

BANKRUPTCY ACT  
(CHAPTER 20, SECTION 56T)

## BANKRUPTCY (DEBT REPAYMENT SCHEME) RULES

## ARRANGEMENT OF RULES

## PART I

## PRELIMINARY

## Rule

1. Citation
2. Definitions
3. Notices in writing
4. Manner of making applications
5. List of debtors to be kept

## PART II

## PRELIMINARY ADMINISTRATION OF DEBT REPAYMENT SCHEME

*Division 1 — Submission of documents by debtor*

6. Submission of statement of income and expenditure, etc.
7. Preliminary assessment of aggregate debt owed

*Division 2 — Proofs of debt*

8. Submission of proofs of debt
9. Inspection of proofs of debt

*Division 3 — Information to court*

10. Information to court

## PART III

## MEETING OF CREDITORS

*Division 1 — Attendance, proceedings, etc.*

11. Notification of meeting of creditors
12. Attendance of debtor
13. Attendance by creditor
14. Proceedings at meetings
15. Submission of proofs of debt at meeting

*Division 2 — Approval and modification of debt repayment plan, etc.*

Rule

16. Approval of debt repayment plan
17. Submission of proofs of debt after meeting of creditors
18. Modification of debt repayment plan before effective date

PART IV

APPEALS TO APPEAL PANEL

19. Appeal Panel Committee
20. Form and manner of appeal
21. Decision of Appeal Panel Committee

PART V

APPEALS TO COURT

22. Appeal against admission or rejection of proof of debt by Official Assignee

PART VI

ADMINISTRATION OF DEBT REPAYMENT SCHEME

23. Submission of proofs of debt after effective date
24. Modification of debt repayment plan
25. Modification by way of extension of repayment period

PART VII

CESSATION AND COMPLETION OF DEBT REPAYMENT SCHEME

26. Notification of cessation of debt repayment scheme
27. Certificate of completion

PART VIII

FAILURE AND INAPPLICABILITY OF DEBT REPAYMENT SCHEME

28. Certificate of failure
29. Certificate of inapplicability

PART IX

REVOCATION OF CERTIFICATE OF COMPLETION

30. Notice of revocation

## Rule

31. Contents of notice

## PART X

## DIVIDENDS AND INTEREST

32. Payment of dividends  
33. Interest payable  
34. Maximum amount receivable by creditor

## PART XA

## ELECTRONIC FILING SYSTEM

- 34A. Electronic filing system  
34B. Documents to be filed using electronic filing system  
34C. Receipt of submission  
34D. Unavailability, etc., of electronic filing system

## PART XI

## FEES

35. Fees  
36. Reduction of fees by Minister

## PART XII

## MISCELLANEOUS

37. Extension, etc., of time  
38. Cancellation of certificate  
39. Disposal of records and papers  
40. Application of Bankruptcy Rules  
The Schedule
- 

[18th May 2009]

## PART I

## PRELIMINARY

**Citation**

1. These Rules may be cited as the Bankruptcy (Debt Repayment Scheme) Rules.

**Definitions**

2. In these Rules, unless the context otherwise requires —

“appropriate fee” means the appropriate fee as specified in the Schedule;

“certificate of completion” means a certificate of completion of a debt repayment scheme issued by the Official Assignee in respect of a debtor under section 56N of the Act;

“certificate of failure” means a certificate of failure of a debt repayment scheme issued by the Official Assignee in respect of a debtor under section 56M of the Act;

“certificate of inapplicability” means a certificate of inapplicability of a debt repayment scheme issued by the Official Assignee in respect of a debtor under section 56L of the Act;

“Chairman” means the Chairman of the Appeal Panel who is appointed by the Minister under section 56Q(3)(a) of the Act;

“court” includes the Registrar when exercising the powers of the court under the Act or these Rules;

“creditor concerned”, in relation to a debt repayment scheme, means a creditor who has proved his debt under the scheme and who is bound by the debt repayment plan under the scheme;

“debt repayment scheme” means a debt repayment scheme under Part VA of the Act;

“Deputy Chairman” means a Deputy Chairman of the Appeal Panel who is appointed by the Minister under section 56Q(3)(b) of the Act;

“Form” means a form for use in relation to these Rules that is set out on the Official Assignee’s Internet website at <http://www.ip.to.gov.sg> and a form referred to by a number means the form that is so numbered on the website;

*[S 460/2014 wef 04/07/2014]*

“meeting of creditors” means a meeting of a debtor’s creditors convened by the Official Assignee under section 56D(2) or 56H(2) of the Act;

“threshold amount” means \$100,000 or such other amount specified by the Minister by order published in the *Gazette* under sections 56B(2)(a) and 65(7)(a) of the Act.

