

CENTRAL PROVIDENT FUND ACT

(CHAPTER 36)

CENTRAL PROVIDENT FUND (MINISTRY OF DEFENCE HOUSING SCHEME) REGULATIONS

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

**CENTRAL PROVIDENT FUND
(MINISTRY OF DEFENCE HOUSING SCHEME)
REGULATIONS**

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[1st February 1987]

Citation

1. These Regulations may be cited as the Central Provident Fund (Ministry of Defence Housing Scheme) Regulations.

Definitions

2. In these Regulations, unless the context otherwise requires —
- “approved annuity” means an annuity for life, purchased from an insurer, which is approved by the Board;
 - “approved bank” means any bank approved by the Board;
 - “bank” has the same meaning as in the Banking Act (Cap. 19);
 - “insurer” means any person registered under the Insurance Act (Cap. 142) to carry on insurance business in Singapore;
 - “Minister for Finance” means the Minister for Finance incorporated under the Minister for Finance (Incorporation) Act (Cap. 183);
 - “Ministry of Defence Housing Scheme” means any scheme approved by the Minister for the purchase of flats by officers of the Singapore Armed Forces;
 - “officer” has the same meaning as in the Singapore Armed Forces Act (Cap. 295).

Withdrawal of moneys for purchase of flat

3. Where an application has been made by an officer to purchase a flat under the Ministry of Defence Housing Scheme and such application has been approved by the Government, the Board may, on the application of the officer 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conditions as the Board may impose, authorise the whole or part of the amount standing to his credit in the Fund to be withdrawn from the Fund and used for the payment of the whole or part of the purchase price of the flat.

Withdrawal for payment of monthly instalments

4. Where an officer is required by any agreement under the Ministry of Defence Housing Scheme to pay monthly instalments of principal and interest on account of the purchase of such flat, the Board may, on the application of the officer 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conditions as the Board may impose, authorise the whole or part of the amount standing to his credit in the Fund to be withdrawn from the Fund and used for the payment of such monthly instalments.

Authorisation to pay whole or part of amount to Government or Minister for Finance

5. Where an officer has made an application to purchase a flat under the Ministry of Defence Housing Scheme and has obtained a housing loan from the Government or the Minister for Finance to finance the purchase of the flat, the Board may, on the application of the officer 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 from the Fund and paid to the Government or the Minister for Finance for the repayment of such housing loan.

Withdrawal of spouse's contribution for payment of purchase price

6. Where a flat under the Ministry of Defence Housing Scheme is to be purchased in the joint names of an officer and his spouse who is also a member of the Fund, the Board may, on the application of the spouse and subject to such terms and conditions as the Board may impose, authorise the whole or part of the amount standing to the credit of the spouse in the Fund to be withdrawn from the Fund and used for the payment of the whole or part of the purchase price of the flat.

Loan by Government to officer

6A.—(1) Where the Board has, on or after 1st March 1999, credited into the ordinary account of any officer moneys lent by the Government to the officer pursuant to any approved loan scheme under section 14A of the Act, the Board may —

(a) on the application of the officer; or

(b) if it considers necessary,
and subject to such terms and conditions as it may impose, permit the officer to withdraw such moneys for payment of the monthly instalments of principal and interest towards any housing loan which the officer has obtained from the Government or the Minister for Finance to finance the purchase of a flat under the Ministry of Defence Housing Scheme.

(2) The total amount which an officer may withdraw under paragraph (1) to pay such monthly instalments shall be determined by the Board.

Use of money in special account for payment of housing loan

6B.—(1) Where an officer, as owner of a flat purchased under the Ministry of Defence Housing Scheme, is liable to pay the monthly instalments of principal and interest towards a housing loan which has been obtained by him from the Government or the Minister for Finance to finance the purchase of the flat —

- (a) if the liability to pay arises on or after 1st February 1999, the Board, with the approval of the Minister, may —
 - (i) on the application of the officer or if it considers necessary; and
 - (ii) subject to such terms and conditions as it may impose, authorise the whole or part of the amount standing to the credit of the officer in his special account to be withdrawn by him for the payment of such monthly instalments; and
- (b) if the liability to pay arises on or after 1st July 2006, the Board may —
 - (i) on the application of the officer; and
 - (ii) subject to such terms and conditions as it may impose, authorise the whole or part of any amount standing to the credit of the officer in his special account which had been transferred from his medisave account under section 13 (6) of the Act to be withdrawn by him for the payment of such monthly instalments.

