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BANKRUPTCY ACT (CHAPTER 20)

BANKRUPTCY (AMENDMENT) RULES 2016

In exercise of the powers conferred by section 166 of the Bankruptcy Act, the Minister for Law makes the following Rules:

Citation and commencement

1. These Rules are the Bankruptcy (Amendment) Rules 2016 and come into operation on 1 August 2016.

Amendment of rule 2

2. Rule 2(1) of the Bankruptcy Rules (R 1) is amended —

(a) by inserting, immediately before the definition of “associate”, the following definition:

“ “administrator”, in relation to a bankrupt’s estate, means the person administering the estate, whether the Official Assignee or a trustee;”;
and

(b) by deleting the definition of “Form”.

New rule 2A

3. The Bankruptcy Rules are amended by inserting, immediately after rule 2, the following rule:

“Forms

2A. The Forms to be used for the purposes of these Rules are those set out on the Internet website of the Ministry of Law at <http://www.mlaw.gov.sg>, and any reference in these Rules to a numbered form is to be construed as a reference to the current version of the form bearing the corresponding number which is displayed at that website.”.

Amendment of rule 11

4. Rule 11 of the Bankruptcy Rules is amended by inserting, immediately after paragraph (2), the following paragraph:

“(3) Unless otherwise provided in the Act or these Rules, every application must be supported by an affidavit.”.

Amendment of rule 18

5. Rule 18 of the Bankruptcy Rules is amended by deleting paragraph (2).

Amendment of rule 20

6. Rule 20 of the Bankruptcy Rules is amended —

(a) by inserting, immediately after the word “scandalous,” the words “irrelevant or otherwise oppressive,”; and

(b) by deleting the rule heading and substituting the following rule heading:

“Scandalous, irrelevant or oppressive matter”.

Amendment of rule 22

7. Rule 22 of the Bankruptcy Rules is amended by deleting paragraph (3).

Amendment of rule 23

8. Rule 23 of the Bankruptcy Rules is amended by deleting paragraph (1) and substituting the following paragraphs:

“(1) A sealed copy of a subpoena issued under rule 22(1) must be served personally on the witness concerned by —

(a) an officer of the court;

(b) the person at whose instance the subpoena is issued or that person’s solicitor; or

(c) an employee of the person, or of the person’s solicitor, mentioned in sub-paragraph (b).

(1A) Despite paragraph (1), the subpoena may be served in such manner as is agreed in writing between the witness concerned and the person at whose instance the subpoena is issued.”.

Amendment of rule 25

9. Rule 25 of the Bankruptcy Rules is amended by inserting, immediately after paragraph (1), the following paragraph:

“(1A) An order made under paragraph (1) for the examination of any person must be served on the person.”.

Amendment of rule 27

10. The Bankruptcy Rules are amended by renumbering rule 27 as paragraph (1) of that rule, and by inserting immediately thereafter the following paragraph:

“(2) An order made under paragraph (1) for the attendance of any person must be served on the person.”.

Amendment of rule 29

11. Rule 29 of the Bankruptcy Rules is amended by deleting the words “, a search warrant or any other warrant”.

Amendment of rule 30

12. Rule 30 of the Bankruptcy Rules is amended by deleting paragraph (b) and substituting the following paragraph:

“(b) lodge any books, papers, records, moneys or goods in the arrested person’s possession which have been seized with —

- (i) where the arrested person is an undischarged bankrupt, the administrator of the arrested person’s estate; or
- (ii) in every other case, the Official Assignee.”.

Amendment of rule 31

13. Rule 31 of the Bankruptcy Rules is amended —

- (a) by deleting the words “section 83(13)” in paragraph (1) and substituting the words “section 82A(3) or 83(13)”; and
- (b) by deleting the words “section 83(13)” in the rule heading and substituting the words “section 82A(3) or 83(13)”.

Deletion and substitution of rule 47

14. Rule 47 of the Bankruptcy Rules is deleted and the following rule substituted therefor:

“Evidence on application by Official Assignee

47.—(1) Where evidence is to be given by the Official Assignee in support of any of the following applications made by the Official Assignee, the evidence may, instead of being given by affidavit, be given by the Official Assignee’s report to the court:

- (a) an application for directions;
- (b) an application for leave, or for an extension of time to apply for leave, to disclaim a lease;
- (c) an application to commit a bankrupt;
- (d) an application to reverse or modify any previous act or decision of the Official Assignee;
- (e) an application to vary a bankrupt’s monthly contribution and target contribution.

(2) The Official Assignee’s report is prima facie evidence of the matters contained in the report.”.

Amendment of rule 48

15. Rule 48 of the Bankruptcy Rules is amended —

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

“(d) to grant a bankrupt —

- (i) leave under section 148 of the Companies Act (Cap. 50) to act as director, or take part in the management, of a corporation; or
- (ii) leave under section 34(1) of the Business Names Registration Act 2014 (Act 29 of 2014) to take part in, or be concerned in the management of, any business;”;

(b) by inserting, immediately after the words “to appoint” in paragraph (e), the words “under rule 270(1)”.

Deletion of rule 50

16. Rule 50 of the Bankruptcy Rules is deleted.

Deletion of rule 51

17. Rule 51 of the Bankruptcy Rules is deleted.

Amendment of rule 53

18. Rule 53 of the Bankruptcy Rules is amended by inserting, immediately after paragraph (1), the following paragraph:

“(1A) Where section 33(1A) of the Act applies, an application for the appointment of a trustee must be included in the creditor’s bankruptcy application.”.

Amendment of rule 54

19. Rule 54 of the Bankruptcy Rules is amended —

- (a) by inserting, immediately after the words “the following provisions as to security”, the words “(including any fresh security required under section 35(1)(b) of the Act)”;
- (b) by deleting the words “in such manner as the Official Assignee may, from time to time, direct” in paragraph (a) and substituting the words “in the form of a banker’s guarantee”; and

(c) by deleting the words “and nature” in paragraph (b).

Deletion and substitution of rule 55

20. Rule 55 of the Bankruptcy Rules is deleted and the following rule substituted therefor:

“Report of trustee

55.—(1) Unless otherwise directed by the Official Assignee, a trustee must, not later than one month after the end of every 12 months during the relevant bankruptcy period, submit to the Official Assignee and the creditors’ committee (if any), a written report of the trustee’s administration of the bankruptcy.

