

# **Education Endowment and Savings Schemes (Amendment) Bill**

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**Bill No. 30/2014.**

*Read the first time on : Ugrvgo dgt 4236.*

A BILL

*i n t i t u l e d*

An Act to amend the Education Endowment and Savings Schemes Act (Chapter 87A of the 2009 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

## Short title and commencement

1. This Act may be cited as the Education Endowment and Savings Schemes (Amendment) Act 2014 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

## Amendment of section 2

2. Section 2 of the Education Endowment and Savings Schemes Act (referred to in this Act as the principal Act) is amended —

(a) by deleting the definition of “Board” in subsection (1);

(b) by inserting, immediately after the definition of “Edusave Pupils Fund” in subsection (1), the following definitions:

““Edusave Qualifying Ages” means the range of ages prescribed by regulations to be the Edusave Qualifying Ages;

“Edusave Scheme Administrator” means the public officer appointed under section 7(2) by the Minister to administer the Edusave Pupils Fund on behalf of the Minister;”;

(c) by inserting, immediately after the definition of “Endowment Fund” in subsection (1), the following definition:

““junior college”, in relation to a member of the Edusave Pupils Fund, means any of the following which is not a prescribed school:

(a) a junior college that is organised and conducted directly by the Government to provide full-time pre-university education;

(b) a junior college that is established by a person other than the Government and is conducted by a committee of management in receipt of a grant-in-aid from the Government to defray the costs and expenses of conducting the junior college to provide full-time pre-university education;

(c) a centralised institute that provides full-time pre-university education;

(d) such other educational institution providing full-time pre-university education that may be prescribed as a junior college;”;

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(d) by inserting, immediately after the definition of “parent” in subsection (1), the following definition:

“ “prescribed school”, in relation to a member of the Edusave Pupils Fund, means —

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(a) an institution for providing full-time primary or secondary education, being —

(i) a school organised and conducted directly by the Government;

(ii) a school specified in any order made under section 3(1) of the School Boards (Incorporation) Act (Cap. 284A); or

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(iii) a school that is established by a person other than the Government and is conducted by a committee of management in receipt of a grant-in-aid from the Government to defray the costs and expenses of conducting the school; or

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(b) such other educational institution that may be prescribed as a prescribed school;”;

(e) by deleting the definition of “school age” in subsection (1) and substituting the following definition:

“ “schooling” means enrolled as a full-time student of a prescribed school or a junior college;”;

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(f) by deleting subsections (2) and (3) and substituting the following subsection:

“*(2)* For the purposes of this Act, the time at which an individual attains a particular age expressed in years is the relevant anniversary of the date of that individual’s birth, except that where an individual was born on 29 February in any year, then, in any subsequent year that is not a leap year, the anniversary of the birth of the individual shall be deemed to occur on 1 March of that subsequent year.”.

### **Amendment of section 3**

**3.** Section 3(1) of the principal Act is amended —

- (a)* by deleting the word “and” at the end of paragraph *(b)*; and
- (b)* by deleting the comma at the end of paragraph *(c)* and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

“(d) all donations to that Fund made under section 13A,”.

### **Amendment of section 6**

**4.** Section 6(1) of the principal Act is amended by deleting the word “pupils” in paragraph *(b)* and substituting the word “students”.

### **Amendment of section 7**

**5.** Section 7 of the principal Act is amended —

- (a)* by deleting subsection (2) and substituting the following subsection:

“(2) A public officer who is appointed by the Minister as the Edusave Scheme Administrator shall administer the Edusave Pupils Fund on behalf of the Minister, and all moneys belonging to that Fund may be deposited in any bank approved by the Edusave Scheme Administrator and invested in such securities as trustees may by any written law be authorised to invest.”;

- (b) by deleting the word “Board” wherever it appears in subsections (3) and (4) and substituting in each case the words “Edusave Scheme Administrator”; and
- (c) by inserting, immediately after the words “powers and duties” in subsection (4), the words “, except the power of delegation conferred by this subsection”. 5

### **Repeal and re-enactment of section 8**

6. Section 8 of the principal Act is repealed and the following section substituted therefor:

#### **“Members of Edusave Pupils Fund 10**

8.—(1) Every individual who —

- (a) is a citizen of Singapore;
- (b) is schooling or, if not schooling, is between the Edusave Qualifying Ages; and

(c) satisfies such other requirements as may be prescribed, 15  
shall be and remain, by virtue of this section, a member of the Edusave Pupils Fund until the individual’s membership ceases under section 13.

