

Applicable to Plaintiff who is a citizen or permanent resident of Singapore only

## SUGGESTED CLAUSES IN ORDER OF COURT FOR:

- (A) TRANSFER OF MONIES IN CPF ACCOUNTS
- (B) SUBSEQUENT ORDER FOR TRANSFER OF MONIES IN CPF ACCOUNTS IN EVENT OF SHORTFALL
- (C) TRANSFER OF PROPERTY
- (D) SALE OF PROPERTY
- (E) TRANSFER OR SALE OF INVESTMENTS UNDER CPF INVESTMENT SCHEME
- (F) PAYMENT OF MONIES FROM LIFELONG INCOME FUND<sup>+</sup>

## ORDERS RELATING TO TRANSFER OF MONIES IN CPF ACCOUNT(S)<sup>1</sup>

- 1<sup>2</sup>. The Plaintiff (hereinafter referred to as the “Spouse”) shall be entitled to \$[ ] of the Defendant’s (hereinafter referred to as the “Member”) Central Provident Fund (“CPF”) monies pursuant to [section 112 of the Women’s Charter (Cap 353) / section 52(3)(d) of the Administration of Muslim Law Act (Cap. 3)\*] (the “Ordered Amount”).

*(Select clause 2A OR 2B where applicable)*

<sup>+</sup> Suggested orders relating to the payment of monies from the Lifelong Income Fund are set out in the **Annex**. These orders are relevant where the member has joined the Lifelong Income Scheme. The commencement and amount of monthly income under the Lifelong Income Scheme depends on the annuity plan that the member chooses. Monthly income will generally cease upon member’s death and there may not be any refund depending on the annuity plan applicable to the member. Please see the **Annex** for details. In view of the uncertainty of member’s entitlement under the Lifelong Income Scheme, parties may consider these suggested orders only as a last resort where there are no other available matrimonial assets for division.

\* **Please select one option and delete the other.**

<sup>1</sup> Please refer to **footnote 26** on loans or grants repayable to the Government before transfer of monies can be effected.

<sup>2</sup> This Clause should be included for all transfer orders **together with** the relevant optional **Clauses 2A or 2B**.

### Transfer Of Monies In CPF Account(s)<sup>3</sup>

2A<sup>4</sup> The Central Provident Fund Board (“Board”) shall, from the monies standing to the credit of the Member in the following CPF account(s) of the Member, transfer the amount(s) specified as follows to the Spouse’s CPF account(s):

<b>Member’s CPF account(s) to transfer from</b>	<b>Amount to transfer</b>
Ordinary Account	\$[ ]
Special Account	\$[ ]
Medisave Account	\$[ ]
Retirement Account	\$[ ]

### Transfer Of Monies In CPF Account(s) After Refund<sup>5</sup>

2B(1) After the making of the refund into the Member's CPF account(s) of the required CPF monies in respect of the matrimonial home at (*state address*) [by (*state party*) / from the sale proceeds of the matrimonial home at (*state address*)\*], the Board shall transfer, from the monies standing to the credit of the Member in the following CPF account(s) of the Member, the amount(s) specified as follows to the Spouse’s CPF account(s):

<b>Member’s CPF account(s) to transfer from<sup>6</sup></b>	<b>Amount to transfer</b>
Ordinary Account	\$[ ]
Special Account	\$[ ]
Medisave Account	\$[ ]
Retirement Account	\$[ ]

<sup>3</sup> The headings in this document are for reference only.

<sup>4</sup> **Clause 2A** applies in relation to transfers of monies from Member’s CPF account(s) to Spouse’s CPF account(s) where Spouse is a citizen or permanent resident (“PR”) of Singapore.

<sup>5</sup> **Clause 2B** applies in relation to transfers of monies from Member’s CPF account(s) to Spouse’s CPF account(s) after the refund of monies to Member’s CPF account(s) where Spouse is a citizen or PR of Singapore.

<sup>6</sup> (a) Except in the situation set out in (b) below, all refunds will be credited to the Ordinary Account (“OA”) and/or Special Account (“SA”). For members age 55 and above, the refunds will then be transferred from the OA and/or SA to the Retirement Account up to the Full Retirement Sum.

