

Insurance (Nomination of Beneficiaries) (Amendment) Regulations 2010

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No. S 130

INSURANCE ACT (CHAPTER 142)

INSURANCE (NOMINATION OF BENEFICIARIES) (AMENDMENT) REGULATIONS 2010

In exercise of the powers conferred by section 49P of the Insurance Act, the Monetary Authority of Singapore hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Insurance (Nomination of Beneficiaries) (Amendment) Regulations 2010 and shall come into operation on 1st March 2010.

Amendment of regulation 3

2. Regulation 3(2) of the Insurance (Nomination of Beneficiaries) Regulations 2009 (G.N. No. S 390/2009) (referred to in these Regulations as the principal Regulations) is amended —

(a) by inserting, immediately before the word “if” in sub-paragraph (b), the

words “subject to regulations 5A(3) and 5B(5),”; and

- (b) by inserting, immediately before the word “if” in sub-paragraph (c), the words “subject to regulation 5B(3),”.

New regulations 5A and 5B

3. The principal Regulations are amended by inserting, immediately after regulation 5, the following regulations:

“Nomination on behalf of policy owner lacking capacity

5A.—(1) This regulation applies where a policy owner of a relevant policy lacks capacity within the meaning of section 4 of the Mental Capacity Act 2008 (Act 22 of 2008), and the court makes an order under section 20(2)(a) of the Mental Capacity Act 2008 in relation to the making, on the policy owner’s behalf, of a nomination under section 49L(2) or 49M(2) of the Act.

(2) The order must authorise a person (referred to in this regulation as the authorised person) to sign the nomination on the policy owner’s behalf.

(3) Every form pertaining to the making of a nomination under section 49L(2) or 49M(2) of the Act on the policy owner’s behalf in pursuance of the order shall —

- (a) state that it is signed by the policy owner acting by the authorised person;
- (b) be signed by the authorised person with the names of the policy owner and the authorised person;
- (c) be signed by the authorised person in the presence of 2 witnesses (each being an individual who has attained the age of 21 years and is not a nominee or the spouse of a nominee, and each of whom shall also sign the form); and
- (d) be sealed with the official seal of the court.

(4) For the purposes of section 49L(2) of the Act, a nomination under section 49L(2) of the Act shall be made, and each nominee’s portion of the policy moneys shall be indicated, on the policy owner’s behalf in pursuance of the order by —

- (a) the completion of Form 1 in accordance with paragraph (3); and
- (b) the lodgment of that Form with the registered insurer that issued the relevant policy.

(5) For the purposes of section 49M(2) of the Act, a nomination under section 49M(2) of the Act shall be made, and each nominee's portion of the death benefits under the relevant policy shall be indicated, on the policy owner's behalf in pursuance of the order by —

- (a) the completion of Form 4 in accordance with paragraph (3); and
- (b) the lodgment of that Form with the registered insurer that issued the relevant policy.

(6) A nomination under section 49L(2) or 49M(2) of the Act which is made on the policy owner's behalf in accordance with this regulation has the same effect for all purposes as if —

- (a) the policy owner had the capacity to make the nomination; and
- (b) the nomination had been made by the policy owner in accordance with Part IIIC of the Act and these Regulations.

Revocation of nomination on behalf of policy owner lacking capacity

5B.—(1) This regulation applies where a policy owner of a relevant policy lacks capacity within the meaning of section 4 of the Mental Capacity Act 2008 (Act 22 of 2008), and the court makes an order under section 20(2)(a) of the Mental Capacity Act 2008 in relation to the revoking, on the policy owner's behalf, under section 49L(7) or 49M(4) of the Act, of any nomination under section 49L(2) or 49M(2) of the Act, as the case may be, made by the policy owner (before he lacked capacity) or by the court on the policy owner's behalf.

(2) The order must authorise a person (referred to in this regulation as the authorised person) to sign the form pertaining to the revocation of the nomination on the policy owner's behalf.

(3) Every form pertaining to the revocation under section 49L(7) of the Act of a nomination under section 49L(2) of the Act, on the policy owner's behalf in pursuance of the order, shall —

- (a) state that it is signed by the policy owner acting by the authorised person;
- (b) be signed by the authorised person with the names of the policy owner and the authorised person;
- (c) be signed, in the presence of 2 witnesses (each being an individual who has attained the age of 21 years and is not a nominee or the

spouse of a nominee, and each of whom shall also sign the form), by the authorised person and by —

- (i) any trustee of the policy moneys payable under the relevant policy (not being the policy owner); or
- (ii) each nominee who has attained the age of 18 years and a parent or legal guardian (not being the policy owner) of each nominee who is below the age of 18 years; and

(d) be sealed with the official seal of the court.

(4) For the purposes of section 49L(7) of the Act, a nomination under section 49L(2) of the Act shall be revoked on the policy owner's behalf in pursuance of the order by —

- (a) the completion of Form 2 in accordance with paragraph (3); and
- (b) the lodgment of that Form with the registered insurer that issued the relevant policy.

(5) Every form pertaining to the revocation under section 49M(4) of the Act of a nomination under section 49M(2) of the Act, on the policy owner's behalf in pursuance of the order, shall —

- (a) state that it is signed by the policy owner acting by the authorised person;
- (b) be signed by the authorised person with the names of the policy owner and the authorised person;
- (c) be signed by the authorised person in the presence of 2 witnesses (each being an individual who has attained the age of 21 years and is not a nominee or the spouse of a nominee, and each of whom shall also sign the form); and
- (d) be sealed with the official seal of the court.

(6) For the purposes of section 49M(4) of the Act, a nomination under section 49M(2) of the Act shall be revoked on the policy owner's behalf in pursuance of the order by —

- (a) the completion of Form 5 in accordance with paragraph (5); and
- (b) the lodgment of that Form with the registered insurer that issued the relevant policy.

(7) Where a nomination under section 49L(2) or 49M(2) of the Act is revoked on the policy owner's behalf in accordance with this regulation, the revocation has the same effect for all purposes as if —

- (a) the policy owner had the capacity to revoke the nomination; and
- (b) the nomination had been revoked by the policy owner in accordance with Part IIIC of the Act and these Regulations.”.

Amendment of Schedule

4. The Schedule to the principal Regulations is amended —

- (a) by deleting Part 4 of Form 1 and substituting the following Part:

“Part 4 TRUSTEE(S)

Notes:

- 1 A trustee who is an individual must have attained the age of 18 years.
- 2 A policy owner must appoint at least one trustee. However, a policy owner may appoint more than one trustee. If a policy owner wishes to appoint more than 2 trustees, he may do so by completing Form 3.
- 3 The policy owner, a witness or a nominee may be named as trustee. However, if the policy owner is named as a trustee:
 - (a) he will not be able to consent to the revocation of the trust nomination;
 - (b) he will not be able to consent to the variation of a term or condition of the relevant policy, or to the execution by the registered insurer that issued the relevant policy of any instruction in relation to the relevant policy which may directly or indirectly alter the benefits payable under the relevant policy; and
 - (c) he will not be able to give a valid discharge to the registered insurer that issued the relevant policy for any payment made, pursuant to the trust nomination, from the policy moneys payable under the relevant policy.
- 4 In this Part, “licensed trust company”, “director” and “resident manager” have the same meanings as in the Trust Companies Act (Cap. 336).