(2) The total amounts which an officer may withdraw under paragraph (1) (a) and (b) to pay such monthly instalments shall be determined by the Board.

Disbursements in connection with purchase, etc.

7.—(1) Where an officer and his spouse or either of them are or is required to pay any stamp duties, fees or charges in connection with —

- (a) the purchase of a flat by them or by him or her, as the case may be, whether or not moneys were withdrawn under these Regulations for such purchase;
- (b) the transfer or assignment of a flat to them or to him or her, as the case may be;
- (c) the creation or discharge of any mortgage on a flat purchased by, or transferred or assigned to, them or to him or her, as the case may be; or

(d) the withdrawal of moneys under these Regulations, the Board may, on their application or on his or her application, as the case may be, and subject to such terms and conditions as the Board may impose, authorise the whole or part of the amount standing to their credit in the Fund or the amount standing to his or her credit in the Fund to be withdrawn and used for that purpose.

(2) For the avoidance of doubt, where an officer and his spouse or either of them are or is required to pay any stamp duties, fees or other charges in connection with —

- (a) any divestment, by them or by him or her, as the case may be, whether by sale, transfer, assignment or otherwise, of any interest or title in a flat; or
- (b) the discharge of any mortgage on a flat upon the divestment by them or by him or her, as the case may be, of their interest or his or her interest in such flat,

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

Moneys to be paid to certain recipients

8. All moneys withdrawn under these Regulations shall be paid by the Board to the Government, the Minister for Finance or such other person as the Board thinks fit to receive such moneys.

Restriction on resale

9. An officer who has withdrawn any money under these Regulations for the purchase of a flat or for the repayment of a housing loan shall not, without the prior written permission of the Board, sell, transfer, assign or otherwise dispose of the flat or any of his estate or interest therein, or execute a mortgage in respect of the flat in favour of any person other than the Board, the Government or the Minister for Finance, or any one or more of them.

Moneys withdrawn to be repaid to Board in certain circumstances

10. Notwithstanding regulation 12, all moneys withdrawn by an officer under these Regulations (including any moneys lent to the officer under section 14A of the Act which have not been repaid) together with any interest that would have accrued thereto if the withdrawal had not been made shall become due and payable to the Board on the occurrence of any of the following events:

- (a) the officer cancels his application to purchase the flat under the Ministry of Defence Housing Scheme;
- (b) the flat or any estate or interest therein is sold, transferred, assigned or otherwise disposed of —
 - (i) by the Government or the Minister for Finance;
 - (ii) by the officer without the prior written permission of the Board;
 - (iii) by any other person with or without the prior written consent of the Board; or
 - (iv) pursuant to an order of court;
- (c) if any mortgage or encumbrance, other than a mortgage executed by the officer in favour of the Board, the Government or the Minister for Finance, or any one or more of them, is created over the flat without the prior written consent of the Board;
- (d) if the officer has committed a breach of any of the terms and conditions imposed by the Board in connection with the withdrawal of moneys under these Regulations.

Regulations 9 and 10 not to apply in certain circumstances

11.—(1) Subject to paragraph (2) and regulation 12, regulations 9 and 10 shall not apply —

- (a) where all moneys withdrawn by the officer from the Fund (including any moneys lent to him under section 14A of the Act and withdrawn by him), together with any interest that would have accrued thereto if the withdrawal had not been made, have been repaid to the Board;
- (b) where the officer —
 - (i) is entitled to withdraw the sum standing to his credit in the Fund under section 15 (2) (a), (3) or (4) of the Act;
 - (ii) is not required to set aside any sum under section 15 (6) of the Act;
 - (iii) does not withdraw the minimum sum or any part thereof from his account with an approved bank or his retirement account, or surrender his approved annuity from an insurer, under section 15 (7A) (a), (b) or (ba) of the Act;
 - (iv) is not an undischarged bankrupt at the time of the sale, transfer, assignment or disposal of the flat or any of his estate or interest therein; and
 - (v) is not making the sale, transfer, assignment or disposal of the flat or any of his estate or interest therein pursuant to an order of court; or
- (c) where the officer is entitled to withdraw the sum standing to his credit in the Fund under section 15 (2) (a), (b), (c) or (g), (3) or (4) of the Act and has complied with the requirements for such withdrawal.

