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SINGAPORE ARMED FORCES ACT (CHAPTER 295)

SINGAPORE ARMED FORCES (PENSIONS) (AMENDMENT) REGULATIONS 2008

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

Citation and commencement

1. These Regulations may be cited as the Singapore Armed Forces (Pensions) (Amendment) Regulations 2008 and shall come into operation on 1st April 2008.

Amendment of regulation 2

2. Regulation 2 of the Singapore Armed Forces (Pensions) Regulations (Rg 9) (referred to in these Regulations as the principal Regulations) is amended —

- (a) by deleting “, VI” in the definition of “member” in paragraph (1);
- (b) by inserting, immediately after the definition of “mobilised service” in paragraph (1), the following definition:

“ “monthly gross salary”, in relation to a member in the non-pensionable service, on contract or in national service or volunteer service, means the rank pay of the member, whether he is confirmed in any rank that he holds or otherwise, and includes —

- (a) any non-pensionable variable payment, top-up payment to the Central Provident Fund, education supplement, pilot

allowance, flying training pay supplement and temporary allowance, if payable at the relevant time;

- (b) for the purposes of Parts IV and V, such reimbursement or pay to which the member is entitled or which is payable to him by his employer under section 24 of the Enlistment Act (Cap. 93); and
- (c) any other component or allowance declared by the Armed Forces Council to be a component of the monthly gross salary, not being an allowance for the performance by a member of duties in a rank higher than his substantive or temporary rank;”;
- (c) by inserting, immediately before the word “means” in the 1st line of the definition of “pensionable emoluments” in paragraph (1), the words “, in relation to a member in the pensionable service,”;
- (d) by deleting the words “Parts IV to VI” in paragraph (b) of the definition of “pensionable emoluments” in paragraph (1) and substituting the words “Parts IV and V”;
- (e) by deleting “, VI” in the definition of “service” in paragraph (1); and
- (f) by deleting paragraph (2) and substituting the following paragraph:

“(2) For the purposes of Parts IV and V, the monthly gross salary of any member shall be the monthly gross salary last drawn by the member at the material time.”.

Amendment of regulation 13

3. Regulation 13 of the principal Regulations is amended —

- (a) by deleting the words “and regulation 14” in paragraph (1); and

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- (b) by deleting the words “by a Pensions Officer” in paragraph (2) and substituting the words “under these Regulations (other than an award to which regulation 13A relates)”.

New regulation 13A

4. The principal Regulations are amended by inserting, immediately after regulation 13, the following regulation:

“Compensation Board

13A.—(1) For the purposes of these Regulations, the Armed Forces Council may appoint a Compensation Board which shall consist of not less than 4 members.

(2) The Compensation Board shall have power to make an award or vary any award made by a Pensions Officer in respect of the death or disablement of a member, whether by increasing or decreasing such award, and the decision of the Compensation Board thereon shall be final and conclusive.

(3) The Compensation Board shall have power —

(a) to call for any document relating to the appellant’s service from an Officer-in-charge of Records and to order the appellant to undergo a medical examination by a medical officer to be appointed by the Compensation Board in any particular case; and

(b) to certify to an Officer-in-charge of Records any reasonable travelling and other expenses which may have been incurred by any person in appearing before the Compensation Board or before any medical officer appointed to make a medical examination of the person under this regulation.

(4) Every appellant shall have the right to appear before the Compensation Board in person, or by a representative, but the Compensation Board may hear and determine any appeal in the absence of the appellant.

(5) Every appeal under this regulation shall be brought within 12 months of the date on which the decision of a Pensions Officer

is notified to the appellant but the Compensation Board may allow an appeal to be brought after the expiration of the period limited by this regulation if it considers that there was a reasonable excuse for the delay.”.

Amendment of regulation 14

5. Regulation 14 of the principal Regulations is amended —

- (a) by deleting the words “regulation 41, 42 or 43” in paragraph (1) and substituting the words “regulations 41 to 50”; and
- (b) by deleting the word “Tribunal” in paragraphs (1) and (2) and substituting in each case the words “Compensation Board”.

Amendment of regulation 23

6. Regulation 23(6) of the principal Regulations is amended by deleting the definition of “one year’s pensionable emoluments” and substituting the following definition:

““one year’s pensionable emoluments” means the emoluments which would be taken for the purpose of computing any pension or gratuity granted to the member if he had retired at the date of his death in the circumstances described in regulation 22(c).”.