### **Notices in writing**

**3.—**(1) All notices required to be given under Part VA of the Act and these Rules shall be in writing, unless the Act or these Rules otherwise provide or the court otherwise orders.

(2) Where any notification is required to be sent to the court, it shall be in writing unless the Act or these Rules otherwise provide or the court otherwise orders.

### **Manner of making applications**

- 4.** Every application to the court under these Rules shall —
- (a) if made before the effective date of a debt repayment scheme, be made by summons supported by an affidavit; or
  - (b) if made after the effective date of a debt repayment scheme, be made by originating summons supported by an affidavit.

### **List of debtors to be kept**

**5.—**(1) The Official Assignee shall maintain, in such form or manner as he thinks fit —

- (a) a list of debtors in respect of whom there is a debt repayment scheme that is in effect; and
- (b) a list of debtors in respect of whom the Official Assignee has issued —

- (i) a certificate of inapplicability;
- (ii) a certificate of failure; or
- (iii) a certificate of completion.

(2) Upon payment of the appropriate fee, the Official Assignee may allow any person to inspect or otherwise have access to any part of such list as the Official Assignee may determine.

## PART II

### PRELIMINARY ADMINISTRATION OF DEBT REPAYMENT SCHEME

#### *Division 1 — Submission of documents by debtor*

#### **Submission of statement of income and expenditure, etc.**

6.—(1) In addition to the statement of affairs and debt repayment plan referred to in section 56C of the Act, the debtor shall submit to the Official Assignee in such form and manner, and within such time, as may be specified by the Official Assignee —

- (a) a statement of the debtor's income and expenditure, duly signed and dated by the debtor; and
- (b) such other documents in support of any of the information stated by the debtor in the statement of affairs, debt repayment plan and statement of income and expenditure.

(2) The debtor shall, upon the request of the Official Assignee, submit such further documents or other evidence as the Official Assignee may require in support of the debtor's income, expenses, assets and liabilities as stated in the statement of affairs and statement of income and expenditure submitted by him under paragraph (1).

(3) The documents or other evidence which the Official Assignee may, under paragraph (2), require a debtor to submit in support of the debtor's statement of income and expenditure include —

- (a) the debtor's income tax statement and returns; and
- (b) documents relating to the debtor's remuneration.

(4) Where upon the expiry of the time given to the debtor to submit the documents referred to in paragraph (1) the Official Assignee finds that any of the documents submitted by the debtor in compliance or purported compliance with that paragraph has not been duly completed or signed by the debtor, then —

- (a) the debtor shall be considered to have failed to submit such document within the time given to him to do so; and
- (b) the Official Assignee shall, within 14 days from the date by which the debtor should have submitted such document, report such failure to the court, and inform the debtor and every applicant creditor of, the debtor's unsuitability for a debt repayment scheme on that ground.

### **Preliminary assessment of aggregate debt owed**

7.—(1) Upon the receipt of the duly completed statement of affairs from the debtor under section 56C(1) of the Act, the Official Assignee shall determine the aggregate amount of the debtor's debts as stated in his statement of affairs.

(2) If the aggregate amount of the debtor's debts exceeds the threshold amount, the Official Assignee shall report to the court, and inform the debtor and every applicant creditor of, the debtor's unsuitability for a debt repayment scheme on that ground.

### *Division 2 — Proofs of debt*

#### **Submission of proofs of debt**

8.—(1) Where the Official Assignee assesses that the aggregate amount of the debtor's debts as stated in the debtor's statement of affairs does not exceed the threshold amount, the Official Assignee shall, within 7 days from his receipt from the debtor of all the duly completed documents referred to in section 56C of the Act and rule 6, send a notice to all the creditors as named in the statement of affairs requiring such creditors to submit their proofs of debt against the debtor to the Official Assignee.

(2) For the purposes of section 56C(2) of the Act, a creditor shall file his proof of debt with the Official Assignee in accordance with Part XA together with the appropriate fee.

*[S 462/2014 wef 01/08/2014]*

(2A) If the proof of debt is filed in accordance with rule 34B, a copy of each document substantiating the claim specified in the proof of debt —

- (a) shall be filed in accordance with rule 34B together with the proof of debt; or
- (b) where the Official Assignee is of the opinion that a creditor will incur unreasonable expense or suffer unreasonable inconvenience in complying with sub-paragraph (a), shall be sent to the Official Assignee within 14 days after the date of filing of the proof of debt, in such manner as the Official Assignee may specify in any practice directions issued by the Official Assignee.

*[S 462/2014 wef 01/08/2014]*

(2B) If the proof of debt is filed in accordance with rule 34D, a copy of each document substantiating the claim specified in the proof of debt shall accompany the proof of debt.

*[S 462/2014 wef 01/08/2014]*

(3) A creditor shall bear the cost of proving his debt.

