

Central Provident Fund (Refunds) Regulations 2019

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No. S 882

CENTRAL PROVIDENT FUND ACT (CHAPTER 36)

CENTRAL PROVIDENT FUND (REFUNDS) REGULATIONS 2019

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;
- (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);
- (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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