(2) An individual who is a member of the PSE Fund or, if the member of the PSE Fund is below 21 years of age, any parent of that member, may apply to the Edusave Scheme Administrator for the individual to resume membership of the Edusave Pupils Fund. 20

(3) The Edusave Scheme Administrator may approve an application under subsection (2) for an individual who is a member of the PSE Fund to resume membership of the Edusave Pupils Fund, with effect from such date as may be specified by the Edusave Scheme Administrator, if the Edusave Scheme Administrator is satisfied that the individual — 25

- (a) is a citizen of Singapore; 30
- (b) is schooling;

(c) had ceased to be a member of the Edusave Pupils Fund by virtue of section 13(6) read with section 13(1)(a), (b) or (c); and

(d) satisfies such other requirements as may be prescribed.

(4) An individual who resumes membership of the Edusave Pupils Fund under this section may continue to be a member of the PSE Fund in accordance with Parts IIIA and IIIB.

(5) An application under subsection (2) must be supported by such documents or evidence as the Edusave Scheme Administrator may require.”.

### **Amendment of section 9**

7. Section 9 of the principal Act is amended —

(a) by deleting subsections (1), (2) and (3) and substituting the following subsections:

“(1) It shall be lawful for the Edusave Scheme Administrator to pay, out of the income of the Endowment Fund, to any member of the Edusave Pupils Fund in each year a single contribution of an amount prescribed for that year if, at any time during that year, the member —

(a) is a full-time student of a prescribed school and receiving primary or secondary education; or

(b) is between the Edusave Qualifying Ages, if the member is not schooling at any time during that year.

(2) The Edusave Scheme Administrator must also cause to be paid out of the income of the Edusave Pupils Fund, to the Edusave account of each member of that Fund, at such intervals as the Edusave Scheme Administrator may determine, interest at the rate referred to in subsection (4) on the amount standing to the member’s credit in his Edusave account.

(3) The amount of contribution that a member of the Edusave Pupils Fund is eligible to receive under subsection (1) in a year is as follows:

- (a) for an individual who becomes such a member for the first time under section 8(1), the amount prescribed for the member (or the class to which the member belongs) on the date the individual first becomes a member; 5
- (b) for any other member, the amount prescribed for the member (or the class to which the member belongs) on the qualifying date in the year prescribed for that member (or the class to which that member belongs). 10

(3A) Unless the member dies, the amount of contribution that a member of the Edusave Pupils Fund is eligible to receive under subsection (1) in a year must be paid — 15

- (a) not later than 31 January in that year in the case of a member referred to in subsection (1)(a);
- (b) not later than 30 April in that year in the case of a member referred to in subsection (1)(b); or 20
- (c) despite paragraphs (a) and (b), as soon as practicable after the date the individual first becomes a member of the Edusave Pupils Fund in the case of a member referred to in subsection (3)(a). 25

(3B) Where a member of the Edusave Pupils Fund belongs to 2 or more classes on the qualifying date prescribed for any year, the Edusave Scheme Administrator may, for the purposes of this section, determine that the member belongs for that year to the class the Edusave Scheme Administrator considers appropriate; and the decision of the Edusave Scheme Administrator is final and conclusive.”; and 30

(b) by deleting subsections (5) and (6) and substituting the following subsection:

“(5) The Minister may, by an order published in the *Gazette*, prescribe for each year —

(a) different amounts of contributions for different members or different classes of members of the Edusave Pupils Fund; and

(b) different qualifying dates in the year for different members or different classes of members of the Edusave Pupils Fund for the purposes of subsection (3)(b).”.

### **New section 9A**

8. The principal Act is amended by inserting, immediately after section 9, the following section:

#### **“Cash grant**

**9A.** The Edusave Scheme Administrator must also pay to the Edusave account of any member of the Edusave Pupils Fund, such cash grant as the Government may make, who satisfies the eligibility criteria the Government determines for that cash grant.”.

