

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

CENTRAL PROVIDENT FUND (APPROVED MIDDLE-INCOME
HOUSING SCHEME) REGULATIONS

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation
 2. Definitions
 3. Application to Board for withdrawal
 4. Money to be paid to Company
 5. Instalment payments
 6. Disbursements in connection with purchase
 7. 5% limit for deposit withdrawal
 8. Withdrawal of money by undischarged bankrupt
 - 8A. Transfer of money from retirement account to ordinary account
 9. No sale, mortgage, etc., without Board's permission to person other than Company
 10. Board may permit sale, mortgage, etc., to person other than Company on conditions
 - 10A. Repayment of moneys to Board where property is compulsorily acquired
 - 10B. Distribution of amount paid to member's account in Fund, etc.
 - 10C. Application for cancellation of charge on immovable property
 11. Manner of application
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[1st September 1975]

Citation

1. These Regulations may be cited as the Central Provident Fund (Approved Middle-Income Housing Scheme) Regulations.

Definitions

2. In these Regulations —

[Deleted by S 649/2016 wef 01/01/2017]

[Deleted by S 649/2016 wef 01/01/2017]

[Deleted by S 649/2016 wef 01/01/2017]

“Company” means the Housing and Urban Development Company (Private) Limited, a company incorporated under the Companies Act (Cap. 50);

[Deleted by S 649/2016 wef 01/01/2017]

“property” includes an interest in a house or flat purchased from the Company, and any land adjacent to a house or flat that the Housing and Development Board has approved for purchase or acquisition as part of the house or flat.

[S 692/2012 wef 01/01/2013]

Application to Board for withdrawal

3. Where at any time a member of the Fund has entered into an agreement with the Company for the purchase of a property for his own occupation, the Board may, on the application of the member and subject to such terms and conditions as the Board may impose, authorise the whole or part of the amount standing to his credit in the Fund to be withdrawn.

Money to be paid to Company

4. The amount withdrawn by a member of the Fund under regulation 3 shall be paid to the Company on account of the purchase of a property by him.

Instalment payments

5.—(1) Where a member of the Fund is, in accordance with an agreement entered into with the Company, required to pay monthly instalments of principal and interest on account of the purchase of a property from the Company for his own occupation, the Board may, on his application and subject to such terms and conditions as the Board may impose, authorise the whole or part of the amount standing to his credit in the Fund to be withdrawn and used for the payment of those monthly instalments.

(2) The amount which a member of the Fund may withdraw in a month under this regulation shall not exceed the amount of the monthly instalment payable to the Company in that month.

Disbursements in connection with purchase

6.—(1) Where a member of the Fund is required, whether in accordance with an agreement entered into with the Company or otherwise, to pay any survey fees, stamp duties, legal fees or other costs, fees, charges or expenses in connection with —

- (a) the purchase of a property from the Company for his own occupation, whether or not moneys were withdrawn under these Regulations for such purchase;
- (b) any change in the manner of holding of a property (in which the member has an estate or interest) from a joint tenancy to a tenancy in common, or vice versa;
- (c) the transfer of any part (but not the whole) of the member's estate or interest in a property to any other person;
- (d) the creation or discharge of a mortgage on a property purchased by, or transferred or assigned to, the member (including where the property is to be mortgaged, or is mortgaged, to the Company);
- (e) the transfer or assignment of a property to the member; or
- (f) the withdrawal of moneys under these Regulations,

the Board may, on the application of the member and subject to such terms and conditions as the Board may think fit to impose, authorise the whole or part of the amount standing to his credit in the Fund to be withdrawn and used for that purpose.

(2) For the avoidance of doubt, where a member is required to pay any survey fees, stamp duties, legal fees or other costs, fees, charges or expenses in connection with —

- (a) any divestment, whether by sale, transfer, assignment or otherwise, by the member of the whole of his interest or title in a property; or
- (b) the discharge of any mortgage on a property upon divestment by the member of the whole of his interest in such property,

no amount standing to his credit in the Fund shall be withdrawn for that purpose.

[S 692/2012 wef 01/01/2013]

5% limit for deposit withdrawal

7. The first withdrawal by a member of the Fund intended to be used as a deposit for the purchase by him of any property under these Regulations shall not exceed 5% of the price of the property.

Withdrawal of money by undischarged bankrupt

8.—(1) Notwithstanding the provisions of these Regulations, an undischarged bankrupt shall not be entitled to —

- (a) make an application to the Board to withdraw money under these Regulations; or
- (b) withdraw money under these Regulations except in accordance with paragraph (2).