(2) Notwithstanding paragraph (1) (b) and (c), any moneys lent to the officer under section 14A of the Act and withdrawn by him which have not been repaid, together with any interest that would have accrued thereto if the withdrawal had not been made, shall continue to be due and payable to the Board on the occurrence of any event referred to in regulation 10 (a) to (d).

Permitted sale and repayment of proceeds

12.—(1) The Board may, in its discretion and subject to such terms and conditions as it may impose, permit an officer who has withdrawn money under these Regulations to sell, transfer, assign or otherwise dispose of the flat or any of his estate or interest therein in respect of which such withdrawal has been made to any person where —

- (a) the Government or the Minister for Finance approves such sale, transfer, assignment or disposal; and
- (b) the Board is satisfied that adequate arrangements have been made to secure the repayment into the officer's account in the Fund of the amount specified in this regulation or such other amount as the Board may allow.

(2) Subject to paragraphs (3), (4) and (13), where the officer making the sale, transfer, assignment or disposal is below the age of 55 years at the time of the sale, transfer, assignment or disposal, he shall repay to his account in the Fund, in such manner as the Board may determine, whichever is the less of the following amounts:

- (a) the net proceeds of the sale, transfer, assignment or disposal;
- (b) all moneys withdrawn by him in connection with the purchase of the flat (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 any interest that would have accrued thereto if the withdrawal had not been made.

(3) Notwithstanding paragraph (2) but subject to paragraphs (4) and (13), where the officer making the sale, transfer, assignment or disposal —

- (a) is below the age of 55 years at the time of the sale, transfer, assignment or disposal; and
- (b) sells, transfers, assigns or disposes of the flat to an immediate family member without consideration or for a consideration below the market value of the flat,

he shall, unless the Board otherwise directs, repay to his account in the Fund, in such manner as the Board may determine, all moneys withdrawn by him in connection with the purchase of the flat

(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 any interest that would have accrued thereto if the withdrawal had not been made.

(4) Notwithstanding paragraphs (2) and (3) but subject to paragraph (13), where the officer making the sale, transfer, assignment or disposal —

- (a) is required to do so pursuant to an order of court; and
- (b) is below the age of 55 years at the time of the sale, transfer, assignment or disposal,

he shall repay to his account in the Fund, in such manner as the Board may determine, such of the following amounts as may be required by the Board:

- (i) the net proceeds of the sale, transfer, assignment or disposal;
- (ii) all moneys withdrawn by him in connection with the purchase of the flat (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 any interest that would have accrued thereto if the withdrawal had not been made;
- (iii) all moneys withdrawn by him in connection with the purchase of the flat (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);
- (iv) any moneys lent to him under section 14A of the Act in connection with the purchase of the flat and withdrawn by him which have not been repaid, together with any interest that would have accrued thereto if the withdrawal had not been made.

(5) Subject to paragraphs (6), (8) and (10) to (13), where the officer making the sale, transfer, assignment or disposal —

- (a) has attained the age of 55 years at the time of the sale, transfer, assignment or disposal; and
- (b) is required to set aside a minimum sum under section 15 (6) of the Act,

he shall repay to his account in the Fund, in such manner as the Board may determine, whichever is the less of the following amounts:

- (i) the net proceeds of the sale, transfer, assignment or disposal;
- (ii) the aggregate of —
 - (A) the amount of the minimum sum or any deficiency thereof which he is required to set aside, including any interest that would have accrued thereto; and
 - (B) any moneys lent to him under section 14A of the Act in connection with the purchase of the flat and withdrawn by him which have not been repaid, together with any interest that would have accrued thereto if the withdrawal had not been made.