### **Amendment of section 12**

9. Section 12 of the principal Act is amended —

(a) by deleting the word “Board” in subsection (1) and substituting the words “Edusave Scheme Administrator”; and

(b) by deleting paragraph (a) of subsection (2) and substituting the following paragraph:

“(a) where the member is schooling, to defray the whole or part of such expenses of the member as may be necessary to enable the member to take part in any enrichment programme approved by the prescribed school or junior college the member is schooling at; and”.

## **Repeal and re-enactment of section 13 and new section 13A**

**10.** Section 13 of the principal Act is repealed and the following sections substituted therefor:

### **“Closure of Edusave account, etc.**

**13.—**(1) The Edusave Scheme Administrator must, as soon as practicable after the happening of the first of the following events concerning a member of the Edusave Pupils Fund, transfer all balances in the member’s Edusave account to the member’s PSE account: 5

(a) if the member is non-schooling, at the start of the year immediately after the year in which he attains the highest of the Edusave Qualifying Ages; 10

(b) if the member is schooling at the start of the year immediately after the year in which he attains the highest of the Edusave Qualifying Ages, when the member stops schooling; 15

(c) where an application under subsection (2) to close the individual’s Edusave account early is approved under subsection (4).

(2) An individual who is a member of the Edusave Pupils Fund or, if the individual is below 21 years of age, any parent of that individual, may apply to the Edusave Scheme Administrator to close the individual’s Edusave account early for the purpose of transferring the balance in the individual’s Edusave account to his PSE account. 20 25

(3) An application under subsection (2) must be supported by such documents or evidence as the Edusave Scheme Administrator may require.

(4) The Edusave Scheme Administrator may approve an application under subsection (2) relating to a member of the Edusave Pupils Fund only if the Edusave Scheme Administrator is satisfied that the member is enrolled in an approved institution referred to in section 16D(2)(a). 30

(5) The Edusave Scheme Administrator must close the member's Edusave account —

(a) upon completing the transfer of all balances in a member's Edusave account to the member's PSE account under subsection (1); or

(b) upon payment to the Public Trustee under section 16 of all balances in the Edusave account of a deceased member.

(6) An individual ceases to be a member of the Edusave Pupils Fund when his Edusave account is closed.

### **Donation of member's moneys in Edusave Pupils Fund**

**13A.**—(1) An individual who is a member of the Edusave Pupils Fund or, if the individual is below 21 years of age, any parent of that individual, may by notice given to the Edusave Scheme Administrator donate to the Endowment Fund all or part of the sum standing to the member's credit in his Edusave account.

(2) Upon receiving the notice in subsection (1), the Edusave Scheme Administrator may authorise the payment of such sum, as stated in the notice, to the Endowment Fund.”.

### **Amendment of section 14**

**11.** Section 14 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

“(1) Upon an application to withdraw any sum of money standing to the credit of a member of the Edusave Pupils Fund in the member's Edusave account for the purposes in section 12(2), the Edusave Scheme Administrator may authorise the payment of such sum as may, under this Act, be withdrawn from the member's Edusave account —

(a) in the case of a withdrawal for the purposes in section 12(2)(a), to the prescribed school or

junior college that the member is schooling at;  
and

- (b) in the case of a withdrawal for the purposes in section 12(2)(b), to a person, an educational institution or any other entity as may be determined by the Edusave Scheme Administrator.”; and

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- (b) by deleting the word “Board” in subsection (2) and substituting the words “Edusave Scheme Administrator”.

### **Amendment of section 15**

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**12.** Section 15 of the principal Act is amended —

- (a) by deleting the word “Board” and substituting the words “Edusave Scheme Administrator”; and
- (b) by deleting the words “or 13” and substituting the words “, 13 or 13A”.

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### **Amendment of section 16**

**13.** Section 16(2) of the principal Act is amended by deleting the word “Board” and substituting the words “Edusave Scheme Administrator”.

### **Amendment of section 16A**

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**14.** Section 16A of the principal Act is amended —

- (a) by deleting the words “section 13(2) or (3)” in subsection (1)(d) and substituting the words “section 13(1) or section 13(2) or (3) as in force before the date of commencement of section 10 of the Education Endowment and Savings Schemes (Amendment) Act 2014”; and
- (b) by inserting, immediately after the words “section 16D” in subsection (3), “, 16DA”.