(4) The Official Assignee shall, upon receipt of the proofs of debt by the creditors, determine the aggregate amount of the debts owed by the debtor to such creditors.

(5) If the Official Assignee's assessment under paragraph (4) reveals that the aggregate amount of the debtor's debts exceeds the threshold amount, the Official Assignee shall report to the court, and inform the debtor and all creditors concerned of, the debtor's unsuitability for a debt repayment scheme on that ground.

(6) Before the Official Assignee admits or rejects a proof of debt in whole or in part, he shall examine every proof and the grounds of the debt, and may require further evidence from the creditor concerned in support of the proof of debt.



(7) Where the Official Assignee admits or rejects a proof of debt in whole or in part, he shall inform the debtor and the creditor concerned of his decision in writing within 7 days from the date of his decision.

### **Inspection of proofs of debt**

9. The Official Assignee shall, upon the payment of the appropriate fee, allow the debtor or any creditor whose proof of debt has been admitted to inspect, or provide the debtor or such creditor with details of —

- (a) the statement of affairs as submitted by the debtor under section 56C(1) of the Act;
- (b) the statement of income and expenditure as submitted by the debtor under rule 6; or
- (c) the proofs of debt as submitted by the debtor's creditors under rule 8.

### *Division 3 — Information to court*

#### **Information to court**

10.—(1) Where the Official Assignee has determined that the debtor is not suitable for a debt repayment scheme under section 56B(2) of the Act, he shall, within 7 days from the date of such determination, report to the court and inform the debtor and every applicant creditor of his determination.

(2) Where the Official Assignee has approved a debt repayment plan, he shall, within 7 days from the date of his decision, inform the court of the date on which the debt repayment scheme is to commence, whereupon section 65(9) or 67(5) of the Act shall apply, as the case may be.

## PART III

## MEETING OF CREDITORS

*Division 1 — Attendance, proceedings, etc.***Notification of meeting of creditors**

**11.**—(1) The Official Assignee shall, within 14 days from his receipt from the debtor of all the duly completed documents referred to in section 56C of the Act and rule 6, send a notice to all the creditors named in the statement of affairs to convene a meeting of creditors.

(2) The meeting of creditors shall be held within 14 days from the date of the notice.

**Attendance of debtor**

**12.**—(1) The debtor shall be present at every meeting of creditors convened by the Official Assignee unless he has obtained the prior permission of the Official Assignee to be absent from the meeting.

(2) If the debtor fails to attend any meeting of creditors convened by the Official Assignee under section 56D(2) of the Act without having obtained the prior permission of the Official Assignee to be absent therefrom, the Official Assignee may, if he thinks fit after having given the debtor a reasonable opportunity to show cause for his absence, report to the court under section 56B(2)(e) of the Act the debtor's unsuitability for the debt repayment scheme.

(3) If the debtor fails to attend any meeting of creditors convened by the Official Assignee under section 56H(2) of the Act without having obtained the prior permission of the Official Assignee to be absent therefrom, the Official Assignee may, if he thinks fit after having given the debtor a reasonable opportunity to show cause for his absence, issue a certificate of failure in respect of the debtor.

**Attendance by creditor**

**13.**—(1) Any creditor named in the debtor's statement of affairs may attend a meeting of creditors.

(2) The Official Assignee may dispense with the personal attendance of any creditor referred to in paragraph (1) and permit

such creditor to submit, either in writing or in such other form as the Official Assignee may specify, such questions that the creditor may have for the debtor in respect of the contents of the debtor's statement of affairs, statement of income and expenditure or debt repayment plan.

(3) The creditor referred to in paragraph (2) shall submit his questions to the Official Assignee no later than 7 days before the date of the meeting of creditors.

(4) Rule 14(3) shall apply to any question submitted by a creditor under paragraph (2), and such question and the answer of the debtor thereto shall form part of the record of proceedings of meetings for the purposes of these Rules.

### **Proceedings at meetings**

**14.—**(1) At any meeting of creditors, any creditor may ask the debtor questions in respect of the contents of the debtor's statement of affairs, statement of income and expenditure, debt repayment plan or, as the case may be, any proposed modification to a debt repayment plan that has already been approved by the Official Assignee under section 56D of the Act.

(2) The debtor shall answer all such questions put to him by the creditors present at the meeting of creditors or received by the Official Assignee from a creditor pursuant to rule 13(2) insofar as such questions relate to the contents of the debtor's statement of affairs, statement of income and expenditure, debt repayment plan or, as the case may be, to any proposed modification to a debt repayment plan that has already been approved by the Official Assignee under section 56D of the Act.

