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**No. S 448**

CENTRAL PROVIDENT FUND ACT  
(CHAPTER 36)

CENTRAL PROVIDENT FUND  
(MINISTRY OF DEFENCE HOUSING SCHEME)  
(AMENDMENT) REGULATIONS 2009

In exercise of the powers conferred by section 77(1)(h) and (ra) of the Central Provident Fund Act, the Minister for Manpower, after consulting with the Central Provident Fund Board, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Central Provident Fund (Ministry of Defence Housing Scheme) (Amendment) Regulations 2009 and shall come into operation on 1st October 2009.

**New regulation 11A**

2. The Central Provident Fund (Ministry of Defence Housing Scheme) Regulations (Rg 13) are amended by inserting, immediately after regulation 11, the following regulation:

**“No repayment of moneys in certain circumstances**

**11A.** Notwithstanding regulations 11(1)(b) and (c) and 12, an officer who has withdrawn any moneys under these Regulations in respect of a flat, or who is required under section 27C(1)(iii) or 27E(1)(ii) of the Act to make a payment to the Fund upon the sale or disposal of a flat, shall not, on the sale, transfer, assignment or disposal of the flat, be required to pay or repay to the Board or the Fund any moneys secured by any charge on the flat under section 21(1), 21A(1) or 27E(1)(iv) of the Act (referred to in this regulation as the relevant charge), if —

(a) the officer has attained the age of 55 years;

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(b) any of the following applies:

- (i) there is a charge created under section 15(9) or (9A) of the Act on an immovable property (not being the flat) to secure the payment to the Board of the minimum sum applicable to the officer;
- (ii) there is an undertaking under section 15(10) of the Act given by the officer, being the owner of an immovable property (other than the flat), to refund to the Board an amount equal to the minimum sum or part thereof which he is required to set aside in the event the immovable property is sold or otherwise disposed of;
- (iii) there is an undertaking under section 15(10) or (10A) of the Act given by the officer and one or more other persons, being joint owners of an immovable property (other than the flat), to refund to the Board an amount equal to the minimum sum or part thereof which the officer is required to set aside in the event the immovable property is sold or otherwise disposed of;
- (iv) there is a charge under section 21(1) or 21A(1) of the Act on the officer's estate or interest in an immovable property (not being the flat) to secure the payment of the minimum sum into the officer's retirement account;
- (v) there is a charge constituted under section 21B(1) of the Act on an immovable property (being an HDB flat, but not being the flat) to secure the payment of the minimum sum into the officer's retirement account;
- (vi) there is a charge under section 27C(1)(v) of the Act on the officer's estate or interest in an immovable property (not being the flat) to secure the payment by the officer of the amount referred to in section 27C(1)(iii) of the Act;

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- (vii) there is an undertaking under section 27D(1)(v) of the Act given by the officer to pay to the Board the amount referred to in section 27D(1)(iii) of the Act in the event an immovable property (not being the flat) is sold or disposed of;
  - (viii) there is a charge under section 27E(1)(iv) of the Act on the officer's estate or interest in an immovable property (not being the flat) to secure the payment of the minimum sum into the officer's retirement account; or
  - (ix) there is a charge constituted under section 27F(1)(iv) of the Act on an immovable property (being an HDB flat, but not being the flat) to secure the payment of the minimum sum into the officer's retirement account;
- (c) the officer designates, in such manner as the Board may require, the immovable property referred to in the applicable sub-paragraph of paragraph (b) as the principal immovable property from which an amount sufficient to cover any deficiency in the minimum sum which the officer is required to set aside shall be paid to the Board, on the sale, transfer, assignment or disposal of the immovable property, or on the compulsory acquisition of the immovable property under any written law, out of the proceeds of such sale, transfer, assignment, disposal or compulsory acquisition, as the case may be;
- (d) where the officer and one or more other persons jointly own the immovable property referred to in the applicable sub-paragraph of paragraph (b), each joint owner of the immovable property (other than the officer) gives his consent for the officer to designate the immovable property as the principal immovable property for the purposes of paragraph (c);
- (e) the Board is satisfied that the officer has complied with the requirements of section 15(6) of the Act;

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- (f) the officer —
- (i) applies to the Board, in such manner as the Board may require, not to enforce the relevant charge; and
  - (ii) agrees to such terms and conditions as the Board may impose for not enforcing that charge; and
- (g) the Board grants the officer's application.”.