(2) The report under paragraph (1) is to contain particulars of —

- (a) the total amount of debts owed to creditors who have filed proofs of debt;
- (b) the property of the bankrupt comprised in the bankrupt’s estate and the status of the realisation of such property;
- (c) the monthly contribution and target contribution for the bankruptcy;
- (d) the payments that have been made by the bankrupt to the bankrupt’s estate;
- (e) any other payments that have been made to the bankrupt’s estate;
- (f) any payments that have been made out of the bankrupt’s estate; and
- (g) such other information relating to the trustee’s administration of the bankruptcy as is required by the Official Assignee.

(3) In this rule, “relevant bankruptcy period” means —

- (a) in a case where the bankruptcy is a repeat bankruptcy, the period between the date of the making of the

bankruptcy order and the seventh anniversary of the administration date (both dates inclusive); and

- (b) in any other case, the period between the date of the making of the bankruptcy order and the fifth anniversary of the administration date (both dates inclusive).”.

Amendment of rule 59

21. Rule 59 of the Bankruptcy Rules is amended —

- (a) by deleting paragraphs (1) and (2) and substituting the following paragraphs:

“(1) Where a trustee has been directed by the court or requested in writing under section 79(2) of the Act to summon a meeting of creditors for the purpose of removing the trustee, the trustee must, no later than 3 days after being so directed or receiving the written request (as the case may be), serve a notice summoning the meeting of creditors to —

- (a) the Official Assignee; and
(b) every creditor who has proved the creditor’s debt at least 2 months before the date fixed for the meeting.

(2) The notice summoning the meeting of creditors must state —

- (a) the purpose of the meeting; and
(b) the date fixed for the meeting, which must not be later than 2 months after the date of that notice.

(2A) The trustee must, not later than one month before the date fixed for the meeting of creditors, serve on the persons mentioned in paragraph (1)(a) and (b) —

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- (a) a notice stating the name of any person who is proposed to be appointed in place of the trustee; and
 - (b) a report of the trustee containing particulars of —
 - (i) the total amount of debts owed to creditors who have filed proofs of debt;
 - (ii) the property of the bankrupt comprised in the bankrupt's estate and the status of the realisation of such property;
 - (iii) in a case where the bankrupt was adjudged bankrupt pursuant to a bankruptcy application made on or after 1 August 2016, the monthly contribution and target contribution for the bankruptcy;
 - (iv) the payments that have been made by the bankrupt to the bankrupt's estate;
 - (v) any other payments that have been made to the bankrupt's estate;
 - (vi) any payments that have been made out of the bankrupt's estate;
 - (vii) any outstanding work to be done in relation to the administration of the bankruptcy; and
 - (viii) such other information relating to the trustee's administration of the bankruptcy as is required by the Official Assignee.”; and
- (b) by deleting the words “Notice for removal” in the rule heading and substituting the word “Removal”.

Amendment of rule 60

22. Rule 60 of the Bankruptcy Rules is amended by inserting, immediately after paragraph (3), the following paragraph:

“(3A) The trustee must, before the date of the hearing, submit to the court a report containing the following information:

- (a) the total amount of debts owed to creditors who have filed proofs of debt;
- (b) the property of the bankrupt comprised in the bankrupt’s estate and the status of the realisation of such property;
- (c) in a case where the bankrupt was adjudged bankrupt pursuant to a bankruptcy application made on or after 1 August 2016, the monthly contribution and target contribution for the bankruptcy;
- (d) the payments that have been made by the bankrupt to the bankrupt’s estate;
- (e) any other payments that have been made to the bankrupt’s estate;
- (f) any payments that have been made out of the bankrupt’s estate;
- (g) any outstanding work to be done in relation to the administration of the bankruptcy.”.

Amendment of rule 63

23. Rule 63 of the Bankruptcy Rules is amended by deleting paragraphs (1), (2) and (3) and substituting the following paragraphs:

“(1) The affidavit supporting an application by a trustee under section 41(3)(b) of the Act must exhibit the report mentioned in paragraph (2).

(2) A report on the work done in relation to a bankrupt’s estate which is to be submitted to the Official Assignee under section 41(3A)(a) of the Act must contain particulars of the following:

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- (a) the total amount of debts owed to creditors who have filed proofs of debt;
 - (b) the property of the bankrupt comprised in the bankrupt's estate and the status of the realisation of such property;
 - (c) in a case where the bankrupt was adjudged bankrupt pursuant to a bankruptcy application made on or after 1 August 2016, the monthly contribution and target contribution for the bankruptcy;
 - (d) the payments that have been made by the bankrupt to the bankrupt's estate;
 - (e) any other payments that have been made to the bankrupt's estate;
 - (f) any payments that have been made out of the bankrupt's estate;
 - (g) any outstanding work to be done in relation to the administration of the bankruptcy;
 - (h) such other information relating to the trustee's administration of the bankruptcy as is required by the Official Assignee.

(3) The trustee seeking to resign from office must submit to the Official Assignee the report mentioned in paragraph (2) not later than 2 months after giving the notice of resignation.”.

Amendment of rule 64

24. Rule 64 of the Bankruptcy Rules is amended —

- (a) by renumbering the rule as paragraph (1) of that rule, and by inserting immediately thereafter the following paragraph:

“(2) For the purposes of section 41(5) of the Act, a report to be submitted to the Official Assignee on the work done in relation to a bankrupt's estate must contain particulars of the following:

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- (a) the total amount of debts owed to creditors who have filed proofs of debt;
 - (b) the property of the bankrupt comprised in the bankrupt's estate and the status of the realisation of such property;
 - (c) in a case where the bankrupt was adjudged bankrupt pursuant to a bankruptcy application made on or after 1 August 2016, the monthly contribution and target contribution for the bankruptcy;
 - (d) the payments that have been made by the bankrupt to the bankrupt's estate;
 - (e) any other payments that have been made to the bankrupt's estate;
 - (f) any payments that have been made out of the bankrupt's estate;
 - (g) any outstanding work to be done in relation to the administration of the bankruptcy.”;
- and

(b) by deleting the word “duty” in the rule heading and substituting the word “duties”.

