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CENTRAL PROVIDENT FUND ACT (CHAPTER 36)

CENTRAL PROVIDENT FUND (REFUNDS) REGULATIONS 2019

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In exercise of the powers conferred by section 77(1) of the Central Provident Fund Act, the Minister for Manpower, after consulting with the Central Provident Fund Board, makes the following Regulations:

Citation and commencement

1. These Regulations are the Central Provident Fund (Refunds) Regulations 2019 and come into operation on 1 January 2020.

Definitions

2. In these Regulations, unless the context otherwise requires —
- “additional wages” has the meaning given by paragraph 5(d) of the First Schedule to the Act;
- “conditional wages” means wages payable to an employee on the condition that certain criteria or conditions are to be

fulfilled, failing which the employee is liable to repay the whole or part of the wages to the employer.

Maximum AW recovery limit and maximum OW recovery limit

2A.—(1) For the purposes of regulation 3(*m*), an employee's maximum AW recovery limit for any month is the amount recoverable in respect of the employee's additional wages under section 7(2) of the Act, computed as follows:

- (a) the amount is to be computed as if all of the employee's ordinary wages for that month and additional wages payable in that month are paid by a single employer of the employee;
- (b) if there are different computations for different employers that paid any of the wages mentioned in sub-paragraph (a), the computation that gives the highest amount is to be used.

(2) For the purposes of regulation 3(*n*), an employee's maximum OW recovery limit for any month is the amount recoverable in respect of the employee's ordinary wages under section 7(2) of the Act, computed as follows:

- (a) the amount is to be computed as if all of the employee's ordinary wages for that month and additional wages payable in that month are from a single employer of the employee;
- (b) if there are different computations for different employers that paid any of the wages mentioned in sub-paragraph (a), the computation that gives the highest amount is to be used.

(3) For the purposes of computing an employee's maximum AW recovery limit for any month under paragraph (1) or maximum OW recovery limit for any month under paragraph (2) —

- (a) where the sum of the employee's additional wages payable in that month and the preceding months in the same year exceed the employee's AW limit for that year, the amount of additional wages payable in that month in excess of that AW limit is to be disregarded;

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- (b) the employee's AW limit for that year is the applicable amount for that year (specified in the First Schedule to the Act as in force during that year) less the sum of that employee's ordinary wages for that year;
 - (c) paragraphs 2, 3 and 4 of the First Schedule to the Act do not apply; and
 - (d) in computing the amount of the employee's ordinary wages for any month —
 - (i) in the year 2015, the amount of ordinary wages for that month which is in excess of \$5,000 is to be disregarded; and
 - (ii) in the year 2016 and every subsequent year, the amount of ordinary wages for that month which is in excess of \$6,000 is to be disregarded.

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Refund or payment of prescribed payments in prescribed circumstances

3. For the purposes of section 71(1) of the Act, the prescribed payments mentioned in the following paragraphs may be refunded or paid:

- (a) moneys paid in error to the Fund on or after 1 May 2016;
- (b) contributions paid by the Government for a public officer in respect of the period before the public officer is confirmed in a pensionable office in the service of the Government which, after the public officer is confirmed in a pensionable office in the service of the Government, have not been recovered from the public officer's wages;
- (c) contributions paid for any year on a member's additional wages which exceed the amount of contributions payable on such additional wages after recomputation in accordance with the First Schedule to the Act or the Central Provident Fund (Public Sector Employees) Regulations 2011 (G.N. No. S 106/2011);

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- (d) additional contributions the payment of which the Board has waived under section 7(11) of the Act;
 - (e) contributions paid under the Central Provident Fund (Self-Employed Persons) Regulations (Rg 25) by a self-employed person for a relevant year starting before 1 January 2020 in excess of the amount of contributions payable by the self-employed person for the relevant year recomputed under regulation 6, 7(6) or 15(2) or (3) of those Regulations, as the case may be;
 - (f) contributions under section 9A or 9B of the Act, or voluntary estimated contributions under the Central Provident Fund (Self-Employed Persons) Regulations, paid by or for a self-employed person for a relevant year, where the aggregate of those contributions exceeds the amount of contributions payable by the self-employed person for the relevant year recomputed under regulation 7(6) of those Regulations, without any reduction under regulation 8A of those Regulations;
 - (g) estimated contributions under section 9B of the Act, or voluntary estimated contributions under the Central Provident Fund (Self-Employed Persons) Regulations, paid for a self-employed person for a relevant year, where the aggregate of those contributions exceeds the amount of contributions payable by the self-employed person for the relevant year computed in accordance with regulation 4(1) or (2) of those Regulations, without any reduction under regulation 8A of those Regulations;
 - (h) estimated contributions under section 9B of the Act, or voluntary estimated contributions under the Central Provident Fund (Self-Employed Persons) Regulations, paid for a self-employed person for a relevant year, where the aggregate of those contributions exceeds the following amount:
 - (i) where regulation 4(2) of the Central Provident Fund (Self-Employed Persons) Regulations applies to the

contributions by the self-employed person for the relevant year — \$4,320;

(ii) in any other case — the maximum amount under column (2), (3), (4) or (5) (corresponding to the self-employed person's age on 1 January of the relevant year) in the item relating to "Exceeding \$18,000" under item 19 of the First Schedule to the Central Provident Fund (Self-Employed Persons) Regulations;