### **Amendment of regulation 12**

3. Regulation 12 of the Central Provident Fund (Ministry of Defence Housing Scheme) Regulations is amended —

- (a) by inserting, immediately after the words “Subject to paragraphs” in paragraph (4), “(5),”;
- (b) by inserting, immediately after paragraph (4), the following paragraph:

“(5) Notwithstanding paragraph (4) but subject to paragraphs (9) and (10), where the officer making the sale, transfer, assignment or disposal —

- (a) has attained the age of 55 years at the time of the sale, transfer, assignment or disposal;
- (b) is required to set aside a minimum sum under section 15(6) of the Act; and
- (c) is an officer in relation to whom the relevant requirements have been satisfied,

he shall pay to his account in the Fund, in such manner as the Board may determine, whichever is the lesser of the following amounts:

- (i) the net proceeds of the sale, transfer, assignment or disposal; or
- (ii) the aggregate of —
  - (A) the amount specified in the third column of the Second Schedule to the Central Provident Fund (Revised Minimum Sum

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- Scheme) Regulations (Rg 2) which is applicable to him, or such lesser amount as the Board may determine, if he attained the age of 55 years on or after 1st July 1995 but before 1st July 2004;
- (B) 50% of the minimum sum applicable to him under regulation 4(1)(a) of the Central Provident Fund (New Minimum Sum Scheme) Regulations (Rg 31), or such lesser amount as the Board may determine, if he attained the age of 55 years on or after 1st July 2004; and
- (C) any moneys lent to him under section 14A of the Act in connection with the purchase or acquisition of the flat and withdrawn by him which have not been repaid, together with the whole or such part, as the Board may determine, of any interest that would have been payable thereon if the withdrawal had not been made.”;
- (c) by deleting the words “, (3) and (4)” in paragraph (9) and substituting the words “to (5)”;
- (d) by deleting the words “paragraphs (2) to (9)” in paragraph (b) (i) of the definition of “relevant amount” in paragraph (11) and substituting the words “paragraph (2), (3), (4), (5) or (9)”;
- and
- (e) by inserting, immediately after paragraph (11), the following paragraph:
- “(12) For the purposes of paragraph (5), which applies where an officer has withdrawn any moneys under these Regulations in respect of the flat referred to in paragraph (1)(a), or is required under section 27C(1) (iii) or 27E(1)(ii) of the Act to make a payment to the Fund upon the sale or disposal of the flat referred to in paragraph (1)(b), and the officer is required to pay or

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repay to the Board or the Fund any moneys secured by any charge on the flat under section 21(1), 21A(1) or 27E(1)(iv) of the Act (referred to in this paragraph as the relevant charge), the relevant requirements are as follows:

(a) any of the following applies:

- (i) there is a charge created under section 15(9) or (9A) of the Act on an immovable property (not being the flat) to secure the payment to the Board of the minimum sum applicable to the officer;
- (ii) there is an undertaking under section 15(10) of the Act given by the officer, being the owner of an immovable property (other than the flat), to refund to the Board an amount equal to the minimum sum or part thereof which he is required to set aside in the event the immovable property is sold or otherwise disposed of;
- (iii) there is an undertaking under section 15(10) or (10A) of the Act given by the officer and one or more other persons, being joint owners of an immovable property (other than the flat), to refund to the Board an amount equal to the minimum sum or part thereof which the officer is required to set aside in the event the immovable property is sold or otherwise disposed of;
- (iv) there is a charge under section 21(1) or 21A(1) of the Act on the officer's estate or interest in an immovable property (not being the flat) to secure the payment of the minimum sum into the officer's retirement account;

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- (v) there is a charge constituted under section 21B(1) of the Act on an immovable property (being an HDB flat, but not being the flat) to secure the payment of the minimum sum into the officer's retirement account;
  - (vi) there is a charge under section 27C(1)(v) of the Act on the officer's estate or interest in an immovable property (not being the flat) to secure the payment by the officer of the amount referred to in section 27C(1)(iii) of the Act;
  - (vii) there is an undertaking under section 27D(1)(v) of the Act given by the officer to pay to the Board the amount referred to in section 27D(1)(iii) of the Act in the event an immovable property (not being the flat) is sold or disposed of;
  - (viii) there is a charge under section 27E(1)(iv) of the Act on the officer's estate or interest in an immovable property (not being the flat) to secure the payment of the minimum sum into the officer's retirement account; or
  - (ix) there is a charge constituted under section 27F(1)(iv) of the Act on an immovable property (being an HDB flat, but not being the flat) to secure the payment of the minimum sum into the officer's retirement account;
- (b) the officer designates, in such manner as the Board may require, the immovable property referred to in the applicable sub-paragraph of sub-paragraph (a) as the principal immovable property from which an amount sufficient to cover any deficiency in the minimum sum

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which the officer is required to set aside shall be paid to the Board, on the sale, transfer, assignment or disposal of the immovable property, or on the compulsory acquisition of the immovable property under any written law, out of the proceeds of such sale, transfer, assignment, disposal or compulsory acquisition, as the case may be;

- (c) where the officer and one or more other persons jointly own the immovable property referred to in the applicable sub-paragraph of sub-paragraph (a), each joint owner of the immovable property (other than the officer) gives his consent for the officer to designate the immovable property as the principal immovable property for the purposes of sub-paragraph (b);
- (d) the officer —
  - (i) applies to the Board, in such manner as the Board may require, not to fully enforce the relevant charge; and
  - (ii) agrees to such terms and conditions as the Board may impose for not fully enforcing that charge; and
- (e) the Board grants the officer's application.”.

*[G.N. Nos. S 510/2007; S 586/2007; S 694/2008]*

Made this 28th day of September 2009.

LEO YIP  
*Permanent Secretary,  
Ministry of Manpower,  
Singapore.*

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(To be presented to Parliament under section 78(2) of the Central Provident Fund Act).