Amendment of rule 90

25. Rule 90(1) of the Bankruptcy Rules is amended by deleting the words “creditor’s meeting” and substituting the words “creditors’ meeting”.

New rule 101A

26. The Bankruptcy Rules are amended by inserting, immediately after rule 101, the following rule:

“Creditor’s statement in affidavit

101A. A creditor making a bankruptcy application must state in the affidavit supporting the application whether

section 33(1A) of the Act applies to the creditor, and if so, how that provision applies.”.

Deletion and substitution of rule 104

27. Rule 104 of the Bankruptcy Rules is deleted and the following rule substituted therefor:

“Grounds of creditor’s bankruptcy application

104. In addition to the other matters which are required by these Rules to be stated in the affidavit supporting a creditor’s bankruptcy application, the creditor must —

- (a) explain in the affidavit how the conditions and grounds specified in sections 60 and 61, respectively, of the Act for the making of a bankruptcy application have been satisfied; and
- (b) where the bankruptcy application is made in reliance of section 63A of the Act, explain in the affidavit how the condition in section 63A(a) of the Act is satisfied.”.

New rule 112A

28. The Bankruptcy Rules are amended by inserting, immediately after rule 112, the following rule:

“Giving of notice to proposed administrator

112A.—(1) A creditor making a bankruptcy application against a debtor must give notice in writing of the application, together with a copy of the application and the affidavit supporting the application, to —

- (a) the person (whether the Official Assignee or otherwise) to be appointed to administer the estate of the debtor in the event a bankruptcy order is made on the application; and
- (b) if the debtor is a bankrupt, each person (whether the Official Assignee or a trustee) appointed to administer

the estate of the debtor under each subsisting bankruptcy order made against the debtor.

(2) For the purposes of paragraph (1)(b), a bankruptcy order made against a debtor is a subsisting bankruptcy order if the order has not been annulled and the debtor has not obtained a discharge in respect of the order.”.

Amendment of rule 124

29. Rule 124 of the Bankruptcy Rules is amended by deleting the words “on the debtor and the Official Assignee” and substituting the words “in accordance with the provisions of these Rules relating to a creditor’s bankruptcy application, and the service, proof of service, and giving of notice, of such an application”.

Amendment of rule 130

30. Rule 130 of the Bankruptcy Rules is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) The Registrar must, not later than 21 days after the making of a bankruptcy order on a creditor’s bankruptcy application, cause a notification of the order to be published in the *Gazette*.”.

Amendment of rule 131

31. Rule 131 of the Bankruptcy Rules is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) The Official Assignee must, not later than 21 days after the making of a bankruptcy order on a creditor’s bankruptcy application, cause the order to be advertised in such local newspaper as the Official Assignee thinks fit.”.

Amendment of rule 138

32. Rule 138 of the Bankruptcy Rules is amended by inserting, immediately after paragraph (3), the following paragraphs:

“(3A) The debtor must give notice in writing of the debtor’s bankruptcy application, together with a copy of the affidavit supporting the application and a copy of the statement of the debtor’s affairs, to —

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- (a) the person to be appointed to administer the estate of the debtor in the event a bankruptcy order is made on the application, if that person is not the Official Assignee; and
 - (b) if the debtor is a bankrupt, each person (who is not the Official Assignee) appointed to administer the estate of the debtor under each subsisting bankruptcy order made against the debtor.

(3B) For the purposes of paragraph (3A)(b), a bankruptcy order made against a debtor is a subsisting bankruptcy order if the order has not been annulled and the debtor has not obtained a discharge in respect of the order.”.

Amendment of rule 143

33. Rule 143 of the Bankruptcy Rules is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) The Registrar must, not later than 21 days after the making of a bankruptcy order on a debtor’s bankruptcy application, cause a notification of the order to be published in the *Gazette*.”.

Amendment of rule 144

34. Rule 144 of the Bankruptcy Rules is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) The Official Assignee must, not later than 21 days after the making of a bankruptcy order on a debtor’s bankruptcy application, cause the order to be advertised in such local newspaper as the Official Assignee thinks fit.”.

New rule 166A

35. The Bankruptcy Rules are amended by inserting, immediately before rule 167, the following rule:

“Prescribed particulars and information for statement of affairs

166A. For the purposes of section 81(3)(a) and (c) of the Act, the following particulars and information are to be contained in a bankrupt’s statement of affairs:

- (a) details of the bankrupt’s assets, including —
 - (i) the bankrupt’s bank accounts, sundry debtors, property (whether real or personal) and contingent assets; and
 - (ii) any of the bankrupt’s property that was disposed of within the period of 5 years ending on the day of the making of the bankruptcy application on which the bankrupt is adjudged bankrupt;
- (b) details of the bankrupt’s creditors, debts and other liabilities, including —
 - (i) the bankrupt’s preferential, secured, unsecured and contingent debts; and
 - (ii) the circumstances under which the debts were incurred;
- (c) information on any previous bankruptcy order made against the bankrupt under the Act or any previous written law relating to bankruptcy;
- (d) details of any legal proceedings that are pending and to which the bankrupt is a party;
- (e) the bankrupt’s age;
- (f) details of the bankrupt’s education and vocational qualifications;
- (g) details of the bankrupt’s current income, including —
 - (i) the amount of income from the bankrupt’s current employment; and
 - (ii) any other sources of income, and the amount of income from each source;

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- (h) details of the bankrupt’s current employment and past employment during the 5 years immediately preceding the submission of the statement of affairs, including the identity of each employer and the duration of each employment;
 - (i) details of any directorship in, or other position in the management of, a corporation, previously held by the bankrupt;
 - (j) details of the bankrupt’s current and past trade or business during the 5 years immediately preceding the submission of the statement of affairs;
 - (k) details of the bankrupt’s spouse and dependants, including —
 - (i) the identity and age of the spouse and any dependant; and
 - (ii) the amount of income earned by the spouse (whether from employment or otherwise);
 - (l) details of the monthly expenses necessary for the maintenance of the bankrupt and the bankrupt’s family.”.