(6) Notwithstanding paragraph (5) but subject to paragraphs (11) and (13), where the officer making the sale, transfer, assignment or disposal —

- (a) was adjudicated a bankrupt before attaining the age of 55 years;
- (b) has attained the age of 55 years and remains an undischarged bankrupt at the time of the sale, transfer, assignment or disposal; and
- (c) is required to set aside the sums under section 15 (6) of the Act,

he shall repay to his account in the Fund, in such manner as the Board may determine, whichever is the less of the following amounts:

- (i) the net proceeds of the sale, transfer, assignment or disposal;
- (ii) the higher of —
 - (A) all moneys withdrawn by him in connection with the purchase of the flat (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 any interest that would have accrued thereto if the withdrawal had not been made; or
 - (B) the aggregate of —
 - (I) the sums, or any deficiency thereof, which he is required to set aside under section 15 (6) of

the Act, including any interest that would have accrued thereto; and

- (II) any moneys lent to him under section 14A of the Act in connection with the purchase of the flat and withdrawn by him which have not been repaid, together with any interest that would have accrued thereto if the withdrawal had not been made.

(7) Subject to paragraph (13), where the officer making the sale, transfer, assignment or disposal —

- (a) was adjudicated a bankrupt before attaining the age of 55 years;
- (b) has attained the age of 55 years and remains an undischarged bankrupt at the time of the sale, transfer, assignment or disposal; and
- (c) is not required to set aside any sum under section 15 (6) of the Act,

he shall repay to his account in the Fund, in such manner as the Board may determine, whichever is the less of the following amounts:

- (i) the net proceeds of the sale, transfer, assignment or disposal;
- (ii) all moneys withdrawn by him in connection with the purchase of the flat (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 any interest that would have accrued thereto if the withdrawal had not been made.

(8) Notwithstanding paragraph (5) but subject to paragraphs (12) and (13), where the officer making the sale, transfer, assignment or disposal —

- (a) was adjudicated a bankrupt at a time when he had attained the age of 55 years;
- (b) remains an undischarged bankrupt at the time of the sale, transfer, assignment or disposal; and
- (c) is required to set aside a minimum sum under section 15 (6) of the Act,

he shall repay to his account in the Fund, in such manner as the Board may determine, whichever is the less of the following amounts:

- (i) the net proceeds of the sale, transfer, assignment or disposal;
- (ii) the aggregate of —
 - (A) the amount of the minimum sum or any deficiency thereof which he is required to set aside, including any interest that would have accrued thereto; and
 - (B) any moneys lent to him under section 14A of the Act in connection with the purchase of the flat and withdrawn by him which have not been repaid, together with any interest that would have accrued thereto if the withdrawal had not been made.

(9) Subject to paragraph (13), where the officer making the sale, transfer, assignment or disposal —

- (a) was adjudicated a bankrupt at a time when he had attained the age of 55 years;
- (b) remains an undischarged bankrupt at the time of the sale, transfer, assignment or disposal; and
- (c) is not required to set aside a minimum sum under section 15 (6) of the Act,

he shall repay to his account in the Fund, in such manner as the Board may determine, whichever is the less of the following amounts:

- (i) the net proceeds of the sale, transfer, assignment or disposal;
- (ii) any moneys lent to him under section 14A of the Act in connection with the purchase of the flat and withdrawn by him which have not been repaid, together with any interest that would have accrued thereto if the withdrawal had not been made.

(10) Notwithstanding paragraph (5) but subject to paragraphs (11), (12) and (13), where the officer making the sale, transfer, assignment or disposal —

- (a) is required to do so pursuant to an order of court;
- (b) has attained the age of 55 years at the time of the sale, transfer, assignment or disposal; and

- (c) is required to set aside a minimum sum under section 15 (6) of the Act,

he shall repay to his account in the Fund, in such manner as the Board may determine, whichever is the less of the following amounts:

- (i) the net proceeds of the sale, transfer, assignment or disposal;
- (ii) the aggregate of —
 - (A) the amount of the minimum sum or any deficiency thereof which he is required to set aside, including any interest that would have accrued thereto; and
 - (B) any moneys lent to him under section 14A of the Act in connection with the purchase of the flat and withdrawn by him which have not been repaid, together with any interest that would have accrued thereto if the withdrawal had not been made.