(i) the amounts mentioned in section 13B(3)(a), (b) and (c) of the Act, as in force immediately before 1 January 2022, contributed to the account of a member in the Fund in any year — where the aggregate of those contributions exceeds the sum prescribed by regulation 2 of the Central Provident Fund (Voluntary Contributions) Regulations 2011 (G.N. No. S 731/2011), as in force immediately before 1 January 2022;

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(ia) the specified amounts contributed to the Fund for the benefit of a person in any year mentioned in regulation 4(1) of the Central Provident Fund (Voluntary Contributions and Annual Limits) Regulations 2021 (G.N. No. S 1013/2021) — where the aggregate of the specified amounts exceeds the annual limit under that regulation;

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(j) any contribution paid under section 9A or 9B of the Act by or for a self-employed person the payment of which the Minister has waived under section 9C of the Act;

(k) contributions paid under section 7(4)(c) of the Act in any year by an employer specifically for the purposes of the medisave account of the employer's employee — where the amount of those contributions exceeds \$2,730;

(l) contributions paid by an employer on conditional wages of the employer's employee — where the employee becomes liable to repay the conditional wages (whether in whole or in part) to the employer on or after 2 January 2019;

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- (m) where an employee's additional wages from 2 or more employers are payable in the same year, whether before, on or after 31 March 2020, the contributions paid at any time on those additional wages —
- (i) in respect of which any of the employers is entitled to recover, under section 7(2) of the Act, an amount from the employee's wages; and
 - (ii) that, in aggregate, exceeds the sum of the employee's maximum AW recovery limit for each month of that year;

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- (n) where an employee is paid ordinary wages for the same month from 2 or more employers, whether before, on or after 31 March 2020, the contributions paid on or after 1 April 2019 on those ordinary wages —
- (i) in respect of which any of the employers is entitled to recover, under section 7(2) of the Act, an amount from the employee's wages; and
 - (ii) that, in aggregate, exceeds the maximum OW recovery limit for that month.

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Deductible sum

4. For the purposes of section 71(3) or (4) of the Act, the deductible sum that may be set off against each retained amount is as follows:

- (a) where the retained amount is retained from an amount to be refunded to an employer — any of the following amounts:
 - (i) any contribution that the employer is required to pay under section 7 of the Act;
 - (ii) any interest that the employer is required to pay under section 9(1) of the Act;
- (b) where the retained amount is retained from an amount to be refunded to a self-employed person — any of the following amounts:

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- (i) any contribution that the self-employed person is required to pay under section 9A of the Act;
 - (ii) any interest that the self-employed person is required to pay under section 9(2) of the Act;
 - (iii) any additional contribution that the self-employed person is required to pay under the Central Provident Fund (Revised Workfare Income Supplement Scheme) Regulations 2016 (G.N. No. S 738/2016), whether before, on or after 1 January 2020.

Prescribed time for purposes of section 71(4)(a) of Act

5.—(1) Where a person wishes to claim a refund or payment of the following prescribed payments (being moneys paid to the Fund in error mentioned in regulation 3(a)) and the Board requires an application to be made under section 71(2) of the Act for the refund or payment, the prescribed time for the application is one year starting on the date on which the prescribed payment was paid in error:

- (a) a contribution made by an employer purportedly under section 7(1) or (4)(c) of the Act;
- (b) a contribution made by an employee purportedly under section 7(4)(b) of the Act;
- (c) a contribution made by or for a self-employed person purportedly in accordance with the Central Provident Fund (Self-Employed Persons) Regulations or under section 9A or 9B of the Act;
- (d) interest paid purportedly under section 9 of the Act.

(2) Where a person wishes to claim a refund or payment of a prescribed payment mentioned in regulation 3(l) and the Board requires an application to be made under section 71(2) of the Act for the refund or payment, the prescribed time for the application is one year starting on the date on which the employee first becomes liable to repay the conditional wages to the employer.

Prescribed time and prescribed circumstances for purposes of section 71(4)(b) of Act

6.—(1) Section 71(4)(b) of the Act applies where —

- (a) an application is required under section 71(2) of the Act to claim a refund or payment of the excess of contributions mentioned in —
 - (i) regulation 3(e); or
 - (ii) regulation 3(f), in respect of a contribution under section 9A of the Act; and
- (b) the excess of contributions arises from a recomputation made under regulation 6, 7(6) or 15(2) or (3) of the Central Provident Fund (Self-Employed Persons) Regulations, as the case may be.

(2) The prescribed time for an application mentioned in paragraph (1), where the recomputation mentioned in paragraph (1)(b) is made under the following provisions, is as follows:

- (a) regulation 6 of the Central Provident Fund (Self-Employed Persons) Regulations — one year starting on the date of issue of the notice of computation under regulation 12 of those Regulations relating to the recomputation;
- (b) regulation 7(6) of those Regulations — one year starting on the date of issue of the notice of computation under regulation 7(4)(b) of those Regulations or the notice of contribution under regulation 7(5)(b) of those Regulations (as the case may be) relating to the recomputation;
- (c) regulation 15(2) of those Regulations — one year starting on the date the self-employed person informs the Board of the amount of that person's income for the purposes of regulation 15(2) of those Regulations;
- (d) regulation 15(3) of those Regulations — one year starting on the date of issue of the notice under regulation 15(3)(a)(ii) of those Regulations relating to the recomputation.

(3) Where an application is required under section 71(2) of the Act to claim a refund or payment of the prescribed payment under regulation 3(*n*), the prescribed time for the application is one year starting on the date on which the prescribed payment is paid.

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Made on 30 December 2019.

AUBECK KAM
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Singapore.*

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