

**Central Provident Fund (Approved Housing Schemes) (Amendment)
Regulations 2002**

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No. S 694

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

**CENTRAL PROVIDENT FUND (APPROVED HOUSING SCHEMES)
(AMENDMENT) REGULATIONS 2002**

In exercise of the powers conferred by section 77 (1)(*h*) and (*qa*) 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 Housing Schemes) (Amendment) Regulations 2002 and shall come into operation on 1st January 2003.

Amendment of regulation 6

2. Regulation 6 of the Central Provident Fund (Approved Housing Schemes) Regulations (Rg 12) (referred to in these Regulations as the principal Regulations) is amended —

- (a) by deleting the words “to the Housing and Development Board towards the repayment of the housing loan” in paragraph (1) and substituting the words “to a lender under a mortgage loan of a house or flat”; and
- (b) by deleting the words “towards the repayment of the housing loan” in paragraph (2) and substituting the words “under a mortgage loan of a house or flat”.

Amendment of regulation 13

3. Regulation 13 of the principal Regulations is amended —

- (a) by deleting the words “in connection with the purchase” in the following provisions and substituting in each case the words “under these Regulations in respect”:

Paragraphs (2)(b), (3), (5) (ii) (A) and (B) (II), (6) (ii), (7) (ii) (B), (8) (ii), (9) (ii), (iii) and (iv), (11) (ii) (A) and (B) (II) and (12) (ii) (B);

- (b) by deleting the words “such purchase” in the following provisions and substituting in each case the words “the purchase of that house or flat”:

Paragraphs (2)(b), (3), (5) (ii) (A), (6) (ii), (9) (ii) and (iii) and (11) (ii) (A); and

- (c) by inserting, immediately after the word “proceeds” in the regulation heading, the words “of house or flat mortgaged to Housing and Development Board”.

Amendment of regulation 14

4. Regulation 14 of the principal Regulations is amended —

- (a) by deleting paragraph (1) and substituting the following paragraph:

“(1) Where a member has withdrawn any moneys under these

Regulations and the house or flat in respect of which the withdrawal was made is compulsorily acquired under —

- (a) section 56 of the Housing and Development Act (Cap. 129);
- (b) section 46 of the Jurong Town Corporation Act (Cap. 150); or
- (c) any other written law,

the member shall repay into his account in the Fund the amount provided in this regulation or such other amount as the Board may allow, taking into consideration the circumstances of each case.”;

- (b) by deleting the words “in connection with the purchase” in the following provisions and substituting in each case the words “under these Regulations in respect”:

Paragraphs (2)(b), (4) (ii) (A) and (B) (II), (5) (ii), (6) (ii) (B) and (7) (ii);

- (c) by deleting the words “such purchase” in the following provisions and substituting in each case the words “the purchase of that house or flat”:

Paragraphs (2)(b), (4) (ii) (A) and (5) (ii);

- (d) by deleting the definition of “time of the acquisition” in paragraph (8) and substituting the following definition:

“ “time of the acquisition” refers to the date of issue of the notice of intention to acquire under —

- (a) section 56(3) of the Housing and Development Act (Cap. 129);
- (b) section 46(3) of the Jurong Town Corporation Act (Cap. 150); or
- (c) any other written law,

as the case may be.”; and

- (e) by inserting, immediately after the word “proceeds” in the regulation heading, the words “of house or flat mortgaged to Housing and Development Board”.

New regulation 14A

5. The principal Regulations are amended by inserting, immediately after regulation 14, the following regulation:

“Disposition of proceeds of house or flat mortgaged to private lender

14A.—(1) This regulation shall apply to any house or flat which has been mortgaged by a member to a private lender as security for a private housing loan, whether or not the mortgage is discharged at the time of the sale, transfer, assignment, disposal or compulsory acquisition, as the case may be, of that house or flat.

(2) The Board may, in its discretion and subject to such terms and conditions as it may impose, permit a member who has withdrawn moneys under these Regulations to sell, transfer, assign or otherwise dispose of any house or flat or any of his estate or interest therein in respect of which such withdrawal has been made, if the Board is satisfied that adequate arrangements have been made to cause the proceeds of the sale, transfer, assignment or disposal to be applied in the following order of priority:

- (a) firstly, to discharge any statutory rights and charges of any public authority under any written law over the house or flat;
- (b) secondly, to discharge any encumbrance registered or notified prior to the date of constitution of the Board’s charge over the house or flat;
- (c) thirdly, to pay the Board and the private lender in the order of priority set out in paragraph (4), provided that the total sum paid to the Board shall not exceed the maximum sum as determined in accordance with paragraph (5); and
- (d) fourthly, to pay all other parties to whom moneys are owed by the member in respect of the house or flat, according to the order of priority set out in the Housing and Development (Mortgage to Lender) Rules 2002 (G.N. No. S 650/2002).

(3) Where a member has withdrawn moneys under these Regulations in respect of a house or flat and that house or flat is compulsorily acquired under —

- (a) section 56 of the Housing and Development Act (Cap. 129);
- (b) section 46 of the Jurong Town Corporation Act (Cap. 150); or
- (c) any other written law,

the member shall cause the compensation paid upon the acquisition to be distributed according to the order of priority set out in paragraph (2).

(4) For the purpose of paragraph (2)(c), the proceeds of the sale, transfer, assignment or disposal shall be paid to the Board and the private lender in the following order of priority:

- (a) firstly, in payment to the private lender of an amount equivalent to the amount outstanding under the private housing loan as at the relevant date, less all payments made by the member after the relevant date to the private lender towards the private housing loan;
- (b) secondly, in payment to the Board of the total of —
 - (i) all moneys withdrawn by the member under these Regulations in respect of the house or flat (excluding the sums referred to in sub-paragraph (ii)) up to 100% of the ascribed value; and
 - (ii) all moneys withdrawn by the member under these Regulations to pay —
 - (A) any improvement contribution; or
 - (B) any costs, fees or other expenses incurred in connection with the withdrawal of moneys under these Regulations or the purchase and mortgage of the house or flat;
- (c) thirdly, in payment to —
 - (i) the Board of —
 - (A) the balance of the total sum withdrawn by the member under these Regulations in respect of the house or flat, which has not been paid to the Board under sub-paragraph (b); and
 - (B) all interest that would have accrued on the total sum withdrawn if the withdrawal had not been made; and
 - (ii) the private lender of any unpaid interest accruing after the relevant date under the private housing loan,