(3) The Official Assignee may disallow any question from being asked at a meeting of creditors if the Official Assignee finds that —

- (a) the question does not relate to the contents of the debtor's statement of affairs, statement of income and expenditure, debt repayment plan or any proposed modification to a debt repayment plan that has already been approved by the Official Assignee under section 56D of the Act; or

(b) the question is irrelevant, scandalous, frivolous or vexatious.

### **Submission of proofs of debt at meeting**

**15.**—(1) The Official Assignee may, upon payment of the appropriate fee, allow a creditor who is not named in the debtor's statement of affairs to submit a proof of his debt against the debtor at or before the meeting of creditors.

(2) Before admitting the proof of debt referred to in paragraph (1), the Official Assignee shall examine the proof and the grounds of the debt, and may require the creditor concerned to furnish further evidence in support of the proof of debt.

(3) At or after the conclusion of the meeting of creditors, the Official Assignee may admit or reject the proof of debt referred to in paragraph (1), in whole or in part.

(4) Where the Official Assignee admits or rejects a proof of debt in whole or in part under this rule, he shall inform the debtor and creditor concerned of his decision in writing within 7 days from the date of his decision.

### *Division 2 — Approval and modification of debt repayment plan, etc.*

#### **Approval of debt repayment plan**

**16.**—(1) Where the Official Assignee does not make his decision whether to modify a debt repayment plan at a meeting of creditors convened under section 56H(2) of the Act, he shall within 14 days from the conclusion of that meeting of creditors make his decision whether to approve or modify the debt repayment plan.

(2) The Official Assignee shall, within 7 days from the date of his decision referred to in paragraph (1), notify the debtor and the creditors concerned of the decision.

#### **Submission of proofs of debt after meeting of creditors**

**17.**—(1) The Official Assignee may, after the approval of the debtor's debt repayment plan but before the effective date of the plan,

accept any additional proof of debt submitted by a creditor against a debtor.

(2) Before admitting the additional proof of debt referred to in paragraph (1), the Official Assignee shall examine the proof and the grounds of the debt, and may require the creditor concerned to furnish further evidence in support of the proof of debt.

(3) Where the Official Assignee admits or rejects the additional proof of debt in whole or in part under this rule, he shall inform the debtor and the creditor concerned of his decision in writing within 7 days from the date of his decision.

### **Modification of debt repayment plan before effective date**

**18.**—(1) Where the Official Assignee admits an additional proof of debt against a debtor under rule 17(3), the Official Assignee may make the necessary modifications to the debtor's debt repayment plan pursuant to section 56D(3) of the Act.

(2) Where a debt repayment plan is modified pursuant to paragraph (1), the Official Assignee shall, within 7 days from the date of his decision to modify the plan, inform the debtor and the creditors concerned of his decision in writing.

(3) The Official Assignee shall, at the same time, state the effective date of the debt repayment plan as so modified.

## **PART IV**

### **APPEALS TO APPEAL PANEL**

#### **Appeal Panel Committee**

**19.**—(1) An Appeal Panel Committee shall consist of 2 or more members of the Appeal Panel selected by the Minister, one of whom must be the Chairman or any Deputy Chairman.

(2) Where the Chairman is a member of the Appeal Panel Committee, he shall preside over the Appeal Panel Committee.

(3) Where the Chairman is not a member of the Appeal Panel Committee, the Deputy Chairman who is a member of the Appeal Panel Committee shall preside over the Appeal Panel Committee.

(4) The Chairman or Deputy Chairman presiding over the Appeal Panel Committee may determine the manner and conduct of the appeal, and may give such directions to the parties to the appeal as he thinks necessary for the just and expedient conduct of the appeal.

(5) The members of an Appeal Panel Committee may meet for the purpose of hearing and determining an appeal at such places and times as the Chairman or Deputy Chairman presiding over the Appeal Panel Committee may determine.

### **Form and manner of appeal**

**20.**—(1) Every appeal to the Appeal Panel from any decision of the Official Assignee under section 56D or 56H of the Act must —

- (a) be made in Form 2 no later than 14 days from the date of the notice of the decision of the Official Assignee;
- (b) state clearly the manner in which the debt repayment plan as approved by the Official Assignee unfairly prejudices the interests of the appellant;
- (c) be signed by the appellant; and
- (d) be accompanied by the appropriate fee.

(2) A copy of the appeal referred to in paragraph (1) must be served on the Official Assignee on the same day on which it is submitted to the Chairman.

(3) The Official Assignee shall, within 14 days from the date on which he is served a copy of the appeal, submit to the Chairman a written statement stating briefly the reasons for his decision that is being appealed against.

### **Decision of Appeal Panel Committee**

**21.**—(1) The Appeal Panel Committee may, when hearing an appeal against a decision of the Official Assignee under section 56D or 56H of the Act, require the debtor or any creditor to submit such further information in writing as the Appeal Panel Committee thinks necessary for the just determination of the appeal.