(2) Where a member is adjudicated a bankrupt after he has obtained authorisation from the Board to withdraw money under these Regulations, the Board may, notwithstanding his bankruptcy, permit him to make or continue to make (as the case may be) the authorised withdrawals subject to his compliance with these Regulations, the Act and any other condition which the Board thinks fit to impose.

Transfer of money from retirement account to ordinary account

8A. Where the Board has permitted a member to withdraw a sum standing to the member's credit in the member's retirement account for any purpose under these Regulations, the Board may transfer such sum from the member's retirement account to the member's ordinary account to be withdrawn for that purpose.

[S 649/2016 wef 01/01/2017]

No sale, mortgage, etc., without Board's permission to person other than Company

9.—(1) A member of the Fund who —

- (a) has withdrawn any moneys under these Regulations for the purchase of a property (including any moneys lent to him under section 14A of the Act for the purchase of the property and withdrawn by him which have not been repaid); or
- (b) is required under section 27C(1)(iii), 27DA(1)(iii) or 27E(1)(ii) of the Act to make a payment to the Fund upon the sale or disposal of a property,

[S 692/2012 wef 01/01/2013]

shall not, without the prior permission of the Board, sell, lease, transfer or assign the property to a person other than the Company.

[S 508/2007 wef 01/10/2007]

(1A) A member of the Fund who has withdrawn any moneys under these Regulations for the purchase of a property (including any moneys lent to him under section 14A of the Act for the purchase of the property and withdrawn by him which have not been repaid) shall not, without the prior permission of the Board, mortgage the property to, or execute a charge on the property in favour of, a person other than the Company.

[S 508/2007 wef 01/10/2007]

(2) Paragraphs (1) and (1A) shall not apply —

- (a) where the member of the Fund has died; or
- (b) where the member of the Fund is entitled to withdraw the amount standing to his credit in the Fund under section 15(2)(b) or (c) of the Act, and the Board has given its authority under section 15(1) of the Act for such withdrawal.

[S 692/2012 wef 01/01/2013]

Board may permit sale, mortgage, etc., to person other than Company on conditions

10.—(1) The Board may, in its discretion and subject to such terms and conditions as it may impose, permit a member of the Fund who —

- (a) has withdrawn any moneys under these Regulations for the purchase of a property (including any moneys lent to him under section 14A of the Act for the purchase of the property and withdrawn by him which have not been repaid); or
- (b) is required under section 27C(1)(iii), 27DA(1)(iii) or 27E(1)(ii) of the Act to make a payment to the Fund upon the sale or disposal of a property,

[S 692/2012 wef 01/01/2013]

to sell, mortgage, lease, transfer or assign the property or his estate or interest therein to, or execute a charge on the property or his estate or interest therein in favour of, a person other than the Company if the Board is satisfied that adequate arrangements have been made to secure the payment to the member's account in the Fund of the amount specified in this regulation or such part thereof as the Board may determine.

[S 508/2007 wef 01/10/2007]

[S 692/2012 wef 01/01/2013]

(2) Subject to paragraphs (2A), (3) and (4), the member of the Fund who sells, mortgages, leases, transfers, assigns or executes a charge on the property or his estate or interest therein shall pay to his account in the Fund, in such manner as the Board may determine, whichever is the lesser of the following amounts:

- (a) the net proceeds of the sale, mortgage, lease, transfer, assignment or charge, as the case may be; or
- (b) such of the following amounts as may be applicable to him or, if both amounts are applicable to him, the aggregate of both amounts:
 - (i) where paragraph (1)(a) applies to him, all moneys withdrawn by him under these Regulations for the purchase of the property (including any moneys lent

to him under section 14A of the Act for the purchase of the property and withdrawn by him which have not been repaid), 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;

- (ii) where paragraph (1)(b) applies to him, the relevant amount.

[S 444/2009 wef 01/10/2009]

[S 692/2012 wef 01/01/2013]

(2A) Subject to paragraphs (3) and (4), where the member of the Fund sells, mortgages, leases, transfers or assigns the property or his estate or interest therein to, or executes the charge on the property or his estate or interest therein in favour of, any person without consideration or for a consideration below the market value of the property, the member of the Fund shall, unless the Board otherwise directs, pay to his account in the Fund, in such manner as the Board may determine the amount prescribed in paragraph (2)(b).

