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DEBT COLLECTION ACT 2022

DEBT COLLECTION (GENERAL) REGULATIONS 2023

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In exercise of the powers conferred by section 45 of the Debt Collection Act 2022, the Minister for Home Affairs makes the following Regulations:

PART 1

PRELIMINARY

Citation and commencement

1. These Regulations are the Debt Collection (General) Regulations 2023 and come into operation on 1 December 2023.

Definition

2. In these Regulations, “approval letter” means the approval letter mentioned in regulation 7.

PART 2
LICENCES, ETC.

Application for renewal of licence

3. For the purposes of section 7(3)(a) of the Act, the prescribed time by which an application to renew a licence must be made is not later than the date on which the licence expires.

Grant or renewal of licence

4. For the purposes of section 8(3) of the Act —
- (a) the prescribed criteria for the purposes of determining whether an applicant is a fit and proper person to hold a licence are as specified in Part 1 of the First Schedule; and
 - (b) the prescribed criteria for the purposes of determining whether a key appointment holder of an applicant is a fit and proper person to act in that capacity are as specified in Part 2 of the First Schedule.

Prescribed website

5. For the purposes of sections 15(3) and 16(4)(a) of the Act, the prescribed website is the Internet website at <https://www.police.gov.sg>.

PART 3
APPROVAL FOR LICENSEES TO DEPLOY
INDIVIDUALS AS DEBT COLLECTORS

Approval for licensee to deploy individual as debt collector

6. For the purposes of section 20(3) of the Act, the prescribed criteria for the purpose of determining whether an individual is a fit and proper person to be deployed as a debt collector by a licensee are as specified in Part 3 of the First Schedule.

Issue of approval letter

7. The Licensing Officer must, on granting approval for a licensee to deploy an individual as the licensee's debt collector, issue an

approval letter that evidences the grant of approval and is in the form determined by the Licensing Officer, to the licensee and the individual, respectively.

Notification of cessation of deployment of debt collectors

8. For the purposes of section 28(1) of the Act, the prescribed time for a licensee to notify the Licensing Officer after the cessation of deployment of an individual as a debt collector is 14 days.

PART 4

DUTIES AND RESPONSIBILITIES OF LICENSEES

Collection of debt must be pursuant to written agreement

9.—(1) A licensee must ensure that every debt that the licensee collects is pursuant to a written agreement between the licensee and the creditor of the debt, which must state the matters mentioned in paragraph (2).

(2) For the purposes of paragraph (1), the matters are —

- (a) where the creditor engages the licensee to collect a particular debt —
 - (i) that the creditor engages the licensee to collect the debt for the creditor;
 - (ii) the amount of the debt;
 - (iii) the identity of the debtor; and
 - (iv) the fees or charges payable by the creditor to the licensee for collecting or attempting to collect the debt, or the manner of calculating the fees or charges;or
- (b) where the creditor engages the licensee to collect a series of debts, a class of debts or debts generally —
 - (i) that the creditor engages the licensee to collect the series of debts, class of debts or debts generally (as the case may be) for the creditor; and

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- (ii) either of the following, whichever is applicable:
- (A) the fees or charges payable by the creditor to the licensee for collecting or attempting to collect the series of debts, class of debts or debts generally (as the case may be), or the manner of calculating the fees or charges;
 - (B) the fees or charges payable by the creditor to the licensee for collecting or attempting to collect each debt within the series of debts, class of debts or debts generally (as the case may be), or the manner of calculating the fees or charges.

(3) A licensee who contravenes paragraph (1) shall be guilty of an offence.

Duty to put in place certain measures

10.—(1) A licensee must put in place all measures, including appropriate training, that are reasonable and necessary to ensure that every debt collector of the licensee —

- (a) does not breach the Act or any written law, including the Penal Code 1871 and the Protection from Harassment Act 2014, in the course of carrying out any debt collection activity; and
- (b) carries out any debt collection activity for the licensee in compliance with —
 - (i) the Act;
 - (ii) all the conditions of the approval granted under section 20 of the Act for the individual to be deployed as a debt collector of the licensee; and
 - (iii) all the codes of practice that are applicable to the licensee and relate to the manner in which debt collection activities are to be carried out.