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### **Amendment of section 16D**

**15.** Section 16D of the principal Act is amended —

- (a) by inserting, immediately after the words “this section” in subsection (1), the words “, section 16DA”; and
- 5 (b) by inserting, immediately after the words “and thereupon” in subsection (3), the words “his PSE account shall be closed and”.

### **New section 16DA**

**16.** The principal Act is amended by inserting, immediately after section 16D, the following section:

#### **“Donation of member’s moneys in PSE Fund**

**16DA.**—(1) An individual who is a member of the PSE Fund or, if the individual is below 21 years of age, any parent of that individual, may by notice given to the PSE Scheme Administrator donate all or part of the sum standing to the member’s credit in his PSE account to a prescribed charity of the individual’s or parent’s choice (as the case may be), being a charity whose objects are exclusively or primarily for the advancement of education.

(2) Upon receiving the notice in subsection (1), the PSE Scheme Administrator may authorise the payment of such sum, as stated in the notice, to the prescribed charity.

(3) In this section, “charity” means a charity as defined in section 2(1) of the Charities Act (Cap. 37) whether or not registered under that Act.”.

### **Amendment of section 16E**

**17.** Section 16E of the principal Act is amended —

- (a) by inserting, immediately after the words “and thereupon” in subsections (1), (2) and (4), the words “his PSE account shall be closed and”; and
- 30 (b) by inserting, immediately after subsection (5), the following subsection:

“(6) An individual who is a member of the PSE Fund and who resumes being a member of the Edusave Pupils Fund by virtue of section 8(3), or, if the individual is below 21 years of age, any parent of the individual, may apply to the PSE Scheme Administrator to transfer moneys standing to the credit of the individual in his PSE account to his Edusave account.”.

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### **Amendment of section 16F**

**18.** Section 16F of the principal Act is amended by inserting, immediately after subsection (2), the following subsection:

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“(2A) Upon an application under section 16E(6) to transfer moneys from the PSE account of an individual who is a PSE Fund member to his Edusave account, the PSE Scheme Administrator may authorise the transfer to the Edusave account of an amount not exceeding the amount earlier transferred to his PSE account under section 13(1) with respect to that individual.”.

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### **Amendment of section 16G**

**19.** Section 16G(2) of the principal Act is amended by inserting, immediately after the words “section 16D”, “, 16DA”.

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### **Amendment of section 16H**

**20.** Section 16H of the principal Act is amended by inserting, immediately after subsection (1), the following subsection:

“(1A) Where the total amount standing to the credit of a member of the PSE Fund in his PSE account has been paid to the Public Trustee under subsection (1), the member’s PSE account shall be closed and he shall cease to be a member of the PSE Fund.”.

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## **Amendment of section 24**

**21.** Section 24(2) of the principal Act is amended by deleting the word “Board” in paragraphs (c) and (d) and substituting in each case the words “Edusave Scheme Administrator”.

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## **EXPLANATORY STATEMENT**

This Bill seeks to amend the Education Endowment and Savings Schemes Act (Cap. 87A) for the following main purposes:

- (a) to expand the membership of the Edusave Pupils Fund;
- (b) to expand the class of individuals who are members of the Edusave Pupils Fund who may be eligible to receive contributions; and
- (c) to allow for resumption of membership of the Edusave Pupils Fund in certain circumstances.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2(1) to insert the definitions for “Edusave Qualifying Ages”, “Edusave Scheme Administrator”, “junior college”, “prescribed school” (found in the current section 9(6)) and “schooling” and to delete the definition of “Board”. The definition of “school age” is also deleted as there is no longer a reference to school age in the Act.

The clause also deletes the current subsections (2) and (3) of section 2 as there is no longer a reference to “school” in sections 12, 13 and 14 and inserts a new subsection (2) to explain that for the purposes of the Act, the time at which an individual attains a particular age expressed in years is the relevant anniversary of the date of that individual’s birth. However where an individual was born on 29 February in any year, then, in any subsequent year that is not a leap year, the anniversary of the birth of that individual will be deemed to occur on 1 March of that subsequent year. This displaces the common law position that an individual (at common law) attains a certain age on the day preceding the anniversary of his birthday.