(2) Every decision of the Appeal Panel Committee shall be recorded by the presiding Chairman or Deputy Chairman.

(3) Every question before the Appeal Panel Committee shall be determined by a majority of votes and, in the case of an equality of votes, the presiding Chairman or Deputy Chairman shall have a casting vote.

(4) The Appeal Panel Committee shall determine the appeal and notify the debtor and all the creditors concerned of its decision.

(5) The Appeal Panel Committee may determine any appeal without requiring the parties to appear before it in person.

(6) Where a debt repayment plan is modified by the Appeal Panel Committee under section 56D(5)(b) or 56H(5)(b) of the Act, the Appeal Panel Committee shall also specify the date on which the debt repayment plan as so modified is to take effect.

## PART V

### APPEALS TO COURT

#### **Appeal against admission or rejection of proof of debt by Official Assignee**

**22.**—(1) Every appeal to the court against the Official Assignee's decision under section 56G(4) of the Act must be made no later than 14 days from the date of the Official Assignee's notice to admit or reject, in whole or in part, the proof of debt.

(2) The court may, on an appeal referred to in paragraph (1) —

(a) admit, in whole or in part, the proof of debt; or

(b) reject the proof of debt.

(3) Unless otherwise provided for in the Act or these Rules, the Rules of Court (Cap. 322, R 5) and rule 198 of the Bankruptcy Rules (R 1) shall have effect in respect of an appeal to the court against the Official Assignee's decision under section 56G(4) of the Act to admit or reject a proof of debt in whole or in part.

## PART VI

## ADMINISTRATION OF DEBT REPAYMENT SCHEME

**Submission of proofs of debt after effective date**

**23.**—(1) A creditor who is not bound by a debt repayment plan that has come into effect may submit a proof of debt to the Official Assignee in respect of any debt that he alleges is owed to him by the debtor.

*[S 462/2014 wef 01/08/2014]*

(1A) A creditor's proof of debt referred to in paragraph (1) shall be submitted to the Official Assignee in accordance with Part XA together with the appropriate fee.

*[S 462/2014 wef 01/08/2014]*

(1B) If the proof of debt is filed in accordance with rule 34B, a copy of each document substantiating the claim specified in the proof of debt —

- (a) shall be filed in accordance with rule 34B together with the proof of debt; or
- (b) where the Official Assignee is of the opinion that a creditor will incur unreasonable expense or suffer unreasonable inconvenience in complying with sub-paragraph (a), shall be sent to the Official Assignee within 14 days after the date of filing of the proof of debt, in such manner as the Official Assignee may specify in any practice directions issued by the Official Assignee.

*[S 462/2014 wef 01/08/2014]*

(1C) If the proof of debt is filed in accordance with rule 34D, a copy of each document substantiating the claim specified in the proof of debt shall accompany the proof of debt.

*[S 462/2014 wef 01/08/2014]*

(2) The Official Assignee shall, within 21 days from his receipt of the proof of debt from the creditor under paragraph (1), determine if the debt claimed is a debt provable under the debt repayment scheme in accordance with section 56G(1) of the Act.



(3) If the Official Assignee determines that the debt or any part thereof referred to in paragraph (1) is provable under the debt repayment scheme against the debtor, the Official Assignee shall admit the debt, in whole or in part, as the case may be.

(4) If the Official Assignee determines that the debt referred to in paragraph (1) is not provable under the debt repayment scheme against the debtor, the Official Assignee shall reject the debt.

(4A) Before the Official Assignee admits or rejects a proof of debt in whole or in part, he shall examine every proof and the grounds of the debt, and may require further evidence from the creditor concerned in support of the proof of debt.

*[S 460/2014 wef 04/07/2014]*

(5) Where the Official Assignee admits or rejects a proof of debt in whole or in part under this rule, he shall inform the debtor and the creditor concerned of his decision in writing within 7 days from the date of his decision.

### **Modification of debt repayment plan**

**24.—**(1) For the purpose of section 56H of the Act, the Official Assignee may, on his own volition or at the request of the debtor or a creditor, and on the payment of the appropriate fee, convene a meeting of creditors to modify a debt repayment plan.

(2) Before the Official Assignee modifies a debt repayment plan under section 56H of the Act, he shall consider —

- (a) whether there has been a change in the monthly income of the debtor;
- (b) whether there has been a change in the monthly expenditure of the debtor; and
- (c) whether the debtor is employed.

(3) Where the debtor requests that a modification be made by the Official Assignee to the debt repayment plan by reason of a material change in his circumstances, the Official Assignee may require the debtor to provide proof of such change.