(b) Certain members (i.e. those who have received certain housing grants) will have refunds credited to their Medisave Account and/or Special Account and/or Retirement Account. Affected CPF members may login to view their Housing Withdrawal Statement online at [www.cpf.gov.sg](http://www.cpf.gov.sg), with their SingPass, to view the amounts to be credited to their Medisave Account and/or Special Account and/or Retirement Account.

Please refer to **footnote 18** for the amount of refunds a member is required to make to his CPF Account(s) upon sale/transfer or other disposal of the property. **Please serve the court order on the Board before the property is sold/transferred or disposed of and refunds credited.**

2B(2) The Member is hereby ordered to sell or liquidate the following investment(s) held by the Member under the CPF Investment Scheme:

<b>Description Of Specific Investment To Be Sold</b>	<b>Description of CPF Scheme Under Which Investments Are Held (CPFIS-OA, CPFIS-SA or SDS)<sup>7</sup></b>	<b>No. Of Units To Be Sold</b>

2B(3) All obligations to effect the sale of investments shall be on the Member and not on the Board.

2B(4)<sup>8</sup> Upon the making of the refund of monies from the sale or liquidation of the Member's investments indicated in this order ("investment refunds"), the Board shall, from the monies standing to the credit of the Member in the following CPF account(s) of the Member, transfer the amount(s) specified as follows to the Spouse's CPF account(s):

<b>Member's CPF account(s) to transfer from<sup>9</sup></b>	<b>Amount to transfer</b>
Ordinary Account	\$[ ]
Special Account	\$[ ]
Medisave Account	\$[ ]
Retirement Account	\$[ ]

2B(5) The Board shall only transfer the amount specified in this order after the Board has been notified<sup>10</sup> of the sale of the property and / or investments and the refunds have been credited into the CPF account(s) of the Member.

<sup>7</sup> Investments can be bought with CPF monies under different schemes i.e. CPF Investment Scheme - Ordinary Account (CPFIS-OA) or CPF Investment Scheme - Special Account (CPFIS-SA) or Special Discounted Shares Scheme (SDS). Hence it is important to specify which scheme the investments were bought under so as to ensure that the correct investment(s) would be sold to comply with the court order.

<sup>8</sup> Please delete **Clauses 2B(2) to 2B(4)** if no order is made for sale of CPFIS investments.

<sup>9</sup> Please note that investment refunds will only be credited into OA or SA.

<sup>10</sup> For investments, the notification must be through the "Transfer of Sale Proceeds Instruction (Division of Matrimonial Assets)" form available on the CPF website and at CPF Board service centres.

Transfer Of Monies In CPF Account(s) After Refund - Alternative Clauses

2C(1) The Plaintiff (hereinafter referred to as the "Spouse") shall be entitled to \$[ ] of the Defendant's (hereinafter referred to as the "Member") Central Provident Fund ("CPF") monies pursuant to [section 112 of the Women's Charter (Cap. 353) / section 52(3)(d) of the Administration of Muslim Law Act (Cap 3)\*] (the "Ordered Amount")<sup>11</sup>.

2C(2) After the making of the refunds into the Member's CPF account(s) of the required CPF monies from the sale proceeds of the matrimonial flat, the Board shall transfer the Ordered Amount from the monies standing to the credit of the Member in his CPF account(s) to the Spouse's designated CPF account(s) in the following priority<sup>12</sup>:

<b>Member's CPF account(s) to transfer from</b>	<b>Amount to transfer</b>
(i) Ordinary Account	Ordered Amount
(ii) In the event the monies in the Ordinary Account are insufficient, Special Account	Difference between Ordered Amount and amount transferred under (i)
(iii) In the event the monies in the Ordinary and Special Accounts are insufficient, Medisave Account	Difference between Ordered Amount and amounts transferred under (i) and (ii)
(iv) In the event the monies in the Ordinary, Special and Medisave Accounts are insufficient, Retirement Account	Difference between Ordered Amount and amounts transferred under (i), (ii) and (iii)

2C(3) The Board shall only transfer the Ordered Amount after the Board has been notified of the sale of the property and the refunds have been credited into the CPF account(s) of the Member.

