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No. S 636

SUPREME COURT OF JUDICATURE ACT (CHAPTER 322)

RULES OF COURT (AMENDMENT NO. 4) RULES 2020

In exercise of the powers conferred by section 80 of the Supreme Court of Judicature Act and all other powers enabling us under any written law, we, the Rules Committee, make the following Rules:

Citation and commencement

1. These Rules are the Rules of Court (Amendment No. 4) Rules 2020 and come into operation on 30 July 2020.

Amendment of Order 1

2. Order 1, Rule 2(2) of the Rules of Court (R 5) (called in these Rules the principal Rules) is amended by deleting items 1 and 2 in the Table and substituting the following item:

“1. Proceedings under the Insolvency, Restructuring and Dissolution Act 2018 (Act 40 of 2018).	Insolvency, Restructuring and Dissolution Act 2018, s. 448.	Order 63A and items 54 to 59 and 63 of Appendix B.”.
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Amendment of Order 46

3. Order 46, Rule 21 of the principal Rules is amended by deleting the words “section 106 of the Bankruptcy Act (Cap. 20)” and substituting the words “section 368 of the Insolvency, Restructuring and Dissolution Act 2018”.

Amendment of Order 74

4. Order 74, Rule 21 of the principal Rules is amended —
- (a) by deleting the words “Bankruptcy Act (Cap. 20)” and substituting the words “Insolvency, Restructuring and Dissolution Act 2018”;
 - (b) by deleting the words “or in the administration”; and
 - (c) by deleting the words “or administration” in the rule heading.

Amendment of Order 88

5. Order 88 of the principal Rules is amended —
- (a) by deleting paragraph (5) of Rule 2; and
 - (b) by inserting, immediately after Rule 13, the following Rule:

**“Applications under section 148 of Act
(O. 88, r. 14)**

14.—(1) A bankrupt who intends to make an application for leave to act as director, or to take part in or be concerned in the management, of a corporation under section 148 of the Act, must serve a copy each of the application and the affidavit supporting the application at least 28 days before the date fixed for the hearing upon —

- (a) the Official Assignee; and
 - (b) the trustee of the bankrupt’s estate, if not the Official Assignee.
- (2) 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.
- (3) The trustee of the bankrupt’s estate must —
- (a) make a report to the Court at least 7 days before the date fixed for the hearing; and
 - (b) serve a copy of the report on the bankrupt as soon as practicable after it is made.
- (4) In this Rule —
- “bankrupt” means —
- (a) an individual debtor who has been adjudged bankrupt by a bankruptcy order made under the Insolvency, Restructuring and Dissolution Act 2018; or
 - (b) a partner in a firm against which a bankruptcy order has been made

under the Insolvency, Restructuring and Dissolution Act 2018;

“Official Assignee” has the meaning given by section 4(1) of the Act;

“trustee”, in relation to a bankrupt, means the trustee of the bankrupt’s estate and includes the Official Assignee when acting as trustee of the bankrupt’s estate.”.

Saving and transitional provisions

6.—(1) Despite rule 2 —

(a) Order 1, Rule 2(2) of the principal Rules as in force immediately before 30 July 2020 continues to apply to or in relation to proceedings arising from or in connection with any of the matters mentioned in sections 525(1) and 526(1) of the Insolvency, Restructuring and Dissolution Act 2018, including the following:

- (i) any order for a winding up of a company made under section 216(2)(f) of the Companies Act (Cap. 50) before that date;
- (ii) any application made before that date under section 210(1) or 211I of the Companies Act for the approval of the High Court (or a Judge of the High Court) in relation to any compromise or arrangement;
- (iii) any application made before that date for an order under section 211B of the Companies Act;
- (iv) any appointment made before that date of a receiver or manager of the property of a company or of the property in Singapore of any other corporation;
- (v) any liquidation or dissolution of a foreign company in its place of incorporation or origin in respect of which a notice under section 377(2)(a) of the Companies Act was lodged before that date;

(vi) any application made before that date for recognition of a foreign proceeding under Article 15(1) of the Tenth Schedule to the Companies Act; and

(b) item 2 of the Table in Order 1, Rule 2(2) of the principal Rules as in force immediately before 30 July 2020 continues to apply to or in relation to any proceedings arising from a winding up application made before that date on the ground mentioned in section 254(1)(i) of the Companies Act.

(2) Despite rule 3, Order 46, Rule 21 of the principal Rules as in force immediately before 30 July 2020 continues to apply in relation to any sum of money held by the Sheriff in connection with a writ of execution to enforce a judgment or an order against a debtor, where —

(a) a bankruptcy order is made against the debtor pursuant to a bankruptcy application made before that date; or

(b) the debtor is a deceased debtor and an order for the administration in bankruptcy of the estate of the deceased debtor is made pursuant to an application made before that date.

(3) Despite rule 4, Order 74, Rule 21 of the principal Rules as in force immediately before 30 July 2020 continues to apply in relation to any debtor against whom a bankruptcy order is made pursuant to a bankruptcy application made before that date.

(4) Despite rule 5(a), Order 88, Rule 2(5) of the principal Rules as in force immediately before 30 July 2020 continues to apply to or in relation to any proceedings arising from a winding up application made before that date on the ground mentioned in section 254(1)(i) of the Companies Act.

(5) A reference in this rule to the Companies Act is a reference to the Companies Act as in force immediately before 30 July 2020.

[G.N. Nos. S 299/2014; S 390/2014; S 671/2014; S 714/2014; S 753/2014; S 850/2014; S 175/2015; S 278/2015; S 756/2015; S 235/2016; S 474/2016; S 105/2017; S 322/2017; S 543/2017; S 51/2018; S 183/2018; S 697/2018; S 850/2018; S 707/2019; S 773/2019; S 35/2020; S 220/2020; S 458/2020]

Made on 3 June 2020.

SUNDARESH MENON
Chief Justice.

LUCIEN WONG
Attorney-General.

TAY YONG KWANG
Judge of Appeal.

STEVEN CHONG
Judge of Appeal.

BELINDA ANG SAW EAN
Judge.

QUENTIN LOH
Judge.

VINODH COOMARASWAMY
Judge.

VINCENT HOONG SENG LEI
Presiding Judge of the State Courts.

JAMES LEONG
District Judge.

FRANCIS XAVIER, SC
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Advocate and Solicitor.

[AG/LEGIS/SL/322/2015/1 Vol. 12]

(To be presented to Parliament under section 80(6) of the Supreme Court of Judicature Act).