Amendment of regulation 28

7. Regulation 28(4) of the principal Regulations is amended by deleting the words “disability pension” and substituting the word “award”.

Amendment of regulation 37

8. Regulation 37(1) of the principal Regulations is amended —

- (a) by deleting the words “one year’s pensionable emoluments” in sub-paragraph (b) and substituting the words “12 months” monthly gross salary of a member in regular service of equivalent rank;

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- (b) by deleting the words “one year’s pensionable emoluments if he had been in the pensionable service” in sub-paragraph (c) and substituting the words “12 months” monthly gross salary if he had been in regular service; and
 - (c) by deleting the words “one year’s pensionable emoluments” in sub-paragraph (d) and substituting the words “12 months” monthly gross salary.

Amendment of regulation 38

9. Regulation 38 of the principal Regulations is amended —

- (a) by inserting, immediately after the words “one year’s pensionable emoluments” in paragraph (1), the words “or 12 months” monthly gross salary, as the case may be;
- (b) by deleting the words “pension other than a pension” in paragraph (1)(b) and substituting the words “any award or pension other than an award”; and
- (c) by deleting paragraph (2) and substituting the following paragraph:

“(2) For the purposes of this regulation and regulation 37, one year’s pensionable emoluments or 12 months’ monthly gross salary shall be computed using the emoluments which would be taken for the purpose of computing any pension or gratuity granted to the member if he had retired at the date of his death in the circumstances described in regulation 22(c).”.

Deletion and substitution of regulation 39

10. Regulation 39 of the principal Regulations is deleted and the following regulation substituted therefor:

“Compensation payable where member dies of injuries received in and which are attributable to service

39.—(1) Where a member dies as a result of any injury received in and which is attributable to service, the Armed Forces Council may pay to his dependants or personal representatives —

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- (a) a gratuity in accordance with regulation 37; and
 - (b) as compensation, a sum equivalent to the lump sum calculated for the death of an employee under the Third Schedule to the Work Injury Compensation Act (Cap. 354), as if the member had been an employee under that Act.

(2) There may be paid, in addition to the total sum under paragraph (1), a special award of a sum to be determined by the Armed Forces Council if, in the opinion of the Armed Forces Council, the injury was received by the member in the course of military operations or training.

(3) There may be paid, in addition to the total sum under paragraph (1) and, where applicable, paragraph (2), 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 if, in the opinion of the Armed Forces Council, the injury was received under exceptional circumstances or while the member was rendering service beyond the call of duty.

(4) Where a member's death is caused as a result of the aggravation by service of an adverse medical condition that —

- (a) existed in him before service; or
- (b) had arisen during but which was not attributable to service,

and the death occurred within 7 years of the aggravation of such medical condition, the amount of compensation payable to his dependants or personal representatives, may be equal to 50% of the compensation payable under paragraph (1)(b) and 50% of any award payable under paragraph (2) or (3), had his death occurred as a result of injuries received in and which were attributable to service.”.

Deletion of Parts V and VI and substitution of Part V

11. Parts V and VI of the principal Regulations are deleted and the following Part substituted therefor:

“PART V
AWARDS IN RESPECT OF DISABLEMENT

Chapter 1

Quantum

Eligibility for award in respect of total disability

40. For the purposes of this Part, a member is eligible for an award in respect of total disability if —

- (a) he is disabled from an injury received in and attributable to service;
- (b) the injury is not a minor injury specified in the Third Schedule;
- (c) his degree of disability is determined by the Armed Forces Council to amount to total disability; and
- (d) he has, as a result of his disablement, retired, or been released, from service.

Award in respect of total disability of member who has served not less than 10 years in pensionable service

41.—(1) This regulation shall apply to a member —

- (a) who —
 - (i) being in pensionable service, has completed not less than 10 years of pensionable service; or
 - (ii) having exercised the option to convert to the non-pensionable service under regulation 32, has completed not less than 10 years of pensionable service as at the date immediately before his conversion; and
- (b) who is eligible under regulation 40 for an award in respect of total disability.

