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INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 (ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

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In exercise of the powers conferred by section 448 of the Insolvency, Restructuring and Dissolution Act 2018, we, the Rules Committee, make the following Rules:

PART 1

PRELIMINARY

Citation and commencement

1. These Rules are the Insolvency, Restructuring and Dissolution (Personal Insolvency) Rules 2020 and come into operation on 30 July 2020.

Definitions

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

"Bankruptcy Regulations" means the Insolvency, Restructuring and Dissolution (Bankruptcy) Regulations 2020 (G.N. No. S 587/2020);

"Court" includes the Registrar when exercising the powers of the General Division of the High Court under the Act or these Rules;

[S 1039/2020 wef 02/01/2021]

"estate", in relation to a trustee, means the estate of a bankrupt that is being or that has been administered by the trustee;

"Form" means a form set out in the First Schedule, and a form referred to by a number (where such number may include

alphanumeric characters) means the form so numbered in that Schedule;

"nominee" has the meaning given by section 273(1) of the Act;

"Registry" means the Registry of the Supreme Court;

"regulations" means —

(*a*) the Bankruptcy Regulations;

(*b*) the Insolvency, Restructuring and Dissolution (Voluntary Arrangements) Regulations 2020 (G.N. No. S 588/2020); and

(*c*) the Insolvency, Restructuring and Dissolution (Debt Repayment Scheme) Regulations 2020 (G.N. No. S 589/2020);

"Rules of Court" means the Rules of Court 2021 (G.N. No. S 914/2021) for the time being in force;

[S 196/2022 wef 01/04/2022]

"scheme" means a scheme of arrangement of a bankrupt's affairs under Division 5 of Part 17 of the Act;

"sealed" means sealed with the seal of the Court.

(2) In these Rules —

(*a*) any reference to Part 3 of the Act is a reference to only those provisions in —

(i) Division 1 of that Part concerning the Official Assignee; and

(ii) Division 2 of that Part; and

(*b*) any reference to Part 22 of the Act is a reference to that Part only in the case of a debtor who is an individual.

(3) In these Rules, any reference to the Official Assignee does not include a reference to a trustee in bankruptcy, and any reference to a trustee in bankruptcy does not include a reference to the Official Assignee.

(4) Where an act is required in these Rules to be done a specified number of clear days before or after a specified date, at least that

number of days must intervene between the day on which the act is done and that date.

Application

3. These Rules apply to —

(*a*) the proceedings, practice and procedure of the General Division of the High Court under Part 3 and Parts 13 to 22 of the Act; and

[S 1039/2020 wef 02/01/2021]

(*b*) the matters incidental to or relating to the proceedings, practice and procedure mentioned in paragraph (*a*).

Practice directions

4. The Registrar may issue practice directions concerning the business of the Registry in relation to applications to the Court under Part 3 and Parts 13 to 22 of the Act, these Rules or the regulations.

PART 2

COURT PROCEDURE

Division 1 — Court and chambers

Hearing of applications

5.—(1) Unless the Chief Justice has given a general or special direction to the contrary —

(*a*) every application before the Registrar must be heard in chambers; and

(*b*) every application before the Judge may be heard in chambers.

(2) Unless the Chief Justice has given a general or special direction to the contrary, the jurisdiction of the Court to hear and determine a matter or an application may be exercised by the Registrar.

(3) The Court may, without requiring the parties to appear in person, adjourn a bankruptcy application or make such order or give such direction as the Court thinks fit for the just, expeditious and

economical disposal of the bankruptcy application, by giving written notice of the adjournment, order or direction to all parties concerned.

Adjournment from Registrar to Judge

6. Any matter pending before the Registrar which the Registrar has jurisdiction to determine under Part 3 or Parts 13 to 22 of the Act, these Rules or the regulations must be adjourned to be heard before the Judge if the Judge so directs by a general or special direction.

Adjournment from chambers to court and vice versa

7.—(1) Subject to Part 3 and Parts 13 to 22 of the Act, these Rules and the regulations, any matter may at any time be adjourned from chambers into court or from court into chambers if the Judge or the Registrar (as the case may be) thinks fit.

(2) If all parties require any matter to be adjourned from chambers into court, the matter must be so adjourned.

Division 2 — Proceedings

Title of proceedings

8.—(1) Every proceeding in the Court under Part 3 and Parts 13 to 22 of the Act must be intituled in the matter of the person against whom the application is made and in the matter of the Act.

(2) A distinctive number must be assigned by the Registrar to the first proceeding in every matter, and all subsequent proceedings in the same matter must bear the same number.

Court records

9.—(1) All proceedings of the Court under Part 3 and Parts 13 to 22 of the Act and these Rules must be kept and remain in record in the Court.

(2) The Registrar may maintain all the information mentioned in paragraph (1) in such form, medium or mode as the Registrar thinks fit.

(3) Any of the following persons may, at all reasonable times, inspect the record of proceedings maintained under paragraph (2) relating to a bankrupt or debtor:

(*a*) the trustee of the bankrupt's estate;

(*b*) the bankrupt or debtor;

(*c*) any creditor who has filed the creditor's proof of debt in respect of the bankrupt or debtor;

(*d*) any person acting on behalf of the trustee, bankrupt or debtor or creditor mentioned in sub-paragraph (*a*), (*b*) or (*c*), as the case may be;

(*e*) by special direction of the Judge or the Registrar, any other person.

Filing, gazetting, etc.

10.—(1) A person inserting an advertisement in the *Gazette* or a local newspaper relating to any matter under Part 3 or Parts 13 to 22 of the Act must file a copy of the advertisement with the Registrar.

(2) The Registrar must issue to the person mentioned in paragraph (1) a memorandum referring to and giving the date of the advertisement in the *Gazette* or local newspaper.

(3) The person mentioned in paragraph (1) must file in the proceedings the memorandum issued by the Registrar.

(4) The memorandum by the Registrar is prima facie evidence that the advertisement to which it refers was duly inserted in the issue of the *Gazette* or local newspaper mentioned in the memorandum.

Division 3 — Applications and practice

Manner of making applications, etc.

11.—(1) The following applications must be made by originating application:

(*a*) an application for an interim order under section 276 of the Act;

(*b*) a bankruptcy application under section 307 or 308 of the Act;

(*c*) an application for an order for the administration of the estate of a deceased debtor under section 419 of the Act;

(*d*) unless otherwise provided in Part 3 or Parts 13 to 22 of the Act or these Rules, any other application under Part 3 or Parts 13 to 22 of the Act, these Rules or the regulations by which proceedings are commenced in Court.

[S 196/2022 wef 01/04/2022]

(2) Every application other than one mentioned in paragraph (1) must be made by summons unless otherwise provided in Part 3 or Parts 13 to 22 of the Act or these Rules.

(3) Unless otherwise provided in Part 3 or Parts 13 to 22 of the Act, these Rules or the regulations or otherwise directed by the Court, every application must be supported by affidavit.

(4) Every affidavit filed in accordance with paragraph (3) is prima facie evidence of the statements in the affidavit.

Issue of originating process and process to be sealed

12.—(1) Every originating application or summons must be prepared by the person making the application or the person's solicitor and issued from the office of the Registrar.

[S 196/2022 wef 01/04/2022]

(2) Every order, summons, application, warrant and process of any kind (including a notice issued by the Court) in any matter to which these Rules relate must be sealed.

Duration and renewal of originating application for purpose of service

13.—(1) Subject to the other provisions of these Rules, for the purpose of service, an originating application is valid in the first instance —

(*a*) where permission to serve the originating application out of jurisdiction is required — for 12 months starting on the date of its issue; or

[S 196/2022 wef 01/04/2022]

(*b*) in any other case — for 6 months starting on the date of its issue.

[S 196/2022 wef 01/04/2022]

(2) Subject to paragraph (3), where an originating application has not been served on a party against whom the application in question is made, the Court may by order extend the validity of the originating application from time to time for any period (not exceeding 6 months at any one time) that the Court specifies in the order, starting on the day immediately following that on which the originating application would have expired (called the expiry date), if any application for extension is made to the Court before the expiry date.

[S 196/2022 wef 01/04/2022]

(3) Where the Court is satisfied on an application under paragraph (2) that, despite the making of reasonable efforts, it may not be possible to serve an originating application within 6 months, the Court may, if it thinks fit, extend the validity of the originating application for any period (not exceeding 12 months at any one time) that the Court specifies in the order.

[S 196/2022 wef 01/04/2022]

(4) Before an originating application, the validity of which has been extended under this rule, is served, it must be marked with an official stamp in Form PIR-1 showing the period from which the validity of the originating application has been extended.

[S 196/2022 wef 01/04/2022]

[S 196/2022 wef 01/04/2022]

Service of application

14.—(1) Subject to any order to the contrary, every application (contained in an originating application or a summons) and every affidavit in support of the application (called in this rule the supporting affidavit) must be served upon every person against whom any order or other relief is sought.

[S 196/2022 wef 01/04/2022]

(2) The Court may at any time —

(*a*) direct that service of an application and the supporting affidavit (if any) be effected on, or notice of proceedings be given to, any person who may be affected by the order or other relief sought; and

(*b*) direct the manner in which such service is to be effected or such notice is to be given.

(3) Any person who is served or notified under paragraph (2) is entitled to be heard.

(4) Any document referred to as an exhibit in a supporting affidavit must be made available for inspection by any person upon whom service of the affidavit is required.

(5) Where any person other than the applicant is affected by an application, no order may be made except with the consent of that person, or upon proof that a copy each of the application and the supporting affidavit (if any) have been duly served upon that person.

(6) Where the Court is satisfied that serious mischief may result from delay caused by proceeding in the ordinary way, the Court may make an order in the absence of any person other than the applicant upon such terms as to costs and otherwise, and subject to such undertaking (if any) as the Court thinks just.

[S 196/2022 wef 01/04/2022]

(7) Any person affected by an order made in his or her absence may apply to set it aside.

[S 196/2022 wef 01/04/2022]

Personal service

15.—(1) Personal service of an application or order of the Court or other document is effected by leaving with the person to be served —

(*a*) in the case of an originating process — a sealed copy; or

(*b*) in any other case — a copy of the application, order or other document.

(2) Personal service of an application or order of the Court or other document may also be effected in such other manner as may be agreed between the person serving and the person to be served.

(3) Personal service of an application or order of the Court or other document on a body corporate may be effected by serving it in accordance with paragraph (1) on the chairperson or president of the body corporate, or the secretary, treasurer or other similar officer of the body corporate.

(4) The person effecting personal service must file in court within 3 days after service, or such further time as may be allowed by the Registrar, a copy of the document and an affidavit of service.

Length of notice

16. Unless the Court gives permission to the contrary or otherwise provided in Part 3 or Parts 13 to 22 of the Act or these Rules, an application must be served on every person affected by the application at least 7 days before the date of the hearing of the application.

[S 196/2022 wef 01/04/2022]

Notice to be served on all proper parties

17. If, on the hearing of an application, the Court is of the opinion that any person to whom notice has not been given ought to have notice, the Court may either dismiss the application, or adjourn the hearing upon any terms as the Court thinks fit, in order that notice may be given.

Adjournment

18. The hearing of an application may be adjourned upon any terms as the Court thinks fit.

Court may give directions as to proceedings to be taken

19. At the hearing of an originating application to which these Rules relate, the Court may by order give any direction as to the proceedings to be taken that the Court thinks fit, including directions for the publication of notices and the making of any inquiry.

[S 196/2022 wef 01/04/2022]

Division 4 — Affidavits

Evidence by affidavit

20.—(1) In any proceedings, evidence may be given by affidavit unless it is otherwise provided by any provision of these Rules or the Court otherwise directs.

(2) An affidavit may be sworn by any party to the proceedings, or by some other person possessing direct knowledge of the subject matter of the application.

(3) The Court may, on its own motion or the application of any party, order the attendance for cross-examination of the person making an affidavit.

(4) Where, after an order has been made under paragraph (3), the person making the affidavit does not attend, the affidavit must not be used in evidence without the permission of the Court.

[S 196/2022 wef 01/04/2022]

Filing and service of affidavits

21. Unless the provisions of Part 3 or Parts 13 to 22 of the Act, these Rules or the regulations under which an application is made provide otherwise, or the Court otherwise allows, a party to an application who intends to rely on affidavit evidence at the hearing of the application must do both of the following at least 5 days before the date fixed for the hearing:

(*a*) file the party's affidavit or affidavits (if more than one) in Court;

(*b*) serve a copy of the party's affidavit or of each of the party's affidavits (if more than one) on every other party to the application and any other person who may appear and be heard.

Affidavit filed out of time

22.—(1) An affidavit filed out of time must not be used except with the permission of the Court.

[S 196/2022 wef 01/04/2022]

(2) Unless the Court otherwise directs, an order made in the absence of any person other than the applicant upon evidence supported by affidavit is not effective unless the affidavit was made before the order was applied for and was produced or filed at the time of making the application.

[S 196/2022 wef 01/04/2022]

Scandalous, irrelevant or oppressive matter

23. The Court may order to be struck out from an affidavit any matter which is scandalous, irrelevant or otherwise oppressive, and may order the costs of any application to strike out such matter to be paid as between solicitor and client.

Division 5 — Security in court

Form of security

24.—(1) Where security has to be given to the Court (otherwise than in relation to costs), it may be given by a banker's guarantee, the payment of moneys into court or in any other manner as the Court may direct.

(2) The rules for the time being in force in the General Division of the High Court relating to the provision of, and manner of giving, security for costs apply in relation to any proceedings under Part 3 or Parts 13 to 22 of the Act or these Rules.

[S 1039/2020 wef 02/01/2021]

(3) The rules for the time being in force in the General Division of the High Court relating to payment into and out of court of moneys lodged in court by way of security for costs apply to moneys lodged in court under these Rules.

[S 1039/2020 wef 02/01/2021]

Division 6 — Witnesses and depositions

Orders to attend court

25.—(1) In any proceedings under Part 3 or Parts 13 to 22 of the Act or these Rules, the Court is to issue an order to attend court for the attendance of a witness at the instance of any party to the proceedings or any of the following persons:

(*a*) the Official Assignee;

(*b*) the trustee in bankruptcy (if any);

(*c*) the debtor in question.

[S 196/2022 wef 01/04/2022]

(2) The order to attend court may require the witness to produce documents in his or her possession or control.

[S 196/2022 wef 01/04/2022]

[S 196/2022 wef 01/04/2022]

Service of order to attend court

26.—(1) A sealed copy of an order to attend court issued under rule 25(1) must be served personally on the witness in question by —

(*a*) an officer of the Court;

(*b*) the person at whose instance the order to attend court is issued or that person's solicitor; or

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

(2) Despite paragraph (1), the order to attend court may be served in such manner as is agreed in writing between the witness in question and the person at whose instance the order to attend court is issued.

(3) Unless the Court otherwise orders, the service of the order to attend court is not valid unless effected within 12 weeks after the date of issue of the order to attend court.

(4) The order to attend court —

(*a*) must not be served on any person outside the jurisdiction; and

(*b*) must be served within a reasonable time before the day fixed for the attendance.

(5) The affidavit of personal service of the order to attend court required to be filed in Court under rule 15(4) must state when, where, how and by whom the service was effected.

(6) An order to attend court continues to have effect until the conclusion of the hearing at which the attendance of the witness is required.

[S 196/2022 wef 01/04/2022]

Tender of expenses

27.—(1) A witness may not be compelled to attend on an order to attend court unless a reasonable sum to cover his or her expenses of going to, remaining at, and returning from, Court is extended to him or her.

[S 196/2022 wef 01/04/2022]

(2) The reference to a witness in paragraph (1) does not include a reference to an individual or the representative of a body corporate, being the individual or body corporate against whom the proceedings in question are commenced.

Order for examination

28.—(1) The Court may at any time in any matter make an order for the examination on oath of any person at any place.

[S 688/2023 wef 01/11/2023]

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

(3) The examination may be ordered to take place before the Court or an officer of the Court, or any other person that the Court may direct.

(4) The deposition —

(*a*) must be taken down in writing; and

(*b*) may, with the permission of the Court, be used in evidence on such terms (if any) as the Court may direct.

[S 196/2022 wef 01/04/2022]

Letters of request

29. An application for an order for a letter of request to examine witnesses in any proceedings under Part 3 or Parts 13 to 22 of the Act or these Rules, the order and the letter of request must follow the

forms for the time being in use in the General Division of the High Court, with such variations as circumstances may require.

[S 1039/2020 wef 02/01/2021]

Production of documents

30.—(1) The Court may, at any stage of any proceedings, order the attendance of any person for the purpose of producing any document named in the order.

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

Division 7 — Warrants, arrests and commitments

Address of warrants

31. A warrant of seizure issued under the provisions of Part 13 or 17 of the Act must be addressed to such officer of the Supreme Court, or to the Commissioner of Police, as the Court may direct.

[S 1039/2020 wef 02/01/2021]

Warrant under section 274 of Act

32. When a person is arrested under a warrant issued by the Court under section 274 of the Act, the officer arresting the arrested person must —

(*a*) where the Court has authorised the arrested person to be kept in custody, give the arrested person into the custody of a Superintendent of Prisons; and

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

(i) in a case where the arrested person is an undischarged bankrupt — the trustee of the bankrupt's estate; or

(ii) in every other case — the Official Assignee.

Warrant under section 334 or 335 of Act

33.—(1) When a person is arrested under a warrant issued under section 334(3) or 335(15) of the Act, the officer arresting the arrested person must —

(*a*) immediately bring the arrested person before the Court in order that the arrested person may be examined; or

(*b*) if the arrested person cannot immediately be brought up for examination, give the arrested person into the custody of a Superintendent of Prisons.

(2) After arresting the arrested person mentioned in paragraph (1), the officer must immediately report to the Court the arrest and, where paragraph (1)(*b*) applies, the delivery into custody, and apply to the Court to appoint a time for the examination of the arrested person, and the Court is then to —

(*a*) appoint the earliest practicable day for the examination; and

(*b*) direct the Superintendent of Prisons to produce the arrested person for examination at the place and time appointed.

(3) Notice of the place and time appointed by the Court under paragraph (2)(*b*) must immediately be given by the Registrar to the person who applied for the examination or warrant under section 334 or 335 of the Act.

(4) Any property in the arrested person's possession which may be seized must be dealt with in any of the following ways as the Court may direct:

(*a*) lodged with, or otherwise dealt with as directed by, whoever is specified in the warrant as authorised to receive it;

(*b*) kept by the officer seizing it pending the receipt of written orders from the Court as to its disposal.

Warrant under section 370(3) of Act

34.—(1) A warrant issued under section 370(3) of the Act authorises any officer executing it to seize any property, books,

papers or records of the bankrupt in question found as a result of the execution of the warrant.

(2) Any property, books, papers or records seized under the warrant must be dealt with in any of the following ways as may be directed by warrant:

(*a*) lodged with, or otherwise dealt with as directed by, whoever is specified in the warrant as authorised to receive it;

(*b*) kept by the officer seizing it pending the receipt of written orders from the Court as to its disposal.

Suspension of issue of committal order

35. Where a committal order under section 6(3)(*b*) of the Act is made of a debtor, bankrupt or any other person for failing to obey any order or direction given by the Official Assignee, the Court may direct that the committal order is not to be issued if the order or direction in question is complied with within a specified time.

[S 196/2022 wef 01/04/2022]

Division 8 — Service and execution of process

Service by and on solicitor

36.—(1) A solicitor serving any process or other document must endorse on the process or document (as the case may be) the solicitor's name or that of the solicitor's firm and the address at which the solicitor will accept service of documents on behalf of the person the solicitor represents.

