

BANKRUPTCY ACT
(CHAPTER 20, SECTION 166)

BANKRUPTCY (FEES) RULES

ARRANGEMENT OF RULES

Rule

1. Citation
 2. Fees and percentages
 3. Fees, who to be taken by
 4. Method of payment
 5. Reduction of fees by Minister
The Schedule
-

[15th July 1995]

Citation

1. These Rules may be cited as the Bankruptcy (Fees) Rules.

Fees and percentages

2. The fees and percentages to be charged for and in respect of proceedings in bankruptcy shall be those set out in Tables A, B and C in the Schedule.

Fees, who to be taken by

3. The fees set out in Tables A and C in the Schedule shall be taken by the Registrar of the Supreme Court and the fees and percentages set out in Table B in the Schedule shall be taken by the Official Assignee in accordance with, and subject to, the directions contained in the respective Tables.

Method of payment

4. The payment of the fees under Table A in the Schedule may be made by such means as the Registrar of the Supreme Court may, from time to time, direct.

[S 550/2002 wef 01/11/2002]

Reduction of fees by Minister

5. The Minister may, as he thinks fit, in special circumstances reduce or waive the fees set out in Table B in the Schedule.

THE SCHEDULE

TABLE A

1. On presenting a bankruptcy application	\$60
2. On a bond	\$4
3. On filing a report of the Official Assignee in lieu of an affidavit other than on proof of debt	\$2
4. On issuing a subpoena or summons under the Act	\$5
5. For taking an affidavit or an affirmation or attestation upon honour in lieu of an affidavit or a declaration except for proofs of debt, for each person making same	\$5
6. For each exhibit referred to in an affidavit, affirmation or attestation and required to be marked	\$1
7. On every application under section 148 of the Act and every order of administration made under that section	\$60
8. On every application for an order of discharge under section 124 of the Act	\$20
9. On every application to the court to approve a scheme of arrangement	\$20
10. On every application to the court to approve a composition	\$20
11. On every application for search of information maintained in paper form	\$10
12. On every application for search of information maintained in electronic form per search term —	
(a) through service bureau	\$9
(b) through remote access via commercial network by non-subscribers	\$9

THE SCHEDULE — *continued*

(c) through remote access via commercial network by subscribers	\$6
13. On every application for the annulment of a bankruptcy order	\$20
14. On sealing any order other than an order for adjournment of any proceedings	\$20
<i>(Note: This fee is not payable on an order made on the application of the Official Assignee or the trustee)</i>	
15. On every office copy, for each page or part thereof	\$1
16. On every record of trial	\$20 or such less sum as the court may specially order
17. On every allocatur by an officer of the court for any costs, charges or disbursements for every \$50 allowed or fraction thereof	\$2 subject to a minimum of \$50
18. On every application to the Official Assignee to appoint a special manager	\$5
19. On every order appointing the Official Assignee as interim receiver of the property of a debtor under section 73 of the Act in addition to the percentage chargeable on realisation	\$30
20. Where an order appointing the Official Assignee as interim receiver is in force for a longer period than 14 days, for every 7 days or fraction thereof, after the first 14 days	\$12
21. On every application for an interim order under section 45 of the Act	\$20
22. On every application to the court to oppose the issuance of a certificate of discharge by the Official Assignee under section 126(4) of the Act	\$20
23. For an application for the refund of the fee paid for an unused document	\$20
24. On any other application to the court for which no specific fee has been prescribed	\$20

THE SCHEDULE — *continued*

- | | |
|--|-------|
| 25. On filing any affidavit, for each page or part thereof including any exhibit annexed thereto or produced therewith | \$1 |
| 26. On filing an instrument of authority | \$5 |
| 27. On filing any document in the Registry unless such document is already stamped with a fee specified in this Schedule | \$10 |
| (Note: This fee is not payable on any affidavit filed by the Official Assignee or the trustee) | |
| 28. On every application to set aside a statutory demand | \$40 |
| 29. On every appeal from a Registrar to a Judge in Chambers | \$150 |
| (Note: This fee is not payable on any appeal filed by the Official Assignee) | |
| 30. On every statement of affairs | \$5 |

[S 550/2002 *wef* 01/11/2002]
[S 858/2005 *wef* 01/04/2006]

TABLE B

- | | |
|---|---------|
| 1. The deposit to the Official Assignee under Part VI of the Bankruptcy Rules comprising — | \$1,600 |
| (a) a fee of \$250 for the handling of court documents and for attending the first hearing of the application; | |
| (b) a fee of \$1,081.50 for the administration of the bankrupt's estate after the bankruptcy order is made; and | |
| (c) a deposit of \$268.50 to cover the Official Assignee's miscellaneous costs and expenses for the administration of the bankrupt's estate | |
| 2. The deposit to the Official Assignee as interim receiver under rule 148 of the Bankruptcy Rules (R 1) | \$200 |

THE SCHEDULE — *continued*

3.—(1) The fee for net assets —

- (a) realised or received by the Official Assignee, whether acting as interim receiver, assignee or trustee; or
- (b) realised or brought to credit by the Official Assignee acting in aid of a court of Malaysia under the Act,

shall be as follows:

<i>Amount</i>	<i>Fee (in percentage of amount)</i>
(i) On the first \$10,000 net assets or part thereof	10.30
(ii) On the next \$15,000 net assets or part thereof	8.24
(iii) On the next \$25,000 net assets or part thereof	6.18
(iv) on the next \$50,000 net assets or part thereof	4.12
(v) on all further sums	2.06
(2) For the purpose of this item, “net asset” shall not include any money paid to secured creditors in respect of their securities and any money received and spent in carrying on the business of the debtor	