Amendment of rule 167

36. Rule 167 of the Bankruptcy Rules is amended —

- (a) by deleting the words “2 copies of his statement of affairs in Form 11” in paragraph (1) and substituting the words “a copy of the bankrupt’s statement of affairs in Form 11 and a copy of any supplementary information specified in any direction issued under section 81(4)(c) of the Act”; and
- (b) by deleting paragraphs (3) and (4).

New rule 167A

37. The Bankruptcy Rules are amended by inserting, immediately after rule 167, the following rule:

“Proof of information in statement of affairs

167A. The administrator of a bankrupt’s estate may, at any time after the bankrupt files the statement of the bankrupt’s affairs or submits any supplementary information directed to be submitted, direct the bankrupt to submit proof of any of the matters in the statement or in the supplementary information (as the case may be).”.

New sub-headings to Part VII and new rules 168A to 168G

38. Part VII of the Bankruptcy Rules is amended by inserting, immediately after rule 168, the following sub-headings and rules:

“Trading accounts, etc., of bankrupt’s business

Accounts of bankrupt’s business to be submitted to administrator

168A. A bankrupt must, upon the request of the administrator of the bankrupt’s estate, submit to the administrator the following accounts, which relate to any business that the bankrupt had engaged in, and covering a period not exceeding 3 years immediately preceding the date of the bankruptcy order in question:

- (a) trading accounts;
- (b) profit and loss accounts;
- (c) cash and goods accounts;
- (d) any other accounts.

Monthly contribution and target contribution

Notice, etc., of determination of monthly contribution and target contribution

168B.—(1) The notice of the determination of a bankrupt’s monthly contribution and target contribution which is required to be served under section 86A(1)(b) of the Act must be in Form 15A.

(2) The explanation of a trustee's basis for making a determination which is required to be served under section 86A(3) of the Act must be in Form 15B.

Notice of application to court, etc., under section 86B(1) of Act

168C.—(1) The administrator of a bankrupt's estate on whom an application under section 86B(1) of the Act is served must, within 7 days after the date of such service, file in court an explanation of the basis for making the determination which is the subject of the application.

(2) The explanation mentioned in paragraph (1) must be in the form of a report.

(3) The notice of the application mentioned in section 86B(4) of the Act must be in Form 15C.

(4) The administrator of a bankrupt's estate whose determination under section 86A of the Act is the subject of an application under section 86B(1) of the Act must, upon the request of any person given notice of the application, provide to that person a copy of any one or more of the following as may be requested:

(a) the application;

(b) the supporting affidavit;

(c) the explanation mentioned in paragraph (1).

(5) The notice of a variation order which is required to be served under section 86B(8) of the Act —

(a) must be in Form 15D; and

(b) must be accompanied by a copy of the variation order.

Notice of application to court, etc., under section 86C(1) of Act

168D.—(1) The administrator of a bankrupt's estate whose determination is the subject of an application to the court under

section 86C(1) of the Act must file in court an explanation of the basis for making the determination —

- (a) at the same time as the application is made, if the application is made by the administrator; or
- (b) within 7 days after being served the application, if the application is not made by the administrator.

(2) The explanation mentioned in paragraph (1) must be in the form of a report.

(3) The applicant under section 86C(1) of the Act must, upon the request of any person served with the application, provide a copy of the supporting affidavit to that person.

(4) The notice which is required to be given under section 86C(4) of the Act must be in Form 15C.

(5) The notice of a variation order which is required to be served under section 86C(7) of the Act —

- (a) must be in Form 15D; and
- (b) must be accompanied by a copy of the variation order.

Notice of issue of certificate reducing monthly contribution and target contribution, etc.

168E.—(1) Where an application is made by a bankrupt under section 86D(1) of the Act to reduce his monthly contribution and target contribution, the administrator of the bankrupt's estate may, for the purpose of considering the application, direct that the bankrupt submit to the administrator any one or more of the following as may be applicable:

- (a) proof of any increase in the number of members of the bankrupt's family;
- (b) proof of any change in the income of the bankrupt's spouse;
- (c) proof of any illness of the bankrupt;

(d) proof of any matter, such proof being necessary, in the opinion of the administrator, for considering the bankrupt's application.

(2) The certificate issued under section 86D(1) of the Act must be in Form 15E.

Notice of application to court, etc., under section 86E of Act

168F.—(1) The administrator of a bankrupt's estate on whom an application to the court under section 86E(1) of the Act is served must, within 7 days after the date of such service, file in court an explanation of the basis of the administrator's decision under section 86D(1) of the Act.

(2) The explanation mentioned in paragraph (1) must be in the form of a report.

(3) The notice required to be given under section 86E(3)(b) of the Act must be in Form 15C.

(4) The administrator mentioned in paragraph (1) must, upon the request of any person who is given a notice under section 86E(3)(b) of the Act, provide to that person a copy of any one or more of the following as may be requested:

(a) the application;

(b) the affidavit filed in support of the application;

(c) the explanation mentioned in paragraph (1).

(5) The notice of a variation order which is required to be served under section 86E(7) of the Act —

(a) must be in Form 15D; and

(b) must be accompanied by a copy of the variation order.

Review by Official Assignee of administration by trustee

168G.—(1) The report of a trustee's administration of a bankruptcy mentioned in section 86F(1) of the Act must be in Form 41.

(2) The Official Assignee must, immediately upon the issue of a certificate under section 86F(3) of the Act, serve a copy of the certificate on the bankrupt, the trustee administering the bankrupt's estate, and every creditor who has filed a proof of debt.”.

Amendment of rule 170

39. Rule 170(1) of the Bankruptcy Rules is amended by deleting the word “send” and substituting the word “serve”.

New rule 173A

40. The Bankruptcy Rules are amended by inserting, immediately before rule 174, the following rule:

“Manner of giving notice of bankruptcy order, etc.

173A.—(1) The administrator of a bankrupt's estate must send a notice informing the persons mentioned in section 88A(1)(a) and (b) of the Act of the bankruptcy order and the time within which creditors are required to file their proofs of debt.