(2) Any process or other document which does not require personal service is deemed to be sufficiently served upon a person represented by a solicitor if left at the solicitor's address for service.

Time of service

37.—(1) Service effected before 4 p.m. on a working day is, for the purpose of computing time, deemed to have been effected on that day, and, in any other case, on the working day next following.

(2) In this rule, "working day" means any day other than a Saturday, Sunday or public holiday.

Officers to effect service

38. Service of any document which by Part 3 or Parts 13 to 22 of the Act or these Rules is required to be served by an officer of the Court, or which the Court in any particular proceedings orders so to be served, and execution of warrants and other process, is to be effected by any officer that the Court directs.

Service by post

39. Notice of any order or other proceedings which is to be served by post must be sent by registered letter unless the Court otherwise directs.

Enforcement of orders

40. An order of the Court may be enforced in the same manner as a judgment of the Court to the same effect.

Division 9 — Appeals

Procedure on appeal

41. The provision and procedure for the time being in force in respect of appeals from the General Division of the High Court in its ordinary civil jurisdiction apply to appeals in bankruptcy with the following modifications:

(*a*) the Official Assignee is not required to give security for costs;

(*b*) no appeal operates as a stay of proceedings under the judgment or order appealed from unless the Court otherwise orders.

[S 1039/2020 wef 02/01/2021]

PART 3

OFFICIAL ASSIGNEE

Evidence on application by Official Assignee

42.—(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 permission, or for an extension of time to apply for permission, to disclaim a lease;

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(*c*) an application to reverse or modify any previous act or decision of the Official Assignee;

(*d*) an application to vary a bankrupt's monthly contribution and target contribution;

(*e*) an application to commit a debtor, bankrupt or other person;

(*f*) an application for an order under section 438(3) of the Act.

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

Official Assignee's reports to be prima facie evidence

43. Where any of the following applications is made to the Court, any report filed by the Official Assignee in respect of the application is prima facie evidence of the matters contained in the report:

(*a*) an application to annul a bankruptcy order;

(*b*) an application for the discharge of a bankrupt under section 394 of the Act;

(*c*) an application to prohibit the Official Assignee from issuing a certificate to discharge a bankrupt under section 395 of the Act;

(*d*) an application to grant a bankrupt —

(i) permission under section 148 of the Companies Act (Cap. 50) to act as director, or take part in the management, of a corporation; or

[S 196/2022 wef 01/04/2022]

(ii) permission 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;

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(*e*) an application to appoint under rule 180 a person to appear for, represent or act for a bankrupt who is an incapacitated person.

Application for directions

44. The Official Assignee may apply to the Court for directions in relation to any particular matter arising under, or any matter not provided for by, the Act, these Rules or the regulations.

Liability for costs, expenses and damages

45. Subject to rule 148(3), in every case in which proceedings are taken against the Official Assignee in respect of anything done or any default made by the Official Assignee when acting, or in the reasonable belief in good faith that the Official Assignee is acting, in pursuance of the Act or in execution of the powers given to the Official Assignee by the Act, the costs, damages and expenses which the Official Assignee may have to pay or to which the Official Assignee may be put under such proceedings are to be paid out of the estate of the debtor in question, unless the Court orders that the Official Assignee should be personally liable for them.

PART 4

TRUSTEE IN BANKRUPTCY

Appointment of trustee of bankrupt's estate

46.—(1) A person applying for a bankruptcy order must include in the bankruptcy application —

(*a*) where the Official Assignee has consented to be the trustee of the bankrupt's estate — the written consent of the Official Assignee; and

(*b*) where the Official Assignee has not consented to be the trustee of the bankrupt's estate — an application for the appointment of a trustee in bankruptcy.

[S 688/2023 wef 01/11/2023]

(2) [*Deleted by S 688/2023 wef 01/11/2023*]

(3) The Court must not make an order appointing a person as a trustee in bankruptcy unless the following have been filed:

(*a*) an affidavit exhibiting proof that the person is a licensed insolvency practitioner;

(*b*) the person's consent in writing to be appointed as trustee in bankruptcy.

[S 688/2023 wef 01/11/2023]

Factors to be considered in determining remuneration of trustee in bankruptcy

47. In determining the remuneration of a trustee in bankruptcy under section 41(1)(*c*) of the Act, the following factors are to be considered by the Court:

(*a*) the complexity of the case;

(*b*) whether the trustee in bankruptcy was required to assume responsibility of an exceptional kind or degree in the administration of the estate;

(*c*) the effectiveness with which the trustee in bankruptcy appears to have carried out his or her duties as trustee in bankruptcy;

(*d*) the value and nature of the assets in the estate with which the trustee has to deal.

Removal of trustee in bankruptcy by Court

48.—(1) The Official Assignee or any creditor of a bankrupt may make an application to the Court for the removal of the trustee in bankruptcy.

(2) The application must be supported by an affidavit stating —

(*a*) the grounds of the application; and

(*b*) any evidence which the applicant intends to adduce in support of the application.

(3) The application mentioned in paragraph (1) must be served on the trustee in bankruptcy, the Official Assignee (if the Official Assignee is not the applicant) and all creditors who have proved their debts at least 14 days before the date of the hearing.

(4) The trustee in bankruptcy must, before the date of the hearing, submit to the Court a report containing the following information:

(*a*) the total amount of debts claimed by creditors who have filed proofs of debt, and the total amount of debts (if any) admitted by the trustee in bankruptcy;

(*b*) the property of the bankrupt comprised in the bankrupt's estate and the status of the realisation of such property;

(*c*) the gross amount received by the trustee in bankruptcy from the realisation of the property comprised in the bankrupt's estate, the costs and expenses of such realisation and the net amount received by the trustee in bankruptcy from such realisation;

(*d*) the monthly contribution and target contribution for the bankruptcy;

(*e*) the payments that have been made by the bankrupt to the bankrupt's estate;

(*f*) any other payments that have been made to the bankrupt's estate;

(*g*) any payments that have been made out of the bankrupt's estate;

(*h*) any outstanding work to be done in relation to the administration of the bankruptcy.

(5) On hearing the application for the removal of the trustee in bankruptcy, the Court may, if it thinks fit, dismiss the application, order that the trustee in bankruptcy be removed or make such other order as it thinks fit.

(6) Where the Court orders the trustee in bankruptcy to be removed, the Court may include in the order —

(*a*) such other orders as it thinks fit in connection with the removal; and

(*b*) an order for the appointment of a new trustee of the bankrupt's estate.

(7) Unless otherwise ordered by the Court, the costs of and incidental to an application for the removal of a trustee in bankruptcy are not to be borne by the estate.

(8) Where a trustee in bankruptcy is ordered to be removed by the Court, the applicant for the order (if the applicant is not the Official Assignee) must serve a copy of the order on the Official Assignee and on the trustee in bankruptcy, within 7 days after the making of the order.

Resignation of trustee in bankruptcy

49.—(1) The affidavit supporting an application by a trustee in bankruptcy under section 44(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 44(4)(*a*) of the Act must contain particulars of the following:

(*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;

(*g*) any outstanding work to be done in relation to the administration of the bankruptcy;

(*h*) such other information relating to the administration of the bankruptcy by the trustee in bankruptcy as is required by the Official Assignee.

Powers of Court

50.—(1) The Court may, on the application of the Official Assignee, make such orders as it thinks necessary for the enforcement of the duties of a trustee in bankruptcy under the Act, these Rules and the regulations.

(2) The Court may order that the costs of and incidental to the Official Assignee's application under paragraph (1) be borne by the trustee in bankruptcy.

PART 5

VOLUNTARY ARRANGEMENTS

Definitions of this Part

51. In this Part —

"creditors' meeting" means a meeting of creditors summoned under section 281 of the Act;

"nominee's report" means a report required to be submitted under section 280(1) of the Act by a nominee;

"proposal" means a proposal by a debtor for a voluntary arrangement for the purposes of Part 14 of the Act;

"Voluntary Arrangements Regulations" means the Insolvency, Restructuring and Dissolution (Voluntary Arrangements) Regulations 2020 (G.N. No. S 588/2020).

Application for interim order

52.—(1) An application to the Court by an insolvent debtor for an interim order under Part 14 of the Act must be entitled "In the Matter of Part 14 of the Insolvency, Restructuring and Dissolution Act 2018".

(2) The affidavit supporting the application must state —

(*a*) the reasons for the making of the application;

(*b*) the particulars of any enforcement or other legal process which, to the debtor's knowledge, has been commenced against the debtor;

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(*c*) that the debtor is able to apply for the debtor's own bankruptcy;

(*d*) that no previous application for an interim order has been made by or in respect of the debtor in the period of 12 months ending on the date of the affidavit; and

(*e*) the name of the person to be appointed as the nominee under the proposal and that the person (called in this Part the intended nominee) is a licensed insolvency practitioner and is willing to act as a nominee in relation to the proposal.

(3) A copy of the notice to the intended nominee under regulation 6 of the Voluntary Arrangements Regulations, duly endorsed by the intended nominee under paragraph (3) of that regulation, must be exhibited to the affidavit.

(4) Where the debtor is a firm, the affidavit supporting the application for an interim order may be made by one of the partners in the firm who joined in the preparation of the proposal.

Persons who may appear at hearing of application for interim order

53.—(1) A debtor applying for an interim order must give at least 2 clear days' notice of the hearing to —

(*a*) any creditor who has filed a bankruptcy application against the debtor; and

(*b*) the intended nominee who has agreed to act in relation to the debtor's proposal.

(2) Any person who has been given notice under paragraph (1) may appear or be represented at the hearing of the application, and the Court is to take into account any representations made by or on behalf of any such person in deciding whether to make an interim order on the application.

Court to fix date for consideration of nominee's report

54.—(1) If the Court makes an interim order, the Court is to fix a date for the consideration of the nominee's report.

(2) Subject to paragraph (3), the date for the consideration of the nominee's report must be not later than the date on which the interim order ceases to have effect under section 276(4) of the Act.

(3) If an extension of time is granted under section 280(4) of the Act for filing the nominee's report, the Court is to correspondingly extend the period for which the interim order has effect, unless there appear to be good reasons against it.

Action to follow making of interim order

55. Where an interim order is made in respect of a debtor, the debtor must —

(*a*) serve a sealed copy of the order on the nominee in question; and

(*b*) give notice of the making of the order to any person who was given notice of the hearing under rule 53(1) but who was not present or represented at the hearing.

Nominee's report on proposal

56.—(1) The nominee must submit the nominee's report to the Court at least 2 days before the interim order ceases to have effect and must exhibit —

(*a*) a copy of the debtor's proposal, with amendments (if any) made under regulation 7 of the Voluntary Arrangements Regulations; and

(*b*) a copy or summary of any statement of affairs provided by the debtor.

(2) In the nominee's report, the nominee must inform the Court of the nominee's opinion as to whether a meeting of the debtor's creditors should be summoned under section 281 of the Act and the reasons for the nominee's opinion.

(3) The nominee must send a copy of the following documents to any person who has made a bankruptcy application against the debtor at least 2 days before the hearing by the Court to consider the nominee's report:

(*a*) the debtor's proposal;

(*b*) the nominee's report and the nominee's comments accompanying it, if any;

(*c*) a summary of the debtor's statement of affairs.

Replacement of nominee

57. Where a debtor intends to apply to the Court under section 280(3) of the Act for the nominee to be replaced, the debtor must serve the application on the nominee at least 2 days before the hearing.

Consideration of nominee's report

58.—(1) At the hearing by the Court to consider the nominee's report, any of the persons who have been given notice under rule 53(1) may appear or be represented.

(2) The debtor must —

(*a*) serve on the nominee a sealed copy of any order made by the Court at the hearing; and

(*b*) give notice of the making of the order to any person who was given notice of the hearing under rule 53(1) but who was not present or represented at the hearing.

Appeal against chairperson's decision on entitlement to vote at creditors' meeting

59.—(1) This rule applies where an appeal is made to the Court against a decision of the chairperson of a creditors' meeting under regulation 13(4) or 14(2) of the Voluntary Arrangements Regulations.

(2) If on an appeal the chairperson's decision is reversed or varied by the Court, or a creditor's vote is declared invalid, the Court may —

(*a*) order another creditors' meeting to be summoned; and

(*b*) make such other order as the Court thinks just.

(3) The Court is not to make any order mentioned in paragraph (2)(*a*) or (*b*) unless the Court considers that the matter is such as to give rise to unfair prejudice or a material irregularity.

(4) An appeal to the Court against a decision under regulation 13(4) or 14(2) of the Voluntary Arrangements Regulations must not be made after the end of the period of 28 days beginning on the day on which the nominee's report is made to the Court under section 283 of the Act.

(5) The chairperson is not personally liable for any costs incurred by any person in respect of an appeal against the chairperson's decision under regulation 13(4) or 14(2) of the Voluntary Arrangements Regulations.

Application for review of decision of creditors' meeting

60.—(1) A person who makes an application for the Court to review a decision of the creditors' meeting under section 285 of the Act must —

(*a*) serve a copy of the application on the debtor and nominee in question at least 3 days before the date of the hearing of the application; and

(*b*) serve sealed copies of any order made by the Court on the application on the debtor and nominee in question.

(2) If the order includes a direction by the Court under section 285(2)(*b*) of the Act for any further creditors' meeting to be summoned, a copy of the order must also be given by the applicant to whoever is, in accordance with the direction of the Court, required to summon the meeting.

(3) The debtor in question must —

(*a*) upon receiving a copy of the Court's order, give notice of it to —

(i) any person who was sent a notice summoning the creditors' meeting under regulation 11(1) of the Voluntary Arrangements Regulations;

(ii) any person who attended the creditors' meeting which approved the debtor's proposal; and

(iii) such other persons as the Court directs; and

(*b*) within 7 days after the service of the order (or within such longer period as the Court may allow), give notice to the Court whether the debtor intends to make a revised proposal to the creditors, or to invite re-consideration of the original proposal.

PART 6

DEBT REPAYMENT SCHEME

Manner of making applications

61. Every application to the Court under Part 15 of the Act or this Part must —

(*a*) if made before the effective date of a debt repayment scheme under Part 15 of the Act — be made by summons supported by an affidavit; or

(*b*) if made after the effective date of a debt repayment scheme under Part 15 of the Act — be made by originating application supported by an affidavit.

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Appeal against extension of period to file proof of debt

62.—(1) A creditor who —

(*a*) has made an application to the Official Assignee to extend the time specified in the notice mentioned in section 290(2) of the Act within which the creditor is required to file a proof of debt; and

(*b*) is dissatisfied with the Official Assignee's decision on the application,

may apply to the Court to reverse or vary the decision.

(2) An application under paragraph (1) must be made not later than 21 days after the date of the decision being appealed against.

(3) The affidavit supporting the application must state the reasons for the application.

(4) A sealed copy of the application under paragraph (1) and a copy of the affidavit supporting the application must be served personally on the Official Assignee unless otherwise agreed in writing between the Official Assignee and the creditor making the application.

(5) The Official Assignee must, within 14 days after receiving a copy of the application under paragraph (1), file an explanation in the form of a report of the basis for the Official Assignee's decision that is the subject of the application.

(6) On hearing an application under paragraph (1), the Court may —

(*a*) confirm, reverse or modify the decision of the Official Assignee; or

(*b*) give such directions to the Official Assignee or make such order as the Court thinks fit.

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

63.—(1) Every appeal to the Court against the Official Assignee's decision under section 294(3) of the Act must be made not later than 14 days after 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 mentioned 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, rule 127 and the Rules of Court have effect in respect of an appeal to the Court against the Official Assignee's decision under section 294(3) of the Act to admit or reject, in whole or in part, a proof of debt.

PART 7

PROCEEDINGS IN BANKRUPTCY

Division 1 — Statutory demand

Form and contents of statutory demand

64.—(1) A statutory demand —

(*a*) must be in Form PIR-2;

(*b*) must state the actual amount of the debt that has accrued as at the date of the statutory demand;

(*c*) if the amount claimed in the statutory demand includes interest, penalties, charges or any pecuniary consideration in lieu of interest, must separately identify the actual amount that has accrued as at the date of the statutory demand and the rate at which and the period for which it was calculated;

(*d*) must state the consideration for the debt or, if there is no consideration, the way in which the debt arises and —

(i) if the debt is founded on a judgment or an order of a court — details of the judgment or order, including the action under which the judgment or order was obtained and the date of the judgment or order; and

(ii) if the debt is founded on grounds other than a judgment or an order of a court — such details as would enable the debtor to identify the debt;

(*e*) if the creditor making the statutory demand holds any property of the debtor or any security for the debt, must specify —

(i) the full amount of the debt; and

(ii) the nature and value of the property or the security; and

(*f*) must be dated and signed by the creditor making the statutory demand or a person authorised to make the statutory demand on the creditor's behalf.

(2) If the creditor making the statutory demand holds any property of the debtor or any security for the debt, the amount of the debt of which payment is claimed is the full amount of the debt less the amount specified in the statutory demand as the value of the property or security.

Information to be given in statutory demand

65.—(1) A statutory demand must include an explanation to the debtor of the following matters:

(*a*) the purpose of the demand, and the fact that if the debtor does not comply with the demand, bankruptcy proceedings may be commenced against the debtor;

(*b*) the time within which the demand must be complied with if that consequence is to be avoided;

(*c*) the methods of compliance available to the debtor;

(*d*) the debtor's right to apply to the Court to set aside the statutory demand.

(2) In addition to the information mentioned in paragraph (1), the statutory demand must specify —

(*a*) one or more named individuals with whom the debtor may, if the debtor wishes, enter into communication for purposes of securing or compounding for the debt to the satisfaction of the creditor; and

(*b*) the address and telephone number (if any) of any individual so named in the demand.

(3) The debtor is not under any obligation to make inquiries in respect of the statutory demand except for the purposes given in paragraph (2).

Requirements as to service of statutory demand

66.—(1) A creditor making a statutory demand must —

(*a*) take all reasonable steps to bring the statutory demand to the debtor's attention; and

(*b*) make reasonable attempts to effect personal service of the statutory demand.

(2) Where a creditor is not able to effect personal service of a statutory demand, the statutory demand may be served by such other means as would be most effective in bringing the statutory demand to the notice of the debtor.

(3) Substituted service under paragraph (2) may be effected by any of the following modes:

(*a*) by posting the statutory demand at the door or some other conspicuous part of the last known place of residence or business of the debtor;

(*b*) by forwarding the statutory demand to the debtor by prepaid registered post to the last known place of residence, business or employment of the debtor;

(*c*) where the creditor is unable to effect substituted service in accordance with sub-paragraph (*a*) or (*b*) by reason that the creditor has no knowledge of the last known place of residence, business or employment of the debtor, by

advertisement of the statutory demand in one or more local newspapers, in which case the time limited for compliance with the demand starts to run after the date of the publication of the advertisement;

(*d*) such other mode which the Court would have ordered in an application for substituted service of an originating application in the circumstances.

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(4) Where a statutory demand is to be served out of jurisdiction, the period to be stipulated in the statutory demand for compliance and setting aside of the demand must not be less than the following period after the date on which the demand is served or deemed in accordance with these Rules to be served on the debtor:

(*a*) in a case where the debtor is served or deemed to be served with a statutory demand during the prescribed period under the COVID-19 (Temporary Measures) Act 2020 (Act 14 of 2020) — 6 months;

(*b*) in any other case — 21 days.

(5) A creditor must not resort to substituted service of a statutory demand on a debtor unless —

(*a*) the creditor has taken all such steps which would suffice to justify the Court making an order for substituted service of a bankruptcy application; and

(*b*) the mode of substituted service would have been such that the Court would have ordered in the circumstances.