(2) A licensee who contravenes paragraph (1) shall be guilty of an offence.

Keeping of records

- 11.—(1) A licensee must keep and maintain —
- (a) proper and accurate records of every written agreement mentioned in regulation 9(1);
 - (b) a register that sets out the following information in respect of every debt that the licensee collects or attempts to collect:
 - (i) the name of the person who engaged the licensee to collect the debt;
 - (ii) the name of the debtor;
 - (iii) the amount of the debt; and
 - (c) proper and accurate records of the measures that the licensee has put in place for the purposes of complying with regulation 10(1).
- (2) The licensee must —
- (a) keep each record mentioned in paragraph (1)(a) for a period of at least 3 years after the date of the agreement;
 - (b) keep each record contained in the register mentioned in paragraph (1)(b) for a period of at least 3 years after the date the record is made; and
 - (c) keep each record mentioned in paragraph (1)(c) for a period of at least 3 years after the date the record is made.
- (3) A licensee who contravenes paragraph (1) or (2) shall be guilty of an offence.

Notification of cessation of debt collection business

- 12.—(1) Where a licensee ceases to carry on a debt collection business, the licensee must notify the Licensing Officer of its ceasing to carry on the debt collection business within 14 days after the cessation.
- (2) A licensee who contravenes paragraph (1) shall be guilty of an offence.

PART 5

DUTIES AND RESPONSIBILITIES
OF DEBT COLLECTORS OF LICENSEES

Production of approval letter, etc.

13.—(1) A debt collector of a licensee must, at all times when carrying out a debt collection activity, have in the debt collector's possession the following:

- (a) the debt collector's approval letter or a physical copy or an electronic copy of the approval letter;
- (b) evidence of the debt collector's identity;
- (c) the written agreement mentioned in regulation 9(1) that is entered into between the licensee and the creditor of the debt in respect of which the debt collector is carrying out the debt collection activity, or a physical copy or an electronic copy of the written agreement.

(2) A debt collector of a licensee must produce his or her approval letter or a physical copy or an electronic copy of the approval letter to any person who enquires about the debt collector's identity in the course of the debt collector carrying out any debt collection activity.

(3) A debt collector of a licensee must produce any document or evidence mentioned in paragraph (1) to an inspecting officer or compliance officer when required to do so by the inspecting officer or compliance officer.

(4) A debt collector who contravenes paragraph (2) or (3) shall be guilty of an offence.

PART 6

RESTRICTIONS ON DEBT COLLECTION

Requirements to be satisfied before debt may be collected

14.—(1) A licensee or a debt collector of a licensee must not collect or attempt to collect any debt from any person (called in this regulation the alleged debtor) unless —

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- (a) there is a valid written agreement mentioned in regulation 9(1) between the licensee and the creditor of the debt;
 - (b) the licensee obtains from the creditor of the debt a copy of the loan agreement or any other document that evidences the debt between the debtor and creditor;
 - (c) the licensee or debt collector has taken all measures that are reasonable and necessary to ascertain that the alleged debtor is the debtor of that debt; and
 - (d) where the debt collection activity involves any communication with the alleged debtor, the debt collector has produced his or her approval letter or a physical copy or an electronic copy of the approval letter to the alleged debtor.
- (2) Without limiting paragraph (1)(c), the licensee or debt collector must —
- (a) take all measures that are reasonable and necessary to ascertain that the alleged debtor is the person specified in the loan agreement or document mentioned in paragraph (1)(b) as the debtor before the licensee or debt collector conducts any debt collection activity; and
 - (b) where the creditor has provided the licensee or debt collector with a photograph or other similar means of identifying the debtor — ascertain the identity of the alleged debtor using the photograph or other means before the licensee or debt collector conducts any debt collection activity.
- (3) A person who contravenes paragraph (1) or (2) shall be guilty of an offence.