(2) The notice mentioned in paragraph (1) must be sent by certified post to each person mentioned in section 88A(1)(a) and (b) of the Act at the address of that person last known to the administrator.”.

Amendment of rule 174

41. Rule 174 of the Bankruptcy Rules is amended —

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

“(1) Every creditor must prove his debt by filing, with the administrator of the estate in question, a proof of debt.”;

(b) by deleting the words “lodged with the Official Assignee” in paragraph (2) and substituting the words “filed with the administrator”;

(c) by deleting the words “section 94(3)” in paragraph (2)(c) and substituting the words “section 94(4)”; and

(d) by deleting the words “under paragraph (1)” in paragraph (3).

Deletion and substitution of rule 176

42. Rule 176 of the Bankruptcy Rules is deleted and the following rule substituted therefor:

“Note of contract, etc., for loan granted to bankrupt by licensed moneylender

176. A licensed moneylender filing a proof of debt in respect of a loan made by the moneylender must, within 14 days after filing the proof, file a copy of each of the following documents in respect of the loan:

- (a) the note of the contract for the loan, mentioned in section 20(1)(a) of the Moneylenders Act (Cap. 188);
- (b) the statement of account mentioned in section 21(1) of the Moneylenders Act which was last supplied to the bankrupt before the making of the bankruptcy order in question.”.

Deletion and substitution of rule 181

43. Rule 181 of the Bankruptcy Rules is deleted and the following rule substituted therefor:

“Debt in foreign currency

181.—(1) For the purpose of proving a debt incurred or payable in a currency other than Singapore dollars, the amount of the debt is to be converted into Singapore dollars at the rate of exchange made available by the Monetary Authority of Singapore (established under the Monetary Authority of Singapore Act (Cap. 186)) and prevailing on the date of the bankruptcy order in question.

(2) Where no rate of exchange prevailing on the date of the bankruptcy order in question is made available by the Monetary Authority of Singapore, the applicable rate is such rate of exchange prevailing on the date of the bankruptcy order as may be determined by the administrator of the bankrupt’s estate.”.

Deletion of rule 184

44. Rule 184 of the Bankruptcy Rules is deleted.

Amendment of rule 185

45. Rule 185 of the Bankruptcy Rules is amended by deleting the words “rate of interest under section 94(1)” and substituting the words “prescribed rate of interest in section 94(1) and (2)(a)(ii) and (b)(ii)”.

Amendment of rule 186

46. Rule 186 of the Bankruptcy Rules is amended by deleting the words “8% per annum” and substituting the words “interest provided for in the Rules of Court for the time being in force”.

Amendment of rule 188

47. Rule 188 of the Bankruptcy Rules is amended by inserting, immediately after paragraph (2), the following paragraph:

“(3) An order of the court relieving a creditor of a bankrupt from the effect of the rule in paragraph (1) must be served on the administrator of the bankrupt’s estate.”.

Amendment of rule 190

48. Rule 190 of the Bankruptcy Rules is amended by deleting paragraph (2) and substituting the following paragraphs:

“(2) Every amendment under paragraph (1) —

(a) is to be made at the cost of the creditor; and

(b) if made with the permission of the court, must be made upon such terms as the court orders.

(2A) An order of the court permitting an amendment under paragraph (1) must be served by the creditor on the Official Assignee or the trustee, as the case may be.”.

Amendment of rule 197

49. Rule 197 of the Bankruptcy Rules is amended by inserting, immediately after paragraph (1), the following paragraph:

“(1A) Any further evidence mentioned in paragraph (1) which is required by the Official Assignee or the trustee (as the case may be) must be submitted by the creditor in question within such time as the Official Assignee or the trustee (as the case may be) may reasonably require.”.

Amendment of rule 198

50. Rule 198 of the Bankruptcy Rules is amended —

- (a) by inserting, immediately after the words “in rejecting his proof” in paragraph (1), the words “(in whole or in part)”; and
- (b) by inserting, immediately after paragraph (3), the following paragraph:

“(3A) Despite paragraph (3), the copy of the application may be served in such manner as is agreed in writing between the creditor and the Official Assignee or the trustee, as the case may be.”.

Amendment of rule 200

51. Rule 200 of the Bankruptcy Rules is amended by inserting, immediately after paragraph (3), the following paragraph:

“(3A) Despite paragraph (3), the copy of the application may be served in such manner as is agreed in writing between the creditor and the Official Assignee or the trustee, as the case may be.”.

Amendment of rule 201

52. Rule 201 of the Bankruptcy Rules is amended by inserting, immediately after paragraph (4), the following paragraph:

“(5) An order of the court under paragraph (1) expunging a proof or reducing the amount claimed under a proof must be served on the Official Assignee or the trustee, as the case may be, by the applicant for the order.”.

Deletion of rules 206 to 214

53. Rules 206 to 214 of the Bankruptcy Rules are deleted.

Deletion and substitution of rule 215

54. Rule 215 of the Bankruptcy Rules is deleted and the following rule substituted therefor:

“Action upon issue of certificate of discharge or annulment under section 95A of Act

215. When a certificate of discharge or annulment is issued by the Official Assignee under section 95A(1) of the Act, the administrator of the bankrupt’s estate in question must, upon receiving payment of all fees and percentages payable, put the person or persons to whom under the composition or scheme the bankrupt’s property is to be assigned, into possession of the bankrupt’s property.”.

Deletion and substitution of rule 217

55. Rule 217 of the Bankruptcy Rules is deleted and the following rule substituted therefor:

“Provision for disputed claims

217.—(1) Where under a composition or scheme, provision is made for the payment of any moneys to the creditors, and any claim in respect of which a proof has been lodged is disputed, the administrator of the bankrupt’s estate in question must make provision for the amount which would be payable if the claim was established.

(2) On the determination of the dispute, the administrator must pay such of the amount provided for under paragraph (1) to the person or persons who are, according to the Act and these Rules, entitled to the amount.”.

Amendment of rule 219

56. Rule 219 of the Bankruptcy Rules is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) Where the administrator of a bankrupt’s estate has made an application to the court under section 109 of the Act for an appropriation order, the administrator must, at least 7 days before the date fixed for the hearing of the application, give notice of the application in Form 32 to the bankrupt.”.