(6) Where a statutory demand is made against a firm, personal service of the statutory demand is deemed to have been effected on all the partners in the firm if it is served at the principal place of business of the firm in Singapore on —

(*a*) any one of the partners; or

(*b*) any person having (at the time of service) control or management of the business of the firm in Singapore.

(7) If the creditor is unable to serve the statutory demand on the firm as required under paragraph (6), the creditor may resort to

substituted service in accordance with paragraphs (2) to (5) as if the statutory demand is against each of the partners in the firm.

Application to set aside statutory demand

67.—(1) A debtor who has been served with a statutory demand may apply by way of originating application to the Court within the applicable period set out in paragraph (2) for an order setting aside the statutory demand.

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(2) The applicable period for the purposes of paragraph (1) is the following period after the date on which the statutory demand is served or deemed in accordance with these Rules to be served on the debtor:

(*a*) in a case where the debtor was served or deemed to be served with a statutory demand during the prescribed period under the COVID-19 (Temporary Measures) Act 2020 — 6 months;

(*b*) in any other case —

(i) 14 days; or

(ii) where the demand was served outside jurisdiction — 21 days.

(3) Despite paragraphs (1) and (2), the Court may, upon the application of the debtor, allow the debtor an extension of time to make the debtor's application to set aside the statutory demand.

(4) Unless the Court otherwise orders, the time limited for a debtor to comply with the statutory demand served on the debtor ceases to run as from the date on which the debtor files in Court an application under paragraph (1).

(5) The affidavit supporting an application under paragraph (1) must —

(*a*) specify the date on which the statutory demand came into the debtor's hands;

(*b*) state the grounds on which the statutory demand should be set aside; and

(*c*) exhibit a copy of the statutory demand.

(6) Every application under paragraph (1) and the affidavit supporting the application must be filed at the same time and must be served on the creditor in question within 3 days after the date of filing.

Hearing of application to set aside statutory demand

68.—(1) On the hearing of an application under rule 67, the Court may either summarily determine the application or adjourn it, and may give such directions as it thinks appropriate.

(2) The Court must set aside a statutory demand if —

(*a*) the debtor in question appears to the Court to have a valid counterclaim, set-off or cross demand which is equivalent to or exceeds the amount of the debt or debts specified in the statutory demand;

(*b*) the debt is disputed on grounds which appear to the Court to be substantial;

(*c*) it appears to the Court that the creditor in question holds property of the debtor or security in respect of the debt claimed by the demand and —

(i) rule 64(1)(*e*) has not been complied with; or

(ii) the Court is satisfied that the value of the property or security is equivalent to or exceeds the full amount of the debt;

(*d*) rule 64 has not been complied with and the failure to comply has caused or will cause substantial injustice to the debtor which cannot be remedied by any order of the Court; or

(*e*) the Court is satisfied, on any other ground, that the demand ought to be set aside.

Division 2 — Creditor's bankruptcy application

Form of creditor's bankruptcy application

69.—(1) Every creditor's bankruptcy application must be in Form PIR-3.

(2) For the purposes of a creditor's bankruptcy application and all proceedings under the application —

(*a*) the claimant is the creditor making the bankruptcy application; and

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(*b*) the defendant is the debtor against whom the bankruptcy application is made.

Identification of debtor

70.—(1) The affidavit supporting a creditor's bankruptcy application must state the following particulars of the debtor:

(*a*) the debtor's name;

(*b*) the number of the debtor's identity card or passport;

(*c*) the debtor's place of residence;

(*d*) the debtor's occupation (if any);

(*e*) any name other than the one specified under sub-paragraph (*a*) which, to the creditor's personal knowledge, the debtor has used.

(2) Where a creditor's bankruptcy application is filed against a firm, the affidavit supporting the application must state the following particulars:

(*a*) the name of the firm;

(*b*) the number of the certificate of the registration of the firm under the Business Names Registration Act 2014;

(*c*) the place of business of the firm;

(*d*) the particulars as specified in paragraph (1) of each of the partners in the firm.

(3) The full title of the proceedings is determined by the particulars of the debtor specified in paragraph (1)(*a*), (*b*) and (*e*).

(4) Where the creditor's bankruptcy application is filed against a firm, the full title of the proceedings is determined by the name of the firm as well as the particulars specified in paragraph (1)(*a*), (*b*) and (*e*) of all the partners in the firm.

Identification of debt

71.—(1) The affidavit supporting a creditor's bankruptcy application must state the following matters in respect of the debt:

(*a*) the actual amount of the debt that has accrued as of the date of the application;

(*b*) if the amount claimed in the application includes any interest, penalty, charge or any pecuniary consideration in lieu of interest —

(i) the amount claimed for the interest, penalty, charge or other pecuniary consideration (separately identified);

(ii) the rate at which and the period for which the interest, penalty, charge or other pecuniary consideration (as the case may be) was calculated; and

(iii) the grounds on which the interest, penalty, charge or other pecuniary consideration (as the case may be) is claimed;

(*c*) when the debt was incurred and when it became due;

(*d*) the consideration for the debt or, if there is no consideration, the way in which the debt arises and —

(i) if the debt is founded on a judgment or an order of a court — details of the judgment or order, including the action under which the judgment or order was obtained and the date of the judgment or order; or

(ii) if the debt is founded on grounds other than a judgment or an order of a court — such details as would enable the debtor to identify the debt.

(2) If the creditor holds any property of the debtor or any security for the debt, the creditor must —

(*a*) account for such property or security in the affidavit and, in particular, provide the following information:

(i) a description of the property or security held;

(ii) the value of property or security as at the date of the creditor's bankruptcy application; and

(*b*) take into account such property or security in the amount claimed in the creditor's bankruptcy application.

72. [*Deleted by S 688/2023 wef 01/11/2023*]

Bankruptcy application based on statutory demand

73.—(1) Where a creditor's bankruptcy application is based on non-compliance with a statutory demand, the affidavit supporting the application must state the following:

(*a*) the date and manner of service of the statutory demand;

(*b*) that to the best of the creditor's knowledge and belief, the statutory demand has neither been complied with nor set aside;

(*c*) that to the best of the creditor's knowledge and belief, no application to set the statutory demand aside is pending.

(2) No creditor's bankruptcy application based on non-compliance with a statutory demand may be made —

(*a*) in a case where the statutory demand was served or deemed served in accordance with these Rules during the prescribed period under the COVID-19 (Temporary Measures) Act 2020 — if more than 9 months have elapsed since the date on which the demand was served or deemed served; or

(*b*) in any other case — if more than 4 months have elapsed since the date on which the statutory demand was served or deemed served in accordance with these Rules.

Bankruptcy application based on section 312(*b*) of Act

74.—(1) Where a creditor's bankruptcy application is based on section 312(*b*) of the Act, the affidavit supporting the application must give details of the following matters:

(*a*) the judgment or order from which the judgment debt arises;

(*b*) the court which issued the enforcement against the debtor;

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(*c*) the mode of enforcement;

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(*d*) the extent (if any) to which the judgment debt has been satisfied as a result of the enforcement.

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(2) No application based on section 312(*b*) of the Act may be made if more than 4 months have elapsed since the date on which the enforcement in question was completed.

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Grounds of creditor's bankruptcy application

75. 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 310 and 311, 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 314 of the Act, explain in the affidavit how the condition in section 314(*a*) of the Act is satisfied.

Deposit payable to Official Assignee, etc.

76.—(1) A creditor making a bankruptcy application must file the application and the affidavit supporting the application in court

together with a receipt from the Official Assignee showing payment of the deposit mentioned in regulation 8(1)(*a*) of the Bankruptcy Regulations.

(2) A creditor must, within 3 days after filing the creditor's bankruptcy application, serve a copy each of the application and the supporting affidavit on the Official Assignee.

(3) Where a creditor's bankruptcy application has been filed under paragraph (1), the Official Assignee may, from time to time, require the applicant creditor to deposit with the Official Assignee any further sums required by the Official Assignee (whether before or after the making of the bankruptcy order) to cover the fees and expenses incurred by the Official Assignee in connection with the application.

Form of affidavit

77. The affidavit supporting a creditor's bankruptcy application must be —

(*a*) in Form PIR-4 or Form PIR-5, whichever is appropriate for the application;

(*b*) filed at the same time as the creditor's bankruptcy application; and

(*c*) made by the applicant creditor or another person on the applicant creditor's behalf.

Proof of service of statutory demand

78.—(1) Where a creditor's bankruptcy application is based on non-compliance with a statutory demand, an affidavit proving service of the statutory demand (called in this rule an affidavit of service of a statutory demand) must be filed in support of the application.

(2) An affidavit of service of a statutory demand must —

(*a*) state the mode, date and time of the service; and

(*b*) exhibit a copy of the statutory demand and any acknowledgment of service of the statutory demand.

(3) Where a statutory demand has been served other than by personal service, the affidavit of service of the statutory demand must —

(*a*) give particulars of the steps taken to effect personal service and the reasons for which the steps have been ineffective;

(*b*) where attempts at personal service have been unsuccessful, state the means by which the demand was sought to have been brought to the debtor's attention;

(*c*) where sub-paragraph (*b*) applies, explain why the means mentioned in that sub-paragraph would have best ensured that the demand would be brought to the debtor's attention;

(*d*) exhibit evidence of such alternative mode or modes of service; and

(*e*) specify a date by which to the best of the knowledge, information and belief of the person making the affidavit, the demand would have come to the debtor's attention.

(4) The steps (of which particulars are given as required under paragraph (3)(*a*)) must be such as would have sufficed to justify an order for substituted service of a bankruptcy application being made by the Court.

(5) If an affidavit of service of a statutory demand specifies a date as required under paragraph (3)(*e*), then unless the Court otherwise orders, that date is deemed for the purposes of these Rules and the Bankruptcy Regulations to have been the date on which the statutory demand was served on the debtor.

(6) The Court must dismiss the creditor's bankruptcy application if the Court is not satisfied that the creditor has discharged the obligations imposed on the creditor by rule 66.

Division 3 — Steps to be taken before hearing of creditor's bankruptcy application

Personal service on individual debtor

79.—(1) Subject to rule 81, a creditor's bankruptcy application and the affidavit supporting the application must be served together and personally on the debtor by —

(*a*) an officer of the Court;

(*b*) the applicant creditor or a person in the employment of the applicant creditor; or

(*c*) the applicant creditor's solicitor or a person in the employment of the solicitor.

(2) The personal service of a creditor's bankruptcy application and the affidavit supporting the application on a debtor is effected by delivering a sealed copy of the application together with its supporting affidavit to the debtor.

Personal service on firm

80. Subject to rule 81, where a creditor's bankruptcy application is against a firm, personal service of the application is deemed to have been effected on all the partners in the firm if the application and the affidavit supporting the application are served together at the principal place of business of the firm in Singapore on —

(*a*) any one of the partners; or

(*b*) any person having (at the time of service) control or management of the business of the firm in Singapore.

Substituted service

81.—(1) The Court may order substituted service of a creditor's bankruptcy application on a debtor if the Court is satisfied by affidavit or other evidence on oath that prompt personal service cannot be effected —

(*a*) because the debtor is keeping out of the way to avoid service of the creditor's bankruptcy application; or

(*b*) for any other cause.

(2) If the debtor in question is not in Singapore, the Court may order service to be made within such time and in such manner and form as the Court thinks fit.

(3) Where an order for substituted service has been carried out, the bankruptcy application is deemed to have been duly served on the debtor in question.

Service on nominee

82. If a creditor's bankruptcy application is filed against a debtor because the debtor has failed to comply with any of the debtor's obligations under a voluntary arrangement under Part 14 of the Act, and the applicant is not the nominee who was acting in relation to the voluntary arrangement, the applicant must serve a copy of the application and its supporting affidavit on the nominee.

Giving of notice to proposed trustee

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

(*a*) the person to be appointed as the trustee of 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 appointed as the trustee of the estate of the debtor under each subsisting bankruptcy order made against the debtor.

(2) In 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.

Death of debtor before service

84. If a debtor dies before service on the debtor of a creditor's bankruptcy application, the Court may order service to be effected on the debtor's personal representatives or any other person or persons that the Court thinks fit.

Proof of service of bankruptcy application

85.—(1) Service of a creditor's bankruptcy application must be proved by affidavit.

(2) The affidavit must exhibit —

(*a*) a sealed copy of the bankruptcy application and the affidavit supporting the application with an endorsement on the sealed copy as to the date and time of the service; and

(*b*) if substituted service has been ordered, a sealed copy of the order for substituted service and any evidence of the service.

Affidavit of non-satisfaction of debt

86. A creditor making a bankruptcy application must file an affidavit not earlier than 3 days before the date of the hearing of the application, stating —

(*a*) the amount that remains unsatisfied; and

(*b*) that the amount mentioned in paragraph (*a*) has neither been paid nor secured or compounded for,

if the amount alleged to be owing to the creditor as at the date that the affidavit is filed remains wholly or partly unsatisfied.

Division 4 — Hearing of creditor's bankruptcy application

Date of hearing of creditor's bankruptcy application

87.—(1) Subject to paragraph (2), a creditor's bankruptcy application must not be heard until the expiration of 7 clear days, or such longer time as the Court may direct, after the service of the application.

(2) The Court may, on such terms as it thinks fit, hear the creditor's bankruptcy application at an earlier date where —

(*a*) the Court is satisfied that the debtor has absconded;

(*b*) the Court is satisfied that it is a proper case for an expedited hearing; or

(*c*) the debtor consents to a hearing being held before the expiry of the 7 clear days mentioned in paragraph (1).

Persons who may be heard

88.—(1) Any one or more of the following persons may be heard in the hearing of a creditor's bankruptcy application:

(*a*) the creditor making the bankruptcy application;

(*b*) the debtor in question;

(*c*) where there has been a voluntary arrangement under Part 14 of the Act, the nominee who was acting in relation to the voluntary arrangement;

(*d*) subject to paragraph (3), any creditor of the debtor in question who has given notice to the Court of the creditor's intention to appear at the hearing of the bankruptcy application;

(*e*) the Official Assignee.

(2) The notice of a creditor under paragraph (1)(*d*) must —

(*a*) be in Form PIR-6;

(*b*) specify —

(i) the name, address and telephone number of the creditor giving the notice;

(ii) whether the creditor's intention is to support or oppose the bankruptcy application; and

(iii) the amount and nature of the creditor's debt; and

(*c*) be filed at least one day before the hearing.

(3) A creditor who fails to comply with paragraph (2) may not appear at the hearing except with the permission of the Court.

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Where there are several debtors

89. Where service has not been effected upon all the debtors against whom a creditor's bankruptcy application has been made, the bankruptcy application —

(*a*) may be heard separately or collectively as regards any debtors who have been served; and

(*b*) may subsequently be heard separately or collectively as regards any other debtors after service has been effected upon them.

Bankruptcy application by licensed moneylender

90.—(1) In addition to the other requirements in these Rules, a licensed moneylender licensed under the Moneylenders Act (Cap. 188) making a bankruptcy application against a debtor based on a debt arising from one or more loans granted by the licensed moneylender as a licensed moneylender must prove the debt by an affidavit —

(*a*) incorporating a statement setting out in detail the particulars set out in paragraph (2) in respect of each loan; and

(*b*) exhibiting a copy of the note of contract (duly signed as required under section 20(1)(*a*) of the Moneylenders Act) for each loan.

(2) The particulars for the purposes of paragraph (1)(*a*) are as follows:

(*a*) the date on which the loan was made;

(*b*) the amount actually lent under the contract for the loan;

(*c*) the rate per cent per annum of interest charged;

(*d*) the date when the contract for repayment was made;

(*e*) the fact that a note of the contract was made and was signed by the debtor;

(*f*) the date when a copy of the note was delivered or sent to the debtor;

(*g*) the amount repaid;

(*h*) the amount due but unpaid;

(*i*) the date upon which such unpaid sum or sums became due;

(*j*) the amount of interest accrued due and unpaid on every such sum;

(*k*) the form in which the money was lent.

(3) A reference in paragraph (1) to a licensed moneylender making a bankruptcy application is a reference to a person who, at the time each loan mentioned in paragraph (1)(*b*) is granted, is a licensed moneylender, whether or not the person continues to be so licensed at the time that the bankruptcy application is made by the person.

Bankruptcy application opposed by debtor

91. Where a debtor intends to oppose a creditor's bankruptcy application filed against the debtor, the debtor must do the following not later than 3 days before the hearing of the bankruptcy application:

(*a*) file in court a notice specifying the grounds upon which the debtor will object to the making of a bankruptcy order;

(*b*) serve a copy of the notice on the applicant creditor and the Official Assignee.

Non-appearance of applicant creditor or lack of prosecution of bankruptcy application

92.—(1) If the creditor making a bankruptcy application fails to appear on the hearing of the bankruptcy application or fails to prosecute the application diligently —

(*a*) the application may be dismissed; and

(*b*) no subsequent application against the same debtor (either alone or jointly with any other person) may be made by the same creditor in respect of the same debt without the permission of the Court.

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(2) Without limiting paragraph (1), where the bankruptcy application has been dismissed without a hearing by reason of the failure of the applicant creditor to attend the hearing, the application must not be restored to the list.

Deemed discontinuance of creditor's bankruptcy application

93.—(1) If it appears from the records maintained by the Court that no party to a creditor's bankruptcy application has taken any step or proceeding in the bankruptcy application for a period of more than one year (or the period as extended by the Court under paragraph (3)) since the last step or proceeding that was taken in that bankruptcy application, the bankruptcy application is deemed to have been discontinued on the expiration of the period of one year (or the period as extended by the Court under paragraph (3)) after the taking of that last step or proceeding.

(2) Paragraph (1) does not apply where the creditor's bankruptcy application has been stayed pursuant to an order of the Court.

(3) The Court may, on an application by any party made before the end of the period of one year mentioned in paragraph (1), extend the time for taking any step or proceeding to the extent that the Court thinks fit.

(4) Where a creditor's bankruptcy application has been discontinued under this rule, the Court may, on application, reinstate the bankruptcy application, and allow it to proceed on such terms as the Court thinks just.

Postponement of hearing of bankruptcy application where it has not been served

94.—(1) A creditor making a bankruptcy application may apply to the Court for extension of time for the hearing of the bankruptcy application if the application has not been served.

(2) The application for extension of time under paragraph (1) must state the reasons why the bankruptcy application has not been served.

(3) The costs (if any) of an application for extension of time under paragraph (1) are not to be borne by the debtor against whom the bankruptcy application is made.

(4) If an extension of time is granted by the Court, the bankruptcy application must be amended before service to reflect the new hearing date.

Adjournment of hearing of bankruptcy application for other reasons

95.—(1) At the hearing of a bankruptcy application, where —

(*a*) a creditor's bankruptcy application has been duly served; and

(*b*) a period of one month has expired after the day appointed for the first hearing of a creditor's bankruptcy application,

then, unless the Court adjourns the hearing, the Court is to either make a bankruptcy order on the application or dismiss the application.

(2) No adjournment of the hearing is to be made after the period mentioned in paragraph (1) has expired except on any of the following grounds:

(*a*) the debtor appears to show cause against the bankruptcy application or dispute any matter relevant to the bankruptcy proceedings;

(*b*) where the debtor appears and satisfies the Court that the debtor is able to pay the debtor's debt in full or in part within a reasonable period;

(*c*) the Court is satisfied that there are sufficient reasons for granting the adjournment.

(3) If the Court adjourns the hearing of the creditor's bankruptcy application, the applicant creditor must immediately send a notice of the adjournment in Form PIR-7 to the debtor, unless the debtor was present during the hearing or the Court otherwise directs.

(4) The costs of any adjournment of the hearing of the bankruptcy application are not to be borne by the debtor if the adjournment was necessitated by any act or omission of the applicant creditor.