<sup>11</sup> Parties may consider this alternative: The Plaintiff (hereinafter referred to as the "Spouse") shall be entitled to [ ] % of the monies refunded to the Defendant's (hereinafter referred to as the "Member") CPF Account(s) from the sale of the matrimonial flat pursuant to section 112 of the Women's Charter (Cap. 353) / section 52(3)(d) of the Administration of Muslim Law Act (Cap 3) (the "Ordered Amount").

<sup>12</sup> The above is for illustrative purposes only. It is an optional clause, and parties can decide whether they wish to include it in their court order or not. For the Court / parties to decide on the appropriate priority for each case. Please also refer to regulation 3 of the Central Provident Fund (Division of Fund-related Assets in Matrimonial Proceedings) Regulations for details on which of the Spouse's CPF accounts the Member's CPF monies will be transferred to.

## SUBSEQUENT ORDER FOR TRANSFER OF MONIES IN CPF ACCOUNTS IN EVENT OF SHORTFALL<sup>13</sup>

- 3(1) The [Plaintiff/Defendant] (hereinafter referred to as the “Member”) shall pay to the [Defendant/Plaintiff] (hereinafter referred to as the “Spouse”) \$X towards/being\* the balance payable by the Member to the Spouse under paragraph [x] of the order of court made on [date].

*(\*delete where applicable. The word “towards” should be used if the amount in the 2<sup>nd</sup> order is still not enough to pay in full the amount ordered under the 1<sup>st</sup> order and a 3<sup>rd</sup> order may be required as and when a member has accumulated more monies in the member’s CPF account).*

- 3(2) The Central Provident Fund Board (the “Board”) shall, from the monies standing to the credit of the Member in the following CPF account(s) of the Member, transfer the amount(s) specified as follows to the Spouse’s CPF account(s):

Member’s CPF account(s) to transfer from	Amount to transfer
Ordinary Account	\$[ ]
Special Account	\$[ ]
Medisave Account	\$[ ]
Retirement Account	\$[ ]

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<sup>13</sup> **Clause 3** applies where the Spouse did not receive the full Ordered Amount under the 1<sup>st</sup> Order and parties wish to obtain a further order to make up the shortfall. **Please do not delete and replace the 1<sup>st</sup> Order** as this would mean the Board has to reverse the 1<sup>st</sup> transfer made and then effect the transfer of the amount stated in the further order.

## **ORDERS RELATING TO TRANSFER (OTHER THAN BY WAY OF SALE) OF PROPERTY\***

### Transfer (Other Than By Way Of Sale) Of Property To Spouse<sup>14</sup>

4A<sup>15</sup>. The matrimonial flat/property at [*state address*] shall be transferred (other than by way of sale) to the Spouse,<sup>16</sup>

- upon [*state party*] making the full required CPF refunds to the Member's CPF account(s); OR
- upon [*state party*] making CPF refunds of \$[ ] to the Member's CPF account(s), being only part of the required CPF refunds; OR
- with no CPF refunds to be made to the Member's CPF account(s).

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<sup>14</sup> Please refer to **footnote 26** on loans or grants repayable to the Government before transfer of property can take place.

<sup>15</sup> **Clause 4A** relates to a transfer of property to the Spouse where Spouse is a citizen or PR of Singapore.

<sup>16</sup> **Please select one of the applicable options and delete the rest.**

\* If the parties' intention is for the matrimonial flat / property to be transferred with full / partial CPF refunds, and there is no intention for a separate transfer of CPF from one party to the other, then do **not** include any of the Suggested Clauses relating to the transfer of CPF (set out at paragraphs 1 to 3 of these Suggested Clauses) in the order.

