

CENTRAL PROVIDENT FUND ACT
(CHAPTER 36, SECTION 77(1)(ra))

CENTRAL PROVIDENT FUND (DIVISION OF FUND-
RELATED ASSETS IN MATRIMONIAL PROCEEDINGS)
REGULATIONS

ARRANGEMENT OF REGULATIONS

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[1st October 2007]

Citation

1. These Regulations may be cited as the Central Provident Fund (Division of Fund-Related Assets in Matrimonial Proceedings) Regulations.

Definitions

2. In these Regulations —

“HDB flat”, “order of court” and “spouse” have the same meanings as in section 27A of the Act;

“investment” means any investment made under any scheme in accordance with any regulations made under section 77(1)(n) of the Act;

[Deleted by S 234/2015 wef 24/04/2015]

“working day” means any day other than a Saturday, Sunday or public holiday.

Designated account

3.—(1) Where, under an order of court, the spouse of a member of the Fund has been awarded any amount standing to the credit of the member in the Fund, including any money which is payable or repayable to the Fund to the credit of the member, the designated account that is maintained, or to be maintained, for the spouse and to which any part of the amount is to be transferred under section 27B(1)(a)(i) of the Act shall be —

- (a) if that part of the amount is to be transferred from the member's ordinary account, the spouse's ordinary account;
- (b) if that part of the amount is to be transferred from the member's medisave account, the spouse's medisave account;
- (c) if that part of the amount is to be transferred from the member's special account or retirement account, and the spouse is not entitled under section 15(2) or 27 of the Act to withdraw the sum standing to the credit of the spouse in the Fund, the spouse's special account; or

[S 234/2015 wef 24/04/2015]

- (d) if that part of the amount is to be transferred from the member's special account or retirement account, and the spouse is entitled under section 15(2) or 27 of the Act to withdraw the sum standing to the credit of the spouse in the Fund —
 - (i) in a case where section 15(8)(d), (e) or (f) of the Act applies to the spouse, the spouse's ordinary account;
or
 - (ii) in any other case —
 - (A) the spouse's retirement account, for so much of that part of the amount as will not cause the amount standing to the credit of the spouse in the spouse's retirement account to exceed —
 - (AA) where section 15(2A), (7B) or (8A) of the Act applies to the spouse, the

amount specified by the Minister under section 15(2A)(a), (7B)(a) or (8A)(a) of the Act, as the case may be; or

(AB) where section 15(6) or (6A) of the Act applies to the spouse, the minimum sum which the spouse is required to set aside; and

(B) the spouse's ordinary account, for any remainder of that part of the amount.

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(e) [Deleted by S 234/2015 wef 24/04/2015]

(2) The designated account that is maintained, or to be maintained, for the spouse of a member of the Fund and to which the Board shall credit any amount paid on or after 1st January 2013 by the spouse to the Fund under section 27C(1)(iii), 27D(1)(iii) or 27DA(1)(iii) of the Act shall be the spouse's special account.

[S 710/2012 wef 01/01/2013]

(3) Where a member of the Fund has withdrawn any money standing to his credit in the Fund for all or any of the purposes referred to in section 21(1), 21A(1) or 21B(1) of the Act in relation to any immovable property or HDB flat, and an order of court is made requiring the transfer (other than by way of sale) of the member's estate or interest in the immovable property or HDB flat to his spouse, the designated account that is maintained, or to be maintained, for the spouse and to which the Board shall credit any amount paid on or after 1st January 2013 by the spouse to the Fund under section 27E(1)(ii) or 27F(1)(ii) of the Act shall be —

(a) in any case where the transfer (other than by way of sale) is completed before 1st January 2013, and the member is required to comply with section 15(6)(a) of the Act at the time the transfer is completed, the spouse's special account; or

[S 710/2012 wef 01/01/2013]

(b) in any other case —

- (i) where the money was withdrawn solely from the member's ordinary account or retirement account, or was withdrawn partly from the member's ordinary account and partly from the member's retirement account, the spouse's ordinary account; or
- (ii) where the money was withdrawn solely from the member's special account, or was withdrawn partly from the member's special account and partly from either or both of the member's ordinary account and retirement account —
 - (A) the spouse's special account, for the amount of the money withdrawn from the member'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; and
 - (B) the spouse's ordinary account, for any remainder of the amount paid by the spouse.

[S 710/2012 wef 01/01/2013]

Application for withdrawal of amount paid to spouse

4.—(1) For the purposes of section 27B(1) of the Act, where, under an order of court, the spouse of a member of the Fund has been awarded any amount standing to the credit of the member in the Fund, including any money which is payable or repayable to the Fund to the credit of the member, an application by the spouse under section 27B(1)(a)(ii)(B) or (b)(ii) of the Act for the withdrawal of that amount shall be —

- (a) made to the Board in such form as the Board may require; and
- (b) served on the Board in the manner prescribed in regulation 7(1).

(2) The spouse of the member shall furnish, within such time as the Board may specify, such information and documents in support of the application as the Board may require.