(2) The Armed Forces Council may pay to a member to whom this regulation applies —

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- (a) a pension under regulation 23 or 33, as the case may be; and
 - (b) as compensation, a sum equivalent to the lump sum calculated for permanent total incapacity of an employee under the Third Schedule to the Work Injury Compensation Act (Cap. 354) as if the member was an employee under that Act.

Award in respect of total disability of member serving on contract

42. Where a member who is serving on contract is eligible under regulation 40 for an award in respect of total disability, he shall be eligible for —

- (a) a service gratuity under regulation 27 or a sum equal to 12 months of his monthly gross salary, whichever is the greater; and
- (b) compensation computed in accordance with regulation 41(2)(b).

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

43. Where a member who has served for a period of less than 10 years in the pensionable service is eligible under regulation 40 for an award in respect of total disability, he shall be eligible for —

- (a) a service gratuity under regulation 25 or a sum equal to 12 months of pensionable emoluments, whichever is the greater; and
- (b) compensation computed in accordance with regulation 41(2)(b).

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

44. Where a member who has exercised the option to convert to the non-pensionable service under regulation 32 and has

served for a period of less than 10 years in the pensionable service as at the date immediately before his conversion is eligible under regulation 40 for an award in respect of total disability, he shall be eligible for —

- (a) a gratuity under regulation 35 or a sum equal to 12 months of his monthly gross salary, whichever is the greater; and
- (b) compensation computed in accordance with regulation 41(2)(b).

Award in respect of total disability of member in non-pensionable service

45. Where a member who is serving in the non-pensionable service, other than a member to whom regulation 44 applies, is eligible under regulation 40 for an award in respect of total disability, he shall be eligible for —

- (a) a gratuity under regulation 37(d); and
- (b) compensation computed in accordance with regulation 41(2)(b).

Award in respect of total disability of member performing national service, etc.

46. Where a member performing national service or voluntary service is eligible under regulation 40 for an award in respect of total disability, he shall be eligible for —

- (a) a gratuity under regulation 37(b); and
- (b) compensation computed in accordance with regulation 41(2)(b).

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

47. Where a member who is eligible for an award under regulation 41, 42, 43, 44, 45 or 46 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,

the member may be granted a special award of a sum to be determined by the Armed Forces Council, in addition to the award granted to him under any of those regulations.

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

48. Where a member who is eligible for an award under regulation 41, 42, 43, 44, 45 or 46 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, the member 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 the award granted to him under any of those regulations and, where applicable, regulation 47.

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

49. Where a member suffers a disability which is determined by the Armed Forces Council to be total disability caused as a result of aggravation by service of an adverse medical condition that —

- (a) existed in him before service; or
- (b) had arisen during but which was not attributable to service,

and the total disability occurs within 7 years of the aggravation of such medical condition, the member may be granted compensation equal to 50% of the compensation he would have been eligible for under regulation 41, 42, 43, 44, 45 or 46, as the case may be, and 50% of any award he would have been eligible for under regulation 47 or 48, had his total disability occurred as a result of an injury (not being a minor injury specified in the Third Schedule) received in and which was attributable to service.

Award in respect of partial disability

50.—(1) Any member who would have been eligible in a case of total disability for any award under regulations 41 to 48 may, if he suffers partial disability, be awarded —

- (a) such a proportion of the compensation equivalent to the lump sum calculated for permanent total incapacity of an employee under the Third Schedule to the Work Injury Compensation Act (Cap. 354) as if the member was an employee under that Act, as the degree of disablement bears to total disablement; and
- (b) such a proportion of any award he would have been eligible for under regulation 47 or 48 as the degree of disablement bears to total disablement.

(2) Where such partial disability is determined by the Armed Forces Council to be caused by aggravation by service of an adverse medical condition that —

- (a) existed in the member before service; or
- (b) had arisen during but which was not attributable to service,

and such disability occurs within 7 years of the aggravation of such medical condition, the member may be granted compensation equal to 50% of the compensation he would have been eligible for under paragraph (1)(a) and 50% of any award he would have been eligible for under paragraph (1)(b), had his partial disability occurred as a result of an injury received in and which was attributable to service.