## ORDERS RELATING TO SALE OF PROPERTY

4B. The matrimonial flat/property at [*state address*] shall be sold in the open market / to the spouse at or above market value. The sale proceeds shall be apportioned as follows [*please choose option (a) or (b) as appropriate for the property involved*]:

(a)	For sale of HDB flats with bank loans or private properties with or without bank loans <sup>17</sup>	<ul style="list-style-type: none"> <li>(i) To make full payment of the outstanding housing loan to the bank (if any);</li> <li>(ii) To pay the requisite CPF refunds in accordance with applicable CPF laws to all owners' respective CPF accounts;</li> <li>(iii) [<i>to indicate other payments including the HDB resale levy (if any) and how net proceeds, if any, are to be apportioned</i>].</li> </ul>
(b)	For sale of HDB flats with HDB loans or without any loans	<ul style="list-style-type: none"> <li>(i) To make full payment of the outstanding housing loan to HDB (if any);</li> <li>(ii) To pay the HDB resale levy (if any);</li> <li>(iii) To pay the requisite CPF refunds in accordance with applicable CPF laws to all owners' respective CPF accounts;</li> <li>(iv) [<i>to indicate other payments and how net proceeds, if any, are to be apportioned</i>].</li> </ul>

4C. Unless expressly provided for in the CPF Act, nothing in the orders herein shall be taken to affect the Board's charge on the matrimonial home or any other immovable property owned by one or both of the parties and which is the subject of this order of court. The Board shall determine the requisite refunds to be made to the respective parties' CPF accounts upon the sale, transfer, assignment or otherwise disposal of such immovable property in accordance with the CPF Act and the subsidiary legislation made thereunder.

<sup>17</sup> For a private property bought before 1 September 2002, if there has been no refinancing after that date for the property, the priority for distribution of sale proceeds is as set out in the Deed of Arrangement between the Board, the member(s) and the mortgagee. Please contact the Board for further details on the priority of the distribution of sale proceeds to be made upon sale of such a property.

4D<sup>18</sup>. In the event the sale proceeds are insufficient to pay the requisite CPF refunds to either owner's CPF accounts, upon the sale of the matrimonial flat/property,

- each party shall be responsible for topping-up the shortfall to his/ her own CPF account in cash; OR
- [*state name of party*] shall be responsible for topping-up the shortfall to [*state name of party*]'s CPF account in cash,

and such shortfall shall be topped-up in one lump sum at the time of completion of the sale.

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<sup>18</sup> If the property is sold at below market value or if parties wish to divide sale proceeds prior to making the requisite CPF refunds, the net proceeds / each party's respective share may not be sufficient to make the full requisite CPF refunds. **The Board requires any shortfall to be topped-up in cash** in order for the sale of property to be completed. Hence, parties should state in the court order who has the obligation to top-up the shortfall.

Generally, the amount of requisite CPF refunds is the lower of the following: a) the amount withdrawn by the member and used towards the purchase of the property together with accrued interest, plus the amount withdrawn from Retirement Account by voluntarily pledging the property if any; or b) the net proceeds of the sale after making full payment of any outstanding housing loans or HDB levies (please refer to **Clause 4B**). Members may also view the amount withdrawn from their own CPF accounts for the purchase of the property and the amount to be refunded when the property is sold at [www.cpf.gov.sg](http://www.cpf.gov.sg) by logging in with their SingPass. Please note the information is correct as at the date it is viewed. Members should check for the latest update, if any, to the online statement.



## ORDERS RELATING TO TRANSFER OF INVESTMENTS UNDER CPF INVESTMENT SCHEME

- 5<sup>19</sup>. The Member shall transfer his interest in the following investment(s) made by him under the CPF Investment Scheme to the Spouse:

Specific Investment To Be Transferred	Description of CPF Scheme Under Which Investments Are Held (CPFIS-OA, CPFIS-SA or SDS) <sup>20</sup>	No. of units to be transferred <sup>21</sup>

6. In the event that this order for transfer of investments results in fractions of shares or units, the remaining fraction of shares shall be transferred to the Spouse.
7. If the Member does not have the requisite number of shares or units of any of the investment(s) stated in this order at the time the Member is to effect the transfer to the Spouse, the Member shall transfer all remaining available number of shares or units of the said investment(s) to the Spouse<sup>22</sup>.
8. The Member shall not dispose of the specified investment(s) above other than in accordance with the terms of this order.
9. All obligations to effect a transfer of investments shall be on the Member and not on the Board.
10. The Spouse shall open the necessary accounts with the relevant financial intermediaries<sup>23</sup> to facilitate the transfer of investments.