Amendment of rule 220

57. Rule 220 of the Bankruptcy Rules is amended by deleting paragraph (2) and substituting the following paragraph:

“(2) Where an order is made under section 109(2) of the Act, the Official Assignee or the trustee (as the case may be) must communicate the order to the employer or other person under whom the salary, income, half-pay, pension or compensation in question is enjoyed.”.

Amendment of rule 221

58. The Bankruptcy Rules are amended by renumbering rule 221 as paragraph (1) of that rule, and by inserting immediately thereafter the following paragraphs:

“(2) A copy of an application to the court under paragraph (1) and a copy of the supporting affidavit must be served by the bankrupt on the Official Assignee or the trustee (as the case may be) at least 7 days before the date fixed for the hearing of the application.

(3) Where any order is made upon an application under paragraph (1), the Official Assignee or the trustee (as the case may be) must communicate the order to the employer or other person under whom the salary, income, half-pay, pension or compensation in question is enjoyed.”.

Amendment of rule 222

59. Rule 222(1) of the Bankruptcy Rules is amended by deleting “\$500” in sub-paragraph (a) and substituting “\$2,000”.

New sub-heading to Part VII and new rule 224A

60. Part VII of the Bankruptcy Rules is amended by inserting, immediately after rule 224, the following sub-heading and rule:

“Realisation of bankrupt’s property

Summary of administration of bankrupt’s estate

224A. For the purposes of section 116B(2)(c) of the Act, the summary of the administration of a bankrupt’s estate must contain particulars of —

- (a) the total amount of debts owed to creditors who have filed proofs of debt;
- (b) the property of the bankrupt comprised in the bankrupt’s estate and the status of realisation of such property;
- (c) the monthly contribution and target contribution for the bankruptcy;
- (d) the payments that have been made by the bankrupt to the bankrupt’s estate;
- (e) any other payments that have been made to the bankrupt’s estate;
- (f) any payments that have been made out of the bankrupt’s estate; and
- (g) any outstanding work to be done in relation to the administration of the bankruptcy.”.

Amendment of rule 226

61. Rule 226 of the Bankruptcy Rules is amended by inserting, immediately after the words “his accounts”, the words “for the duration of his appointment as special manager”.

Deletion and substitution of rule 228

62. Rule 228 of the Bankruptcy Rules is deleted and the following rule substituted therefor:

“Removal of special manager

228.—(1) The Official Assignee may remove a special manager if the employment of the special manager appears unnecessary or unprofitable to the estate.

(2) The Official Assignee must remove a special manager if so required by a special resolution of the creditors of the estate, or if the special manager fails to keep up his security as directed by the Official Assignee.”.

Amendment of rule 229

63. Rule 229 of the Bankruptcy Rules is amended —

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

“(b) send such notice to —

(i) every creditor mentioned in the statement of affairs or supplementary information (if any) submitted by the bankrupt in question; and

(ii) every other person who, to the knowledge of the Official Assignee or the trustee, as the case may be, claims to be a creditor.”; and

(b) by deleting the word “lodged” in paragraph (2) and substituting the word “filed”.

Amendment of rule 230

64. Rule 230(1) of the Bankruptcy Rules is amended by deleting the words “notice thereof given to” in sub-paragraph (a) and substituting the words “the summons by which the appeal is brought (together with a copy of the supporting affidavit) served on”.

Amendment of rule 231

65. Rule 231(1) of the Bankruptcy Rules is amended —

- (a) by inserting, immediately after the words “and send”, the words “to each creditor”; and
- (b) by deleting the words “to him” and substituting the words “to the creditor”.

Amendment of rule 235

66. Rule 235 of the Bankruptcy Rules is amended —

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

“(1) This rule applies when a person other than the Official Assignee applies for an annulment of a bankruptcy order under section 123 of the Act or for the discharge of a bankrupt under section 124 of the Act.”;

- (b) by deleting the word “shall” in paragraph (2) and substituting the words “supporting the application must”;
- (c) by inserting, immediately after paragraph (2), the following paragraphs:

“(3) The applicant must serve the application and a copy of the supporting affidavit on the Official Assignee or the trustee (as the case may be), unless the applicant is the administrator.

(4) The Official Assignee or the trustee (as the case may be) must give notice of the application to —

- (a) every creditor who has filed a proof of debt in respect of the bankruptcy; and
- (b) in a case where the application is made before the expiry of the period mentioned in section 88A(2) of the Act, every creditor who is mentioned in the statement of the

bankrupt's affairs but has not filed a proof of debt.”; and

- (d) by deleting the words “for discharge” in the rule heading and substituting the words “under section 123 or 124 of Act”.

Deletion and substitution of rule 236

67. Rule 236 of the Bankruptcy Rules is deleted and the following rule substituted therefor:

“Application under section 123 or 124 of Act by Official Assignee

236.—(1) Where the Official Assignee applies for an annulment of a bankruptcy order under section 123 of the Act or for the discharge of a bankrupt under section 124 of the Act, the Official Assignee must support the application with a report.

(2) The report of the Official Assignee must state the matters specified in rule 235(2).

(3) The Official Assignee must give notice of the application to each person specified in rule 235(4).”.

Amendment of rule 237

68. Rule 237 of the Bankruptcy Rules is amended —

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

“(1) When a day has been appointed for the hearing of an application under section 123 or 124 of the Act, the Registrar must, not less than 21 days before the day so appointed, give notice of the time and place to —

- (a) the applicant;
- (b) the Official Assignee; and
- (c) the administrator of the bankrupt's estate in question (if not the Official Assignee).”;

- (b) by deleting the word “creditor” in paragraph (2) and substituting the words “person specified in rule 235(4)”; and
- (c) by inserting, immediately after the word “hearing” in the rule heading, the words “of application under section 123 or 124 of Act”.

New rule 237A

69. The Bankruptcy Rules are amended by inserting, immediately after rule 237, the following rule:

“Security for debts and expenses of bankruptcy

237A.—(1) This rule sets out the extent to which debts and expenses of a bankruptcy are to be paid or secured for the purposes of section 123(1)(b) of the Act, and the manner in which security is to be given.

