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No. S 694

**CENTRAL PROVIDENT FUND ACT
(CHAPTER 36)**

**CENTRAL PROVIDENT FUND
(MINISTRY OF DEFENCE HOUSING SCHEME)
(AMENDMENT) REGULATIONS 2012**

In exercise of the powers conferred by section 77(1) of the Central Provident Fund Act, Mr Tan Chuan-Jin, Senior Minister of State, charged with the responsibility of 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 2012 and shall come into operation on 1st January 2013.

Amendment of regulation 2

2. Regulation 2 of the Central Provident Fund (Ministry of Defence Housing Scheme) Regulations (Rg 13) (referred to in these Regulations as the principal Regulations) is amended by inserting, immediately after the definition of “common property”, the following definition:

“ “flat” includes any land adjacent to a flat that the Housing and Development Board has approved for purchase or acquisition as part of the flat;”.

Amendment of regulation 7

3. Regulation 7 of the principal Regulations is amended —

(a) by inserting, immediately after sub-paragraph (a) of paragraph (1), the following sub-paragraphs:

“(aa) any change in the manner of holding of a flat (in which they have an estate or interest, or he or she has an estate or interest, as the case may be) from a joint tenancy to a tenancy in common, or vice versa;

(ab) the transfer of any part (but not the whole) of their estate or interest, or his or her estate or interest, as the case may be, in a flat to any other person;”;

(b) by deleting the words “any interest or title” in paragraph (2)(a) and substituting the words “the whole of their interest or title, or of his or her interest or title, as the case may be,”; and

(c) by deleting the words “their interest or his or her interest” in paragraph (2)(b) and substituting the words “the whole of their interest, or of his or her interest, as the case may be,”.

Amendment of regulation 9

4. Regulation 9(1) of the principal Regulations is amended by inserting, immediately after the words “section 27C(1)(iii)” in sub-paragraph (b), “, 27DA(1)(iii)”.

Amendment of regulation 10

5. Regulation 10(1) of the principal Regulations is amended by inserting, immediately after the words “section 27C(1)(iii)” in sub-paragraph (b), “, 27DA(1)(iii)”.

Amendment of regulation 11

6. Regulation 11 of the principal Regulations is amended —

(a) by inserting, immediately after the words “section 27C(1)(iii)” in paragraph (1)(a)(ii), “, 27DA(1)(iii)”;

(b) by deleting sub-paragraphs (b) and (c) of paragraph (1) and substituting the following sub-paragraphs:

“(b) where the officer has died; or

(c) where the officer is entitled to withdraw the amount standing to his credit in the Fund under section 15(2)(b) or (c) of the Act, and the Board has given its authority under section 15(1) of the Act for such withdrawal.”;

(c) by deleting the words “paragraph (1)(b) and (c)” in paragraph (2) and substituting the words “paragraph (1)”; and

(d) by deleting the words “, (b) or (c)” in paragraph (2).

Deletion of regulation 11A

7. Regulation 11A of the principal Regulations is deleted.

Amendment of regulation 12

8. Regulation 12 of the principal Regulations is amended —

(a) by inserting, immediately after the words “section 27C(1)(iii)” in paragraph (1)(b), “, 27DA(1)(iii)”;

(b) by deleting the words “Subject to paragraphs (6), (9) and (10), where the officer making the sale, transfer, assignment or disposal is below the age of 55 years at the time of the sale, transfer, assignment or disposal, he” in paragraph (2) and substituting the words “Subject to paragraphs (3), (4) and (5), the officer making the sale, transfer, assignment or disposal”;

(c) by deleting paragraphs (4), (5), (6), (9) and (10) and substituting the following paragraphs:

“(3) Subject to paragraphs (4) and (5), where the officer sells, transfers, assigns or disposes of the flat or his estate or interest therein to any person without consideration or for a consideration below the market value of the flat, the officer shall, unless the Board otherwise directs, pay to his account in the Fund, in such manner as the Board may determine, the amount prescribed in paragraph (2)(b).

(4) Paragraphs (1), (2) and (3) do not apply where the officer sells, transfers, assigns or disposes of only part (but not the whole) of his estate or interest in the flat.

