteer —
 - (a) sustains, on or after 1 September 2020, any injury received in and which is attributable to service; and
 - (b) as a result of sustaining the injury mentioned in sub-paragraph (a), on or after his service end date, is on light duties due to the injury and suffers —
 - (i) a loss of earnings under his contract of service;
or
 - (ii) a loss of income derived from his contract for services, trade, business, profession or vocation.
 - (4) Subject to paragraphs (5), (6) and (8), the person mentioned in paragraph (1) is eligible, within a period of one year starting on the person's service end date, for payment at the rate specified by the Armed Forces Council by General Order for each day of light duties.
 - (5) The total payment under paragraph (4) to which the person mentioned in paragraph (1) is eligible must not exceed \$33,000.
 - (6) The person mentioned in paragraph (1) must apply for the payment mentioned in paragraph (4) no later than one year after the person's service end date or any later date that the Armed Forces Council may allow in any particular case.
 - (7) Where a person mentioned in paragraph (1) is eligible for any payment under paragraph (4), that payment must not be deducted from any of the following awards or compensation to which the person becomes eligible:
 - (a) an award or compensation in respect of total disability under regulation 40(1), 41, 42, 43, 44, 45, 46, 47, 48

or 49, or regulation 41, 42, 43, 44, 45, 46, 47, 48 or 49 as in force before 1 January 2023, as the case may be;

- (b) an award or compensation in respect of partial disability under regulation 50 or regulation 50 as in force before 1 January 2023, as the case may be.

(8) If a person mentioned in paragraph (1) has, before 1 January 2023, received any payment from the Government in respect of light duties in the circumstances specified in paragraph (2) or (3), the amount of the payment mentioned in paragraph (4) is to be reduced by the amount of the firstmentioned payment.

(9) For the purposes of this regulation —

- (a) the light duties must be granted to the person mentioned in paragraph (1) by —

(i) a medical officer of the Singapore Armed Forces; or

(ii) a medical professional of an approved medical institution specified in the Second Schedule;

- (b) the entitlement of the person mentioned in paragraph (1) for periodical payments for light duties does not apply during any period when the person is absent without leave; and

- (c) the person mentioned in paragraph (1) is not taken to be on light duties on any day when the person takes a rest day or paid leave under the Employment Act 1968 or the Child Development Co-Savings Act 2001.

(10) In this regulation —

“medical professional” means —

- (a) a registered medical practitioner under the Medical Registration Act 1997 and includes any person exempted from registration under that Act; or

(b) a registered dentist under the Dental Registration Act 1999;

“service end date” means —

- (a) in the case of a former member, the date on which the former member in the case of a former member, the date on which the former member retires, resigns or is discharged or dismissed, as the case may be;
- (b) in the case of an operationally ready national serviceman — the date immediately after the last date of the period that the operationally ready national serviceman was liable to perform national service during which he sustained the injury mentioned in paragraph (3)(a); or
- (c) in the case of a volunteer — the date immediately after the last date of the period that the volunteer was liable to perform voluntary service during which he sustained the injury mentioned in paragraph (3)(a).”.

Deletion of regulation 58

9. Delete regulation 58 of the principal Regulations.

Amendment of First Schedule

10. In the principal Regulations, in the First Schedule, replace the Schedule reference with —

“Regulation 51(3)”.