(4) The Official Assignee may modify a debt repayment plan by doing any or all of the following:

- (a) increasing or reducing the total debt to be repaid by the debtor under the debt repayment plan;
- (b) increasing or reducing the amounts to be paid periodically by the debtor under the debt repayment plan;
- (c) including the proved and admitted debt of a creditor not previously bound by the debt repayment plan;
- (d) extending the repayment period of the debt repayment plan subject to section 56H(6) of the Act;
- (e) reducing the period of the debt repayment plan.

**Modification by way of extension of repayment period**

**25.**—(1) Where the Official Assignee decides to modify the repayment period of a debt repayment plan under section 56H of the Act, he must inform the debtor and the creditors concerned of his decision in writing within 7 days from the date of his decision.

(2) For the purposes of section 56H(6) of the Act, the following further restrictions shall apply to any modification of a debt repayment scheme that is an extension of the repayment period of the debt repayment plan under that scheme:

- (a) each period of extension must not exceed 2 years;
- (b) if more than one extension of the repayment period of the debt repayment plan is made, all periods of extension taken together must not exceed 2 years; and
- (c) where the plan includes a debt referred to in section 56G(1)(b) or (c) of the Act, a further period of extension in addition to that specified in sub-paragraph (a) or (b) is permissible except that —
  - (i) each further period of extension in respect of any such debt must not exceed 2 years; and

- (ii) if more than one extension of the repayment period in respect of any such debt is made, all periods of extension taken together must not exceed 2 years.

(3) The application of paragraph (2) to the repayment period of any debt repayment plan must not result in the repayment period exceeding the period specified in section 56H(6)(a) or (b) of the Act, whichever is applicable to that plan.

## PART VII

### CESSATION AND COMPLETION OF DEBT REPAYMENT SCHEME

#### **Notification of cessation of debt repayment scheme**

**26.**—(1) Where the debtor to whom a debt repayment scheme is applicable is adjudged a bankrupt under the Act, the Official Assignee shall, within 21 days from the event, by notice in writing inform the debtor and the creditors concerned of the cessation of the debt repayment scheme by virtue of section 56K(1)(d) of the Act.

(2) Where the debtor to whom a debt repayment scheme is applicable dies, the Official Assignee shall, within 21 days from the event, by notice in writing inform the creditors concerned of the cessation of the debt repayment scheme by virtue of section 56K(1)(e) of the Act.

(3) The notice referred to in paragraphs (1) and (2) shall state the reason for the cessation of the debt repayment scheme and the date from which the cessation is effective.

#### **Certificate of completion**

**27.**—(1) The Official Assignee shall, within 21 days from the completion of a debt repayment scheme —

- (a) notify the debtor and the creditors concerned of the completion of the debt repayment scheme; and
- (b) issue the certificate of completion to the debtor in accordance with section 56N of the Act.

(2) The certificate of completion shall be in Form 3 and shall state the following:

- (a) the name of the debtor;
- (b) the date on which the debt repayment scheme came into effect; and
- (c) the date on which the debt repayment scheme was completed and ceased to have effect.

(3) Any creditor concerned may apply to the Official Assignee for a copy of the certificate of completion and the Official Assignee may, upon payment of the appropriate fee by the creditor, provide a copy of the certificate of completion to the creditor.

## PART VIII

### FAILURE AND INAPPLICABILITY OF DEBT REPAYMENT SCHEME

#### **Certificate of failure**

**28.**—(1) The Official Assignee shall, within 21 days from the date of his decision to issue a certificate of failure in respect of a debtor —

- (a) notify the debtor and the creditors concerned of his decision in writing; and
- (b) issue the certificate of failure to the debtor.

(2) The certificate of failure shall be in Form 4 and shall state the following:

- (a) the name of the debtor;
- (b) the date on which the debt repayment scheme came into effect;
- (c) the date on which the debt repayment scheme failed and ceased to have effect;
- (d) the reason or reasons for the failure of the debt repayment scheme; and

(e) the date after which the certificate may not be used for the purposes of section 62 of the Act.

(3) Any creditor concerned may apply to the Official Assignee for a copy of the certificate of failure and the Official Assignee may, upon payment of the appropriate fee by the creditor, provide a copy of the certificate of failure to the creditor.

(4) The certificate of failure shall be valid for a period of 90 days from the date of its issue.

### **Certificate of inapplicability**

**29.**—(1) The Official Assignee shall, within 21 days from the date of his decision to issue a certificate of inapplicability in respect of a debtor —

(a) notify the debtor and the creditors who have proved their debts under the debt repayment scheme of his decision in writing; and

(b) issue the certificate of inapplicability to the debtor.

(2) The certificate of inapplicability shall be in Form 5 and shall state the following:

(a) the name of the debtor; and

(b) the reasons for which the debt repayment scheme is not applicable to the debtor.

