

**Central Provident Fund (Approved HDB-HUDC Housing Scheme)
(Amendment) Regulations 2009**

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No. S 449

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

**CENTRAL PROVIDENT FUND (APPROVED HDB-HUDC HOUSING SCHEME)
(AMENDMENT) REGULATIONS 2009**

In exercise of the powers conferred by section 77(1)(*h*) and (*ra*) of the Central Provident Fund Act, 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 HDB-HUDC Housing Scheme) (Amendment) Regulations 2009 and shall come into operation on 1st October 2009.

Amendment of regulation 2

2. Regulation 2 of the Central Provident Fund (Approved HDB-HUDC Housing Scheme) Regulations (Rg 14) (referred to in these Regulations as the principal Regulations) is amended —

- (a) by deleting the definition of “Housing and Development Board”; and
- (b) by inserting, immediately after paragraph (2), the following paragraph:

“(3) For the purposes of regulations 11(5) and 12(4), which apply where a member has withdrawn any moneys under these Regulations in respect of the property referred to in regulations 11(1)(a) and 12(1)(a)(i), respectively, or is required under section 27C(1)(iii) or 27E(1)(ii) of the Act to make a payment to the Fund upon the sale or disposal of the property referred to in regulations 11(1)(b) and 12(1)(a)(ii), respectively, and the member is required to pay or repay to the Board or the Fund any moneys secured by any charge on the property under section 21(1), 21A(1) or 27E(1)(iv) of the Act (referred to in this paragraph as the relevant charge), the relevant requirements are as follows:

(a) any of the following applies:

- (i) there is a charge created under section 15(9) or (9A) of the Act on an immovable property (not being the property) to secure the payment to the Board of the minimum sum applicable to the member;
- (ii) there is an undertaking under section 15(10) of the Act given by the member, being the owner of an immovable property (other than the property), to refund to the Board an amount equal to the minimum sum or part thereof which he is required to set aside in the event the immovable property is sold or otherwise disposed of;
- (iii) there is an undertaking under section 15(10) or (10A) of the Act given by the member and one or more other persons, being joint owners of an immovable property (other than the property), to refund to the Board an

amount equal to the minimum sum or part thereof which the member is required to set aside in the event the immovable property is sold or otherwise disposed of;

- (iv) there is a charge under section 21(1) or 21A(1) of the Act on the member's estate or interest in an immovable property (not being the property) to secure the payment of the minimum sum into the member's retirement account;
- (v) there is a charge constituted under section 21B(1) of the Act on an immovable property (being an HDB flat, but not being the property) to secure the payment of the minimum sum into the member's retirement account;
- (vi) there is a charge under section 27C(1)(v) of the Act on the member's estate or interest in an immovable property (not being the property) to secure the payment by the member of the amount referred to in section 27C(1)(iii) of the Act;
- (vii) there is an undertaking under section 27D(1)(v) of the Act given by the member to pay to the Board the amount referred to in section 27D(1)(iii) of the Act in the event an immovable property (not being the property) is sold or disposed of;
- (viii) there is a charge under section 27E(1)(iv) of the Act on the member's estate or interest in an immovable property (not being the property) to secure the payment of the minimum sum into the member's retirement account; or

- (ix) there is a charge constituted under section 27F(1)(iv) of the Act on an immovable property (being an HDB flat, but not being the property) to secure the payment of the minimum sum into the member's retirement account;
- (b) the member designates, in such manner as the Board may require, the immovable property referred to in the applicable sub-paragraph of sub-paragraph (a) as the principal immovable property from which an amount sufficient to cover any deficiency in the minimum sum which the member is required to set aside shall be paid to the Board, on the sale, transfer, assignment or disposal of the immovable property, or on the compulsory acquisition of the immovable property under any written law, out of the proceeds of such sale, transfer, assignment, disposal or compulsory acquisition, as the case may be;
- (c) where the member and one or more other persons jointly own the immovable property referred to in the applicable sub-paragraph of sub-paragraph (a), each joint owner of the immovable property (other than the member) gives his consent for the member to designate the immovable property as the principal immovable property for the purposes of sub-paragraph (b);
- (d) the member —
 - (i) applies to the Board, in such manner as the Board may require, not to fully enforce the relevant charge; and
 - (ii) agrees to such terms and conditions as the Board may impose for not fully enforcing that charge; and
- (e) the Board grants the member's application.”.

Amendment of regulation 9

3. Regulation 9 of the principal Regulations is amended —

- (a) by inserting, immediately after the words “Except as otherwise provided in”, the words “paragraph (2) and”; and
- (b) by renumbering the regulation as paragraph (1) of that regulation, and by inserting immediately thereafter the following paragraph:

“(2) Notwithstanding paragraph (1) and regulations 11 and 12, a member who has withdrawn any moneys under these Regulations in respect of a property, or who is required under section 27C(1)(iii) or 27E(1)(ii) of the Act to make a payment to the Fund upon the sale or disposal of a property, shall not, on the sale, transfer, assignment or disposal of the property, or on the compulsory acquisition of the property under any written law, be required to pay or repay to the Board or the Fund any moneys secured by any charge on the property under section 21(1), 21A(1) or 27E(1)(iv) of the Act (referred to in this paragraph as the relevant charge), if —

(a) the member has attained the age of 55 years;

(b) any of the following applies:

- (i) there is a charge created under section 15(9) or (9A) of the Act on an immovable property (not being the property) to secure the payment to the Board of the minimum sum applicable to the member;
- (ii) there is an undertaking under section 15(10) of the Act given by the member, being the owner of an immovable property (other than the property), to refund to the Board an amount equal to the minimum sum or part thereof which he is required to set aside in the event the immovable property is sold or otherwise disposed of;
- (iii) there is an undertaking under section 15(10) or (10A) of the Act given by the member and one or more other persons, being joint owners of an immovable property (other than the property), to refund to the Board an