<sup>19</sup> **Clause 5** applies in relation to transfer of investments under the CPF Investment Scheme from the Member to the Spouse where the Spouse is a citizen or PR of Singapore.

<sup>20</sup> Investments can be bought with CPF monies under different schemes i.e. CPF Investment Scheme - Ordinary Account (CPFIS-OA) or CPF Investment Scheme - Special Account (CPFIS-SA) or Special Discounted Shares Scheme (SDS). Hence it is important to specify which scheme the investments were bought under to ensure that the correct investment(s) are transferred by the financial intermediaries.

<sup>21</sup> The number of units to be transferred should be indicated as tradable lot sizes otherwise financial intermediaries will not be able to effect the transfer.

<sup>22</sup> This is to cater for the situation where the Member's holdings may have been reduced by corporate actions, and the investments are liquidated in part. If all or part of the investments have been liquidated or trading is suspended, parties may wish to consider whether further directions are needed from the Court.

<sup>23</sup> Financial intermediaries refer to CPF Agent Banks, stockbroking companies, fund management companies, investment administrators, bond dealers, insurance companies etc. who hold CPFIS investments on behalf of the Member.

11. All fees, costs and charges involved in the transfer of investments shall be borne by the [state party] solely / by both parties jointly\*<sup>24</sup>.

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<sup>24</sup> Please note that under the CPF (Division of Fund-Related Assets in Matrimonial Proceedings) Regulations, if the order of court does not specify which party bears the fees, costs and charges, the party requiring to make the transfer has to bear such fees, costs and charges.

## GENERAL ORDERS<sup>25</sup>

12. This order is made subject to the Central Provident Fund Act (Cap.36) (“CPF Act”) and the subsidiary legislation made thereunder (as well as any existing order of court dated [ ] in [Suit/Summons No.] made in respect of the Member’s CPF monies, property, investments. The Board shall give effect to the terms of this order in accordance with the provisions of the CPF Act and the subsidiary legislation made thereunder<sup>26</sup>.
13. The shortfall, if any, between the Ordered Amount and the payment received by her from the Board or transferred to her CPF account is a debt due from the Member to the Spouse and is recoverable as such.
14. The [Registrar or Deputy Registrar of the Family Justice Courts under section 31 of the Family Justice Act 2014 / the President or Registrar of the Syariah Court under section 53A of the Administration of Muslim Law Act\*] is empowered to execute, sign, or indorse all necessary documents relating to matters contained in this order on behalf of either party should either party fail to do so within seven days of written request being made to the party.
15. The parties, including the Board, shall be at liberty to apply for further directions or orders generally.

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<sup>25</sup> These General Clauses should be included where relevant. **Clause 13** need not be included for orders relating to transfer of property or transfer/sale of investments without any consequent orders on transfer of monies in CPF accounts.

<sup>26</sup> Please take note that one of the conditions imposed before a transfer of monies to Spouse under section 27B of the CPF Act or a transfer or sale of property under sections 27E and 27F of the CPF Act can take place, is that loans or grants to the Member/Spouse which are repayable or refundable to the Government must be repaid or refunded first. Grants include housing grants and HOPE (Home Ownership Plus Education) grant from the Ministry of Social and Family Development (“MSF”).

**CPF statements will not reflect details on government loans or grants to be repaid.**

Hence, a Member or Spouse who is in receipt of any loans or grants has to check with the relevant authorities whether:

- (i) any amount is repayable immediately or upon the transfer or sale of the property; and
- (ii) if so, the exact amount to be repaid.

Please note that in addition, recipients of HOPE grants would have to inform MSF of the proceeding for divorce, judicial separation or nullity of marriage (where applicable).

**It is important** that the Court is informed of the details, in particular the amount to be repaid or refunded to the Government, before any order in relation to the division of matrimonial assets is sought.