Prohibition against collecting debt under certain circumstances

15.—(1) A licensee or debt collector of a licensee must not collect or attempt to collect any debt from any person (called in this regulation the alleged debtor) if —

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- (a) the debt is the subject of court proceedings that have commenced but have not concluded, and the alleged debtor has given written notice to the licensee stating that the debt is the subject of the court proceedings; or
 - (b) the alleged debtor has given written notice to the licensee that the alleged debtor is not the debtor of the debt and another person (called in this regulation the impersonator) had impersonated the alleged debtor in incurring the debt or had forged the loan document.
- (2) For the purposes of paragraph (1)(a), the written notice mentioned in paragraph (1)(a) must be given by the alleged debtor to the licensee in one of the following ways:
- (a) by delivering it personally to the licensee;
 - (b) by prepaid registered post to the last postal address of the licensee;
 - (c) if the licensee has given consent to corresponding with the alleged debtor by email — by sending it to the last email address of the licensee.
- (3) For the purposes of paragraph (1)(b), the written notice mentioned in paragraph (1)(b) —
- (a) must state —
 - (i) the alleged debtor is not the debtor of the debt and the impersonator had impersonated the alleged debtor in incurring the debt or had forged the loan document; and
 - (ii) either —
 - (A) a police warning has been issued to the impersonator after investigations into the matter mentioned in sub-paragraph (i) have been completed; or
 - (B) the impersonator has been charged in court for an offence of cheating under section 417, 419 or 420 of the Penal Code 1871 or an offence involving forgery under Chapter 18 of the

Penal Code 1871, in respect of the matter mentioned in sub-paragraph (i); and

(b) must be given by the alleged debtor to the licensee in one of the following ways:

- (i) by delivering it personally to the licensee;
- (ii) by prepaid registered post to the last postal address of the licensee;
- (iii) if the licensee has given consent to corresponding with the alleged debtor by email — by sending it to the last email address of the licensee.

(4) Despite paragraph (1)(a), a licensee or debt collector of a licensee is not prohibited from collecting or attempting to collect the debt from the alleged debtor on or after either of the following dates (whichever is applicable):

- (a) the date on which the licensee receives legal advice that is given by an advocate and solicitor or a foreign lawyer who is registered under section 36B of the Legal Profession Act 1966, that the debt is not the subject of the court proceedings mentioned in the written notice;
- (b) the date on which the court proceedings are concluded.

(5) Despite paragraph (1)(b), where the impersonator has been charged in court for an offence of cheating under section 417, 419 or 420 of the Penal Code 1871 or an offence involving forgery under Chapter 18 of the Penal Code 1871, in respect of the matter mentioned in paragraph (3)(a)(i) and the criminal proceedings are subsequently —

- (a) discontinued and the impersonator has not been issued a police warning in relation to the matter; or
- (b) concluded and the impersonator is not convicted or found guilty of an offence in respect of the matter,

a licensee or debt collector of a licensee is not prohibited from collecting or attempting to collect the debt from the alleged debtor after the discontinuance or conclusion of the criminal proceedings.

(6) For the purposes of this regulation —

(a) any court proceedings mentioned in paragraphs (1)(a) and (4)(b) conclude —

(i) if the court in those court proceedings has made a decision in relation to the dispute or settlement of the debt mentioned in paragraph (1)(a); and

(ii) on the occurrence of either of the following events, whichever is applicable:

(A) where an appeal is made against the decision — the withdrawal or determination of the appeal;

(B) where no appeal is made against the decision — the expiry of the period for making an appeal in respect of the decision; and

(b) any criminal proceedings mentioned in paragraph (5) conclude —

(i) if the court in those criminal proceedings has made a decision in respect of the matter mentioned in paragraph (3)(a)(i); and

(ii) on the occurrence of either of the following events, whichever is applicable:

(A) where an appeal is made against the decision — the withdrawal or determination of the appeal;

(B) where no appeal is made against the decision — the expiry of the period for making an appeal in respect of the decision.