Substitution of applicant creditor

96.—(1) This rule applies where a creditor who has made a bankruptcy application (*A*) —

(*a*) fails to appear in support of the bankruptcy application on the day fixed for the hearing of the bankruptcy application;

(*b*) appears on the day fixed for the hearing of the bankruptcy application but does not apply for an order in terms of the relief sought in the bankruptcy application; or

(*c*) does not diligently prosecute the bankruptcy application.

(2) The Court may, on such terms as it thinks just, order that *A* be substituted by any other creditor (*B*) if *B* —

(*a*) has given notice of *B*'s intention to appear and support the bankruptcy application under rule 88 and so appears;

(*b*) is desirous of prosecuting the bankruptcy application; and

(*c*) was in such a position in relation to the debtor at the date on which the bankruptcy application was filed as would have enabled *B* on that date to file a bankruptcy application against the debtor.

(3) An order of the Court under paragraph (2) is to be in Form PIR-8.

(4) Where the Court has ordered the substitution of *A* under paragraph (2), *A* is not entitled to the costs of the bankruptcy proceedings unless the Court otherwise orders.

Bankruptcy application to be amended, etc.

97.—(1) Where the Court orders a substitution of an applicant creditor under rule 96, the new applicant creditor must —

(*a*) amend the creditor's bankruptcy application accordingly;

(*b*) re-file in court the amended creditor's bankruptcy application and the new applicant creditor's affidavit supporting the application together with a receipt from the Official Assignee showing payment of the deposit mentioned in regulation 8(1)(*a*) of the Bankruptcy Regulations;

(*c*) re-serve the amended creditor's bankruptcy application and the new applicant creditor's affidavit supporting the

application 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; and

(*d*) within 3 days after filing the amended creditor's bankruptcy application, serve a copy each of the amended creditor's bankruptcy application and the new applicant creditor's affidavit supporting the application on the Official Assignee.

(2) Where an amended creditor's bankruptcy application has been filed under paragraph (1), the Official Assignee may, from time to time, require the new applicant creditor to deposit with the Official Assignee any further sums required by the Official Assignee (whether before or after the making of the bankruptcy order) to cover the fees and expenses incurred by the Official Assignee in connection with the bankruptcy application.

Decision on hearing of bankruptcy application

98. On the hearing of a creditor's bankruptcy application, the Court may make a bankruptcy order if it is satisfied that the statements in the affidavit supporting the application are true, and the debt on which the bankruptcy application has been founded has not been paid, secured or compounded for.

Dismissal of bankruptcy application

99. The Court must dismiss a creditor's bankruptcy application where —

(*a*) the applicant creditor is not entitled to make the bankruptcy application by virtue of section 310, 311 or 312 of the Act; or

(*b*) in a case where the application is based on a statutory demand —

(i) the applicant creditor has not discharged the obligations imposed on the applicant creditor by rule 66; or

(ii) the statutory demand is such that the Court would have set it aside had the debtor made an application under rule 67.

Division 5 — Debtor's bankruptcy application

Form of debtor's bankruptcy application

100.—(1) A debtor's bankruptcy application must be made in Form PIR-9, and the affidavit supporting the application must state —

(*a*) the debtor's name as it appears in the debtor's identity card or passport;

(*b*) the number of the debtor's identity card or passport, as the case may be;

(*c*) any other name or names by which the debtor is or was known or by which the debtor carries or has carried on any business;

(*d*) the debtor's residential address, and electronic mail address (if any);

(*e*) the debtor's occupation and monthly income; and

(*f*) whether the debtor carries on any business and if so, the nature of the debtor's business, the address at which the debtor carries on the business, and whether the debtor carries on the business alone or with others.

(2) Where a debtor's bankruptcy application is made by a firm in the firm's name, the affidavit supporting the application must state —

(*a*) the name, the number of the identity card or passport, the residential address, electronic mail address (if any), the occupation and the monthly income, of each of the partners in the firm;

(*b*) whether all the partners concur in the filing of the application;

(*c*) the name of each partner who does not concur in the filing of the application (if any);

(*d*) the nature of the business of the firm;

(*e*) the number of the certificate of confirmation of the registration of the firm under the Business Names Registration Act 2014; and

(*f*) where any of the partners in the firm carries on any business separately, the nature of the business, the address at which the business is carried on, and whether the partner carries on the business alone or with others.

(3) Where the bankruptcy application is made by an individual debtor, the full title of the proceedings is determined by the particulars of the debtor specified in paragraph (1)(*a*), (*b*) and (*c*).

(4) Where the bankruptcy application is made by a firm in the firm's name, the full title of the proceedings must include the name of the firm as well as the names and numbers of the identity cards or passports of all the partners in the firm.

(5) The debtor must explain in the debtor's affidavit how the conditions and grounds specified in sections 310 and 311, respectively, of the Act for the making of a bankruptcy application have been satisfied.

Admission of insolvency

101.—(1) The affidavit supporting a debtor's bankruptcy application must be in Form PIR-10, and must contain —

(*a*) the statement that the debtor is unable to pay the debtor's debts; and

(*b*) an explanation as to the cause of the debtor's insolvency.

(2) If, at any time prior to the bankruptcy application, the debtor had been adjudged bankrupt, or has made a composition with the debtor's creditors in satisfaction of the debtor's debts or a scheme of arrangement of the debtor's affairs, or has entered into any voluntary arrangement, particulars of these matters must be given in the affidavit mentioned in paragraph (1).

(3) If, at the date of making the application, there is in force a voluntary arrangement under Part 14 of the Act, the particulars required under paragraph (2) must contain a statement to this effect

and the name and address of the nominee acting in relation to the voluntary arrangement.

Statement of affairs

102.—(1) A debtor's bankruptcy application must be filed in court together with a statement of affairs in Form PIR-11.

(2) The statement of affairs mentioned in paragraph (1) must be verified by an affidavit in Form PIR-12.

Procedure for filing debtor's bankruptcy application

103.—(1) A debtor making the debtor's own bankruptcy application must file the application, the affidavit supporting the application and the debtor's statement of affairs in Court together with a receipt from the Official Assignee showing payment of the deposit mentioned in regulation 8(1)(*b*) of the Bankruptcy Regulations.

(2) The debtor must, within 3 days after filing the debtor's bankruptcy application, serve a copy of the application, the affidavit supporting the application and the debtor's statement of affairs on the Official Assignee.

(3) The debtor must give written notice of the debtor's bankruptcy application, together with a copy each of the affidavit supporting the application and the statement of the debtor's affairs, to —

(*a*) the person proposed to be appointed as the trustee of 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 as the trustee of the estate of the debtor under each subsisting bankruptcy order made against the debtor.

(4) Where a debtor's bankruptcy application, affidavit and statement of affairs have been filed under paragraph (1), the Official Assignee may, from time to time, require the debtor to deposit with the Official Assignee any further sums required by the

Official Assignee (whether before or after the making of the bankruptcy order) to cover the fees and expenses incurred by the Official Assignee in connection with the debtor's bankruptcy application.

(5) In paragraph (3)(*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.

Service of debtor's bankruptcy application on nominee supervising voluntary arrangement and partners of debtor

104.—(1) Where a debtor's bankruptcy application is made by the debtor at a time when a voluntary arrangement under Part 14 of the Act is in force between the debtor and the debtor's creditors, the debtor must serve a copy each of the bankruptcy application, the affidavit supporting the application and the debtor's statement of affairs on the nominee acting in relation to the voluntary arrangement.

(2) Where a debtor's bankruptcy application is made against a firm by some of the partners in the firm, a copy each of the bankruptcy application, the affidavit supporting the application and the debtor's statement of affairs must be served on each partner who did not consent to or participate in the making of the application.

Hearing of debtor's bankruptcy application

105.—(1) The Court is not to hear any debtor's bankruptcy application unless it is satisfied that a copy of the bankruptcy application, the affidavit supporting the application and the debtor's statement of affairs have been duly served on each interested person.

(2) The Official Assignee and any interested person may appear at the hearing of the debtor's bankruptcy application and be heard.

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(3) In this rule, "interested person" means a person on whom a debtor making a bankruptcy application is required under rule 104(1) or (2) to serve a copy each of the bankruptcy application, the affidavit supporting the application and the debtor's statement of affairs.

Deemed discontinuance of debtor's bankruptcy application

106.—(1) If it appears from the records maintained by the Court that no party to a debtor's bankruptcy application has taken any step or proceeding in the bankruptcy application for a period of more than one year (or the period as extended by the Court under paragraph (3)) since the last step or proceeding that was taken in that bankruptcy application, the bankruptcy application is deemed to have been discontinued on the expiration of the period of one year (or the period as extended by the Court under paragraph (3)) from the taking of that last step or proceeding.

(2) Paragraph (1) does not apply where the debtor's bankruptcy application has been stayed pursuant to an order of the Court.

(3) The Court may, on an application by any party made before the end of the period of one year mentioned in paragraph (1), extend the time for taking any step or proceeding to such extent as the Court may think fit.

(4) Where a debtor's bankruptcy application has been discontinued under this rule, the Court may, on application, reinstate the bankruptcy application, and allow it to proceed on such terms as the Court thinks just.

Division 6 — Actions to follow upon making of bankruptcy order

Settlement and contents of bankruptcy order

107.—(1) A bankruptcy order is to be settled by the Court.

(2) A bankruptcy order made on a creditor's bankruptcy application must be in Form PIR-13 and must contain the dates and notice set out in paragraph (4).

(3) A bankruptcy order made on a debtor's bankruptcy application must be in Form PIR-14 and must contain the dates and notice set out in paragraph (4).

(4) A bankruptcy order mentioned in paragraph (2) or (3) must —

(*a*) state the date of the filing of the bankruptcy application on which the order is made;

(*b*) state the date of the making of the order; and

(*c*) contain a notice requiring the bankrupt to attend on the trustee of the bankrupt's estate at the place stated in the order.

(5) Where the bankrupt is represented by a solicitor, the bankruptcy order must be endorsed with the name, address and telephone number of the solicitor and the file reference of the solicitor's firm.

Service of bankruptcy order

108.—(1) Where a bankruptcy order has been made on a bankruptcy application, the applicant (whether a creditor or the bankrupt) must do the following (whichever is applicable) within 7 days after the making of the bankruptcy order:

(*a*) where the Official Assignee is appointed as the trustee of the bankrupt's estate — serve a sealed copy of the bankruptcy order on the Official Assignee;

(*b*) where a trustee in bankruptcy is appointed as the trustee of the bankrupt's estate — serve a sealed copy of the bankruptcy order on the trustee in bankruptcy and on the Official Assignee.

(2) The trustee of the bankrupt's estate appointed pursuant to a bankruptcy order made on a creditor's bankruptcy application must serve a sealed copy of the bankruptcy order on the bankrupt.

Gazetting of bankruptcy order

109.—(1) The Registrar must, not later than 21 days after the making of a bankruptcy order, cause a notification of the order to be published in the *Gazette*.

(2) Where a trustee in bankruptcy has been appointed under the order, the notification in the *Gazette* must indicate the name and address of the trustee in bankruptcy.

Publication of bankruptcy order

110.—(1) The Official Assignee must, not later than 21 days after the making of a bankruptcy order, cause the order to be published in a manner that the Official Assignee thinks fit.

(2) Where a trustee in bankruptcy has been appointed, the publication mentioned in paragraph (1) must indicate the name, address and electronic mail address (if any) of the trustee.

Stay of bankruptcy order

111.—(1) The Court may grant a stay of a bankruptcy order upon the application of the bankrupt against whom the order is made or a creditor.

(2) Where an order is made under paragraph (1), the applicant must serve a copy of the order on the Official Assignee and, where a trustee in bankruptcy has been appointed, on the trustee in bankruptcy.

Amendment of title of proceedings

112.—(1) At any time after the making of a bankruptcy order, the trustee of the bankrupt's estate may apply to the Court for an order amending the title of the proceedings.

(2) Where a bankruptcy order is made upon a creditor's bankruptcy application, the creditor must apply to the Court for an order amending the title of the proceedings at the creditor's own cost if so directed by the trustee of the bankrupt's estate.

PART 8

INTERIM RECEIVER

Appointment of interim receiver

113.—(1) A person making an application under section 324 of the Act for the appointment of the Official Assignee as the interim receiver of a debtor's property or any part of a debtor's property must —

(*a*) make the application in Form PIR-15; and

(*b*) file the application and the affidavit supporting the application in court together with a receipt from the Official Assignee showing payment of —

(i) the deposit mentioned in regulation 8(1)(*c*) of the Bankruptcy Regulations; and

(ii) any further sum that the Official Assignee requires for the fees and expenses which may be incurred by the Official Assignee.

(2) The order appointing the Official Assignee to be the interim receiver of a debtor's property or any part of a debtor's property must be in Form PIR-16.

(3) If the deposit mentioned in paragraph (1)(*b*)(i) is insufficient, the person on whose application the order has been made must, from time to time, deposit with the Official Assignee any additional sum that the Official Assignee requires for the expenses that may be incurred by the Official Assignee and, if such sum required is not deposited within 24 hours after the making of the request or within such other period as the Official Assignee may allow, the order appointing the interim receiver may be discharged by the Court on the application of the Official Assignee.

Damages on dismissal of bankruptcy application after appointment of interim receiver

114.—(1) Where a bankruptcy application is dismissed after an order has been made appointing an interim receiver, an application may be made to the Court within 21 days after the date of the dismissal for an adjudication upon any claim for damages resulting from the appointment of the interim receiver.

(2) The Court may make any order that it thinks fit upon an application made under paragraph (1).

PART 9

BANKRUPTCY ADMINISTRATION

Division 1 — Creditors' meetings

Application for orders or directions for meetings

115. The affidavit supporting an application under regulation 22 of the Bankruptcy Regulations must state the order or direction sought and the reasons for seeking the order or direction.

Division 2 — Statements of affairs

Extension of time to submit statement of affairs, etc.

116.—(1) Where a bankrupt requests to be released from the bankrupt's duty to file the statement of the bankrupt's affairs under section 332 of the Act or for an extension of time to file the same, and the request is refused by the trustee of the bankrupt's estate, the bankrupt may apply to the Court for the release or extension of time.

(2) An application to the Court under paragraph (1) for a release or an extension of time must be made within 14 days after the trustee's refusal.

(3) A bankrupt who makes an application to the Court under paragraph (1) must —

(*a*) at least 14 days before the date of the hearing of the application, serve on the trustee of the bankrupt's estate a copy of the application and any documentary evidence that the bankrupt intends to adduce in support of the application; and

(*b*) serve on the trustee of the bankrupt's estate a sealed copy of any order made by the Court on the application.

(4) Unless the Court otherwise orders, a bankrupt's costs on an application under paragraph (1) are to be paid by the bankrupt in any event, and no allowance towards such costs are to be made out of the bankrupt's estate.

Division 3 — Examination of bankrupt and others under section 335 of Act

Examination under section 335(1) of Act

117.—(1) An application to the Court under section 335(1) of the Act must be in Form PIR-17.

(2) An order made upon an application to the Court under section 335(1) of the Act must be in Form PIR-18.

Parties to proceedings under section 335 of Act

118.—(1) On the Court making an order appointing a date and time for an examination under section 335 of the Act, the applicant for the order must serve a copy of the order and the summons to all parties to the proceedings at least 7 days before the date fixed for the examination.

(2) The parties to the proceedings mentioned in paragraph (1) are —

(*a*) the trustee of the estate of the bankrupt in question;

(*b*) the bankrupt in question;

(*c*) the creditors of the bankrupt in question who have filed their proofs of debt in the bankruptcy; and

(*d*) any other person or persons summoned under section 335 of the Act.

General proxy-holders may question bankrupt, etc.

119. For the purposes of section 335(5) of the Act (which permits a creditor or a creditor's representative to question the bankrupt or any other person summoned by the Court), the holder of a general proxy or a power of attorney from a creditor is deemed to be the creditor's representative authorised in writing.

Costs of examination

120.—(1) A creditor who applies for an order under section 335 of the Act is to bear the expenses of the examination unless the Court otherwise orders.

(2) In no case are the costs and expenses of an examination to fall personally on the trustee of the estate of the bankrupt in question.

Division 4 — Applications to Court under Division 3 of Part 17 of Act

Notice of application to Court, etc., under section 340(1) of Act

121.—(1) The trustee of a bankrupt's estate on whom an application under section 340(1) of the Act is served must, within 14 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 340(4) of the Act must be in Form PIR-19.

(4) The trustee of a bankrupt's estate whose determination under section 339 of the Act is the subject of an application under section 340(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 affidavit supporting the application;

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

(5) The notice of a variation order which is required to be served under section 340(8) of the Act —

(*a*) must be in Form PIR-20; and

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

Notice of application to Court, etc., under section 341(1) of Act

122.—(1) The trustee of a bankrupt's estate whose determination is the subject of an application to the Court under section 341(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 trustee; or

(*b*) within 14 days after being served the application, if the application is not made by the trustee.

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

(3) The applicant under section 341(1) of the Act must, upon the request of any person served with the application, provide a copy of the affidavit supporting the application to that person.

(4) The notice which is required to be given under section 341(4) of the Act must be in Form PIR-19.

(5) The notice of a variation order which is required to be served under section 341(7) of the Act —

(*a*) must be in Form PIR-20; and

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

Notice of application to Court, etc., under section 343 of Act

123.—(1) The trustee of a bankrupt's estate on whom an application to the Court under section 343(1) of the Act is served must, within 14 days after the date of such service, file in court an explanation of the basis of the trustee's decision under section 342(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 343(3)(*b*) of the Act must be in Form PIR-19.

(4) The trustee of a bankrupt's estate mentioned in paragraph (1) must, upon the request of any person who is given a notice under section 343(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 supporting the application;

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

(5) The notice of a variation order which is required to be served under section 343(7) of the Act —

(*a*) must be in Form PIR-20; and

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

Division 5 — Secured creditors

Amendment of valuation

124.—(1) Without limiting regulation 54 of the Bankruptcy Regulations, where a secured creditor has valued the secured creditor's security, the secured creditor may at any time amend the valuation (called in this rule the previous valuation) and proof on showing to the satisfaction of the Court that —

(*a*) the previous valuation and proof were made bona fide on a mistaken estimate; or

(*b*) the security has diminished or increased in value since the previous valuation.

(2) Every amendment under paragraph (1) —

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

(*b*) must be made upon such terms as the Court orders.

(3) An order of the Court permitting an amendment under paragraph (1) must be served by the secured creditor on the trustee of the bankrupt's estate in question.

(4) Where a valuation of a security has been amended in accordance with paragraph (1) and the amended valuation is higher than the previous valuation, the secured creditor must immediately repay any surplus dividend which the secured creditor has received in excess of that to which the secured creditor would have been entitled on the amended valuation.

(5) Subject to paragraph (6), where a valuation of a security has been amended in accordance with paragraph (1) and the amended valuation is lower than the previous valuation, the secured creditor is entitled to be paid out of any moneys for the time being available for dividend any dividend or share of dividend which the secured creditor

failed to receive by reason of the inaccuracy of the previous valuation, before those moneys are made applicable to the payment of any future distribution.

(6) The secured creditor mentioned in paragraph (5) is not entitled to disturb the distribution of any dividend declared before the date of the amendment of the valuation under paragraph (1).

Division 6 — Taking accounts and sale of mortgaged property

Person claiming to be mortgagee

125.—(1) Upon an application made to the Court by any person claiming to be a mortgagee of any part of the bankrupt's immovable property (whether the mortgage is of a legal or an equitable nature), the Court is to proceed to inquire —

(*a*) whether the person is a mortgagee of any part of the immovable property;

(*b*) the consideration for the mortgage; and

(*c*) the circumstances under which the mortgage was created.