Notice of payment or repayment

5.—(1) Subject to paragraph (2), for the purposes of section 27B(5) of the Act, the Board shall be notified under section 27B(5)(b) of the Act of a payment or repayment to the Fund to the credit of a member of the Fund in the following manner:

- (a) the notice may only be given by —
 - (i) the member; or
 - (ii) such other person as the Board may permit;
- (b) except in a case to which sub-paragraph (c) applies, the notice —
 - (i) shall be in writing;
 - (ii) shall state —
 - (A) the date of the payment or repayment; and
 - (B) the amount to be paid or repaid to each account maintained by the Board for the member; and
 - (iii) shall be served on the Board in the manner prescribed in regulation 7(1); and
- (c) where the payment or repayment is made, or to be made, from the proceeds of the sale or disposal of any investment made by the member, the notice shall be —
 - (i) in such form, and supported by such evidence, as the Board may require; and
 - (ii) served on the Board —
 - (A) by such electronic means as the Board may determine; or
 - (B) in the manner prescribed in regulation 7(1).

(2) For the purposes of section 27B(5) of the Act, the Board may be notified under section 27B(5)(b) of the Act of a payment or

repayment to the Fund to the credit of a member of the Fund in such manner (other than the manner prescribed in paragraph (1)) as may be agreed between the Board and the person giving the notice.

Transfer of investments

6.—(1) For the purposes of section 27G(2) of the Act, the interest of a member of the Fund in an investment shall not be transferred to his spouse —

- (a) before the eighteenth anniversary of the day of the spouse's birth; or

[S 88/2009 wef 01/03/2009]

- (b) if, at the time of the intended transfer, the spouse does not satisfy any requirement under the Central Provident Fund (Investment Schemes) Regulations (Rg 9) for the making of that investment.

(2) For the purposes of section 27G of the Act, where a member of the Fund has made any investment, and an order of court is made requiring the transfer of the member's interest in the investment to his spouse —

- (a) any brokerage, fee or other expense incurred in the transfer shall be borne by —
 - (i) the member; or
 - (ii) if the order of court requires the spouse to bear the brokerage, fee or expense, the spouse; and
- (b) the Board may, on the application of the member or spouse required under sub-paragraph (a) to bear the brokerage, fee or expense and subject to such terms and conditions as the Board may impose, authorise the whole or any part of the moneys standing to the credit of the member or spouse, as the case may be, in the Fund to be withdrawn and used to pay the brokerage, fee or expense.

Service of documents

7.—(1) Except as otherwise provided in these Regulations, any application or notice required or authorised to be served on the Board under these Regulations shall be served —

(a) by leaving the application or notice with any officer or employee of the Board at the office of the Board's Retirement Withdrawals Department at 238A Thomson Road, #16-00 Tower A Novena Square, Singapore 307684 —

(i) between 8.30 a.m. and 12 noon on any working day which is the eve of New Year's Day, Chinese New Year or Christmas Day; and

(ii) between 8.30 a.m. and 5 p.m. on any other working day; or

[S 234/2015 wef 24/04/2015]

[S 787/2015 wef 25/01/2016]

(b) in such other manner as may be agreed, prior to the service of the application or notice, between the Board and the applicant or the person giving the notice.

(2) For the purposes of section 27I(2)(a) of the Act, an order of court shall be served on the Board —

(a) by leaving a sealed copy of the order of court with any officer or employee of the Board at the office of the Board's Retirement Withdrawals Department at 238A Thomson Road, #16-00 Tower A Novena Square, Singapore 307684 —

(i) between 8.30 a.m. and 12 noon on any working day which is the eve of New Year's Day, Chinese New Year or Christmas Day; and

(ii) between 8.30 a.m. and 5 p.m. on any other working day; or

[S 234/2015 wef 24/04/2015]

[S 787/2015 wef 25/01/2016]

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- (b) in such other manner as may be agreed, prior to the service of the order of court, between the Board and the person on whose behalf the order of court is to be served.

[G.N. Nos. S 502/2007; S 144/2008]

LEGISLATIVE HISTORY
CENTRAL PROVIDENT FUND (DIVISION OF FUND-
RELATED ASSETS IN MATRIMONIAL PROCEEDINGS)
REGULATIONS
(CHAPTER 36, RG 35)

This Legislative History is provided for the convenience of users of the Central Provident Fund (Division of Fund-related Assets in Matrimonial Proceedings) Regulations. It is not part of these Regulations.

1. G. N. No. S 502/2007 — Central Provident Fund (Division of Fund-Related Assets in Matrimonial Proceedings) Regulations 2007

Date of commencement : 1 October 2007

2. G. N. No. S 144/2008 — Central Provident Fund (Division of Fund-Related Assets in Matrimonial Proceedings) (Amendment) Regulations 2008

Date of commencement : 1 April 2008

3. 2008 Revised Edition — Central Provident Fund (Division of Fund-related Assets in Matrimonial Proceedings) Regulations

Date of operation : 2 June 2008

4. G. N. No. S 88/2009 — Central Provident Fund (Division of Fund-Related Assets in Matrimonial Proceedings) (Amendment) Regulations 2009

Date of commencement : 1 March 2009

5. G.N. No. S 710/2012 — Central Provident Fund (Division of Fund-Related Assets in Matrimonial Proceedings) (Amendment) Regulations 2012

Date of commencement : 1 January 2013

6. G.N. No. S 234/2015 — Central Provident Fund (Division of Fund-Related Assets in Matrimonial Proceedings) (Amendment) Regulations 2015

Date of commencement : 24 April 2015

7. G.N. No. S 787/2015 — Central Provident Fund (Division of Fund-Related Assets in Matrimonial Proceedings) (Amendment No. 2) Regulations 2015

Date of commencement : 25 January 2016