(7) A person who contravenes paragraph (1) shall be guilty of an offence.

(8) In this regulation —

“advocate and solicitor” and “foreign lawyer” have the meanings given by section 2(1) of the Legal Profession Act 1966;

“last email address” means —

- (a) an email address of the licensee at which the alleged debtor corresponds with the licensee; or
- (b) if there is no such email address — an email address which the licensee represents to the alleged debtor as the email address to which communications to the licensee may be sent;

“last postal address” means —

- (a) the postal address of the licensee at which the alleged debtor corresponds with the licensee;
- (b) if there is no postal address mentioned in paragraph (a) — a postal address which the licensee represents to the alleged debtor as the postal address to which communications to the licensee may be sent; or
- (c) if there is no postal address mentioned in paragraph (a) or (b) — the usual or last known place of residence or business of the licensee;

“police warning” means a written notice that is issued by a police officer to a person, who is alleged to have committed, or was the subject of investigations into the commission of, a criminal offence, warning the person against engaging in any criminal activity.

Prohibited debt collection activities

16.—(1) A debt collector must not, in the course of collecting or attempting to collect any debt, by any means —

- (a) use any threatening words or behaviour towards the debtor of the debt or another person (called in this regulation the victim); or

(b) make any threatening communication to the victim, whereby the victim is likely to believe that unlawful violence will be used by the debt collector or another person against the victim.

(2) A debt collector must not, in the course of collecting or attempting to collect any debt, display any sign, writing or other visible representation that contains any threat of unlawful violence to the victim.

(3) A debt collector who contravenes paragraph (1) or (2) shall be guilty of an offence.

Illustrations

- (a) *X* is a debt collector and in the course of collecting a debt from *Y*, *X* brandishes his or her fist towards *Y* or *Y*'s family members and shouts at *Y* or *Y*'s family members threatening to beat them up unless *Y* repays the debt. *X* has contravened paragraph (1).
- (b) *X* is a debt collector and in the course of collecting a debt from *Y*, *X* sends any message to *Y*'s mobile telephone number via short message service or any other mobile application threatening to cause physical harm to *Y* unless *Y* repays the debt. *X* has contravened paragraph (1).

Fees

17.—(1) The fees specified in the Second Schedule are payable to the Licensing Officer.

(2) Payment of fees under these Regulations must be made in any manner as directed by the Licensing Officer.

Penalty

18. A person who is guilty of an offence under regulation 9(3), 10(2), 11(3), 12(2), 13(4), 14(3), 15(7) or 16(3) shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; but
- (b) where the person is a repeat offender — to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

FIRST SCHEDULE

Regulations 4 and 6

PART 1

PRESCRIBED CRITERIA FOR APPLICANT

1. Whether the applicant had previously been —
 - (a) convicted of an offence under the Act;
 - (b) convicted of an offence, whether in Singapore or elsewhere, involving dishonesty or the conviction for which involved a finding that the applicant had acted dishonestly;
 - (c) convicted of an offence specified in the Second Schedule to the Act; or
 - (d) ordered to be detained or placed under police supervision under Part 5 of the Criminal Law (Temporary Provisions) Act 1955 or subject to an order made under section 8 of the Internal Security Act 1960.
2. Whether the applicant has gone or is likely to go into compulsory or voluntary liquidation other than for the purposes of amalgamation or reconstruction.
3. Whether the applicant has made any assignment to, or composition with, its creditors or —
 - (a) if a corporation — the applicant is deemed to be unable to pay its debts under section 125(2) of the Insolvency, Restructuring and Dissolution Act 2018; or
 - (b) if a limited liability partnership — the applicant is deemed to be unable to pay its debts under paragraph 3(2) of the Fifth Schedule to the Limited Liability Partnerships Act 2005.
4. Where the applicant had previously been granted a licence, whether the applicant's previous conduct and compliance history as a licensee has been satisfactory.
5. Whether the applicant had previously —
 - (a) been refused the grant or renewal of a licence under the Act;
 - (b) had any licence revoked or suspended under the Act;
 - (c) had any class licence disapplied with respect to the applicant under the Act; or
 - (d) been the subject of any other regulatory action under the Act.
6. Whether the applicant had previously been a key appointment holder of an entity which had (during the period when the applicant was a key appointment holder) —