(2) If it is found that the person making the application (called in this rule the applicant) is a mortgagee of any part of the immovable property of the bankrupt, and if no sufficient objection appears to the title of the applicant to the sum claimed by the applicant under the mortgage, the Court is to direct the taking of such accounts and inquiries as are necessary for ascertaining —

(*a*) the principal, interest and costs due upon the mortgage; and

(*b*) in the case where the applicant has been in possession of the property over which the mortgage extends or any part of such property — the rents, profits, dividends, interest and other proceeds received by the applicant or by any other person on the applicant's behalf.

(3) If the Court is satisfied upon an application under paragraph (1) that there ought to be a sale of any part of the immovable property of the bankrupt, the Court may direct —

(*a*) that notice be given (in such manner as the Court thinks fit) as to when and where and by whom and in what way the property or the interest in the property so mortgaged is to be sold;

(*b*) that the sale be made accordingly; and

(*c*) that the trustee of the bankrupt's estate is to have conduct of the sale.

(4) The sale of any part of the immovable property of a bankrupt mentioned in paragraph (3) must be made according to the directions of the Court under that paragraph.

(5) The applicant may bid and purchase any part of the immovable property of the bankrupt directed by the Court under this rule to be sold.

(6) All proper parties must join in the conveyance, assignment or transfer to the purchaser as the Court directs.

(7) No mortgagee of any part of the immovable property of a bankrupt (whether the mortgage is of a legal or an equitable nature) is required to make an application under paragraph (1).

Examination on oath, etc.

126. For the better taking of inquiries and accounts under rule 125 and making a title to the purchaser of a bankrupt's immovable property directed to be sold under that rule, all parties —

(*a*) may be examined by the Court on oath; and

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(*b*) must produce before the Court on oath all deeds, papers, books and writings in their respective custody or power relating to the estate or effects of the bankruptcy as the Court directs.

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Division 7 — Admission and rejection of proofs

Appeal against trustee's decision to reject proof

127.—(1) If a creditor of a bankrupt is dissatisfied with the decision of the trustee of the bankrupt's estate in rejecting the creditor's proof (in whole or in part), the Court may, on the application of the creditor (called in this rule the applicant), reverse or vary the decision of the trustee.

(2) An application under paragraph (1) against the decision of a trustee of a bankrupt's estate must be made within 21 days after the latest of the following events:

(*a*) the issue of the trustee's notice of rejection of the proof (or any part of the proof) under regulation 58(4) of the Bankruptcy Regulations by the trustee;

(*b*) the issue of the trustee's notice of confirmation of the trustee's decision under regulation 58(5)(*a*) of the Bankruptcy Regulations;

(*c*) the issue of the trustee's notice of revocation of the trustee's decision under regulation 58(5)(*b*) of the Bankruptcy Regulations.

(3) The affidavit supporting an application under paragraph (1) must state the reasons for the application.

(4) A sealed copy of the application under paragraph (1) and a copy of the affidavit supporting the application must be served personally on the trustee whose decision is the subject of the application.

(5) Despite paragraph (4), the copy of the application and the affidavit supporting the application may be served in such manner as is agreed in writing between the applicant and the trustee whose decision is the subject of the application.

(6) The trustee whose decision is the subject of the application must, within 14 days after receipt of a copy of the application, file the proof with the Registrar, together with an explanation in the form of a report (if the trustee is the Official Assignee) or an affidavit (if the trustee is a trustee in bankruptcy), stating the reasons for the trustee's decision.

(7) After the application has been heard by the Court, the proof, unless wholly disallowed, is to be returned to the trustee whose decision is the subject of the application.

(8) A trustee whose decision is the subject of an application under paragraph (1) is not to be personally liable for any costs incurred in relation to the application.

Appeal against trustee's decision to expunge proof

128.—(1) If a creditor of a bankrupt is dissatisfied with the decision of the trustee of the bankrupt's estate in expunging the creditor's proof or varying the amount of the proof under regulation 60 of the Bankruptcy Regulations, the Court may, on the application of the creditor (called in this rule the applicant) reverse or vary the decision of the trustee.

(2) An application under paragraph (1) by a creditor must be made within 21 days after the date of the notice to the creditor under regulation 60 of the Bankruptcy Regulations.

(3) The affidavit supporting an application under paragraph (1) must state the reasons for the application.

(4) A sealed copy of the application under paragraph (1) and a copy of the affidavit supporting the application must be served personally on the trustee whose decision is the subject of the application.

(5) Despite paragraph (4), the copy of the application and the affidavit supporting the application may be served in such manner as is agreed in writing between the applicant and the trustee whose decision is the subject of the application.

(6) A trustee whose decision is the subject of an application under paragraph (1) is not to be personally liable for any costs incurred under this rule.

Expunging of proof by Court

129.—(1) The Court may expunge a proof or reduce the amount claimed under a proof against a bankrupt —

(*a*) if the trustee of the bankrupt's estate declines to interfere in the matter — on the application of a creditor; or

(*b*) in the case of a composition in relation to the debts of the bankrupt or a scheme of arrangement of the bankrupt's affairs — on the application of the bankrupt.

(2) The applicant under paragraph (1) must send notice of the application to —

(*a*) the trustee of the bankrupt's estate; and

(*b*) the creditor who filed the proof of debt that is the subject of the application.

(3) Subject to paragraph (4), the costs of an application under paragraph (1) are to be borne by the applicant unless the Court otherwise orders.

(4) The trustee of a bankrupt's estate is not to be personally liable for any costs incurred under this rule.

(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 trustee of the bankrupt's estate by the applicant under that paragraph.

Division 8 — Appropriation of pay, salary, pensions, etc.

Application for appropriation order

130.—(1) Where the trustee of a bankrupt's estate has made an application to the Court under section 372 of the Act for an appropriation order, the trustee must, at least 7 days before the date fixed for the hearing of the application, give notice of the application in Form PIR-21 to the bankrupt.

(2) The notice mentioned in paragraph (1) must —

(*a*) specify the date and time fixed for the hearing of the application; and

(*b*) state that the bankrupt is at liberty to show cause against the order being made.

Notice of order made under section 372 of Act

131.—(1) Subject to the direction of the Court —

(*a*) an order under section 372(1) of the Act must be in Form PIR-22; and

(*b*) an order under section 372(2) of the Act must be in Form PIR-23.

(2) Where an order is made under section 372(2) of the Act, the trustee of the bankrupt's estate in question must communicate the order to the person to whom the order is directed.

Review of order made under section 372 of Act

132.—(1) Where an order has been made under section 372 of the Act for payment to the trustee of a bankrupt's estate of a portion of the bankrupt's pay, salary or other income, the bankrupt may, upon any diminution in the amount of that income, apply to the Court to rescind or vary the order.

(2) A sealed copy of the application to the Court under paragraph (1) and a copy of the affidavit supporting the application must be served personally on the trustee of the bankrupt's estate by the bankrupt 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 trustee of the bankrupt's estate mentioned in that paragraph must communicate the order to the person to whom the order under section 372 of the Act was directed.

Division 9 — Disclaimers of property

Application in relation to section 373(4)(*b*)(ii) of Act

133.—(1) An application to the Court by a trustee of a bankrupt's estate for a longer period to give a notice of disclaimer of onerous property (otherwise required under section 373(4)(*b*)(ii) of the Act to be given within the period stated in that provision) must be made by the trustee in accordance with this rule.

(2) The affidavit supporting the application mentioned in paragraph (1) must state the reasons for the application.

(3) A sealed copy of the application mentioned in paragraph (1) and a copy of the affidavit supporting the application must be served personally on every person interested in the property in question who has applied in writing to the trustee or any of the trustee's predecessors as trustee in accordance with section 373(4)(*b*)(i) of the Act.

Application to dispense with service of copy of notice of disclaimer

134. Where the trustee of a bankrupt's estate disclaiming onerous property under section 373 of the Act is required by regulation 69 of the Bankruptcy Regulations to serve a copy of the notice of disclaimer on any person, the trustee may apply to the Court for an order dispensing with such service.

Application under section 375(2) of Act

135.—(1) An application under section 375(2) of the Act for the vesting of property disclaimed under section 373 of the Act by the trustee of a bankrupt's estate must be made within 3 months after the earlier of the following:

(*a*) the day on which the applicant for the order (called in this rule the applicant) becomes aware of the disclaimer of the property;

(*b*) the day on which the applicant receives a copy of the notice of disclaimer of the property served under regulation 69 of the Bankruptcy Regulations.

(2) The affidavit supporting the application mentioned in paragraph (1) must state —

(*a*) whether the applicant is a person mentioned in section 375(2)(*a*), (*b*) or (*c*) of the Act;

(*b*) the day on which the applicant becomes aware of the disclaimer of the property or receives a copy of the notice of disclaimer of the property, whichever is applicable; and

(*c*) the grounds of the application and the order sought.

(3) The applicant must, at least 7 days before the date fixed for the hearing of an application mentioned in paragraph (1), give the trustee of the bankrupt's estate mentioned in that paragraph notice of the hearing, accompanied by a copy each of the application and the affidavit supporting the application.

(4) On the hearing of an application mentioned in paragraph (1), the Court may give directions as to any one or more other persons (in addition to the trustee of the bankrupt's estate mentioned in that paragraph) to whom notice of the application and the grounds on which the application is made should be given.

(5) The applicant must serve a sealed copy of any order made by the Court under section 375(3) of the Act on the following persons within 7 days after the order is made:

(*a*) the trustee of the bankrupt's estate in question;

(*b*) each person to whom notice is directed to be given under paragraph (4).

Division 10 — Disputed title to property

Claims to property in hands of trustee may be determined summarily

136.—(1) When any property seized or otherwise taken in possession of by the trustee of a bankrupt's estate under the Act or the regulations is claimed by any person other than the bankrupt, such claim may be determined by the Court in a summary manner upon a summons to decide the title to the property.

(2) Upon the issue of the summons, any proceedings which have been begun against the trustee of the bankrupt's estate in respect of any property in dispute are stayed and may not be proceeded with without the permission of the Court.

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(3) The Court may, on the hearing of the summons, make orders for —

(*a*) the trial and determination of the rights of the parties as the Court thinks expedient;

(*b*) the custody or sale in the meanwhile of the property in dispute; and

(*c*) the costs to be borne by the person making the application.

PART 10

ANNULMENT AND DISCHARGE

Application under section 392 or 394 of Act made by persons other than Official Assignee

137.—(1) This rule applies when a person other than the Official Assignee applies for an annulment of a bankruptcy order under section 392 of the Act or the discharge of a bankrupt under section 394 of the Act.

(2) The affidavit supporting the application must state the following:

(*a*) whether the bankrupt has filed the bankrupt's statement of affairs;

(*b*) the number of creditors and whether they have proved their debts;

(*c*) whether the bankrupt has disclosed all the bankrupt's assets to the trustee of the bankrupt's estate, and whether the assets have been realised;

(*d*) whether any dividend has been declared and if so, the amount of the dividend;

(*e*) the grounds of the application.

(3) Unless the applicant is the trustee of the bankrupt's estate, the applicant must serve a sealed copy of the application and a copy of the affidavit supporting the application personally on the trustee of the bankrupt's estate.

(4) The trustee of the bankrupt's estate 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 347(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.

Application under section 392 or 394 of Act by Official Assignee

138.—(1) Where the Official Assignee applies for an annulment of a bankruptcy order under section 392 of the Act or the discharge of a bankrupt under section 394 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 137(2).

(3) The Official Assignee must give notice of the application to each person specified in rule 137(4)(*a*) and (*b*).

Notice of hearing of application under section 392 or 394 of Act

139. When a day has been appointed for the hearing of an application under section 392 or 394 of the Act, the applicant must, at least 14 days before the day so appointed, give notice of the day and time appointed for the hearing to —

(*a*) each person specified in rule 137(4)(*a*) and (*b*);

(*b*) the Official Assignee; and

(*c*) the trustee of the bankrupt's estate in question, if not the Official Assignee.

Costs of application

140. The costs of the application under section 394 of the Act for the discharge of a bankrupt made by any person other than the trustee of the bankrupt's estate are not to be allowed out of the estate of the bankrupt.

Annulment orders and discharges by Court to be gazetted by Registrar

141. Where a bankruptcy order which has been published in the *Gazette* is annulled or discharged by the Court, the Registrar must, as soon as is practicable, cause a notification of the annulment or discharge to be published in the *Gazette*.

Deferment of issue of order pending appeal

142.—(1) An order on an application for the discharge of a bankruptcy order (called in this rule the discharge order) may not be extracted, and no notification of the making of the order may be published in the *Gazette*, until the time allowed for appealing against the order has expired or, if an appeal is entered, until the appeal has been determined.

(2) When the time for appealing has expired or when the appeal has been dismissed, the Registrar must, as soon as practicable, cause a notification of the making of the discharge order to be published in the *Gazette*.

(3) When the appeal has been allowed in whole or in part, the Registrar must, as soon as practicable, cause a notification of the following to be published in the *Gazette*:

(*a*) the making of the discharge order;

(*b*) the decision of the appellate court.

Appeal

143.—(1) An appeal lies at the instance of the trustee of a bankrupt's estate from any order of the Court made upon —

(*a*) an application for the discharge of the bankrupt; or

(*b*) an application for the annulment of the bankruptcy order in question on the ground that the debts of the debtor have been paid in full.

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

Accounts of property acquired after discharge

144.—(1) This rule applies where a bankrupt is discharged conditionally upon payments being made out of income that may be subsequently due to the bankrupt or property devolving upon or acquired by the bankrupt after the bankrupt's discharge.

(2) The Court may, on application of the trustee of the bankrupt's estate, require the bankrupt to attend before the Court to be examined on oath as to any information given by the bankrupt of the bankrupt's earnings or property acquired by the bankrupt after the bankrupt's discharge.

(3) The Court may, on the application of the trustee of the bankrupt's estate, rescind the order discharging the bankrupt if the bankrupt —

(*a*) fails to give any information of the bankrupt's earnings or property acquired by the bankrupt after the bankrupt's discharge that is required by the trustee of the bankrupt's estate under regulation 80 of the Bankruptcy Regulations;

(*b*) fails to attend before the Court for an examination when so required under paragraph (2); or

(*c*) fails properly to answer any proper questions put to the bankrupt during the examination mentioned in paragraph (2).

(4) Where an order (called in this rule the rescinding order) rescinding an order discharging a bankrupt is made under paragraph (3), the trustee of the bankrupt's estate must serve the rescinding order on —

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

(*b*) every person specified in rule 137(4)(*a*) and (*b*).

Application for modification of order

145. Where a bankrupt applies to the Court to modify the terms of an order discharging the bankrupt, on the ground that there is no reasonable probability of the bankrupt being in a position to comply

with its terms, the bankrupt must give 14 days' notice of the day fixed for the hearing of the application to the trustee of the bankrupt's estate and to all creditors who have proved their debts in respect of the bankruptcy.

Application by creditor under section 396(9) of Act

146. A creditor of a bankrupt must, not later than 3 days after making an application under section 396(9) of the Act, serve the application on the Official Assignee, the bankrupt and the trustee in bankruptcy mentioned in that provision.

PART 11

COSTS AND ASSESSMENT

[S 196/2022 wef 01/04/2022]

Rules of Court to apply

147. Subject to the provisions of this Part, the provisions of the Rules of Court relating to costs apply, with the necessary modifications, to the allowance and assessment of costs in any proceedings under Part 3 or Parts 13 to 22 of the Act or these Rules.

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Award of costs

148.—(1) When awarding costs of any matter or application under Part 3 or Parts 13 to 22 of the Act or these Rules, the Court may —

(*a*) direct that the costs be assessed on the standard basis or on the indemnity basis; or

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(*b*) fix a sum to be paid in lieu of assessed costs.

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(2) Unless the Court otherwise directs, the costs of an opposed application under Part 3 or Parts 13 to 22 of the Act or these Rules are to follow the event and are to be assessed on the standard basis.

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(3) Where an action is brought against the Official Assignee or a trustee in bankruptcy as representing the estate of a bankrupt or

debtor, or where the Official Assignee or the trustee in bankruptcy is made party to any proceedings on the application of any other party to the proceedings, the Official Assignee or the trustee in bankruptcy is not personally liable for costs.

Costs to be allowed in accordance with Second Schedule

149. Subject to the provisions of this Part, the costs specified in the second column of the Second Schedule are allowed in respect of the matter specified opposite in the first column of that Schedule unless the Court otherwise orders.

Disallowance of costs of unnecessary bankruptcy application

150. Where a creditor's bankruptcy application has been filed against a debtor and, before it is heard, the debtor files a bankruptcy application on which a bankruptcy order is made, no costs are to be allowed to the debtor or the debtor's solicitor out of the estate, unless the Court considers that the estate has benefited by the debtor's conduct, or that in the special circumstances costs should be allowed out of the estate.

Sheriff's costs

151.—(1) Where under section 368(1) of the Act, the Sheriff is required to deliver property or the possession of the property to the trustee of a bankrupt's estate, the Sheriff must without delay, bring in the Sheriff's bill of costs to be assessed by the Registrar.

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(2) Unless the bill mentioned in paragraph (1) is brought in for assessment within one month after the date of delivery mentioned in that paragraph or within such longer period as the Official Assignee may allow, the trustee of the bankrupt's estate mentioned in that paragraph may decline to pay it.

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Assessment of Sheriff's costs after deduction

152.—(1) If the trustee of a bankrupt's estate requires in writing any costs which the Sheriff has deducted under section 368(4) of the

Act to be assessed, the Sheriff must, within 14 days after the date of the request, bring in the costs for assessment.

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(2) The costs deducted by the Sheriff must be assessed by the Registrar and any amount disallowed on assessment must immediately be paid over by the Sheriff to the trustee of the bankrupt's estate.

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Apportionment of costs in case of partnership

153.—(1) In the case of a bankruptcy application filed against a partnership, costs payable out of the estate incurred up to and inclusive of the bankruptcy order must be apportioned between the joint and separate estates of the partners in such proportions as the trustee of the joint and separate estates may determine.

(2) Where 2 or more persons are appointed as trustees of the joint and separate estates of the partners, the costs mentioned in paragraph (1) must be apportioned in such proportions —

(*a*) as may be agreed between all the trustees; or

(*b*) failing any agreement mentioned in sub-paragraph (*a*) — as determined by the Court upon an application by any of the trustees.

Application for costs

154. Where a party to, or person affected by, any proceedings under Part 3 or Parts 13 to 22 of the Act or these Rules, desires to apply for an order that the party or person be allowed the costs (or any part of the costs) of the party or person (as the case may be) incidental to the proceeding, and the application is not made at the time of the proceeding —

(*a*) the party or person (as the case may be) must serve notice of the intended application on the trustee of the bankrupt's estate in question;

(*b*) the trustee of the bankrupt's estate in question may appear at the hearing of the application and object to the application; and

(*c*) no costs of or incidental to the application are to be allowed to the applicant unless the Court is satisfied that the application could not have been made at the time of the proceeding.

Filing of costs orders

155. Every order under Part 3 or Parts 13 to 22 of the Act or these Rules for payment of moneys or costs must be —

(*a*) sealed and signed by the Registrar; and

(*b*) immediately filed with the proceedings.

Assessment of costs

156. Except where a fixed sum has been awarded as costs, costs directed by any order under Part 3 or Parts 13 to 22 of the Act or these Rules to be paid or assessed must be assessed on production of the order and the allocatur duly stamped must be signed and dated by the Registrar.

