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WORK INJURY COMPENSATION ACT 2019 (ACT 27 OF 2019)

WORK INJURY COMPENSATION (SAVING AND TRANSITIONAL PROVISIONS) REGULATIONS 2020

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation and commencement
 2. Definitions
 3. Deemed approved policy
 4. Deemed compliance with section 24(1) of Act
 5. Interim policy not to be void, etc.
 6. Commissioner to process claims under interim policy
 7. References to employer's insurer
 8. Priority of debts
 9. Composition of offences under repealed Act
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In exercise of the powers conferred by section 84(5) of the Work Injury Compensation Act 2019, the Minister for Manpower makes the following Regulations:

Citation and commencement

1. These Regulations are the Work Injury Compensation (Saving and Transitional Provisions) Regulations 2020 and come into operation on 1 September 2020.

Definitions

2. In these Regulations —

“deemed approved policy” means an insurance policy that is deemed to be an approved policy under regulation 3;

“interim policy” means —

- (a) an approved policy for which the insurance cover commences before 1 January 2021 and ends before 1 January 2022; or
- (b) a deemed approved policy;

“licensed insurer” means a licensed insurer under the Insurance Act (Cap. 142), whether or not designated under section 31 of the Act.

Deemed approved policy

3. An insurance policy (not being an approved policy) that satisfies all of the following requirements is deemed to be an approved policy for the purposes of the Act:

- (a) the insurance policy is not subject to any conditions, exclusions or exceptions prohibited by regulations made under the repealed Act as in force immediately before 1 September 2020;
- (b) the insurance cover commences, on or after 1 September 2020 but before 1 January 2021;
- (c) the insurance cover of the insurance policy ends before 1 January 2022.

Deemed compliance with section 24(1) of Act

4. An employer is deemed to comply with section 24(1) of the Act during any period before 1 January 2022 when the employer insures and maintains insurance under one or more of the following policies with one or more designated insurers or licensed insurers (as the case may be) against all liabilities that the employer may incur under the Act in respect of every employee of the employer:

- (a) an approved policy provided by a designated insurer;
- (b) an interim policy provided by a licensed insurer;
- (c) an existing policy mentioned in section 84(3) of the Act.

Interim policy not to be void, etc.

5. Section 26(3)(a) and (b) of the Act does not apply in respect of an interim policy.

Commissioner to process claims under interim policy

6. All claims in respect of work injury insured under an interim policy are to be processed by the Commissioner under section 36(2) of the Act, whether or not the interim policy is issued by a designated insurer.

References to employer's insurer

7. In relation to a claim in respect of work injury to an employee who is insured under an interim policy, the references to the employer's insurer in sections 3(3), 16, 17, 18, 19, 21, 27, 35, 40, 43, 48, 49, 50(1)(b), 51, 52, 54, 58, 63 and 82 of the Act apply as if they include a reference to the licensed insurer that provides the interim policy.

Priority of debts

8.—(1) Where an employer is adjudged bankrupt on or after 1 September 2020 pursuant to a bankruptcy application made before 30 July 2020, section 29(5)(a) of the Act applies as if it refers to section 90 of the Bankruptcy Act (Cap. 20) as in force immediately before 30 July 2020 instead of section 352 of the Insolvency, Restructuring and Dissolution Act 2018 (Act 40 of 2018).

(2) Section 29(5)(b) of the Act applies as if it refers to section 328 of the Companies Act (Cap. 50) as in force immediately before 30 July 2020 instead of section 203 of the Insolvency, Restructuring and Dissolution Act 2018 in relation to an employer that is wound up on or after 1 September 2020 pursuant to —

- (a) an order for a winding up of a company made under section 216(2)(f) of the Companies Act before 30 July 2020;
- (b) an application for winding up made under section 253 of the Companies Act before 30 July 2020;

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- (c) an application made before 30 July 2020 for the winding up of an unregistered company under section 351 of the Companies Act;
 - (d) a voluntary winding up that commenced within the meaning of section 291(6) of the Companies Act before 30 July 2020;
 - (e) an application for winding up arising from a notice of commencement of liquidation or dissolution proceedings in its place of incorporation or origin that was lodged under section 377(2)(a) of the Companies Act before 30 July 2020; or
 - (f) an application for winding up arising from an application made before 30 July 2020 for recognition of a foreign proceeding under Article 15(1) of the Tenth Schedule to the Companies Act.

(3) Where a receiver or manager is appointed, or possession is taken, of the property of an employer (being a company) or the property in Singapore of an employer (being any other corporation) before 30 July 2020, section 29(5)(c) of the Act applies as if it refers to section 226 of the Companies Act as in force immediately before 30 July 2020 instead of section 86 of the Insolvency, Restructuring and Dissolution Act 2018.

Composition of offences under repealed Act

9.—(1) Despite section 84(1) of the Act, section 39 of the repealed Act continues to apply to or in relation to any compoundable offence reasonably suspected to have been committed before 1 September 2020.

(2) In paragraph (1), “compoundable offence” means an offence prescribed as a compoundable offence under the Work Injury Compensation (Composition of Offences) Regulations (Cap. 354, Rg 5) as in force immediately before 1 September 2020.

Made on 28 August 2020.

AUBECK KAM
*Permanent Secretary,
Ministry of Manpower,
Singapore.*

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