(2) For the purposes of section 123(1)(b) of the Act, all debts of the bankruptcy which have been proved, and all expenses of the bankruptcy, must be —

- (a) paid in full;
- (b) secured in full; or
- (c) paid in part or secured in part such that no part of any debt or expense is neither paid nor secured.

(3) If a debt is disputed, or a creditor who has proved a debt can no longer be traced, the bankrupt must give such security as to satisfy any sum that may subsequently be proved to be due to the creditor and any expenses of the bankruptcy related to the debt as may be incurred.

(4) Where security is given by a bankrupt in the case of a creditor who cannot be traced, the court may, on a subsequent application by the bankrupt, order that the security be released if —

- (a) the particulars of the creditor, the debt and the security have been advertised in such manner as the court thinks fit; and

(b) no claim on the security is made within 12 months after the date of the advertisement (or the first advertisement, if more than one).

(5) For the purposes of paragraphs (2) and (3), debts, expenses or any other sum may be secured by payment of money into court, a bond entered into with a surety or an undertaking by a solicitor.”.

Amendment of rule 241

70. The Bankruptcy Rules are amended by renumbering rule 241 as paragraph (1) of that rule, and by inserting immediately thereafter the following paragraph:

“(2) When a day for an appeal mentioned in paragraph (1) has been appointed, the appellant must give notice of the time and place to the bankrupt.”.

Amendment of rule 242

71. Rule 242 of the Bankruptcy Rules is amended —

(a) by deleting the words “after-acquired property” wherever they appear in paragraphs (1) and (2) and substituting in each case the words “property acquired after his discharge”;

(b) by inserting, immediately after paragraph (3), the following paragraph:

“(4) Where an order rescinding an order of discharge is made under paragraph (3) (called the rescinding order), the applicant for the rescinding order must serve the rescinding order on —

(a) the applicant for the order of discharge if he is not the bankrupt; and

(b) every person specified in rule 235(4).”;

(c) by deleting the words “after-acquired property” in the rule heading and substituting the words “property acquired after discharge”.

New rules 243A and 243B

72. The Bankruptcy Rules are amended by inserting, immediately after rule 243, the following rules:

“Report supporting trustee’s request to issue certificate of discharge

243A. A trustee administering a bankrupt’s estate must, when requesting the Official Assignee to issue a certificate of discharge under section 125 of the Act, submit to the Official Assignee a report setting out the reasons why the bankrupt ought to be discharged.

Application by creditor under section 126(5D) of Act

243B. A creditor must, not later than 3 days after making an application under section 126(5D) of the Act, serve the application on the Official Assignee, the bankrupt in question and the trustee administering the bankrupt’s estate.”.

Amendment of rule 262A

73. Rule 262A of the Bankruptcy Rules is amended by deleting “<http://www.iptoonline.gov.sg>” and substituting “<http://www.mlaw.gov.sg>”.

Amendment of rule 262B

74. Rule 262B(2) of the Bankruptcy Rules is amended —

(a) by deleting item (a) of the Table and substituting the following item:

“(a) 1 August 2016	A bankrupt’s account mentioned in section 82(1) of the Act, of all moneys and property which have come into the bankrupt’s hands for the bankrupt’s own use and all moneys and property which have been expended in the expenses necessary for the maintenance of the
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bankrupt and the bankrupt's family.”;
and

(b) by inserting, immediately after item (d) in the Table, the following item:

“(e) 1 August 2016 A bankrupt's statement of affairs mentioned in rule 167(1).”.

Amendment of rule 262D

75. Rule 262D of the Bankruptcy Rules is amended —

(a) by deleting the words “<http://www.ipso.gov.sg>; and” in paragraph (b) and substituting “<http://www.mlaw.gov.sg>;”;
and

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

“(d) if the document is a bankrupt's statement of affairs mentioned in item (e) in the Table set out in rule 262B(2), in Form 11.”.

Amendment of rule 271

76. Rule 271 of the Bankruptcy Rules is amended —

(a) by deleting the word “company” in paragraph (1) and substituting the word “corporation”;

(b) by inserting, immediately after paragraph (1), the following paragraph:

“(1A) An affidavit mentioned in paragraph (1) must state the following particulars:

(a) the name and registration number of the corporation in question;

(b) the nature of the business or intended business of the corporation;

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- (c) the place or places where the business of the corporation is to be carried on;
 - (d) in the case of a corporation that is not yet incorporated, whether it is to be incorporated as a private or public company;
 - (e) the persons who are, or are to be, principally responsible for conducting the affairs of the corporation (whether as directors, managers or otherwise);
 - (f) the manner and capacity in which the bankrupt proposes to take part in or be concerned in the management of the corporation;
 - (g) the emoluments or other benefits to be obtained by the bankrupt by acting as director of the corporation or for taking part in the management of the business of the corporation (as the case may be).”; and
- (c) by inserting, immediately after paragraph (2), the following paragraph:

“(3) A copy of the Official Assignee’s report mentioned in paragraph (2) must be served on the bankrupt as soon as practicable after it is made.”.

Amendment of rule 274

77. Rule 274 of the Bankruptcy Rules is amended —

- (a) by deleting the word “The” in paragraph (1) and substituting the words “Subject to paragraph (1A), the”; and
- (b) by inserting, immediately after paragraph (1), the following paragraph:

“(1A) Where an individual has paid in full his target contribution in respect of his bankruptcy, and 5 years

have lapsed after the date of his discharge from the bankruptcy, no person (other than the individual) may inspect or search any register mentioned in rule 273(1)(c) or (e), or any part of such register, which relates to the bankruptcy.”.

Amendment of rule 277

78. The Bankruptcy Rules are amended by renumbering rule 277 as paragraph (1) of that rule, and by inserting immediately thereafter the following paragraph:

“(2) The Official Assignee or the trustee, as the case may be, must serve on the bankrupt any order made by the court pursuant to an application under paragraph (1).”.

Deletion of Schedule

79. The Schedule to the Bankruptcy Rules is deleted.

Miscellaneous amendments

80. Part X of the Bankruptcy Rules is amended —

(a) by inserting, immediately after rule 270, the following sub-heading:

“Leave to act as director, etc.”;

(b) by inserting, immediately after rule 271, the following sub-heading:

“Notices in Gazette”; and

(c) by inserting, immediately after rule 277, the following sub-heading:

“Effect of non-compliance”.