[S 692/2012 wef 01/01/2013]

[S 732/2011 wef 30/12/2011]

(2B) *[Deleted by S 692/2012 wef 01/01/2013]*

(2C) *[Deleted by S 692/2012 wef 01/01/2013]*

(2D) *[Deleted by S 692/2012 wef 01/01/2013]*

(3) Paragraphs (1), (2) and (2A) do not apply where the member of the Fund sells, transfers, assigns or disposes of only part (but not the whole) of his estate or interest in the property.

[S 692/2012 wef 01/01/2013]

(4) Notwithstanding paragraphs (2), (2A) and (3), where a member of the Fund transfers (other than by way of sale) his estate or interest in the property to his spouse pursuant to an order of court referred to in section 27C(1)(c), 27DA(1)(c) or 27E(1)(c) of the Act —

- (a) in the case of an order of court referred to in section 27C(1)(c) of the Act, the person referred to in section 27C(1)(i) of the Act shall pay to the member's

account in the Fund, in such manner as the Board may determine, any amount referred to in section 27C(1)(i) of the Act which the person may be required by the order of court to pay to the Board;

[S 732/2011 wef 30/12/2011]

[S 692/2012 wef 01/01/2013]

(aa) in the case of an order of court referred to in section 27DA(1)(c) of the Act, the person referred to in section 27DA(1)(i) of the Act shall pay to the member's account in the Fund, in such manner as the Board may determine, any amount referred to in section 27DA(1)(i) of the Act which the person may be required by the order of court to pay to the Board; or

[S 692/2012 wef 01/01/2013]

(b) in the case of an order of court referred to in section 27E(1)(c) of the Act, the member or person referred to in section 27E(1)(i) of the Act shall pay to the member's account in the Fund, in such manner as the Board may determine, such of the amounts referred to in section 27E(1)(i)(A), (B) and (C) of the Act as may be applicable to the member or person.

[S 732/2011 wef 30/12/2011]

[S 508/2007 wef 01/10/2007]

(5) In this regulation —

“net proceeds”, in relation to any property, or a member's estate or interest in a property, which is sold, transferred, assigned or disposed of, means the excess, if any, of —

(a) the consideration for the sale, transfer, assignment or disposal of the property, or of the member's estate or interest in the property, as the case may be, or, if the Board so elects, the value of the property, or of the member's estate or interest in the property, as the case may be, at the time of the sale, transfer, assignment or disposal as assessed by the Board; over

(b) the aggregate of the following amounts paid in the following order:

- (i) any amount under a housing loan for the purchase of the property, or of the member's estate or interest in the property, as the case may be, which has not been repaid; and
- (ii) any amount which, under any written law, is to be paid to any other person in priority to the Fund, or such part of that amount as the Board determines to be attributable to the member's estate or interest in the property, as the case may be;

[S 692/2012 wef 01/01/2013]

“relevant amount” means —

(a) in relation to a member who is required under section 27C(1)(iii) of the Act to make a payment to the Fund upon the sale or disposal of a property, the excess, if any, of —

- (i) the amount payment of which was secured by the charge on the property referred to in section 27C(1)(b) of the Act; over
- (ii) the amount which has been paid to the Board under section 27C(1)(i) of the Act towards covering the deficiency in the retirement sum which the spouse is required to set aside;

[S 649/2016 wef 01/01/2017]

(b) in relation to a member who is required under section 27DA(1)(iii) of the Act to make a payment to the Fund upon the sale or disposal of a property, the excess, if any, of —

- (i) the amount payment of which was secured by the charge constituted under section 15(11D) or (11E) of the Act on the property; over

- (ii) the amount which has been paid to the Board under section 27DA(1)(i) of the Act towards covering the deficiency in the retirement sum which the spouse is required to set aside; or

[S 649/2016 wef 01/01/2017]

- (c) in relation to a member who is required under section 27E(1)(ii) of the Act to make a payment to the Fund upon the sale or disposal of a property, the excess, if any, of —

- (i) the amount which would have been payable to the account of the member's spouse in the Fund under paragraph (2) or (2A) (excluding such interest or part thereof payable under the applicable paragraph as the Board may determine), if there was no order of court referred to in section 27E(1)(c) of the Act requiring the transfer (other than by way of sale) of the spouse's interest in the property to the member; over

- (ii) the amount which has been paid to the Fund to the credit of the spouse under section 27E(1)(i) of the Act;

[S 692/2012 wef 01/01/2013]

“spouse” includes a former spouse.