Clause 3 amends section 3(1) as a consequence of inserting a new section 13A to allow a member of the Edusave Pupils Fund to donate moneys in his Edusave account to the Edusave Endowment Fund.

Clause 4 amends section 6(1)(b) to replace the word “pupils” with “students” for consistency of expression throughout the Act.

Clause 5 amends section 7(2) to provide for the appointment of a public officer called the Edusave Scheme Administrator, who will take over from the Central Provident Fund Board (the CPF Board) the administration of the Edusave Pupils Fund on behalf of the Minister; and to provide that all moneys belonging to the Edusave Pupils Fund may be invested in such securities as trustees may by any written law be authorised to invest. The clause also amends section 7(4) to provide that the Edusave Scheme Administrator may not further delegate the power of delegation conferred on him or her.

Clause 6 repeals and re-enacts section 8 to expand the membership of the Edusave Pupils Fund. Currently a child becomes a member of the Edusave Pupils Fund if the child is a citizen of Singapore, of school age (defined in the Education Endowment and Savings Schemes (Edusave Pupils Fund) Regulations (Rg 1) to mean between the age of 6 years and 21 years as at 1 January of any year) and a pupil of a prescribed school. The re-enacted section 8 will now provide that an individual becomes a member if, in addition to being a citizen of Singapore and satisfying such other requirements as may be prescribed, the individual is schooling (defined in section 2(1) to mean enrolled as a full-time student of a prescribed school or a junior college) or, if not schooling, is between the Edusave Qualifying Ages (as defined in section 2(1)).

The re-enacted section 8 will also allow an individual who is a member of the PSE Fund and who, on or after the date of commencement of the Education Endowment and Savings Schemes (Amendment) Act 2014, ceased to be a member of the Edusave Pupils Fund, in the circumstances mentioned in the re-enacted section 13(1)(a), (b) or (c), to resume membership of the Edusave Pupils Fund if certain requirements are satisfied.

Clause 7 amends section 9, by deleting and substituting subsection (1) of that section, to expand on the class of individuals who may be eligible for the prescribed amount of contribution under that section. A member of the Edusave Pupils Fund who is a full-time student of a prescribed school and receiving primary or secondary education no longer needs to satisfy the requirement that he must also be of school age, in order to be eligible for the prescribed amount of contribution in any year. Further, a member of the Edusave Pupils Fund will be eligible to receive the prescribed amount of contribution for any year if at any time during that year he is between the Edusave Qualifying Ages, although he may not be schooling. However to be eligible for the prescribed amount of contribution under section 9, the member must be alive.

The new subsection (3) provides for the amount of contribution that a member of the Edusave Pupils Fund is eligible to receive in a year. The new subsection (3A) provides for when the amount of contribution that a member of the Edusave Pupils Fund is eligible to receive must be paid, unless the member dies.

The clause also deletes subsections (5) and (6) and replaces the subsections with a new subsection (5) to allow the Minister to prescribe for each year different

amounts of contribution payable for different members or classes of members of the Edusave Pupils Fund, and different qualifying dates in the year for different members or classes of members of the Edusave Pupils Fund for the purposes of subsection (3)(b).

Clause 8 inserts a new section 9A to provide that the Edusave Scheme Administrator must pay to the Edusave account of any member of the Edusave Pupils Fund such cash grant as the Government may make to such members who satisfy the requisite eligibility criteria.

Clause 9 amends section 12(2) to provide that a member of the Edusave Pupils Fund who is schooling is entitled to withdraw the sum standing to his credit in his Edusave account to defray the whole or part of his expenses as may be necessary to enable him to take part in any enrichment programme approved by the prescribed school or junior college that he is schooling at.

Clause 10 repeals and re-enacts section 13 and inserts a new section 13A. The re-enacted section 13 provides that the Edusave Scheme Administrator must transfer the moneys in a member's Edusave account to his PSE account after the happening of the first of the events referred to in subsection (1). The re-enacted section 13 provides, with modifications, for what is in the current section 13(2) and (3). The current section 13(2) and (3) partly provides for cessation of membership of the Edusave Pupils Fund and is better placed in a standalone section (namely, the repealed and re-enacted section 13). The new subsection (1)(a) and (b) sets out the terminal events in the current section 13(2), and the new subsection (1)(c) sets out the current terminal event in the current section 13(3). The individual will also cease to be a member of the Edusave Pupils Fund when his Edusave account is closed.