(3) Any of the debtor's creditors may apply to the Official Assignee for a copy of the certificate of inapplicability and the Official Assignee may, upon payment of the appropriate fee by the creditor, provide a copy of the certificate of inapplicability to the creditor.

## **PART IX**

### **REVOCATION OF CERTIFICATE OF COMPLETION**

#### **Notice of revocation**

**30.**—(1) Where the Official Assignee decides to revoke a certificate of completion on any of the grounds stated in section 56O(1) of the Act, he shall, within 14 days from the date of his decision, notify the

debtor in respect of whom the certificate of completion was issued and the creditors concerned of his decision in writing.

(2) The notice of revocation shall be accompanied by a certificate of failure issued by the Official Assignee in respect of the debtor.

(3) Any creditor concerned who has received dividend payments from the debtor under the terms of the debt repayment plan prior to the completion of the debt repayment scheme and the subsequent revocation of the certificate of completion issued in respect of the debtor may request for a copy of the certificate of failure issued in respect of the debtor.

(4) The Official Assignee may, upon receipt of the request of the creditor referred to in paragraph (3) and on payment by such creditor of the appropriate fee, issue a copy of the certificate of failure to the creditor.

### **Contents of notice**

**31.** The Official Assignee's notice under rule 30 shall state the following:

- (a) the name of the debtor;
- (b) the date on which the debt repayment scheme came into effect;
- (c) the date on which the debtor was issued with the certificate of completion;
- (d) the reason or reasons for revocation of the certificate of completion; and
- (e) the date from which the revocation of the certificate of completion is effective.

## **PART X**

### **DIVIDENDS AND INTEREST**

#### **Payment of dividends**

**32.—**(1) For the purposes of section 56J(2) of the Act, the Official Assignee may make such periodic payments of dividends of such

amounts as he thinks fit to the creditors who have proved their debts under a debt repayment scheme and whose debts are included in the plan under the debt repayment scheme.

(2) The Official Assignee may postpone the payment of any such dividend as he thinks fit.

(3) Any such dividend may, at the request and risk of the creditor to whom it is payable, be transmitted to him by post.

### **Interest payable**

**33.** For the purposes of section 56I(6)(b) of the Act, the prescribed rate of interest shall be the rate of interest as provided for in the Rules of Court (Cap. 322, R 5) for the time being in force.

### **Maximum amount receivable by creditor**

**34.** Subject to the Act and these Rules, a creditor whose debt is proved and included in a debt repayment plan shall in no case receive more than 100 cents in the dollar and any interest as provided for in the Act and these Rules.

## **PART XA**

### **ELECTRONIC FILING SYSTEM**

#### **Electronic filing system**

**34A.** There shall be established an electronic filing system for the purposes of carrying out transactions with the Official Assignee under Part VA of the Act (including these Rules), which may be accessed through the Official Assignee's Internet website at <http://www.iponline.gov.sg>.

*[S 460/2014 wef 04/07/2014]*

#### **Documents to be filed using electronic filing system**

**34B.—(1)** Any person who wishes or is required to file, serve, deliver or otherwise convey any application, request or document by means of the electronic filing system shall do so in accordance with these Rules and any practice directions issued by the Official Assignee.

(2) On or after 1st August 2014, a creditor's proof of debt filed under Part VA of the Act shall be filed, served, delivered or otherwise conveyed using the electronic filing system.

[S 460/2014 wef 04/07/2014]

### **Receipt of submission**

**34C.**—(1) Any application, request or document transmitted by means of the electronic filing system is considered to have been submitted to and received by the Official Assignee if the last byte of the transmission containing the application, request or document, as the case may be, is received by the server designated by the Official Assignee for the receipt of such transmissions.

(2) Any person who files with or sends to the Official Assignee any application, request or document by means of the electronic filing system may produce a record of transmission issued through the electronic filing system together with a copy of the notification of acceptance of the transmission by the Official Assignee as evidence of —

- (a) the filing or sending of the application, request or document; and
- (b) the date and time the filing or sending took place.

[S 460/2014 wef 04/07/2014]

### **Unavailability, etc., of electronic filing system**

**34D.** In the event of any failure or unavailability of or interruption to the electronic filing system, any document referred to in rule 34B(2) shall, during the period of such failure, unavailability or interruption, be filed, served, delivered or otherwise conveyed —

- (a) in such manner as may be specified by the Official Assignee in any practice directions issued by the Official Assignee; and
- (b) in Form 1.

[S 460/2014 wef 04/07/2014]



## PART XI

## FEES

**Fees**

**35.**—(1) The fees payable for the purposes of Part VA of the Act and these Rules shall be as specified in the Schedule.

(2) The fees specified in items 1, 2 and 3 in the Schedule shall be payable by the debtor.

(3) The payment of any fee specified in the Schedule may be made by such means as the Official Assignee may, from time to time, direct.