New Second Schedule

11. In the principal Regulations, after the First Schedule, insert —

“SECOND SCHEDULE

Regulations 53(10) and 54(9)

APPROVED MEDICAL INSTITUTIONS

1. Admiralty Medical Centre
2. Alexandra Hospital
3. Ang Mo Kio — Thye Hua Kwan Hospital
4. Bright Vision Hospital
5. Changi General Hospital
6. Institute of Mental Health/Woodbridge Hospital
7. Jurong Community Hospital
8. Jurong Medical Centre
9. Khoo Teck Puat Hospital
10. KK Women’s and Children’s Hospital
11. National Cancer Centre
12. National Centre for Infectious Diseases
13. National Dental Centre
14. National Heart Centre
15. National Neuroscience Institute
16. National Skin Centre
17. National University Hospital
18. Ng Teng Fong General Hospital
19. NHG Eye Institute
20. Outram Community Hospital
21. Ren Ci Community Hospital
22. Sengkang Community Hospital
23. Sengkang General Hospital
24. Singapore Gamma Knife Centre
25. Singapore General Hospital
26. Singapore National Eye Centre
27. St. Andrew’s Community Hospital

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28. St Luke's Hospital
 29. Tan Tock Seng Hospital
 30. Yishun Community Hospital
 31. All polyclinics under the National Healthcare Group
 32. All polyclinics under the National University Health System
 33. All polyclinics under the Singapore Health Services
 34. Any other medical institution which the Armed Forces Council may approve in a particular case.”.

Deletion of Third Schedule

12. Delete the Third Schedule to the principal Regulations.

Saving provisions

13.—(1) Despite regulation 3, regulation 39 of the unamended Regulations continues to apply to a member who dies before 1 January 2023 as a result of any injury received in and which is attributable to service.

(2) Despite regulation 4, regulation 40 of the unamended Regulations continues to apply to an injury mentioned in that regulation received before 1 January 2023.

(3) Despite regulation 5 —

- (a) regulations 41, 42, 43, 44, 45, 46, 47 and 48 of the unamended Regulations continue to apply to a member mentioned in those regulations who sustained, before 1 January 2023, an injury received in and which is attributable to service;
- (b) regulation 49 of the unamended Regulations continues to apply to total disability which is determined by the Armed Forces Council to be caused as a result of aggravation, which started before 1 January 2023, by service of an adverse medical condition mentioned in that regulation;
- (c) regulation 50(1) of the unamended Regulations continues to apply to a member who —

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- (i) sustained, before 1 January 2023, an injury received in and which is attributable to service; and
 - (ii) would have been eligible in the case of total disability for any award under regulations 41 to 48 of the unamended Regulations; and
- (d) regulation 50(2) of the unamended Regulations continues to apply to partial disability that is determined by the Armed Forces Council to be caused as a result of aggravation, which started before 1 January 2023, by service of an adverse medical condition mentioned in that regulation.
- (4) Despite regulations 6 and 12 —
- (a) regulation 51(2) and (5) of, and the Third Schedule to, the unamended Regulations continue to apply where a member sustained, before 1 January 2023, a minor injury specified in the Third Schedule to the unamended Regulations, as if regulations 6 and 12 had not been enacted; and
 - (b) regulation 51(6) of, and the Third Schedule to, the unamended Regulations continue to apply, if either or both of the following circumstances exist:
 - (i) the minor injury specified in regulation 51(5) of the unamended Regulations was sustained before 1 January 2023;
 - (ii) the injury causing the other disablement attributable to service mentioned in regulation 51(6) of the unamended Regulations was sustained before 1 January 2023.

(5) Despite regulation 9, where regulation 39(1)(b), 41(2)(b) or 50(1)(a) of the unamended Regulations continues to apply under regulation 13(1) or (3)(a) or (c) (as the case may be), regulation 58 of the unamended Regulations continues to apply for the purposes of calculating compensation in accordance with the First Schedule to the Work Injury Compensation Act 2019 in respect of regulation 39(1)(b), 41(2)(b) or 50(1)(a) of the unamended Regulations, as the case may be.

(6) In this regulation, “unamended Regulations” means the principal Regulations as in force immediately before 1 January 2023.

*[G.N. Nos. S 375/2003; S 106/2005; S 161/2008;
S 238/2012; S 78/2015; S 737/2020]*

Made on 29 November 2022.

HO CHIN NING
*Secretary,
Armed Forces Council,
Singapore.*

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