The clause also inserts a new section 13A to allow moneys in a member's Edusave account to be donated to the Endowment Fund.

Clause 11 deletes and substitutes subsection (1) of section 14 to provide that the Edusave Scheme Administrator may authorise payments for withdrawal from the Edusave account of a member of the Edusave Pupils Fund to a member's prescribed school or junior college that the member is schooling at, or to a person, an educational institution or any other entity as may be determined by the Edusave Scheme Administrator. The clause further amends section 14(2) as a consequence of transferring the administration of the Edusave Pupils Fund from the CPF Board to the Edusave Scheme Administrator.

Clauses 12 and 13 amend sections 15 and 16(2), respectively, as a consequence of transferring the administration of the Edusave Pupils Fund from the CPF Board to the Edusave Scheme Administrator.

Clause 12 also amends section 15 to provide that a withdrawal of moneys from the Edusave Pupils Fund under the new section 13A by a member or his parent

which is donated to the Endowment Fund is protected from a claim by creditors of the member.

Clause 14 amends section 16A(1)(d) to delete the reference to section 13(2) and (3) in that section and to replace with the reference to section 13(1) or section 13(2) or (3) as in force before the date of commencement of section 10 of the Education Endowment and Savings Schemes (Amendment) Act 2014.

The clause also amends section 16A(3) to include a reference to the new section 16DA as a consequence of its introduction.

Clause 15 amends section 16D, as a consequence of introducing a new section 16DA, to include that moneys standing to the credit of a member of the PSE Fund in his PSE account may be withdrawn with the PSE Scheme Administrator's authority in accordance with the new section 16DA. The clause further amends section 16D(3) to provide that when the Minister permits the whole sum standing to the credit of a member of the PSE Fund in his PSE account to be withdrawn, the member's PSE account will be closed.

Clause 16 inserts a new section 16DA to allow moneys in a member's PSE account to be donated to a prescribed charity of choice. The prescribed charity must be a charity whose objects are exclusively or primarily for the advancement of education.

Clause 17 amends section 16E to provide that an individual who is a member of the PSE Fund and who resumes being a member of the Edusave Pupils Fund under the new section 8(3), or, if the individual is below 21 years of age, any parent of the individual, may apply to the PSE Scheme Administrator to transfer moneys from the individual's PSE account to his Edusave account. The transfer can only be made for sums which are earlier transferred from the individual's Edusave account to his PSE account on or after the date of commencement of the Education Endowment and Savings Schemes (Amendment) Act 2014, and not before that date, and the amount that may be transferred must not exceed the amount earlier transferred under the re-enacted section 13(1) with respect to that individual. The clause also amends section 16E to provide that when all the sums standing to an individual's credit in his PSE account is transferred to his CPF ordinary account, if any, under section 16E(1), (2) or (4), his PSE account will be closed and he will cease to be a member of the PSE Fund.

Clause 18 inserts a new subsection (2A) to section 16F to provide that upon an application under the new section 16E(6) to transfer moneys from the PSE account of an individual to his Edusave account, the PSE Scheme Administrator may authorise the transfer of such amount not exceeding the amount earlier transferred under the re-enacted section 13(1), with respect to that individual.

Clause 19 amends section 16G(2) to provide that a withdrawal of moneys from the PSE Fund under the new section 16DA by a member or his parent which is donated to a prescribed charity of choice (being a charity whose objects are

exclusively or primarily for the advancement of education) is protected from a claim by creditors of the member.

Clause 20 inserts a new subsection (1A) to section 16H to provide that where the amounts standing to the credit of a member of the PSE Fund (who has died) in his PSE account has been paid to the Public Trustee, the member's PSE account will be closed and he will cease to be a member of that Fund.

Clause 21 amends section 24(2)(c) and (d) as a consequence of transferring the administration of the Edusave Pupils Fund from the CPF Board to the Edusave Scheme Administrator.

## EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.

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