[S 196/2022 wef 01/04/2022]

Contents of bill of costs

157. The rules for the time being in force in the General Division of the High Court relating to the form and contents of a bill of costs apply to every bill of costs, charges or expenses to be assessed under this Part.

[S 1039/2020 wef 02/01/2021]

[S 196/2022 wef 01/04/2022]

Lodgment of bills

158.—(1) Bills of costs chargeable against a bankrupt's estate and which are to be assessed must be lodged for perusal with the trustee of the bankrupt's estate.

[S 196/2022 wef 01/04/2022]

(2) The party whose costs or charges are to be assessed must, on recovering the bill of costs from the trustee of the bankrupt's estate, lodge it with the Registrar.

[S 196/2022 wef 01/04/2022]

Notice of appointment to assess

159. Upon receiving an appointment to assess a bill of costs, the person whose costs or charges are to be assessed must give at least 7 days' notice of appointment to the trustee of the bankrupt's estate against which the bill of costs is chargeable.

[S 196/2022 wef 01/04/2022]

Certificate of employment of solicitor by trustee in bankruptcy

160. Before assessing the costs or charges of any solicitor employed by a trustee in bankruptcy, the Registrar must require a copy of the authority sanctioning the employment of a solicitor.

[S 196/2022 wef 01/04/2022]

Solicitor's costs in case of debtor's bankruptcy application

161. A debtor's solicitor in the matter of a bankruptcy application filed by the debtor against the debtor must, in the solicitor's bill of costs, give credit for any sum or security received from the debtor as a deposit on account of the costs and expenses to be incurred in relation to the filing and prosecution of the bankruptcy application, and the amount of any such deposit must be noted by the Registrar on the allocatur issued for the costs.

Non-contentious business

162. The Legal Profession Act (Cap. 161) applies to a solicitor's remuneration for non-contentious business in relation to a bankrupt's property or estate.

Where same solicitor is employed for 2 or more persons having same interest

163.—(1) Where the same solicitor is employed for 2 or more persons having the same interest, and separate papers are delivered or other proceedings are had by or for 2 or more such persons separately, the Registrar must consider in the assessment of such solicitor's bill

of costs under this Part whether those separate papers or other proceedings were reasonable.

[S 196/2022 wef 01/04/2022]

(2) The Registrar may allow any part of the costs occasioned by the delivery of separate papers or the conduct of separate proceedings (as the case may be) as the Registrar thinks is reasonable, and any doubts which the Registrar may have as to whether the costs were reasonably incurred are to be resolved in favour of the paying party.

Neglect or delay in assessment

164.—(1) If a person whose costs, charges or expenses are to be assessed under this Part refuses or neglects when directed to do so to bring them in for assessment or to produce them for assessment, the Registrar may allow such sum as the Registrar thinks appropriate for such person's costs or may assess them at a nominal figure.

[S 196/2022 wef 01/04/2022]

(2) A solicitor who delays or impedes an assessment under this Part must, unless the Registrar otherwise directs, forfeit the fees to which the solicitor would otherwise be entitled for drawing the solicitor's bill of costs and for attending the assessment.

[S 196/2022 wef 01/04/2022]

[S 196/2022 wef 01/04/2022]

Filing of bills and issue of allocator

165. Upon completion of the assessment of any costs, charges or expenses under this Part, the person presenting the bill of costs, charges or assessment must immediately file the bill with the proceedings and request the Registrar to issue to that person the Registrar's allocatur or certificate of assessment.

[S 196/2022 wef 01/04/2022]

Where allocatur is lost or destroyed

166. Where it is proved to the satisfaction of the Registrar that an allocatur or certificate of assessment issued under rule 165 has been lost or destroyed, the Registrar may issue a duplicate of the allocatur or certificate of assessment.

[S 196/2022 wef 01/04/2022]

Costs paid otherwise than out of estate

167. Where a bill of costs is assessed under a special order of the Court which directs that the costs are to be paid otherwise than out of the estate of the bankrupt, the Registrar must note upon the allocatur by whom, or the manner in which, the costs are to be paid.

[S 196/2022 wef 01/04/2022]

Review of assessment

168.—(1) Where any costs, charges, fees or disbursements which are chargeable against a bankrupt's estate have been assessed, the trustee of the bankrupt's estate may require the assessment to be reviewed by a Judge.

[S 196/2022 wef 01/04/2022]

(2) Where the trustee of a bankrupt's estate requires an assessment to be reviewed, the trustee must give notice to the person whose bill is to be reviewed of the time appointed for the review.

[S 196/2022 wef 01/04/2022]

(3) If, upon the review of the assessment of a bill, the amount previously allowed on the bill is reduced, the amount disallowed must, if the bill has been paid, be repaid to the trustee of the bankrupt's estate in question or other person entitled to the amount.

[S 196/2022 wef 01/04/2022]

(4) The person whose bill is reviewed may be allowed such costs of and incidental to the person's appearance on the review as the Judge thinks proper, and such costs must be paid out of the estate.

[S 196/2022 wef 01/04/2022]

Production of vouchers

169. A voucher must be produced on assessment for every payment failing which such payment is disallowed.

[S 196/2022 wef 01/04/2022]

PART 12

FEES

Fees to be taken by Registrar

170. The fees specified in the Third Schedule are payable to the Registrar in respect of the matters specified opposite in that Schedule.

Method of payment

171. The payment of the fees specified in the Third Schedule may be made by such means as the Registrar may, from time to time, direct.

PART 13

MISCELLANEOUS PROVISIONS

Division 1 — Administration of estates of deceased debtor

Form of application

172. An application under section 419 of the Act must be made by originating application in Form PIR-24 and must be supported by an affidavit in Form PIR-25.

[S 196/2022 wef 01/04/2022]

Deposit by applicant, etc.

173.—(1) An applicant making an application under section 419 of the Act must file the application and the affidavit supporting the application in court together with a receipt from the Official Assignee showing payment of the deposit mentioned in regulation 8(1)(*d*) of the Bankruptcy Regulations.

(2) The applicant mentioned in paragraph (1) must, within 3 days after filing the application mentioned in that paragraph, serve a copy each of the application and the affidavit supporting the application on the Official Assignee.

(3) Where an application under section 419 of the Act has been filed, the Official Assignee may, from time to time, require the applicant to deposit with the Official Assignee such further sums as may be required by the Official Assignee (whether before or after the

making of the administration order) to cover the fees and expenses incurred by the Official Assignee in connection with the application.

Giving of notice of application

174. The creditor making an application under section 419 of the Act must give notice of the application to and serve a copy each of the application and the affidavit supporting the application on —

(*a*) the legal representative of the deceased debtor in question, if any; and

(*b*) any other persons as the Court may direct.

Proof of service and hearing of application

175. The provisions of these Rules regarding the proof of service and the hearing of a creditor's bankruptcy application apply to an application under section 419 of the Act as they apply to an ordinary creditor's bankruptcy application.

Prescribed manner under section 419(4) of Act

176. For the purposes of section 419(4) of the Act, an order for the administration in bankruptcy of the estate of a deceased debtor made under that provision must —

(*a*) be in Form PIR-26;

(*b*) state the date of the making of the application on which the order is made;

(*c*) state the date of the making of the order; and

(*d*) contain a notice requiring the legal representative of the deceased debtor to attend on the Official Assignee at the place stated in the order.

Publication and notification of administration order

177. Rules 109 and 110 apply, with the necessary modifications, to an administration order as they apply to a bankruptcy order.

Expense of legal personal representative must be assessed

178. The expense of preparing, making, verifying or lodging any account, list or statement required by regulation 83 of the Bankruptcy Regulations and incurred by the legal representative of a deceased debtor in respect of whom an administration order under section 419 of the Act is made must be assessed and allowed out of the estate in accordance with rules 147, 155 to 160, 162 to 166, 168 and 169, and for this purpose —

(*a*) a reference in any of those rules to a bankrupt is to be read as a reference to the deceased debtor; and

(*b*) a reference in any of those rules to a trustee in bankruptcy is to be read as a reference to the Official Assignee as trustee of the property of the deceased debtor.

[S 196/2022 wef 01/04/2022]

Executor de son tort

179. Where an administration order under section 419 of the Act has been made, and it appears to the Court on the Official Assignee's report that no legal personal representative exists, the account, list and statement required by regulation 83 of the Bankruptcy Regulations must be made, verified and lodged by any person as, in the opinion of the Court on the Official Assignee's report, has taken upon himself or herself the administration of, or otherwise intermeddled with, the property of the deceased debtor or any part of the property.

Division 2 — Persons unable to manage own property or affairs

Appointment of another person to act

180.—(1) This rule applies where it appears to the Court in any proceedings under Part 3 or Parts 13 to 22 of the Act, these Rules or the regulations that an individual (called in this rule and rules 43 and 181 an incapacitated person) affected by the proceedings lacks capacity (within the meaning of the Mental Capacity Act (Cap. 177A)) to manage or administer that individual's property or affairs, or is unable to do the same by reason of —

(*a*) suffering from a physical affliction; or

(*b*) a disability.

(2) The Court may appoint a person that the Court thinks fit to appear for, represent or act for the incapacitated person mentioned in paragraph (1), either of the Court's own motion or on application by —

(*a*) a person who has been appointed by any court in Singapore or elsewhere to manage the affairs of or to represent the incapacitated person;

(*b*) any person who appears to the Court to be a suitable person;

(*c*) in a case where the incapacitated person is a bankrupt or discharged bankrupt — the trustee of the bankrupt's estate;

(*d*) in a case where the incapacitated person is a debtor in respect of whom a voluntary arrangement approved by a creditors' meeting summoned under section 281 of the Act is in effect — the nominee in question; or

(*e*) in a case where the incapacitated person is a debtor to whom a debt repayment scheme applies under Part 15 of the Act — the Official Assignee.

(3) The application under paragraph (2) must be supported by an affidavit made by a registered medical practitioner as to the mental or physical condition of the incapacitated person.

(4) The appointment under paragraph (2) may be made —

(*a*) without notice to any other party; and

(*b*) either generally or for the purpose of a particular application or proceeding, for the exercise of particular rights or powers which the incapacitated person might have exercised but for his or her incapacity.

(5) Despite paragraph (4)(*a*), the Court may require such notice of the application under paragraph (1) as it thinks necessary to be given to the incapacitated person or such other person, and may adjourn the hearing of that application to enable the notice to be given.

Service of notices following appointment

181. Any notice served on or sent or given to a person appointed under rule 180 to appear for, represent or act for an incapacitated person has the same effect as if the notice had been served on or sent or given to (as the case may be) the incapacitated person.

Division 3 — Notices in Gazette

Publication of notifications

182.—(1) All notifications requiring publication in the *Gazette* under these Rules must be so published at the expense of the estate in question.

(2) An order or notice which has been amended or altered after publication in the *Gazette*, or which has been wrongly or inaccurately published, must be re-published in the *Gazette* with the appropriate amendments at the expense of the estate in question or otherwise, as the Court may direct.

Division 4 — Records to be maintained by Registrar

Records to be maintained by Registrar

183.—(1) The Registrar must maintain records of information relating to the following matters:

(*a*) voluntary arrangements;

(*b*) bankruptcy applications;

(*c*) bankruptcy orders;

(*d*) administration orders;

(*e*) certificates of discharge and orders of discharge;

(*f*) bills of costs assessed by the Registrar under section 421 of the Act or these Rules.

[S 196/2022 wef 01/04/2022]

(2) The Registrar may maintain the records mentioned in paragraph (1) in any form, medium or mode as the Registrar thinks fit.

Search of records maintained by Registrar

184.—(1) Subject to paragraph (2), the records required to be maintained under rule 183 are, on payment by any person of the appropriate fee specified in the Rules of Court, open to a search by the person.

(2) Where —

(*a*) a bankruptcy order against an individual is annulled by the Court or by a certificate of the Official Assignee; or

(*b*) an individual has paid in full the individual's target contribution in respect of the individual's bankruptcy, and 5 years have lapsed after the date of the individual's discharge from the bankruptcy,

no person (other than the individual mentioned in sub-paragraph (*a*) or (*b*), as the case may be) may obtain any information mentioned in rule 183(1)(*c*) or (*e*) which relates to the bankruptcy.

Division 5 — Disposal of bankrupt's books, etc., under Court's direction

Court may direct disposal of bankrupt's books, etc.

185.—(1) The Court may, on the application of the trustee of a bankrupt's estate, direct that the bankrupt's books of account and other documents given up by or seized from the bankrupt be destroyed or otherwise dealt with in such manner as the Court thinks fit.

(2) The trustee of a bankrupt's estate mentioned in paragraph (1) must serve on the bankrupt any order made by the Court pursuant to an application under that paragraph.

Division 6 — Effect of non-compliance

Non-compliance with Rules

186. Non-compliance with any of these Rules or with any rule of practice does not render any proceeding void unless the Court so directs, but such proceeding may be set aside wholly or in part, amended or otherwise dealt with in such manner and upon such terms as the Court thinks fit.

FIRST SCHEDULE

Form PIR-1

Rule 13(4)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 (ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

NOTICE OF RENEWAL OF ORIGINATING APPLICATION

Renewed for months from the day of 20 by an order of Court dated the day of 20 .

Dated this day of 20 .

Solicitor for the

[S 196/2022 wef 01/04/2022]

FIRST SCHEDULE — *continued*

Form PIR-2

Rule 64(1)(*a*)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 (ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

(Title)

STATUTORY DEMAND UNDER SECTION 312 OF INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018

Warning

- This is an important document. You should refer to the notes entitled "How to comply with a statutory demand or have it set aside" in Part B of this demand.
- If you wish to have this demand set aside you must make application to do so within *14 days/21 days/6 months after its service on you.
- If you do not apply to set it aside within *14 days/21 days/6 months or settle your debts within **21 days/6 months after its service on you, you could be made bankrupt and your property and goods taken from you.
- Please read the demand and notes carefully. If you are in any doubt about your position you should seek advice immediately from a solicitor or, if you qualify for legal aid, from the Director of Legal Aid.

*Delete accordingly. Please refer to rule 67(2) of the Insolvency, Restructuring and Dissolution (Personal Insolvency) Rules 2020 for the applicable period within which an application to set aside the statutory demand must be made.

**Delete accordingly. Please refer to section 312(*a*)(i) of the Insolvency, Restructuring and Dissolution Act 2018 and section 21(1)(*e*) of the COVID-19 (Temporary Measures) Act 2020.

Demand

To _____

FIRST SCHEDULE — *continued*

Address _____

_____

This demand is served on you by the creditor —

Name _____

Address _____

_____

The creditor claims that you owe the sum of $ _____,

(*Exact sum due as of date of demand*)

full particulars of which are set out in PART A of this demand, and that it is payable immediately and, to the extent of the sum demanded, is unsecured.

The creditor demands that you pay the above debt or secure or compound for it to the creditor's satisfaction within *21 days/6 months after the service of this statutory demand on you. If you fail to do so, the creditor may file a bankruptcy application against you.

Signature of individual _____

Name (in Block Letters) _____

Date _____

**Position with or relationship to creditor _____

**I am authorised to make this demand on the creditor's behalf.

Address _____

_____

Tel. No. _____ Ref. _____

*Delete accordingly. Please refer to section 312(*a*)(i) of the Insolvency, Restructuring and Dissolution Act 2018 and section 21(1)(*e*) of the COVID-19 (Temporary Measures) Act 2020.

**Delete if signed personally by the creditor.

PART A

Particulars of Debt

(These particulars must strictly be in accordance with rule 64(1)(*a*) of the Insolvency, Restructuring and Dissolution (Personal Insolvency) Rules 2020. The particulars must include actual amount of debt as of the

date of the demand, details of interest claimed, date debt was incurred, consideration for the debt, such other particulars as would enable the debtor to identify the debt and any property of the debtor or security held by the creditor. If the debt has been assigned, particulars of the assignment must also be given.)

PART B

How to comply with this statutory demand or have it set aside.

If you do not comply with this statutory demand or set it aside, the creditor may file a bankruptcy application against you.

If you wish to avoid a bankruptcy application being made against you, you must pay the sum demanded, particulars of which are set out in Part A of this statutory demand, within the period of *21 days/6 months after its service on you. Alternatively, you can attempt to come to a settlement with the creditor within the said *21 days/6 months. To do this you should inform immediately the individual (or one of the individuals) named below that you are willing and able to —

- offer security for the debt to the creditor's satisfaction; or
- compound for the debt to the creditor's satisfaction

If you consider that you have grounds to have this demand set aside or if you do not quickly receive a satisfactory written reply from the individual named below whom you have contacted, you should apply within **14 days/21 days/6 months after the date of service of this demand on you to the General Division of the High Court to have the demand set aside.

Any application to set aside the demand should be made within **14 days/21 days/6 months after date of its service on you and be supported by an affidavit stating the grounds on which the demand should be set aside.

If you are unable to make the application within **14 days/21 days/6 months after date of its service on you, you can apply to Court for more time to make the application.

The individual or individuals to whom any communication regarding this demand may be addressed is/are —

FIRST SCHEDULE — *continued*

Name (in Block Letters)

Address

Tel. No.

Ref. No.

*Delete accordingly. Please refer to section 312(*a*)(i) of the Insolvency, Restructuring and Dissolution Act 2018 and section 21(1)(*e*) of the COVID-19 (Temporary Measures) Act 2020.

**Delete accordingly. Please refer to rule 67(2) of the Insolvency, Restructuring and Dissolution (Personal Insolvency) Rules 2020 for the applicable period within which an application to set aside the statutory demand must be made.

[S 1039/2020 wef 02/01/2021]

FIRST SCHEDULE — *continued*

Form PIR-3

Rule 69(1)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 (ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

In the General Division of the High Court of the Republic of Singapore

In Bankruptcy)
O.A. No.)
Of 20)

(Seal)

In the matter of the Insolvency, Restructuring and Dissolution Act 2018 (Act 40 of 2018)

And

In the matter of

Between

Claimant

And

Defendant

CREDITOR'S BANKRUPTCY APPLICATION

Let all parties concerned attend before the Judge (or Registrar) in chambers on (date/time) on the hearing of the application by the claimant that

1. a bankruptcy order be made against (*state name of defendant*)

2. (*state name of trustee of bankruptcy*), whose certificate of consent to act is annexed hereto, be appointed as trustee of the bankruptcy estate.

Dated this day of 20 .

Registrar

Memorandum to be subscribed on the summons.

This summons is taken out by of solicitor for the said claimant whose address is [or where the claimant sues in person]. This summons is taken out by the said claimant who

FIRST SCHEDULE — *continued*

resides at and is [*state occupation*] and [*if the claimant does not reside within the jurisdiction*] whose address for service is

Note: This summons shall be served together with an affidavit in support of the application. This summons may not be served more than 6 calendar months after the above date unless renewed by order of the court.

Endorsement

This application has been filed in court on the day of 20 .

If you intend to oppose this application you must not later than 3 days before the day fixed for hearing —

(*a*) file in court a notice specifying the grounds on which you object to the making of a bankruptcy order;

(*b*) send a copy of the notice to the claimant or his solicitor at the abovementioned address; and

(*c*) send a copy of the notice to the Official Assignee at 45 Maxwell Road #07-11, the URA Centre (East Wing), Singapore 069118.

If a defendant does not attend personally or by his counsel or solicitor at the time and place abovementioned such order will be made as the court may think just and expedient.

[S 196/2022 wef 01/04/2022]

[S 1039/2020 wef 02/01/2021]

FIRST SCHEDULE — *continued*

Form PIR-4

Rule 77(*a*)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 (ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

(Title)

AFFIDAVIT IN SUPPORT OF CREDITOR'S BANKRUPTCY APPLICATION

I/We , of do make oath (or affirm) and say as follows:

1. [*explanation as to how rule 75 of the Insolvency, Restructuring and Dissolution (Personal Insolvency) Rules 2020 is satisfied*].