- (6) *[Deleted by S 692/2012 wef 01/01/2013]*

Repayment of moneys to Board where property is compulsorily acquired

10A.—(1) Where —

- (a) a member of the Fund —

- (i) has withdrawn any moneys under these Regulations in respect of a property; or

(ii) is required under section 27C(1)(iii), 27DA(1)(iii) or 27E(1)(ii) of the Act to make a payment to the Fund upon the sale or disposal of a property; and

(b) the property is compulsorily acquired under —

(i) section 56 of the Housing and Development Act (Cap. 129); or

(ii) any other written law,

the member shall pay to his account in the Fund the amount specified in paragraph (2) or such other amount as the Board may allow, taking into consideration the circumstances of each case.

(2) The member whose property has been acquired shall pay to his account in the Fund, in such manner as the Board may determine, whichever is the lesser of the following amounts:

(a) the net proceeds of the acquisition; or

(b) such of the following amounts as may be applicable to him or, if both amounts are applicable to him, the aggregate of both amounts:

(i) where paragraph (1)(a)(i) applies to him, all moneys withdrawn by him in connection with the purchase of the property (including any moneys lent to him under section 14A of the Act in connection with such purchase and withdrawn by him which have not been repaid), 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;

(ii) where paragraph (1)(a)(ii) applies to him, the relevant amount.

(3) In this regulation —

“net proceeds of the acquisition”, in relation to any property which has been acquired, means the excess, if any, of —

(a) the amount of compensation paid upon the acquisition of the property; over

- (b) the aggregate of the following amounts paid in the following order:
- (i) any amount under a housing loan which has not been repaid; and
 - (ii) any amount which, under any written law, is to be paid to any other person in priority to the Fund;

“relevant amount” means —

- (a) in relation to a member who is required under section 27C(1)(iii) of the Act to make a payment to the Fund upon the sale or disposal of a property, the excess, if any, of —
- (i) the amount payment of which was secured by the charge on the property referred to in section 27C(1)(b) of the Act; over
 - (ii) the amount which has been paid to the Board under section 27C(1)(i) of the Act towards covering the deficiency in the retirement sum which the spouse is required to set aside;

[S 649/2016 wef 01/01/2017]

- (b) in relation to a member who is required under section 27DA(1)(iii) of the Act to make a payment to the Fund upon the sale or disposal of a property, the excess, if any, of —
- (i) the amount payment of which was secured by the charge constituted under section 15(11D) or (11E) of the Act on the property; over
 - (ii) the amount which has been paid to the Board under section 27DA(1)(i) of the Act towards covering the deficiency in the retirement sum which the spouse is required to set aside; or

[S 649/2016 wef 01/01/2017]

- (c) in relation to a member who is required under section 27E(1)(ii) of the Act to make a payment to

the Fund upon the sale or disposal of a property, the excess, if any, of —

- (i) the amount which would have been payable to the account of the member's spouse in the Fund under paragraph (2) (excluding such interest or part thereof payable under that paragraph as the Board may determine), if there was no order of court referred to in section 27E(1)(c) of the Act requiring the transfer (other than by way of sale) of the spouse's interest in the property to the member; over
- (ii) the amount which has been paid to the Fund to the credit of the spouse under section 27E(1)(i) of the Act;

“spouse” includes a former spouse;

“time of the acquisition” means the date of issue of the notice of intention to acquire under —

- (a) section 56(3) of the Housing and Development Act; or
- (b) any other written law,

as the case may be.

[S 692/2012 wef 01/01/2013]

Distribution of amount paid to member's account in Fund, etc.

10B. Where any provision of these Regulations provides for any moneys withdrawn by a member of the Fund to be paid to the member's account in the Fund or to the Board, the Board shall credit any amount so paid in the following manner:

- (a) where the moneys were withdrawn solely from the member's ordinary account or retirement account, or were withdrawn partly from the member's ordinary account and partly from the member's retirement account, the Board shall credit the amount so paid to the member's ordinary account; or

- (b) where the moneys were withdrawn solely from the member's special account, or were withdrawn partly from the member's special account and partly from either or both of the member's ordinary account and retirement account, the Board shall credit —
- (i) the amount of the moneys 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, to the member's special account; and
 - (ii) any remainder of the amount so paid to the member's ordinary account.