(11) Notwithstanding paragraphs (5), (6) and (10) but subject to paragraph (13), where the officer making the sale, transfer, assignment or disposal —

- (a) is required to do so pursuant to an order of court;
- (b) was adjudicated a bankrupt before attaining the age of 55 years;
- (c) has attained the age of 55 years and remains an undischarged bankrupt at the time of the sale, transfer, assignment or disposal; and
- (d) is required to set aside the sums under section 15 (6) of the Act,

he shall repay to his account in the Fund, in such manner as the Board may determine, whichever is the less of the following amounts:

- (i) the net proceeds of the sale, transfer, assignment or disposal;
- (ii) the higher of —
 - (A) all moneys withdrawn by the officer in connection with the purchase of the flat (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 any interest that would have accrued thereto if the withdrawal had not been made; or

(B) the aggregate of —

- (I) the sums, or any deficiency thereof, which he is required to set aside under section 15 (6) of the Act, including any interest that would have accrued thereto; and
- (II) any moneys lent to him under section 14A of the Act in connection with the purchase of the flat and withdrawn by him which have not been repaid, together with any interest that would have accrued thereto if the withdrawal had not been made.

(12) Notwithstanding paragraphs (5), (8) and (10) but subject to paragraph (13), where the officer making the sale, transfer, assignment or disposal —

- (a) is required to do so pursuant to an order of court;
- (b) was adjudicated a bankrupt at a time when he had attained the age of 55 years;
- (c) remains an undischarged bankrupt at the time of the sale, transfer, assignment or disposal; and
- (d) is required to set aside the sums under section 15 (6) of the Act,

he shall repay to his account in the Fund, in such manner as the Board may determine, whichever is the less of the following amounts:

- (i) the net proceeds of the sale, transfer, assignment or disposal;
- (ii) the aggregate of —
 - (A) the sums, or any deficiency thereof, which he is required to set aside under section 15 (6) of the Act, including any interest that would have accrued thereto; and
 - (B) any moneys lent to him under section 14A of the Act in connection with the purchase of the flat and withdrawn by him which have not been repaid, together with any interest that would have accrued thereto if the withdrawal had not been made.

(13) Notwithstanding paragraphs (2) to (12), where the officer making the sale, transfer, assignment or disposal —

- (a) withdraws the sum standing to his credit in the Fund under section 15 (2) (d), (e) or (f) of the Act; or
- (b) withdraws the minimum sum or any part thereof from his account with an approved bank or his retirement account, or surrenders his approved annuity from an insurer, under section 15 (7A) (a), (b) or (ba) of the Act,

he shall repay to his account in the Fund, in such manner as the Board may determine, all moneys withdrawn by him under these Regulations in connection with the purchase of the flat (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 any interest that would have accrued thereto if the withdrawal had not been made, or such part thereof as may be determined by the Board.

(14) In this regulation, “net proceeds”, in relation to any flat which is sold, transferred, assigned or disposed of, means any positive difference between —

- (a) the consideration for the sale, transfer, assignment or disposal of the flat, or, if the Board so elects, the value of the flat at the time of the sale, transfer, assignment or disposal as assessed by the Board; and
- (b) the aggregate of the following amounts paid in the following order:
 - (i) any amount under a housing loan from the Government or the Minister for Finance 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.

(15) Nothing in this regulation shall apply to the sale, transfer, assignment or disposal of any flat where the application to the Board for its written permission to such sale, transfer, assignment or disposal referred to in regulation 9 was made before 21st December 2001.

(16) Regulation 12 in force immediately before 21st December 2001 shall continue to apply in respect of any sale, transfer, assignment or disposal referred to in paragraph (15).

Application to be made in writing

13.—(1) An application under these Regulations shall be made in writing to the Board in such manner as the Board may direct.

(2) An applicant shall furnish to the Board such information, documents and guarantees as the Board may require.

Regulations to apply to co-purchaser

14. These Regulations where applicable shall apply, with the necessary modifications, to the application of the officer's spouse who is a co-purchaser of a flat under regulation 6.

*[G.N. Nos. S 21/87; S 33/87 S 89/99; S 650/2001;
S 223/2004; S 368/2006]*