4. The fee for distribution of moneys to creditors by the Official Assignee shall be as follows:

<i>Amount</i>	<i>Fee (in percentage of amount)</i>
(a) on the first \$10,000 net assets or part thereof	5.15
(b) on the next \$15,000 net assets or part thereof	4.12
(c) on the next \$25,000 net assets or part thereof	3.09
(d) on the next \$50,000 net assets or part thereof	2.06

THE SCHEDULE — *continued*

(e) on all further sums	1.03
5. The fee for an application for payment out of unclaimed moneys from the consolidated account (irrespective of the amount applied for)	\$20
6. The fee for the distribution of moneys from Bankruptcy Estates Account to trustee in bankruptcy —	
(a) when the amount applied for does not exceed \$500	\$10
(b) when the amount applied for exceeds \$500	\$20
7. The fee for the lodgment of a trustee's accounts and reports	\$15
8. The fee for the supervision by the Official Assignee of a special manager for the carrying on of a bankrupt's business shall be as follows:	
<i>Amount</i>	<i>Fee (Per week)</i>
On gross assets estimated by the Official Assignee to be —	
(a) not more than \$3,000	\$ 25
(b) more than \$3,000 but not more than \$30,000	\$ 50
(c) more than \$30,000 but not more than \$60,000	\$100
(d) more than \$60,000 but not more than \$120,000	\$150
(e) more than \$120,000	\$200
9. The fee for travelling, keeping a bankrupt's property and other reasonable expenses of the Official Assignee	The amount disbursed
10. The fee for every online search on publicly available basic case information through —	
(a) the Official Assignee	\$8

THE SCHEDULE — *continued*

(b) self-access	\$6
10A. The fee for every online search on information available only to creditors relating to a bankrupt's profile, a bankrupt's creditors, a bankrupt's assets and disclosed liabilities (including total liabilities), and the amount standing to the credit of the bankrupt's estate through —	
(a) the Official Assignee	\$10
(b) self-access	\$5
11. The fee for each document inspected	\$6
12. The fee for copying each page of document	\$1
13. <i>Deleted by S 48/2006, wef 01/02/2006.</i>	
14. The fee for every application to the Official Assignee for manual search for information	\$25
15. The fee for every proof of debt submitted by non-electronic transmission	\$8
16. For taking or re-taking an affidavit or an affirmation or attestation upon honour in lieu of an affidavit or a declaration or an acknowledgment, for each person making the affidavit, affirmation or attestation	\$7
17. On every special proxy or voting paper	\$1
18. On every certificate issued by the Official Assignee	\$7
19. On every proof of debt submitted by electronic transmission	\$5

Note: The fees referred to in items 1 (b), 3(1) and 4 are inclusive of goods and services tax chargeable under the Goods and Services Tax Act (Cap. 117A) on the supply of goods or services in respect of which such fee is payable.

*[S 550/2002 wef 01/11/2002]
[S 434/2003 wef 15/09/2003]
[S 740/2004 wef 15/12/2004]
[S 858/2005 wef 01/04/2006]
[S 48/2006 wef 01/02/2006]
[S 111/2012 wef 26/03/2012]*

THE SCHEDULE — *continued*

TABLE C

- | | |
|---|---|
| 1. The fee for executing every warrant of seizure or search or warrant of apprehension or order of commitment | \$20 |
| 2. The fee for the sheriff or bailiff keeping possession of goods under a warrant | The same fee as is chargeable under item 112 of Appendix B to the Rules of Court. |

[*G. N. Nos. S 271/95; S 515/95; S 71/96; S 2/97; S 205/97; S 104/98; S 110/2000; S 142/2001*]

LEGISLATIVE HISTORY

BANKRUPTCY (FEES) RULES (CHAPTER 20, R 3)

This Legislative History is provided for the convenience of users of the Bankruptcy (Fees) Rules. It is not part of these Rules.

1. G. N. No. S 271/1995 — Bankruptcy (Fees) Rules

Date of commencement : 15 July 1995

2. G. N. No. S 515/1995 — Bankruptcy (Fees) (Amendment) Rules 1995

Date of commencement : 28 November 1995

3. 1996 Revised Edition — Bankruptcy (Fees) Rules

Date of operation : 15 May 1996

4. G. N. No. S 2/1997 — Bankruptcy (Fees) (Amendment) Rules 1997

Date of commencement : 15 January 1997

5. G. N. No. S 205/1997 — Bankruptcy (Fees) (Amendment No. 2) Rules 1997

Date of commencement : 2 May 1997

6. G. N. No. S 104/1998 — Bankruptcy (Fees) (Amendment) Rules 1998

Date of commencement : 1 April 1998

7. G. N. No. S 110/2000 — Bankruptcy (Fees) (Amendment) Rules 2000

Date of commencement : 1 April 2000

8. G. N. No. S 142/2001 — Bankruptcy (Fees) (Amendment) Rules 2001

Date of commencement : 1 April 2001

9. 2002 Revised Edition — Bankruptcy (Fees) Rules

Date of operation : 31 January 2002

10. G. N. No. S 550/2002 — Bankruptcy (Fees) (Amendment) Rules 2002

Date of commencement : 1 November 2002

11. G. N. No. S 434/2003 — Bankruptcy (Fees) (Amendment) Rules 2003

Date of commencement : 15 September 2003

12. G. N. No. S 740/2004 — Bankruptcy (Fees) (Amendment) Rules 2004

Date of commencement : 15 December 2004

13. G. N. No. S 48/2006 — Bankruptcy (Fees) (Amendment) Rules 2006

Date of commencement : 1 February 2006

14. G. N. No. S 858/2005 — Bankruptcy (Fees) (Amendment) Rules 2005

Date of commencement : 1 April 2006

15. G.N. No. S 111/2012 — Bankruptcy (Fees) (Amendment) Rules 2012

Date of commencement : 26 March 2012