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 —

"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 15AB(1), (2), (3), (4), (10), (11) or (13) of the Act or a former provision, or section 21(1), 21A(1), 21B(1), 27C(1)(v), 27D(1)(v), 27DA(1)(v), 27DB(2)(*e*), 27E(1)(iv) or 27F(1)(iv) of the Act;

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

[S 225/2021 wef 01/04/2021]

[S 123/2022 wef 01/03/2022]

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

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

Former provisions

2A. In a regulation specified in the first column of the Schedule, a reference to a former provision means any provision of the Act specified in the second column of the Schedule opposite that regulation.

[S 123/2022 wef 01/03/2022]

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)(*a*), (*b*) or (*c*), 15AA(1) or 27 of the Act or a former provision (as the case may be) 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]

[S 123/2022 wef 01/03/2022]

(*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)(*a*), (*b*) or (*c*), 15AA(1) or 27 of the Act or a former provision (as the case may be) to withdraw the sum standing to the credit of the spouse in the Fund —

(i) in a case where section 15AA(3)(*a*) of the Act applies to the spouse because the spouse is suffering from a terminal illness or disease, or section 15AA(3)(*b*) or (*c*) of the Act or a former provision applies to the spouse (as the case may be), the spouse's ordinary account; or

[S 123/2022 wef 01/03/2022]

(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 15AA(5) of the Act or section 15(2A), (7B) or (8A) of the Act as in force before 1 March 2022 applies to the spouse, the amount specified by the Minister under section 15AA(5)(*a*) of the Act or section 15(2A)(*a*), (7B)(*a*) or (8A)(*a*) of the Act as in force before 1 March 2022, as the case may be; or

[S 123/2022 wef 01/03/2022]

(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]

[S 123/2022 wef 01/03/2022]

(*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), 27DA(1)(iii) or 27DB(2)(*c*) of the Act shall be the spouse's special account.

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

[S 225/2021 wef 01/04/2021]

(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 paragraphs (3) and (4) —

(*a*) a relevant document must be served on, or be notified to, the Board (as the case may be) by sending an electronic communication of the relevant document using an electronic online system designated by the Board for the service or notification 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; and

(*b*) service or notification (as the case may be) in accordance with sub-paragraph (*a*) takes effect 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.

[S 558/2021 wef 01/08/2021]

(3) Despite paragraph (2) —

(*a*) a relevant document may be served on, or be notified to, the Board (as the case may be) by leaving the relevant document at the address for service or notification specified on the Board's website if —

(i) the designated electronic online system is not in operation; or

(ii) a permitted person cannot use that system for any other reason; and

(*b*) service or notification (as the case may be) in accordance with sub-paragraph (*a*) takes effect 3 working days after the day the relevant document is received, by an officer or employee of the Board at the address mentioned in that sub-paragraph.

[S 558/2021 wef 01/08/2021]

(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 —

(i) 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; or

(ii) if an electronic notification mentioned in sub-paragraph (i) is not received, when the

electronic record of such payment or repayment is capable of being retrieved by an officer or employee of the Board;

[S 558/2021 wef 01/08/2021]

(*b*) where the payment or repayment is made electronically by any other person to the Board — when the electronic record of such payment or repayment is capable of being retrieved by an officer or employee of the Board;

[S 558/2021 wef 01/08/2021]

(*c*) where the payment or repayment is made using a cashier's order, cheque or any other payment instrument designated by the Board (called in this paragraph a payment instrument) —

(i) if the payment instrument is delivered to any office of the Board — when the payment instrument is received at the office of the Board by an officer or employee of the Board; or

(ii) if the payment instrument is delivered to any bank designated by the Board — when the electronic record of such payment or repayment is capable of being retrieved by an officer or employee of the Board.

[S 558/2021 wef 01/08/2021]

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

THE SCHEDULE

Regulation 2A

FORMER PROVISIONS

First column	*Second column*
Regulation containing reference to a former provision	*Former provisions*
1. Regulation 2 (definition of "specified charge or undertaking")	Section 15(9), (9A), (10), (10A), (11D), (11E) or (11EB) of the Act as in force before 1 March 2022

THE SCHEDULE — *continued*

2. Regulation 3(1)(*c*) and (*d*)	Section 15(2)(*d*), (*e*), (*f*) or (*g*) of the Act as in force before 1 March 2022
3. Regulation 3(1)(*d*)(i)	Section 15(8)(*d*), (*e*) or (*f*) of the Act as in force before 1 March 2022

[S 123/2022 wef 01/03/2022]

[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

10. G.N. No. S 225/2021 — Central Provident Fund (Division of Fund-Related Assets in Matrimonial Proceedings) (Amendment) Regulations 2021

Date of commencement : 1 April 2021

11. G.N. No. S 558/2021 — Central Provident Fund (Division of Fund-Related Assets in Matrimonial Proceedings) (Amendment No. 2) Regulations 2021

Date of commencement : 1 August 2021

12. G.N. No. S 123/2022 — Central Provident Fund (Division of Fund-Related Assets in Matrimonial Proceedings) (Amendment) Regulations 2022

Date of commencement : 1 March 2022