## ANNEX

**ORDERS RELATING TO PAYMENT OF MONIES FROM LIFELONG INCOME FUND<sup>27</sup>**

- I. The Plaintiff (hereinafter referred to as the “Spouse”) shall be entitled to \$[ ] of the Defendant’s (hereinafter referred to as the “Member”) monies payable to him under the Lifelong Income Scheme established under Part IIIB of the Central Provident Fund Act (Cap. 36) (the “Scheme”) pursuant to [section 112 of the Women’s Charter (Cap 353)/ section 52(3)(d) of the Administration of Muslim Law Act (Cap. 3)\*] (the “Ordered Amount (Life Fund)”<sup>28</sup>).
- II. Subject to **Clause III**, the Board shall pay to the Spouse, from the monthly income payable to the Member from his annuity plan under the Scheme<sup>29</sup>, in satisfaction of the Ordered Amount (Life Fund).

*(Select clause IIIA or IIIB where applicable)*

- IIIA<sup>30</sup>. The Board shall pay to the Spouse a monthly sum of up to [ ]% of the Member’s monthly income under the Scheme provided that the total amount paid to the Spouse under this Clause shall not exceed the Ordered Amount (Life Fund).

*OR*

- IIIB<sup>31</sup>. The Board shall pay to the Spouse a monthly sum of \$[ ] from the Member’s monthly income, or the Member’s monthly income, whichever is lower, under the Scheme provided that the total amount paid to the Spouse under this Clause shall not exceed the Ordered Amount (Life Fund).

<sup>27</sup> Monies payable under the Scheme will be paid from the Lifelong Income Fund established under section 27N of the CPF Act. This is a separate fund from the Central Provident Fund and hence suggested orders relating to monies payable under the Scheme and CPF monies are separately provided.

<sup>28</sup> Please note that the “Ordered Amount (Life Fund)” only relates to monies payable under the Scheme and does **not** include CPF monies.

<sup>29</sup> Please check with the Member on when payment of monthly income commences and the amount of monthly income payable as this depends on the type of annuity plan that the Member chooses. Please note that the monthly income will generally cease upon the member’s death. You may wish to refer to Part IIIB of the CPF Act and CPF (Lifelong Income Scheme) Regulations 2009 for details.

<sup>30</sup> This option is recommended as the amount of monthly income payable may change.

<sup>31</sup> If parties wish to state a fixed monthly sum to be paid to the Spouse, please note that the Board will make payment of the specified sum or the actual monthly income payable to the Member, whichever is lower.

- IV. The Board shall pay to the Spouse the Ordered Amount (Life Fund) as is payable –
- (a) after the Member has become entitled to the monies referred to in **Clause II**;  
and
  - (b) upon an application by the Spouse for the withdrawal of the Ordered Amount (Life Fund).

**TRANSFER OF MONIES STANDING IN CPF ACCOUNT(S) AFTER REFUND FROM LIFELONG INCOME FUND**

- V<sup>32</sup>. Upon the making of the refund of the whole or any part of the premium for the annuity plan under the Lifelong Income Scheme established under Part IIIB of the Central Provident Fund Act, the Board shall, from the monies standing to the credit of the Member in the following CPF account of the Member, transfer the amount specified as follows to the Spouse's CPF account:

<b>Member's CPF account to transfer from</b>	<b>Amount to transfer</b>
Retirement Account	\$[ ]

- VI. The Board shall only transfer the amount specified in this order after the Board has been notified of the premium refund and the refunds have been credited into the CPF account(s) of the Member.

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<sup>32</sup> Please note that the amount of refund upon death is the positive difference, if any, between the premium paid and the total amount of monthly income paid to the Member. There will not be a refund at all if the member has chosen an annuity plan without refunds. Further, it is only in limited circumstances that a member may be allowed to surrender his annuity plan and obtain a refund of premium. Any refund will be credited to the member's retirement account. These are then considered as CPF monies. Please check with the Member if he is entitled to any refund. Please delete these **Clauses V & VI** if no order is made in respect of premium refund.