2. The defendant is justly and truly indebted to me/us in the aggregate sum of $_____ [*exact sum as of date of bankruptcy application*], full particulars of which are set out in the annexure to this application which is marked ____ [*The annexure shall be strictly in accordance with rule 71 of the Insolvency, Restructuring and Dissolution (Personal Insolvency) Rules 2020 and include particulars of assignment of debt, if any*].

3. The abovementioned debt is for a liquidated sum payable immediately and the defendant appears unable to pay it.

4. On _____, a statutory demand was served on the defendant by ___ _____ [*manner of service*] in respect of the abovementioned debt *during the prescribed period under the COVID-19 (Temporary Measures) Act 2020. **21 days referred to in section 312(*a*)(i) of the Insolvency, Restructuring and Dissolution Act 2018/6 months referred to in section 312(*a*)(i) of the Insolvency, Restructuring and Dissolution Act 2018 as modified by section 21(1)(*e*) of the COVID-19 (Temporary Measures) Act 2020 have lapsed since the service of the demand and to the best of my/our knowledge and belief, the demand has neither been complied with nor set aside in accordance with the *Insolvency, Restructuring and Dissolution (Personal Insolvency) Rules 2020* and no application to set it aside is outstanding.

*Delete these words if they do not apply.

**Delete accordingly. Please refer to section 312(*a*)(i) of the Insolvency, Restructuring and Dissolution Act 2018 and section 21(1)(*e*) of the COVID-19 (Temporary Measures) Act 2020.

FIRST SCHEDULE — *continued*

OR

4. On _____, a statutory demand was served on the defendant by ___ _____ [*manner of service*] in respect of the abovementioned debt *during the prescribed period under the COVID-19 (Temporary Measures) Act 2020. **21 days referred to in section 312(*a*)(i) of the Insolvency, Restructuring and Dissolution Act 2018/6 months referred to in section 312(*a*)(i) of the Insolvency, Restructuring and Dissolution Act 2018 as modified by section 21(1)(*e*) of the COVID-19 (Temporary Measures) Act 2020 have not lapsed since the service of the demand and to the best of my/our knowledge and belief, the demand has neither been complied with nor set aside in accordance with the *Insolvency, Restructuring and Dissolution (Personal Insolvency) Rules 2020* and no application to set it aside is outstanding. I/We believe that there is a serious possibility that the debtor's property, or the value of all or any of the debtor's property, will be significantly diminished after the service of the statutory demand and before the end of the period of **21 days referred to in section 312(*a*) of the Insolvency, Restructuring and Dissolution Act 2018/6 months referred to in section 312(*a*) of the Insolvency, Restructuring and Dissolution Act 2018 as modified by section 21(1)(*e*) of the COVID-19 (Temporary Measures) Act 2020. [*further explanation as to how section 314 of the Insolvency, Restructuring and Dissolution Act 2018 is satisfied*].

*Delete these words if they do not apply.

**Delete accordingly. Please refer to section 312(*a*)(i) of the Insolvency, Restructuring and Dissolution Act 2018 and section 21(1)(*e*) of the COVID-19 (Temporary Measures) Act 2020.

OR

4. On _____, a certificate of inapplicability under *section 299 of the Insolvency, Restructuring and Dissolution Act 2018* was issued by the Official Assignee against the defendant, and to the best of my/our knowledge and belief, the defendant has not disputed the issuance of the certificate.

OR

4. On _____, a certificate of failure under *section 300 of the Insolvency, Restructuring and Dissolution Act 2018* was issued by the Official Assignee against the defendant, and to the best of my/our knowledge and belief, the defendant has not disputed the issuance of the certificate.

OR

4. [*Give particular of other grounds relied upon for application*]

5. I/We do not, nor does any person on my/our behalf, hold any security on the defendant's estate, or any part thereof, for the payment of the abovementioned sum.

FIRST SCHEDULE — *continued*

OR

5. I/We hold security for the payment of [*part of*] the abovementioned sum.

I/We will give such security for the benefit of all the creditors in the event of a bankruptcy order being made.

OR

5. I/We hold security for the payment of part of the abovementioned sum and I/we estimate the value of such security to be $_____. This application is not made in respect of the secured part of my/our debt.

6. There has been no stay of enforcement in respect of this debt [*for judgment debts only*].

7. To the best of my/our knowledge and belief, I/we verily believe that the Debt Repayment Scheme applies to the defendant as the defendant —

(*a*) does not have debts exceeding *$150,000/$250,000, or the aggregate of his unsecured debts in respect of which this bankruptcy application is made, does not exceed *$150,000/$250,000;

(*b*) is not an undischarged bankrupt;

(*c*) has not been a bankrupt in the 5 years preceding the date of this application;

(*d*) is not presently subject to a voluntary arrangement;

(*e*) has not been subject to a voluntary arrangement in the 5 years preceding the date of this application;

(*f*) is not presently subject to a debt repayment scheme;

(*g*) has not been subject to a debt repayment scheme in the 5 years preceding the date of this application;

(*h*) is not a sole-proprietor;

(*i*) is not a partner in a firm;

(*j*) is not a partner in a limited liability partnership.

(*Note*: The Debt Repayment Scheme does not apply to the applicant if the applicant fails to satisfy any of the conditions specified in paragraph 7 above.)

*Delete accordingly. Please refer to section 289(2)(*a*) of the Insolvency, Restructuring and Dissolution Act 2018 and section 21(1)(*a*) of the COVID-19 (Temporary Measures) Act 2020.

OR

FIRST SCHEDULE — *continued*

7. To the best of my/our knowledge and belief, I/we verily believe that the Debt Repayment Scheme does not apply to the defendant as the defendant —

(*a*) has debts exceeding *$150,000/$250,000, or the aggregate of his debts in respect of which this bankruptcy application is made, exceeds *$150,000/$250,000;

(*b*) is an undischarged bankrupt;

(*c*) has been a bankrupt in the 5 years preceding the date of this application;

(*d*) is presently subject to a voluntary arrangement;

(*e*) has been subject to a voluntary arrangement in the 5 years preceding the date of this application;

(*f*) is presently subject to a debt repayment scheme;

(*g*) has been subject to a debt repayment scheme in the 5 years preceding the date of this application;

(*h*) is a sole-proprietor;

(*i*) is a partner in a firm;

(*j*) is a partner in a limited liability partnership.

(*Note*: Please delete the sub-paragraphs which you are not relying on to support your knowledge and belief.)

*Delete accordingly. Please refer to section 289(2)(*a*) of the Insolvency, Restructuring and Dissolution Act 2018 and section 21(1)(*a*) of the COVID-19 (Temporary Measures) Act 2020.

8. To the best of my/our knowledge, I/we verily believe that the claimant who is applying for the appointment of _____ [*state name of private trustee in bankruptcy*] to be the trustee of the bankrupt's estate:

(*a*) is a bank licensed under the Banking Act (Cap. 19); or

(*b*) is a finance company licensed under the Finance Companies Act (Cap. 108); or

(*c*) in the relevant period, has an annual sales turnover of more than $100 million; and at the date of the application for the bankruptcy order referred to in section 36(2) of the Insolvency, Restructuring and Dissolution Act 2018, has more than 200 employees; or

(*d*) is a subsidiary of a company who fulfils the criteria set out in (*a*), (*b*) and (*c*) of this paragraph (i.e. an institutional creditor).

(*Note*: Please delete the sub-paragraphs which do not apply.)

FIRST SCHEDULE — *continued*

OR

8. To the best of my/our knowledge, I/we verily believe that the claimant who is applying for the appointment of the Official Assignee to be the trustee of the bankrupt's estate:

(*a*) is not a bank licensed under the Banking Act (Cap. 19) or a finance company licensed under the Finance Companies Act (Cap. 108); and

(*b*) in the relevant period, has an annual sales turnover of less than $100 million; or

(*c*) at the date of the application for the bankruptcy order referred to in section 36(2) of the Insolvency, Restructuring and Dissolution Act 2018, has 200 employees or less; and

(*d*) is not a subsidiary of a company which fulfils any of the criteria set out in (*a*), (*b*) and (*c*) of this paragraph (i.e. an institutional creditor).

(*Note*: Please delete the sub-paragraphs (*b*) or (*c*) where appropriate.)

8. The Official Assignee / [*the name of the licensed insolvency practitioner*] has consented to being appointed as trustee of the bankrupt's estate. [A copy of the licensed insolvency practitioner's licence is annexed.]

(*Note*: A copy of the licensed insolvency practitioner's licence granted under section 53 of the Insolvency, Restructuring and Dissolution Act 2018 must be annexed if a licensed insolvency practitioner is being appointed as trustee of the bankrupt's estate.)

9. [*Name of private trustee in bankruptcy*] has consented to being appointed as trustee of the bankrupt's estate. A copy of his curriculum vitae is annexed herein.

(*Note*: This paragraph should only be included if a trustee other than the Official Assignee is being appointed as trustee of the bankrupt's estate.)

9. [*Deleted by S 688/2023 wef 01/11/2023*]

Sworn (or affirmed) on the day of 20 ,

at

(through the interpretation of)

Before me

FIRST SCHEDULE — *continued*

Commissioner for Oaths

[S 688/2023 wef 01/11/2023]

[S 196/2022 wef 01/04/2022]

FIRST SCHEDULE — *continued*

Form PIR-5

Rule 77(*a*)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 (ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

(Title)

AFFIDAVIT IN SUPPORT OF CREDITOR'S BANKRUPTCY APPLICATION ARISING FROM DEFAULT IN CONNECTION WITH VOLUNTARY ARRANGEMENT

I/We , of do make oath (or affirm) and say as follows:

1. [*explanation as to how rule 75 of the Insolvency, Restructuring and Dissolution (Personal Insolvency) Rules 2020 is satisfied*].

2. On the day of 20 a voluntary arrangement proposal by the defendant was approved by his creditors and I am a creditor who is for the time being bound by the said voluntary arrangement/nominee supervising the said voluntary arrangement [The nominee supervising the said voluntary arrangement is (*state name*)].

3. [*give details of the defendant's default under the voluntary arrangement, upon which the bankruptcy order is sought*].

4. A copy of the defendant's proposal under the said voluntary arrangement is annexed to this application and marked

Sworn (or affirmed) on the day of 20 ,

at

(through the interpretation of)

Before me

Commissioner for Oaths

FIRST SCHEDULE — *continued*

Form PIR-6

Rule 88(2)(*a*)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 (ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

(Title)

NOTICE OF INTENTION TO APPEAR AT HEARING OF BANKRUPTCY APPLICATION

In the matter of a bankruptcy application filed on the day of 20 , to be heard on the day of 20 .

I, [*state full name and address*] a creditor of the abovenamed defendant in respect of [*state amount and nature of debt*] intend to appear on the hearing of the abovementioned application and to [support][oppose] the application.

Signed

Name

Date

Address

Tel. No.

Ref. No.

FIRST SCHEDULE — *continued*

Form PIR-7

Rule 95(3)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 (ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

(Title)

NOTICE TO DEBTOR OF ORDER OF ADJOURNMENT OF HEARING OF BANKRUPTCY APPLICATION

In the matter of a bankruptcy application filed on the day of 20 .

Take notice that by order of the court dated the further hearing of the bankruptcy application has been adjourned to

Date

Time

Place

Signed (by the claimant or his solicitor)

Name (name of claimant or his solicitor)

Address

Tel. No.

Ref. No.

FIRST SCHEDULE — *continued*

To: [*insert name and last known address of debtor*]

[S 196/2022 wef 01/04/2022]

FIRST SCHEDULE — *continued*

Form PIR-8

Rule 96(3)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 (ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

(Title)

ORDER FOR SUBSTITUTION OF CLAIMANT ON CREDITOR'S BANKRUPTCY APPLICATION

Upon the hearing of this application this day of 20 , and upon the application of [*name of creditor who wishes to be substituted as claimant*] for an order that he be substituted as claimant therein pursuant to rule 96 of the Insolvency, Restructuring and Dissolution (Personal Insolvency) Rules 2020.

And upon hearing

And upon reading [*details of statutory demand, return of execution etc.*]

It is ordered that the said be substituted as claimant in place of the said [*name of original claimant in bankruptcy application*] and that the said [*name of new claimant*] be at liberty to amend the said bankruptcy application accordingly.

And it is ordered that the hearing of the said amended bankruptcy application be adjourned to

Date

Time

Place

Dated this day of 20 .

By the Court,

Registrar

[S 196/2022 wef 01/04/2022]

FIRST SCHEDULE — *continued*

Form PIR-9

Rule 100(1)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 (ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

In the General Division of the High Court of the Republic of Singapore

In Bankruptcy)
O.A. No.)
Of 20)

(Seal)

DEBTOR'S BANKRUPTCY APPLICATION

In the matter of the Insolvency, Restructuring and Dissolution Act 2018 (Act 40 of 2018)

And

In the matter of

Applicant

Let all parties concerned attend before the Judge/Registrar on (date/time) on the hearing of the application by

that

1. a bankruptcy order be made against myself, [*state name*]; and
2. [*state name of trustee of bankruptcy*], whose certificate of consent to act is annexed hereto, be appointed as trustee of my bankruptcy estate.

Dated this day of 20 .

Registrar

This summons is taken out by of solicitor for the said applicant whose address is [*or where the applicant appears in person*]. This summons is taken out by the said applicant

FIRST SCHEDULE — *continued*

who resides at and is [*state occupation*] and [*if the applicant does not reside within the jurisdiction*] whose address for service is

Note: This summons shall be served together with an affidavit in support of the application. This summons may not be served more than 6 calendar months after the above date unless renewed by order of the court.

[S 196/2022 wef 01/04/2022]

[S 1039/2020 wef 02/01/2021]

FIRST SCHEDULE — *continued*

Form PIR-10

Rule 101(1)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 (ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

(Title)

AFFIDAVIT IN SUPPORT OF DEBTOR'S BANKRUPTCY APPLICATION

I , of do make oath (or affirm) and say as follows:

1. [*explanation as to how rule 100(5) of the Insolvency, Restructuring and Dissolution (Personal Insolvency) Rules 2020 is satisfied*].
2. I have assets worth $ and liabilities of $ owing to creditors.
3. I am unable to pay my debts. The cause(s) of my insolvency is/are
4. Prior to my filing of this bankruptcy application, I verily believe that the Debt Repayment Scheme applies to me as —
   (*a*) the aggregate of the unsecured debts specified in the statement of affairs exhibited in this affidavit does not exceed *$150,000/$250,000;
   (*b*) I am not an undischarged bankrupt;
   (*c*) I have not been adjudged a bankrupt in the 5 years preceding the date of this application;
   (*d*) I am not presently subject to a voluntary arrangement;
   (*e*) I have not been subject to a voluntary arrangement in the 5 years preceding the date of this application;
   (*f*) I am not presently subject to a debt repayment scheme;
   (*g*) I have not been subject to a debt repayment scheme in the 5 years preceding the date of this application;
   (*h*) I am not a sole-proprietor;
   (*i*) I am not presently a partner in a firm;

FIRST SCHEDULE — *continued*

(*j*) I am not presently a partner in a limited liability partnership.

(*Note*: The Debt Repayment Scheme does not apply to the applicant if the applicant fails to satisfy any of the conditions specified in paragraph 4 above.)

*Delete accordingly. Please refer to section 289(2)(*a*) of the Insolvency, Restructuring and Dissolution Act 2018 and section 21(1)(*a*) of the COVID-19 (Temporary Measures) Act 2020.

OR

4. Prior to my filing of this bankruptcy application, I verily believe that the Debt Repayment Scheme does not apply to me as —

(*a*) the aggregate of the unsecured debts specified in the Statement of Affairs exhibited in this affidavit exceeds *$150,000/$250,000;

(*b*) I am an undischarged bankrupt;

(*c*) I have been adjudged a bankrupt in the 5 years preceding the date of this application;

(*d*) I am presently subject to a voluntary arrangement;

(*e*) I have been subject to a voluntary arrangement in the 5 years preceding the date of this application;

(*f*) I am presently subject to a debt repayment scheme;

(*g*) I have been subject to a debt repayment scheme in the 5 years preceding the date of this application;

(*h*) I am a sole-proprietor;

(*i*) I am presently a partner in a firm;

(*j*) I am presently a partner in a limited liability partnership.

(*Note*: Please delete the sub-paragraphs which you are not relying on to support your belief.)

*Delete accordingly. Please refer to section 289(2)(*a*) of the Insolvency, Restructuring and Dissolution Act 2018 and section 21(1)(*a*) of the COVID-19 (Temporary Measures) Act 2020.

5. A statement of my affairs has been filed in court with this application.

6. The Official Assignee / [*the name of the licensed insolvency practitioner*] has consented to being appointed as trustee of the bankrupt's estate. [A copy of the licensed insolvency practitioner's licence is annexed.]

(*Note*: A copy of the licensed insolvency practitioner's licence granted under section 53 of the Insolvency, Restructuring and Dissolution Act 2018 must be

FIRST SCHEDULE — *continued*

annexed if a licensed insolvency practitioner is being appointed as trustee of the bankrupt's estate.)

Sworn (or affirmed) on the day of 20 ,

at

(through the interpretation of)

Before me

Commissioner for Oaths

[S 688/2023 wef 01/11/2023]

FIRST SCHEDULE — *continued*

Form PIR-11

Rule 102(1)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018

(ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

STATEMENT OF AFFAIRS

PART 1

1: Personal Details

1.1	Bankruptcy No.	:	_____
1.2	Name	:	_____
1.3	Any Other Names (Aliases, Maiden Name)	:	_____
1.4	NRIC/Passport/FIN No.	:	_____
1.5	Latest ID No. (if any)	:	_____
1.6	Date of Birth	:	_____
1.7	Nationality	:	_____
1.8	Sex	:	**Male / Female**
1.9	Highest Educational Qualification	:	_____
1.10	Race	:	_____
1.11	Telephone No. (Home)	:	_____
1.12	Telephone No. (Mobile)	:	_____
1.13	Email Address	:	_____
1.14	Address (As in NRIC)	:	_____
1.15	Correspondence Address (if different from above)	:	_____

2: Family Particulars

FIRST SCHEDULE — *continued*

2.1 Marital Status : _____

2.2 Name of Spouse : _____

2.3 Spouse ID Type : _____

2.4 NRIC/Passport No. (Spouse) : _____

2.5 Spouse Net Income : _____

2.6 If you own any HDB flat, please complete the following:

Address of Flat : _____

_____

_____

Type of Flat : _____

Sole Owner / Joint Tenancy / Tenancy-In-Common (Share ___ %)

Name of Co-Owner(s) : _____

If you own a share in property(s) other than an HDB flat, please complete the tables at 2.1.4 and/or 2.2.2 of Part 2, where appropriate.

2.7 Please provide the Name(s), Age(s) of all your children and individuals who are financially dependent on you.

S/N	Name	Age	Relationship	Employment Status
1				
2				
3				
4				
5				

Please provide details of your personal expenses and the expenses of the persons dependent on you.

Your total monthly expenses : _____

Total monthly expenses for your family : _____

FIRST SCHEDULE — *continued*

Please list the expenses below:

3: Employment Records

3.1	Are you	:	**Employed / Self-employed / Unemployed**
3.2	If employed, please provide:		
	Name of Employer	:	_____
	Job Title	:	_____
	Length of Service	:	_____
	Net Monthly Salary	:	_____
3.3	If self-employed, please provide:		
	Name of Business/UEN No.	:	_____
	Address of Business	:	_____
	Nature of Business	:	_____
	Net Monthly Salary	:	_____
3.4	If unemployed, please provide:		
	Name of Previous Employer	:	_____
	Previous Job Title	:	_____
	Last Date of Employment	:	_____
	Last Net Monthly Salary	:	_____
	Reason for Unemployment	:	_____
	Industry of Previous Employment	:	_____
	Last Held Position in Industry	:	_____

FIRST SCHEDULE — *continued*

Name & Relationship of person providing you financial support : _____

3.5 Do you have any other Sources of Income (e.g. income from rental of flat/room, any part time job)? Please state details of the source and amount of income received.