Determination of degrees of disablement

51.—(1) Subject to these Regulations, the degree of the disablement attributable to service of a member shall be assessed by making a comparison between the condition of the member as so disabled and the condition of a normal healthy person of the same age, without taking into account the earning capacity of the member in his disabled condition in his own or any other specific trade or occupation, and without taking into

account the effect of any individual factors or extraneous circumstances; but where such disablement is due to more than one injury, a composite assessment of the degree of disablement shall be made by reference to the combined effect of all such injuries.

(2) The degree of disablement assessed in accordance with paragraph (1) shall be certified by way of a percentage, total disablement being represented by 100% (which shall be the maximum assessment) and a lesser degree or partial disablement being represented by such percentage as bears to 100% the same proportion as the lesser degree of disablement bears to total disablement, except in a case to which the Third Schedule applies.

(3) Where a disablement of a member who joined the Singapore Armed Forces before 15th March 1991 is due to any injury specified in the First Schedule or is a disablement so specified, and, in either case, has reached a settled condition, the degree of such disablement shall, in the absence of any special features, be certified for the purpose of these Regulations at the percentage specified in that Schedule as appropriate to that injury or to that disablement.

(4) Where a disablement of a member who joins the Singapore Armed Forces on or after 15th March 1991 is due to any injury specified in the First Schedule to the Work Injury Compensation Act (Cap. 354) or is a disablement so specified, and, in either case, has reached a settled condition, the degree of such disablement shall, in the absence of any special features, be certified for the purpose of these Regulations at the percentage equivalent to the percentage of loss of earning capacity specified in that Schedule as appropriate to that injury or to that disablement.

(5) Where a member has sustained a minor injury specified in the Third Schedule, he may be granted an award in accordance with that Schedule, whether his service is terminated or not.

(6) If a member has sustained an injury referred to in paragraph (5) as well as other disablement attributable to

service, the degree of which is less than 100%, and a composite assessment of the degree of the disablement from both causes is no higher than the assessment for the other disablement alone, this regulation shall have effect so as to authorise an award under paragraph (5) in respect of the minor injury as well as an award under this Part in respect of the other disablement.

(7) The degree of disablement certified under this regulation shall be the degree of disablement for the purpose of any award in respect thereof in this Part.

Award for constant attention

52.—(1) Where a member is granted compensation computed in accordance with regulation 41(2)(b), and it is shown to the satisfaction of the Armed Forces Council that constant attendance on the member is necessary on account of disablement, he may be awarded an additional amount equivalent to 25% of the maximum compensation payable under regulation 41(2)(b).

(2) Where a member is granted compensation computed in accordance with regulation 41(2)(b), the award under this regulation shall be in lieu of any additional compensation for constant attention provided under the Work Injury Compensation Act (Cap. 354).

Chapter 2

Treatment and rehabilitation

Application of this Chapter

53. Under this Chapter, awards may be made where the disablement of a member is attributable to service and any condition applicable to an award under Chapter 1 shall, where appropriate, be applicable to an award under this Chapter.

Treatment allowance

54.—(1) A member may be awarded a treatment allowance in respect of any period during which he receives approved treatment.

(2) Subject to paragraph (3), a treatment allowance so awarded may be payable in addition to any award payable in accordance with Chapter 1.

(3) The aggregate rate of the award under Chapter 1 together with the treatment allowance under this regulation shall not exceed the rate of award which would be appropriate under these Regulations if the degree of such member's disablement had been 100%.

Allowance where prolonged abstention from work is necessary following approved institutional treatment

55. Where it is certified that a member should on completion of a course of approved institutional treatment abstain from work for a prolonged period in consequence of the condition which necessitated such treatment, he may be treated as if he were eligible throughout such period for a treatment allowance under regulation 54.

Allowance for part-time treatment

56. Where a member receives treatment which would be approved treatment but for the fact that it involves only occasional interruptions of the member's normal employment, a treatment allowance may be awarded to the member at such rate as the Armed Forces Council may think appropriate, having regard to any loss of remunerative time by the member as the result of those interruptions.

Medical expenses

57. Any necessary expenses in respect of the medical, surgical or rehabilitative treatment of a member not otherwise provided for may be defrayed by the Armed Forces Council under such conditions and up to such amount as the Council may determine.