[S 692/2012 wef 01/01/2013]

Application for cancellation of charge on immovable property

10C.—(1) For the purposes of sections 21(10A), 21A(9A) and 27E(2)(ii) of the Act, where there is a charge under section 21(1) or 21A(1) of the Act, as the case may be, on a member's estate or interest in an immovable property, the member may apply to the Board for the charge to be cancelled.

(2) The Board may approve an application under paragraph (1) for the charge to be cancelled if the Board is satisfied that the member —

- (a) is entitled to withdraw the amount standing to his credit in the Fund under section 15(2)(a), (d), (e), (f) or (g), (3), (4), (7A) or (8) of the Act;
- (b) has complied with the requirements in section 15(2A), (6), (7B) or (8A) of the Act, as the case may be; and
- (c) has complied with such terms and conditions as the Board may impose.

[S 746/2013 wef 15/12/2013]

Manner of application

11. An application by a member of the Fund under the provisions of these Regulations shall be made in writing to the Board in such

manner as the Board may direct; and any member making such application shall furnish to the Board such information, documents and guarantees as the Board may require.

*[G.N. Nos. S 205/75; S 80/76; S 219/77; S 32/80;
S 167/2002; S 357/2005; S 363/2006]*

LEGISLATIVE HISTORY
CENTRAL PROVIDENT FUND (APPROVED MIDDLE-INCOME
HOUSING SCHEME) REGULATIONS
(CHAPTER 36, RG 4)

This Legislative History is provided for the convenience of users of the Central Provident Fund (Approved Middle-income Housing Scheme) Regulations. It is not part of these Regulations.

1. G. N. No. S 205/1975 — Central Provident Fund (Approved Middle-Income Housing Scheme) Regulations 1975

Date of commencement : 1 September 1975

2. G. N. No. S 80/1976 — Central Provident Fund (Approved Middle-Income Housing Scheme) (Amendment) Regulations 1976

Date of commencement : 23 April 1976

3. G. N. No. S 219/1977 — Central Provident Fund (Approved Middle-Income Housing Scheme) (Amendment) Regulations 1977

Date of commencement : 9 September 1977

4. G. N. No. S 32/1980 — Central Provident Fund (Approved Middle-Income Housing Scheme) (Amendment) Regulations 1980

Date of commencement : 2 February 1980

5. 1990 Revised Edition — Central Provident Fund (Approved Middle-Income Housing Scheme) Regulations

Date of operation : 25 March 1992

6. 1998 Revised Edition — Central Provident Fund (Approved Middle-income Housing Scheme) Regulations

Date of operation : 1 January 1998

7. G. N. No. S 167/2002 — Central Provident Fund (Approved Middle-Income Housing Scheme) (Amendment) Regulations 2002

Date of commencement : 15 April 2002

8. G. N. No. S 357/2005 — Central Provident Fund (Approved Middle-Income Housing Scheme) (Amendment) Regulations 2005

Date of commencement : 15 June 2005

9. G. N. No. S 363/2006 — Central Provident Fund (Approved Middle-Income Housing Scheme) (Amendment) Regulations 2006

Date of commencement : 1 July 2006

10. 2006 Revised Edition — Central Provident Fund (Approved Middle-income Housing Scheme) Regulations

Date of operation : 30 November 2006

11. G. N. No. S 252/2007 — Central Provident Fund (Approved Middle-Income Housing Scheme) (Amendment) Regulations 2007

Date of commencement : 15 June 2007

12. G. N. No. S 508/2007 — Central Provident Fund (Approved Middle-Income Housing Scheme) (Amendment No. 2) Regulations 2007

Date of commencement : 1 October 2007

13. G. N. No. S 444/2009 — Central Provident Fund (Approved Middle-Income Housing Scheme) (Amendment) Regulations 2009

Date of commencement : 1 October 2009

14. G.N. No. S 732/2011 — Central Provident Fund (Approved Middle-Income Housing Scheme) (Amendment) Regulations 2011

Date of commencement : 30 December 2011

15. G.N. No. S 692/2012 — Central Provident Fund (Approved Middle-Income Housing Scheme) (Amendment) Regulations 2012

Date of commencement : 1 January 2013

16. G.N. No. S 746/2013 — Central Provident Fund (Approved Middle-Income Housing Scheme) (Amendment) Regulations 2013

Date of commencement : 15 December 2013

17. G.N. No. S 649/2016 — Central Provident Fund (Approved Middle-Income Housing Scheme) (Amendment) Regulations 2016

Date of commencement : 1 January 2017