(5) Notwithstanding paragraphs (2), (3) and (4), where the officer transfers (other than by way of sale) his estate or interest in the flat to his spouse pursuant to an order of court referred to in section 27C(1)(c), 27DA(1)(c) or 27E(1)(c) of the Act —

- (a) in the case of an order of court referred to in section 27C(1)(c) of the Act, the person referred to in section 27C(1)(i) of the Act shall pay to the officer's account in the Fund, in such manner as the Board may determine, any amount referred to in section 27C(1)(i) of the Act which the person may be required by the order of court to pay to the Board;
 - (b) in the case of an order of court referred to in section 27DA(1)(c) of the Act, the person referred to in section 27DA(1)(i) of the Act shall pay to the officer's account in the Fund, in such manner as the Board may determine, any amount referred to in section 27DA(1)(i) of the Act which the person may be required by the order of court to pay to the Board; or
 - (c) in the case of an order of court referred to in section 27E(1)(c) of the Act, the officer or person referred to in section 27E(1)(i) of the Act shall pay to the officer's account in the Fund, in such manner as the Board may determine, such of the amounts referred to in section 27E(1)(i)(A), (B) and (C) of the Act as may be applicable to the officer or person.”;
- (d) by deleting the definitions of “net proceeds” and “relevant amount” in paragraph (11) and substituting the following definitions:
- ““net proceeds”, in relation to any flat, or an officer's estate or interest in a flat, which is sold, transferred, assigned or disposed of, means the excess, if any, of —

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- (a) the consideration for the sale, transfer, assignment or disposal of the flat, or of the officer's estate or interest in the flat, as the case may be, or, if the Board so elects, the value of the flat, or of the officer's estate or interest in the flat, as the case may be, at the time of the sale, transfer, assignment or disposal as assessed by the Board; over
 - (b) the aggregate of the following amounts paid in the following order:
 - (i) any amount under a housing loan from the Government or the Minister for Finance for the purchase or acquisition of the flat, or of the officer's estate or interest in the flat, as the case may be, which has not been repaid; and
 - (ii) any amount which, under any written law, is to be paid to any other person in priority to the Fund, or such part of that amount as the Board determines to be attributable to the officer's estate or interest in the flat, as the case may be;

“relevant amount” means —

- (a) in relation to an officer who is required under section 27C(1)(iii) of the Act to make a payment to the Fund upon the sale or disposal of a flat, the excess, if any, of —
 - (i) the amount payment of which was secured by the charge on the flat referred to in section 27C(1)(b) of the Act; over

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- (ii) the amount which has been paid to the Board under section 27C(1)(i) of the Act towards covering the deficiency in the minimum sum which the spouse is required to set aside;
 - (b) in relation to an officer who is required under section 27DA(1)(iii) of the Act to make a payment to the Fund upon the sale or disposal of a flat, the excess, if any, of —
 - (i) the amount payment of which was secured by the charge constituted under section 15(11D) or (11E) of the Act on the flat; over
 - (ii) the amount which has been paid to the Board under section 27DA(1)(i) of the Act towards covering the deficiency in the minimum sum which the spouse is required to set aside; or
 - (c) in relation to an officer who is required under section 27E(1)(ii) of the Act to make a payment to the Fund upon the sale or disposal of a flat, the excess, if any, of —
 - (i) the amount which would have been payable to the account of the officer's spouse in the Fund under paragraph (2) or (3) (excluding such interest or part thereof payable under those paragraphs as the Board may determine), if there was no order of court referred to in section 27E(1)(c) of the Act requiring the transfer (other than by way of sale) of the spouse's

interest in the flat to the officer;
over

- (ii) the amount which has been paid to the Fund to the credit of the spouse under section 27E(1)(i) of the Act;"; and

(e) by deleting paragraph (12).

New regulation 12A

9. The principal Regulations are amended by inserting, immediately after regulation 12, the following regulation:

“Distribution of amount paid to officer’s account in Fund, etc.

12A. Where any provision of these Regulations provides for any moneys withdrawn by an officer to be paid to the officer’s account in the Fund or to the Board, the Board shall credit any amount so paid in the following manner:

- (a) where the moneys were withdrawn solely from the officer’s ordinary account or retirement account, or were withdrawn partly from the officer’s ordinary account and partly from the officer’s retirement account, the Board shall credit the amount so paid to the officer’s ordinary account; or
- (b) where the moneys were withdrawn solely from the officer’s special account, or were withdrawn partly from the officer’s special account and partly from either or both of the officer’s ordinary account and retirement account, the Board shall credit —
- (i) the amount of the moneys withdrawn from the officer’s special account, 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, to the officer’s special account; and

(ii) any remainder of the amount so paid to the officer's ordinary account.”

*[G.N. Nos. S 510/2007; S 586/2007; S 694/2008;
S 448/2009; S 737/2011]*

Made this 28th day of December 2012.

CHAN HENG KEE
*Permanent Secretary,
Ministry of Manpower,
Singapore.*

[MMS 7/68 V56; AG/LLRD/SL/36/2010/45 Vol. 1]

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