Saving and transitional provisions

81.—(1) Despite rule 16, rule 50 of the Bankruptcy Rules as in force immediately before 1 August 2016 continues to apply to any

bankruptcy arising from a bankruptcy application made before that date as if rule 16 had not been enacted.

(2) Rule 20 does not apply to any trustee of a bankrupt's estate appointed to administer a bankruptcy arising from a bankruptcy application made before 1 August 2016, and rule 55 of the Bankruptcy Rules as in force immediately before that date continues to apply to any such trustee as if rule 20 had not been enacted.

(3) Despite rule 21(a), rule 59(1) and (2) of the Bankruptcy Rules as in force immediately before 1 August 2016 continues to apply to or in relation to a meeting of creditors summoned for the purposes of removing a trustee pursuant to a direction of the court or a request in writing mentioned in section 79(2) of the Act that was given or made before that date, as if rule 21(a) had not been enacted.

(4) Rule 22 does not apply to or in relation to any application made before 1 August 2016 for the removal of a trustee under rule 60(1) of the Bankruptcy Rules.

(5) Rule 23 does not apply to a trustee of a bankrupt's estate who was appointed as trustee before 1 August 2016, and rule 63 of the Bankruptcy Rules as in force immediately before that date continues to apply to any such trustee as if rule 23 had not been enacted.

(6) Rule 24 does not apply to a trustee of a bankrupt's estate who was appointed as trustee before 1 August 2016, and rule 64 of the Bankruptcy Rules as in force immediately before that date continues to apply to any such trustee as if rule 24 had not been enacted.

(7) Rule 30 does not apply to any bankruptcy order made before 1 August 2016, and rule 130(1) of the Bankruptcy Rules as in force immediately before that date continues to apply to any such bankruptcy order as if rule 30 had not been enacted.

(8) Rule 31 does not apply to any bankruptcy order made before 1 August 2016, and rule 131(1) of the Bankruptcy Rules as in force immediately before that date continues to apply to any such bankruptcy order as if rule 31 had not been enacted.

(9) Rule 32 does not apply to any debtor's bankruptcy application made before 1 August 2016.

(10) Rule 33 does not apply to any bankruptcy order made before 1 August 2016, and rule 143(1) of the Bankruptcy Rules as in force immediately before that date continues to apply to any such bankruptcy order as if rule 33 had not been enacted.

(11) Rule 34 does not apply to any bankruptcy order made before 1 August 2016, and rule 144(1) of the Bankruptcy Rules as in force immediately before that date continues to apply to any such bankruptcy order as if rule 34 had not been enacted.

(12) Despite rule 36, rule 167 of the Bankruptcy Rules as in force immediately before 1 August 2016 continues to apply to any statement of affairs submitted in relation to a bankruptcy arising from a bankruptcy application made before 1 August 2016, as if rule 36 had not been enacted.

(13) Rule 40 does not apply to any administrator appointed to administer a bankruptcy arising from a bankruptcy application made before 1 August 2016.

(14) Rule 41(a), (b) and (c) does not apply to any bankruptcy arising from a bankruptcy application made before 1 August 2016, and rule 174(1) and (2) of the Bankruptcy Rules as in force immediately before 1 August 2016 continues to apply to any such bankruptcy, as if rule 41(a), (b) and (c) had not been enacted.

(15) Despite rule 43, rule 181 of the Bankruptcy Rules as in force immediately before 1 August 2016 continues to apply to any bankruptcy arising from a bankruptcy application made before that date, as if rule 43 had not been enacted.

(16) Despite rule 44, rule 184 of the Bankruptcy Rules as in force immediately before 1 August 2016 continues to apply to any bankruptcy arising from a bankruptcy application made before that date, as if rule 44 had not been enacted.

(17) Despite rule 45, rule 185 of the Bankruptcy Rules as in force immediately before 1 August 2016 continues to apply to any bankruptcy arising from a bankruptcy application made before that date, as if rule 45 had not been enacted.

(18) Despite rule 46, rule 186 of the Bankruptcy Rules as in force immediately before 1 August 2016 continues to apply to any

bankruptcy arising from a bankruptcy application made before that date, as if rule 46 had not been enacted.

(19) Rule 63 does not apply to the Official Assignee or any trustee appointed to administer a bankruptcy arising from a bankruptcy application made before 1 August 2016, and rule 229 of the Bankruptcy Rules as in force immediately before that date continues to apply to the Official Assignee or the trustee appointed to administer such a bankruptcy, as if rule 63 had not be enacted.

(20) Despite rule 66, rule 235 of the Bankruptcy Rules as in force immediately before 1 August 2016 continues to apply to or in relation to any bankruptcy arising from a bankruptcy application made before that date, as if rule 66 had not been enacted.

(21) Despite rule 67, rule 236 of the Bankruptcy Rules as in force immediately before 1 August 2016 continues to apply to or in relation to any bankruptcy arising from a bankruptcy application made before that date, as if rule 67 had not been enacted.

(22) Despite rule 68, rule 237 of the Bankruptcy Rules as in force immediately before 1 August 2016 continues to apply to or in relation to any bankruptcy arising from a bankruptcy application made before that date, as if rule 68 had not been enacted.

(23) Rule 69 does not apply to or in relation to a bankruptcy arising from a bankruptcy application made before 1 August 2016.

(24) Rule 71(b) does not apply to any order rescinding an order of discharge, if that order of discharge discharged a bankruptcy order made pursuant to a bankruptcy application made before 1 August 2016.

(25) Rule 74(a) does not apply to any bankrupt who was adjudged bankrupt pursuant to a bankruptcy application made before 1 August 2016, and item (a) of the Table in rule 262B(2) as in force immediately before that date continues to apply to any such bankrupt, as if rule 74(a) had not been enacted.

(26) Rule 78 does not apply to any order under rule 277 of the Bankruptcy Rules made before 1 August 2016.

Made on 27 July 2016.

NG HOW YUE
*Permanent Secretary,
Ministry of Law,
Singapore.*

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