**Reduction of fees by Minister**

**36.** The Minister may, as he thinks fit, in special circumstances reduce or waive any of the fees payable under these Rules.

## PART XII

## MISCELLANEOUS

**Extension, etc., of time**

**37.**—(1) The Official Assignee may, on the application of any debtor or creditor or on his own motion and on such terms as he thinks just, by notice in writing extend or abridge the period within which the debtor or creditor is required by these Rules to submit any document or to do any other act.

(2) The Official Assignee may extend any such period as is referred to in paragraph (1) although the application for extension is not made until after the expiration of that period.

**Cancellation of certificate**

**38.** The Official Assignee may cancel any certificate of completion, certificate of failure or certificate of inapplicability that has been issued in respect of a debtor if he is satisfied that the certificate had been issued by mistake.

**Disposal of records and papers**

39. The Official Assignee may, 5 years after the date on which a debt repayment scheme ceases to be applicable to a debtor under section 56K of the Act, destroy or otherwise deal with the records and papers relating to that debt repayment scheme in such manner as he thinks fit.

**Application of Bankruptcy Rules**

40. The Bankruptcy Rules (R 1) shall, in so far as they are not inconsistent with these Rules, apply, with the necessary modifications, to the practice and procedure in any proceedings under Part VA of the Act and these Rules for which no specific provision has been made by these Rules.

THE SCHEDULE

Rules 2 and 35

FEES

- |   |                          |
|---|--------------------------|
| 1. For the preliminary administration of the debt repayment scheme upon the court referring the bankruptcy application to the Official Assignee under section 56B of the Act  | \$350                    |
| 2. For the review by the Official Assignee of the debtor's suitability for a debt repayment scheme and for the approval by the Official Assignee under section 56D of the Act | \$250                    |
| 3. For the administration by the Official Assignee of the debt repayment scheme under section 56E of the Act —  |                          |
| (a) for the first 2 years after the debt repayment scheme has come into operation   | \$300 per annum          |
| (b) for the third and any subsequent years after the debt repayment scheme has come into operation  | \$350 per annum          |
| 4. For the collection by the Official Assignee of all payments made by the debtor under a debt repayment scheme, pursuant to section 56J(1) of the Act                        | 1.5% of amount collected |

THE SCHEDULE — *continued*

5. For the distribution by the Official Assignee of dividends to creditors who have proved their debts under a debt repayment scheme, pursuant to section 56J(2) of the Act	3% of amount distributed
6. For an application to the Official Assignee for the payment out of the Debt Repayment Scheme Assistance Fund of any unclaimed moneys (irrespective of the amount applied for), pursuant to section 164A(5) of the Act	\$20
7. For travelling and other reasonable expenses incurred by the Official Assignee in the administration of a debt repayment scheme	The amount disbursed
8. For every online search on publicly available basic case information through —	
(a) the Official Assignee	\$8
(b) self-access	\$6
9. For every online search on information available only to creditors relating to —	
(a) the debtor's assets and disclosed liabilities	\$3
(b) the debtor's profile	\$8
(c) the debtor's creditors	\$3
10. For each document inspected	\$6
11. For copying each page of a document	\$1
12. For every application to the Official Assignee for a manual search for information	\$25
13. On every proof of debt submitted, whether by electronic transmission or otherwise	\$5
14. [ <i>Deleted by S 462/2014 wef 01/08/2014</i> ]	
15. 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
16. On every certificate issued by the Official Assignee	\$7

THE SCHEDULE — *continued*

- |  |        |
|--|--------|
| 17. For the Official Assignee convening a meeting under rule 24 (other than on his own volition) to modify a debt repayment plan | \$50   |
| 18. On every appeal to the Appeal Panel  | \$100. |

*[S 462/2014 wef 01/08/2014]*

*[G.N. No. S 199/2009]*

LEGISLATIVE HISTORY  
BANKRUPTCY (DEBT REPAYMENT SCHEME) RULES  
(CHAPTER 20, R 6)

This Legislative History is provided for the convenience of users of the Bankruptcy (Debt Repayment Scheme) Rules. It is not part of this Scheme.

**1. G. N. No. S 199/2009 — Bankruptcy (Debt Repayment Scheme) Rules 2009**

Date of commencement : 18 May 2009

**2. 2010 Revised Edition — Bankruptcy (Debt Repayment Scheme) Rules**

Date of operation : 31 January 2010

**3. G.N. No. S 460/2014 — Bankruptcy (Debt Repayment Scheme) (Amendment) Rules 2014**

Date of commencement : 4 July 2014

**4. G.N. No. S 462/2014 — Bankruptcy (Debt Repayment Scheme) (Amendment No. 2) Rules 2014**

Date of commencement : 1 August 2014