*Chapter 3**Miscellaneous***Meaning of “earnings”**

58. For the purposes of calculating under Part IV or this Part any sum equivalent to the lump sum applicable under the Third Schedule to the Work Injury Compensation Act (Cap. 354) as if a member was an employee under that Act —

(a) “earnings” means any salary paid and includes —

- (i) any overtime payment or other special remuneration for work done, whether by way of bonus, allowance or otherwise, if of a constant character or for work habitually performed; and
- (ii) any reimbursement or pay to which the member is entitled or which is payable to him by his employer under section 24 of the Enlistment Act (Cap. 93),

but does not include —

- (A) any benefit in kind given to a member by the Singapore Armed Forces;
 - (B) any travelling allowance;
 - (C) the value of any travelling concession;
 - (D) any contribution paid by the Singapore Armed Forces towards any pension or provident fund; and
 - (E) any sum paid to the member to cover any special expenses incurred by him by reason of the nature of his employment;
- (b) the earnings of a member shall be computed in such a manner as is best calculated to give his true monthly earnings at the date of the injury, subject to the following provisions:

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- (i) where the member has been employed in the pensionable or non-pensionable service at the time of the injury for a continuous period of more than a month immediately preceding the injury, his monthly earnings shall be the average amount of his earnings during the continuous period of not more than 12 months immediately preceding the injury;
 - (ii) where the member has been employed in the pensionable or non-pensionable service at the time of the injury for a continuous period of a month immediately preceding the injury or shorter, his monthly earnings shall be the actual earnings he would have received for the whole month immediately preceding the injury;
 - (iii) where the earnings of a member determined in accordance with paragraphs (a) and (b)(i) or (ii) are less than —
 - (A) \$120 a month in the case of a member who is 18 years of age and above;
 - (B) \$105 a month in the case of a member who is below 18 years of age but is 16 years of age and above; or
 - (C) \$90 a month in the case of a member below 16 years of age,

then in any such case, the monthly earnings of a member who is 18 years of age and above shall be deemed to be \$120, the monthly earnings of a member below 18 years of age but who is 16 years of age and above shall be deemed to be \$105, and the monthly earnings of a member below 16 years of age shall be deemed to be \$90, respectively.

Powers of Armed Forces Council to withhold, cancel, reduce award or compensation

59.—(1) Where a member dies in disgrace or where a member's death is attributable to his misconduct or negligence or due to reasons within his control or resulted from a deliberate self-injury or the deliberate aggravation of an accidental injury, the Armed Forces Council may refuse to make an award or to pay compensation under Part IV or this Part or may authorise payment of an award or compensation at such a reduced rate or of such a lesser sum as it thinks fit in the circumstances of the case.

(2) Where the injuries that were received in and which were attributable to service have been caused by or contributed to by gross negligence or misconduct of the deceased member, the Armed Forces Council may withhold, cancel or reduce any award or compensation which may be or has been made under Part IV or this Part.

(3) The Armed Forces Council may withhold or reduce an award or compensation which may be or has been made under this Part in respect of the disablement of a member whose service is terminated voluntarily or where the disablement is partly or wholly attributable to the default or negligence of the member or is due to reasons within his control.”.

Amendment of regulation 66

12. Regulation 66(1) of the principal Regulations is amended by deleting the words “, V and VI” and substituting the words “and V”.

Deletion of Second Schedule

13. The Second Schedule to the principal Regulations is deleted.

Savings and transitional provisions

14.—(1) These Regulations shall not affect any award made or allowance, pension or gratuity granted before 1st April 2008 in respect of any death or disablement.

(2) The provisions of the principal Regulations as amended by these Regulations shall not apply with respect to any award, allowance,

pension or gratuity in respect of any death or disablement occurring before 1st April 2008, and the provisions of the principal Regulations in force immediately before that date shall continue to apply with respect to that award, allowance, pension or gratuity as if these Regulations had not been made.

(3) Regulations 2, 14(1), 28(4) and Parts IV, V and VI (together with the Second Schedule) of the principal Regulations in force immediately before 1st April 2008 shall apply in respect of any death or disablement on or after that date of a member who has opted to remain on the compensation scheme under the principal Regulations in force immediately before that date, as if these Regulations had not been made.

[G.N. Nos. S 375/2003; S 106/2005]

Made this 10th day of March 2008.

LAM YI YOUNG
*Secretary,
Armed Forces Council,
Singapore.*

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