

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

Regulation

1. Citation
2. Definitions
3. Designated account
4. Form of relevant document, etc.
5. [Deleted]
6. Transfer of investments
7. Service or notification of relevant documents

[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 —

“Board’s website” means the Board’s website at <http://www.cpf.gov.sg>;

[S 600/2018 wef 01/10/2018]

“closing time”, in relation to a working day, means —

- (a) if the working day is the eve of New Year’s Day, Chinese New Year or Christmas Day — 12 noon; or
- (b) in any other case — 5 p.m.;

[S 600/2018 wef 01/10/2018]

“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;

“permitted person” means —

- (a) for any application under section 27B(1)(a)(ii)(B) or (b)(ii) of the Act — the spouse of a member;
- (b) for any notice under section 27B(5)(b) or 27H(iii)(C) of the Act — a member;
- (c) for any order of court — a member or the spouse of a member;
- (d) for any application under regulation 6(2)(b) — a member or the spouse of a member; or
- (e) any other person whom the Board permits to serve the relevant document mentioned in paragraph (a), (b), (c) or (d), as the case may be;

[S 600/2018 wef 01/10/2018]

“relevant document” means —

- (a) any application under section 27B(1)(a)(ii)(B) or (b)(ii) of the Act;
- (b) any notice of payment or repayment to the Fund under section 27B(5)(b) of the Act relating to a specified charge or undertaking;
- (c) any notice under section 27H(iii)(C) of the Act for the purposes of section 27B(5) of the Act;
- (d) any order of court; or
- (e) any application under regulation 6(2)(b);

[S 600/2018 wef 01/10/2018]

“specified charge or undertaking” means a charge on, or an undertaking given in relation to, an immovable property (including an HDB flat) under section 15(9), (9A), (10),

(10A), (11D) or (11E), 21(1), 21A(1), 21B(1), 27C(1)(v), 27D(1)(v), 27DA(1)(v), 27E(1)(iv) or 27F(1)(iv) of the Act;

[S 600/2018 wef 01/10/2018]

[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 retirement sum which the spouse is required to set aside; and

[S 658/2016 wef 01/01/2017]

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

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

(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]

Form of relevant document, etc.

4.—(1) Every relevant document (other than an order of court) must be in the form required by the Board.

(2) Every relevant document must be supported by any information, evidence or document that the Board requires, that is submitted within the time required by the Board.

[S 600/2018 wef 01/10/2018]

5. *[Deleted by S 600/2018 wef 01/10/2018]*

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 or notification of relevant documents

7.—(1) A relevant document is served on, or is notified to, the Board only if —

- (a) the requirements of regulation 4 are satisfied; and

(b) the relevant document is served or is notified (as the case may be) by a permitted person in accordance with this regulation.

(2) Except as otherwise provided by paragraph (4), a relevant document must be served —

(a) by sending an electronic communication of the relevant document using an electronic online system designated by the Board for the service of that relevant document (called in this regulation the designated electronic online system), in accordance with any terms and conditions specified on the Board's website; or

(b) where the designated electronic online system is not in operation, or a permitted person is unable to use that system for any other reason, by leaving the relevant document at the office of the Board's Retirement Withdrawals Department at 238A Thomson Road, #16-00 Tower A Novena Square, Singapore 307684.

(3) Service under paragraph (2) takes effect —

(a) in a case of any service under paragraph (2)(a) — on the working day that the relevant document is capable of being retrieved, by an officer or employee of the Board using the designated electronic online system, before the closing time; and

(b) in a case of any service under paragraph (2)(b) — on the working day that the relevant document is received, by an officer or employee of the Board at the office mentioned in that paragraph, before the closing time.

(4) For the purposes of section 27B(5)(b) of the Act, the Board is notified of any payment or repayment to the Fund relating to a specified charge or undertaking in the following manner:

(a) where the payment or repayment is made electronically by the Housing and Development Board to the Board — when the Board receives from the Housing and Development Board an electronic notification that such payment or repayment has been received from or for the member;

*Central Provident Fund
(Division of Fund-related Assets
in Matrimonial Proceedings)*

p. 8 2008 Ed.]

Regulations

[CAP. 36, Rg 35

- (b) where the payment or repayment is made using any cashier's order, cheque or any other payment instrument designated by the Board — when the cashier's order, cheque or other payment instrument is received at any office of the Board by an officer or employee of the Board.

[S 600/2018 wef 01/10/2018]

[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

8. G.N. No. S 658/2016 — Central Provident Fund (Division of Fund-Related Assets in Matrimonial Proceedings) (Amendment) Regulations 2016

Date of commencement : 1 January 2017

9. G.N. No. S 600/2018 — Central Provident Fund (Division of Fund-Related Assets in Matrimonial Proceedings) (Amendment) Regulations 2018

Date of commencement : 1 October 2018