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FOREIGN EMPLOYEE DORMITORIES ACT 2015

FOREIGN EMPLOYEE DORMITORIES (PRESCRIBED ASSOCIATES) REGULATIONS 2022

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation and commencement
 2. Prescribed associates of applicant who is an individual
 3. Prescribed associates of applicant which is a body corporate
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In exercise of the powers conferred by section 34 of the Foreign Employee Dormitories Act 2015, the Minister for Manpower makes the following Regulations:

Citation and commencement

1. These Regulations are the Foreign Employee Dormitories (Prescribed Associates) Regulations 2022 and come into operation on 31 August 2022.

Prescribed associates of applicant who is an individual

2.—(1) For the purposes of section 9(4) of the Act, where an applicant (*A*) is an individual —

(a) an individual (*B*) is an associate of *A* —

- (i) if *B* is a relative, or spouse of a relative, of *A* or *A*'s spouse;
- (ii) if *B* is in partnership with *A*;
- (iii) if *A* is the relative of any other person with whom *B* is in partnership, or *B* is the relative of any other person with whom *A* is in partnership; or
- (iv) if *B* has control over *A*; and

(b) an entity (*C*) is an associate of *A* if *A* is or was a company director, managing director, chief executive officer, manager, partner or sole proprietor of *C*.

(2) In this regulation —

(a) “relative” has the meaning given by section 2(1) of the Act;

(b) any reference to a spouse includes a former spouse;

(c) for the purpose of paragraph (1)(a)(iv), *B* is taken to have control over *A* if *A* is accustomed to act in accordance with *B*’s directions or instructions; and

(d) “entity” means any sole proprietorship, partnership or body corporate, with or without limited liability.

Prescribed associates of applicant which is a body corporate

3.—(1) For the purposes of section 9(4) of the Act, where an applicant (*D*) is a body corporate —

(a) an individual (*E*) is an associate of *D* —

(i) if *E* has control over *D* or if *E* and persons who are *E*’s associates together have control over *D*;

(ii) if *E* has a significant interest in *D* or if *E* and persons who are *E*’s associates together have a significant interest in *D*; or

(iii) if *E* is or was a company director, managing director, chief executive officer or manager of *D* or *D*’s subsidiary or holding company; and

(b) a body corporate (*F*) is an associate of *D* —

(i) if *F* has control over *D* or if *F* and persons who are *F*’s associates together have control over *D*;

(ii) if *F* has a significant interest in *D* or if *F* and persons who are *F*’s associates together have a significant interest in *D*; or

(iii) if *F* is a subsidiary of *D* or if *F* is the holding company of *D*.

(2) In this regulation, “subsidiary” and “holding company” have the meanings given by section 5 of the Companies Act 1967.

(3) For the purposes of paragraphs (1)(a)(i) and (1)(b)(i), *E* or *F* (as the case may be) is taken to have control of *D* if —

- (a) the directors of *D* or of another body corporate which has control of *D* (or any of the directors) are accustomed to act in accordance with *E* or *F*’s directions or instructions, as the case may be;
- (b) *E* or *F* (as the case may be) holds the right, directly or indirectly, to appoint or remove the directors or equivalent persons of *D* who hold a majority of the voting rights at meetings of the directors or equivalent persons on all or substantially all matters; or
- (c) *E* or *F* (as the case may be) is entitled to exercise, or control the exercise of, 25% or more of the voting power at any general meeting of *D* or of another body corporate which has control of *D*,

and where 2 or more persons together satisfy sub-paragraph (a), (b) or (c), they are taken to have control of *D*.

(4) For the purpose of paragraphs (1)(a)(ii) and (1)(b)(ii), *E* or *F* (as the case may be) is taken to have a significant interest in *D* if —

- (a) where *D* is a body corporate having a share capital —
 - (i) *E* or *F* (as the case may be) has an interest in more than 25% of the shares in *D*; or
 - (ii) *E* or *F* has an interest in one or more voting shares in *D*, and the total votes attached to that share, or those shares, is more than 25% of the total voting power in *D*,

and where 2 or more persons together satisfy sub-paragraph (i) or (ii), they are taken to have a significant interest in *D*; and

(b) where *D* is a body corporate that does not have a share capital, *E* or *F* (as the case may be) holds, whether directly or indirectly, a right to share in more than 25% of the capital, or more than 25% of the profits, of *D*.

Made on 25 August 2022.

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