FIRST SCHEDULE — *continued*

- (a) been refused the grant or renewal of a licence under the Act;
- (b) had any licence revoked or suspended under the Act;
- (c) had any class licence disappplied with respect to the entity under the Act; or
- (d) been the subject of any other regulatory action under the Act.

PART 2

PRESCRIBED CRITERIA FOR KEY APPOINTMENT HOLDER

1. Whether the key appointment holder had previously been —
 - (a) convicted of an offence under the Act;
 - (b) convicted of an offence, whether in Singapore or elsewhere, involving dishonesty or the conviction for which involved a finding that the key appointment holder had acted dishonestly;
 - (c) convicted of an offence specified in the Second Schedule to the Act; or
 - (d) ordered to be detained or placed under police supervision under Part 5 of the Criminal Law (Temporary Provisions) Act 1955 or subject to an order made under section 8 of the Internal Security Act 1960.
2. Whether the key appointment holder is an undischarged bankrupt.
3. Where the key appointment holder had previously been granted a licence, whether the key appointment holder's previous conduct and compliance history as a licensee has been satisfactory.
4. Whether the key appointment holder had previously —
 - (a) been refused the grant or renewal of a licence under the Act;
 - (b) had any licence revoked or suspended under the Act;
 - (c) had any class licence disappplied with respect to the key appointment holder under the Act; or
 - (d) been the subject of any other regulatory action under the Act.
5. Whether the key appointment holder had previously been a key appointment holder of an entity which had (during the period when the person was a key appointment holder) —
 - (a) been refused the grant or renewal of a licence under the Act;
 - (b) had any licence revoked or suspended under the Act;

FIRST SCHEDULE — *continued*

- (c) had any class licence disapproved with respect to the entity under the Act; or
- (d) been the subject of any other regulatory action under the Act.

PART 3

PRESCRIBED CRITERIA FOR
INDIVIDUAL TO BE DEBT COLLECTOR

1. Whether the individual had previously been —
 - (a) convicted of an offence under the Act;
 - (b) convicted of an offence, whether in Singapore or elsewhere, involving dishonesty or the conviction for which involved a finding that the individual had acted dishonestly;
 - (c) convicted of an offence specified in the Second Schedule to the Act; or
 - (d) ordered to be detained or placed under police supervision under Part 5 of the Criminal Law (Temporary Provisions) Act 1955 or subject to an order made under section 8 of the Internal Security Act 1960.

SECOND SCHEDULE

Regulation 17(1)

FEES

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|---|-------|
| 1. Licence fee or renewal fee for a licence (as mentioned in section 8(1) of the Act) | \$600 |
| 2. Application fee for a licensee to deploy an individual as a debt collector (as mentioned in section 19(3)(b) of the Act) — | |
| (a) where approval had not been previously granted for the licensee to deploy the individual as the licensee's debt collector during the validity period of the licensee's previous licence (called in this item the immediate preceding licence) that was issued before the licensee's current licence; or | \$55 |

SECOND SCHEDULE — *continued*

- (b) where approval had been previously granted for the licensee to deploy the individual as the licensee's debt collector during the validity period of the licensee's immediate preceding licence —
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|---|------|
| (i) if the previous approval was cancelled before the expiry of the validity period of the licensee's immediate preceding licence; or | \$55 |
| (ii) in any other case | Nil |

Made on 1 November 2023.

PANG KIN KEONG
*Permanent Secretary,
 Ministry of Home Affairs,
 Singapore.*

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