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**CENTRAL PROVIDENT FUND ACT
(CHAPTER 36)**

**CENTRAL PROVIDENT FUND
(APPROVED HOUSING SCHEMES)
(AMENDMENT NO. 2)
REGULATIONS 2012**

In exercise of the powers conferred by section 77(1) of the Central Provident Fund Act, Mr Tan Chuan-Jin, Senior Minister of State, charged with the responsibility of the Minister for Manpower, after consulting with the Central Provident Fund Board, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Central Provident Fund (Approved Housing Schemes) (Amendment No. 2) Regulations 2012 and shall come into operation on 1st January 2013.

Amendment of regulation 2

2. Regulation 2 of the Central Provident Fund (Approved Housing Schemes) Regulations (Rg 12) (referred to in these Regulations as the principal Regulations) is amended —

- (a) by inserting, immediately after the words “studio apartment” in the definition of “flat” in paragraph (1), the words “, and any land adjacent to a flat that the Housing and Development Board has approved for purchase or acquisition as part of the flat”;
- (b) by deleting the words “by that name” in the definition of “Lease Buyback Scheme” in paragraph (1); and
- (c) by deleting paragraph (3).

New regulation 4D

3. The principal Regulations are amended by inserting, immediately after regulation 4C, the following regulation:

“Use of money paid to special account upon compulsory acquisition of immovable property

4D.—(1) This regulation applies in respect of a member where —

- (a) the member has withdrawn any part of the amount standing to his credit in his special account under the relevant regulations in respect of an immovable property (referred to in this regulation as the original property);
- (b) the original property is compulsorily acquired under the Land Acquisition Act (Cap. 152), and an amount is paid to the member’s special account in accordance with the relevant regulations;
- (c) the member applies to the Housing and Development Board, an approved developer or the Jurong Town Corporation to purchase or acquire a house or flat (referred to in this regulation as the replacement property) after a notification under section 5 of the Land Acquisition Act is published in respect of the original property; and
- (d) the replacement property, the purchase or acquisition thereof, and the application referred to in sub-paragraph (c) satisfy such criteria as the Board may impose in any particular case.

(2) Where this regulation applies in respect of a member, the Board, with the approval of the Minister, may, on the application of the member and subject to such terms and conditions as the Board may impose, authorise the withdrawal by the member of an amount (not exceeding the quantum of the relevant amount) standing to the member’s credit in the member’s special account for the payment of all or any of the following:

- (a) a deposit for, or in connection with, the purchase or acquisition of the replacement property;
 - (b) the purchase price (or any part thereof) for the replacement property;
 - (c) any stamp duties, fees or charges for, or in connection with, the purchase or acquisition of the replacement property.
- (3) In this regulation —
- “relevant amount” means the amount referred to in paragraph (1)(b) that is paid to the member’s special account;
- “relevant regulations” means such of the following regulations as may be applicable in any particular case:
- (a) these Regulations;
 - (b) the Central Provident Fund (Approved HDB-HUDC Housing Scheme) Regulations (Rg 14);
 - (c) the Central Provident Fund (Approved Middle-Income Housing Scheme) Regulations (Rg 4);
 - (d) the Central Provident Fund (Ministry of Defence Housing Scheme) Regulations (Rg 13);
 - (e) the Central Provident Fund (Residential Properties Scheme) Regulations (Rg 6).”.

Amendment of regulation 8

4. Regulation 8 of the principal Regulations is amended —

- (a) by inserting, immediately after sub-paragraph (a) of paragraph (1), the following sub-paragraphs:
 - “(aa) any change in the manner of holding of a house or flat (in which the member has an estate or interest) from a joint tenancy to a tenancy in common, or vice versa;

- (ab) the transfer of any part (but not the whole) of the member's estate or interest in a house or flat to any other person;";
- (b) by deleting the words "of any interest or title by the member" in paragraph (2)(a) and substituting the words "by the member of the whole of his interest or title"; and
- (c) by inserting, immediately after the words "divestment by the member of" in paragraph (2)(b), the words "the whole of".

Amendment of regulation 11

5. Regulation 11 of the principal Regulations is amended —

- (a) by deleting the words "paragraphs (1A) and (2)" in paragraph (1) and substituting the words "paragraph (2)";
- (b) by inserting, immediately after the words "section 27D(1)(iii)" in paragraph (1)(b), ", 27DA(1)(iii)";
- (c) by deleting sub-paragraph (ii) of paragraph (1) and substituting the following sub-paragraph:
 - “(ii) when the member 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,”; and
- (d) by deleting paragraph (1A).

Amendment of regulation 13

6. Regulation 13 of the principal Regulations is amended —

- (a) by inserting, immediately after the words "section 27D(1)(iii)" in paragraph (2)(b), ", 27DA(1)(iii)";
- (b) by deleting the words "Subject to paragraphs (7), (10) and (11), where the member 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" in paragraph (3) and substituting the words "Subject to paragraphs (4), (5) and (6),

the member making the sale, transfer, assignment or disposal”;

- (c) by deleting paragraphs (5), (6), (7), (10), (10A) and (11) and substituting the following paragraphs:

“(4) Subject to paragraphs (5) and (6), where the member sells, transfers, assigns or disposes of the house or flat or his estate or interest therein to any person without consideration or for a consideration below the market value of the house or flat, the member 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 (3)(b).

(5) Paragraphs (2), (3) and (4) do not apply —

(a) where the member sells, transfers, assigns or disposes of only part (but not the whole) of his estate or interest in the house or flat; or

(b) to the reduction of the term of the lease of the house or flat, being an HDB flat, pursuant to an agreement entered into between the member and the Housing and Development Board under the Lease Buyback Scheme.

(6) Notwithstanding paragraphs (3), (4) and (5), where the member transfers (other than by way of sale) his estate or interest in the house or flat to his spouse pursuant to an order of court referred to in section 27D(1)(d), 27DA(1)(c) or 27F(1)(c) of the Act —

(a) in the case of an order of court referred to in section 27D(1)(d) of the Act, the person referred to in section 27D(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 27D(1)(i) of the Act which the person may be required by the order of court to pay to the Board;