_____

_____

4: Bankruptcy Details and Business Ownership

4.1 Were you previously adjudged a Bankrupt: **Yes / No**

If "Yes", please provide Bankruptcy Number: _____ and Date of Discharge/Annulment: _____

4.2 Are you currently a director of any company or involved in the management of a company/ business? **Yes / No**

4.3 Were you previously (in the last 5 years) a director of any company or involved in the management of a company/business? **Yes / No**

4.4 If "Yes" for 4.2 or 4.3 or both, please give details of the company/business:

S/N	Name of Company/Business	UEN No.	Nature of Business	Position in Company
1				
2				
3				
4				
5				

4.5 Are you presently involved in any Legal Proceedings: **Yes / No**

If Yes, please provide the details requested below:

S/N	Description of Case	Case Reference Number	Name and Address of Solicitors
1			

FIRST SCHEDULE — *continued*

2			
3			
4			
5			

4.6 Main Cause(s) of Bankruptcy (Please tick only 1 box)

□ Business failure (e.g. director/business owner and acted as guarantor for company loans, company hire-purchase)

□ Claims against you as a result of criminal offences (e.g. criminal breach of trust, misappropriation of funds)

□ Gambling

□ Liabilities due to guarantees of a personal nature (e.g. acted as guarantor for friend/family)

□ Loss of income due to unemployment or retrenchment

□ Loss of income due to medical problems or ill health

□ Overspending on consumer goods/services (e.g. family expenses, purchase of luxury items)

□ Speculation (e.g. shares, properties, forex trading)

□ Others, please indicate _____

4.7 Source(s) of Debt Contributing to Bankruptcy (tick all that apply)

□ Credit facilities from financial institutions (e.g. overdraft facilities, credit cards, renovation loans, company loans)

□ Hire-purchase facilities

□ Loans from licensed moneylenders

□ Personal loans (e.g. loans from friends/family)

□ Others, please indicate _____

You may provide details on the cause(s) of your bankruptcy:

_____

FIRST SCHEDULE — *continued*

PART 2

2: SUMMARY OF ASSETS AND LIABILITIES (Sections 2.1 & 2.2)

Assets	Amount		Liabilities	Amount
Cash at Bank/In Hand			Preferential Creditors	
Sundry Debtors			Secured Creditors	
Personal Assets			Unsecured Creditors	
Real Estate Assets			Contingent Liabilities	
Business Assets				
Contingent Assets				
Total Assets (A)			Total Liabilities (B)	

Total Assets (A) - Total Liabilities (B) =	

FIRST SCHEDULE — *continued*

2.1 Assets

2.1.1 Cash at Bank (Savings/Current/Joint accounts/Fixed Deposits) and in Hand.

S/N	Name of Bank	Type of A/C	A/C No.	Foreign Currency (Indicate currency type)	Amount	Amount (SGD)
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

FIRST SCHEDULE — *continued*

2.1.2 Sundry Debtors (Individuals/Companies/Businesses that owe you money)

S/N	Name of Debtor	NRIC/UEN No.	Address	Date Debt Incurred	Foreign Currency (Indicate currency type/amount)	Amount (SGD)
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

FIRST SCHEDULE — *continued*

2.1.3 Personal Assets (Including Safe Deposit Box items, Insurance Policy, Vehicle, Trust/Will, Public or Private Limited Company Shares or Club Membership)

Note: If you have any asset still under hire purchase [i.e., not fully paid], please declare it here and also under section 2.2.2 “Secured Creditors” section.

S/N	Description of Asset	Registration/ Account No.	Location of Asset	Quantity	Value of Asset (SGD)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

FIRST SCHEDULE — *continued*

2.1.4 Real Estate (Including Commercial, Industrial, Foreign Properties, Executive Condominiums, HUDC property.) (Excludes HDB flat e.g. Maisonette or 5-room flat and below.)

Note: If you have any property currently under mortgage [i.e., not fully paid], please declare it here and also under "Secured Creditors" section.

S/N	Description of Asset	Address	Particulars of Ownership (*Please select one)	% Share	Value of Asset (SGD)	Foreign Currency (Indicate currency type/amount)
1			Sole Owner / Joint Tenancy / Tenancy-in-Common / Beneficial Owner			
2			Sole Owner / Joint Tenancy / Tenancy-in-Common / Beneficial Owner			
3			Sole Owner / Joint Tenancy / Tenancy-in-Common / Beneficial Owner			
4			Sole Owner / Joint Tenancy / Tenancy-in-Common / Beneficial Owner			

FIRST SCHEDULE — *continued*

2.1.5 Business Assets (Inventory/Plant and Equipment/Furniture and Fittings)

S/N	Description of Asset	Business Name	Type of Business (*Please select one)	UEN No.	Location of Asset	% Share	Value of Asset (SGD)	Foreign Currency (Indicate currency type/ amount)
1			Sole Proprietor / Pte Ltd / Partnership					
2			Sole Proprietor / Pte Ltd / Partnership					
3			Sole Proprietor / Pte Ltd / Partnership					
4			Sole Proprietor / Pte Ltd / Partnership					
5			Sole Proprietor / Pte Ltd / Partnership					

FIRST SCHEDULE — *continued*

2.1.6 Contingent Assets

Note: This is for pending law suits or legal claims that you have against another party (ie, you are the claimant). If there is a counter-claim against you in the law suit, please declare the counter-claim under "Contingent Liabilities" section in 2.2.4 below. The relevant documents evidencing the law suit/legal claim must also be submitted. If there are outstanding loans owed to you currently being serviced and there is a guarantor for this loan, please declare said guarantor in this section.

[S 196/2022 wef 01/04/2022]

S/N	Nature of Contingency (*Please select one)	Details of Suit or Guarantee	Amount Owed (SGD)	Debtor's Name	Debtor's ID No.	Debtor's Address
1	Pending Suit/Arbitration Guarantee Others:_____	General Division of the High Court / State Courts / Foreign Court Suit No: _____ Guarantee No./Information _____				
2	Pending Suit/Arbitration Guarantee Others:_____	General Division of the High Court / State Courts / Foreign Court Suit No: _____ Guarantee No./Information _____				
3	Pending Suit/Arbitration Guarantee Others:_____	General Division of the High Court / State Courts / Foreign Court Suit No: _____ Guarantee No./Information _____				

FIRST SCHEDULE — *continued*

4	Pending Suit/Arbitration Guarantee Others:_____	General Division of the High Court / State Courts / Foreign Court Suit No: _____ Guarantee No./Information _____				

[S 1039/2020 wef 02/01/2021]

FIRST SCHEDULE — *continued*

2.2 Creditors

2.2.1 Preferential Creditors (Employees e.g. wages, work injury compensation; Inland Revenue Authority of Singapore ('IRAS') e.g. income tax, property tax, Goods and Services Tax; Central Provident Fund ('CPF') Board e.g. CPF contribution, MediShield Life premiums, foreign worker levy)

S/N	Name of Creditor	ID No. (NRIC/FIN)	Description of Liability	Amount Outstanding (SGD)
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

FIRST SCHEDULE — *continued*

2.2.2 Secured Creditors (Either Fully or Partly Secured) (e.g. Mortgages/Pledges/Lien/Charge/Hire Purchase Agreements)

S/N	Name of Creditor	Address	Description of Asset	Amount Owed (SGD) (A)	Estimated Value (SGD) (B)	Estimated Surplus/Deficit (SGD) (B-A)
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

FIRST SCHEDULE — *continued*

2.2.3 Unsecured Creditors (Personal Creditors, Licensed Moneylenders, Banks/Financial Institutions, other Businesses and Service Providers e.g. Telcos, utilities)

S/N	**Name of Creditor**	**Address (and NRIC No. where applicable)**	**Amount Owed (SGD)**	**Nature of Debt**	**Foreign Currency (Indicate currency type/amount)**
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

FIRST SCHEDULE — *continued*

2.2.4 Contingent Liabilities

Note: This is for law suits or legal claims that another party has against you (ie, you are the defendant). If there is a counter-claim by you against the claimant in the law suit, please declare the counter-claim under "Contingent Assets" section in 2.1.6 above. The relevant documents evidencing the law suit/legal claims must also be submitted. If you are currently a guarantor for any hire-purchase or personal loans and these hire-purchase or loans are still being serviced and have not been defaulted upon, please declare in this section.

[S 196/2022 wef 01/04/2022]

S/N	Nature of Contingency (*Please select one)	Details of Suit or Guarantee	Amount Owed (SGD)	Creditor's Name	Creditor's ID No.	Creditor's Address
1	Pending Suit/Arbitration Guarantee Others:_____	General Division of the High Court / State Courts / Foreign Court Suit No: _____ Guarantee No./Information _____				
2	Pending Suit/Arbitration Guarantee Others:_____	General Division of the High Court / State Courts / Foreign Court Suit No: _____ Guarantee No./Information _____				
3	Pending Suit/Arbitration Guarantee Others:_____	General Division of the High Court / State Courts / Foreign Court Suit No: _____ Guarantee No./Information _____				
4	Pending Suit/Arbitration Guarantee Others:_____	General Division of the High Court / State Courts / Foreign Court Suit No: _____				

FIRST SCHEDULE — *continued*

		Guarantee No./Information _____				

[S 1039/2020 wef 02/01/2021]

FIRST SCHEDULE — *continued*

PART 3

3: Disposal of Assets before Bankruptcy

3.1 Property Disposed 5 years prior to date of Bankruptcy Application

Note: Please declare all assets given away, transferred or sold **in the last 5 years**. This includes any assets given away, transferred or sold as a result of divorce proceedings or following a court order.

S/N	Description of Asset	Estimated Market Value or Fair Value of Asset	Date of Sale/ Transfer/ Disposal	Name of Buyer/ Transferee	Net Sale Proceeds
1					
2					
3					
4					
5					

3.2 Repayment of Debt(s) to creditors before and after date of Bankruptcy Application

Note: If you made payment to any creditor **in the last 2 years** before the date of Bankruptcy Application or payment to any creditor after the date of the Bankruptcy Application, please provide the information below:

S/N	Creditor	ID No. (NRIC/FIN)	Amount Owed	Amount Paid	Relationship	Date of Repayment
1						
2						
3						
4						
5						

FIRST SCHEDULE — *continued*

Form PIR-12

Rule 102(2)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 (ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

In the General Division of the High Court of the Republic of Singapore

IN BANKRUPTCY NO. OF

RE:

AFFIDAVIT VERIFYING STATEMENT OF AFFAIRS

I, ... of ..... holder of Singapore NRIC / Passport No. / Identification No. ..... *make oath / affirm and say that the particulars contained in the statement of affairs – PARTS 1, 2 and 3 relating to *myself / the abovenamed firm which are *submitted electronically / signed by me on ..... 20..... are true and complete to the best of my knowledge and belief.

*Sworn / Affirmed at)

this day of 20)

Before me,

_____

Commissioner for Oaths

* *Delete where appropriate*

[S 1039/2020 wef 02/01/2021]

FIRST SCHEDULE — *continued*

Form PIR-13

Rule 107(2)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 (ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

(Title)

BANKRUPTCY ORDER ON CREDITOR'S APPLICATION

Upon the application of [*Name and address of claimant*], a creditor, which was filed on the day of 20 , and upon reading the affidavit of

And upon hearing

It is ordered that [*full description of debtor as set out in the application*] be adjudged bankrupt [and it is ordered that be appointed trustee of the bankrupt's estate]

Dated this day of 20 .

By the Court,

Registrar

Notice to the Bankrupt

If the Official Assignee is appointed as the administrator, you are required to attend upon the Official Assignee at his office at 45 Maxwell Road #07-11, the URA Centre (East Wing), Singapore 069118 upon written notification by the Official Assignee. The Official Assignee's office is open every Monday to Friday (except public holidays) from 8.30 a.m. to 5.00 p.m.

OR

If a trustee is appointed as the administrator, you are required to attend upon the trustee at his office at [*insert trustee's address*] upon written notification by the trustee.

Notice to the Bankrupt

FIRST SCHEDULE — *continued*

Upon written notification by the Official Assignee / trustee in bankruptcy*, please comply with the instructions contained in the written notification from the [Official Assignee / trustee in bankruptcy].

*Delete accordingly.

ENDORSEMENT ON ORDER

The solicitor to the claimant is

Name

Address

Tel. No.

Ref. No.

[S 688/2023 wef 01/11/2023]

[S 196/2022 wef 01/04/2022]

FIRST SCHEDULE — *continued*

Form PIR-14

Rule 107(3)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 (ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

(Title)

BANKRUPTCY ORDER ON DEBTOR'S APPLICATION

Upon the application of the abovenamed debtor, which was filed on the day of 20 ,

And upon hearing

And upon reading the affidavit and statement of affairs of

It is ordered that [*insert full description of debtor as set out in the debtor's bankruptcy application*] be adjudged bankrupt.

[And it is ordered that be appointed trustee of the bankrupt's estate]

Dated this day of 20 .

By the Court,

Registrar

Notice to the Bankrupt

If the Official Assignee is appointed as the administrator, you are required to attend upon the Official Assignee at his office at 45 Maxwell Road #07-11, the URA Centre (East Wing), Singapore 069118 upon written notification by the Official Assignee. The Official Assignee's office is open every Monday to Friday (except public holidays) from 8.30 a.m. to 5.00 p.m.

OR

If a trustee is appointed as the administrator, you are required to attend upon the trustee at his office at [*insert trustee's address*] upon written notification by the trustee.

FIRST SCHEDULE — *continued*

Notice to the Bankrupt

Upon written notification by the Official Assignee / trustee in bankruptcy*, please comply with the instructions contained in the written notification from the [Official Assignee / trustee in bankruptcy].

*Delete accordingly.

[S 688/2023 wef 01/11/2023]

FIRST SCHEDULE — *continued*

Form PIR-15

Rule 113(1)(*a*)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 (ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

(Title)

APPLICATION FOR INTERIM RECEIVER

I, _____, do, on the grounds set forth in

(*Name of applicant*)

the annexed affidavit, apply to the court to appoint the Official Assignee as Interim Receiver of the property or part of the property of _____

(*Name of debtor*)

and _____

(*Any special directions to the Official Assignee that may be desired*)

Dated this day of 20 .

Signature of Applicant

FIRST SCHEDULE — *continued*

Form PIR-16

Rule 113(2)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 (ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

(Title)

ORDER APPOINTING INTERIM RECEIVER

Upon reading this application and the affidavit therein referred to, and hearing _____, it is ordered that upon a deposit of $_____ being lodged by the applicant, the Official Assignee be thereupon appointed Interim Receiver of the property or part of the property of the said _____

(*Name of debtor*)

_____

(*Nature, short description and locality of the property and special directions, if any*)

Dated this day of 20 .

By the Court,

Registrar

FIRST SCHEDULE — *continued*

Form PIR-17

Rule 117(1)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 (ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

(Title)

APPLICATION FOR AN ORDER FOR AN EXAMINATION UNDER SECTION 335(1) OF INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018

A Bankruptcy Order having been made in the above matter, application is hereby made to the court by _____

(*Name, address and capacity of applicant*)

for an order appointing such date, time and place as the court shall direct for holding an examination of _____

_____

(*Name, NRIC/Passport No. and address*)

and that he does attend such examination.

Dated this day of 20 .

(Signature)

Address

FIRST SCHEDULE — *continued*

Form PIR-18

Rule 117(2)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 (ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

(Title)

ORDER APPOINTING A DATE FOR AN EXAMINATION UNDER SECTION 335(1) OF INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018

Upon the application of _____

(*Name and address of applicant*)

it is ordered that the examination of _____

(*Name, NRIC/Passport No. and address*)

is to be held at _____

(*Venue*)

on the day of 20 at _____.

(*Time*)

And it is ordered that the abovenamed person do attend at the date, time and place abovementioned.

Dated this day of 20 .

By the Court,

Registrar

Note: Notice is hereby given that if you fail to attend at the date, time and place mentioned above without reasonable excuse, you will be liable to be committed to prison without further notice.

FIRST SCHEDULE — *continued*

Form PIR-19

Rules 121(3), 122(4) and 123(3)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 (ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

(Title)

NOTICE OF APPLICATION TO REVIEW/VARY MONTHLY CONTRIBUTION AND TARGET CONTRIBUTION UNDER SECTION *340(4)/341(4)/343(3)(*b*) OF INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018

Take notice that [*insert name of bankrupt or creditor*], who is a *bankrupt/creditor is dissatisfied with the bankrupt's monthly contribution and target contribution determined by the *[Official Assignee/trustee in bankruptcy] and he/she has applied to the court to review the monthly contribution and target contribution.

OR

Take notice that the *[Official Assignee/trustee in bankruptcy/bankrupt/creditor] has applied to the court to vary the bankrupt's monthly contribution and target contribution.

[#]A copy of the application is attached herein.

The hearing of the application has been fixed on [*insert date*] at [*insert time of hearing*] at [*insert venue of hearing*].

Signed (by *Official Assignee/trustee in bankruptcy)

Address

Dated this day of 20 .

To:

[#]If upon the request of any person given notice of the application.

FIRST SCHEDULE — *continued*

**Delete where appropriate*

FIRST SCHEDULE — *continued*

Form PIR-20

Rules 121(5)(*a*), 122(5)(*a*) and 123(5)(*a*)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 (ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

(Title)

NOTICE OF VARIATION ORDER UNDER SECTION *340(8)/341(7)/343(7) OF INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018

Upon the application of *[*Official Assignee/trustee in bankruptcy/bankrupt/creditor*], which was filed on the day of 20 .

The General Division of the High Court ordered that the monthly contribution and the target contribution *not be varied. / be varied to be the sums of (i) $ and
(ii) $ respectively.

The variation of the monthly contribution and the target contribution takes effect on [*Insert Date*].

A copy of the variation order is attached.

Dated this day of 20 .

Official Assignee/trustee in bankruptcy

(*Signature*)
Address

To:

FIRST SCHEDULE — *continued*

**Delete where appropriate*

[S 1039/2020 wef 02/01/2021]

FIRST SCHEDULE — *continued*

Form PIR-21

Rule 130(1)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 (ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

(Title)

NOTICE TO BANKRUPT UNDER SECTION 372 OF INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018

Take notice that an application has been made by [Official Assignee/trustee in bankruptcy] to this court on the day of 20 , for an order under section 372 of the Insolvency, Restructuring and Dissolution Act 2018 for the payment of a part of your salary, income, half-pay, pension, or compensation to me as trustee for the benefit of the creditors under your bankruptcy.

A copy of the application is attached herein.

The hearing of the application has been fixed on [*insert date*], [*insert time*] at [*insert place*].

You are at liberty to show cause against this order being made against you.

Dated this day of 20 .

Signed (by Official Assignee/trustee in bankruptcy)

FIRST SCHEDULE — *continued*

Form PIR-22

Rule 131(1)(*a*)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 (ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

(Title)

ORDER SETTING ASIDE PAY OR SALARY UNDER SECTION 372(1) OF INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018

Whereas it appears to the court that the bankrupt is an officer of the Singapore Armed Forces or a public officer or otherwise employed or engaged in the public service of the Government (select where appropriate), and as such is in receipt of the monthly pay (or salary) of about _____ dollars; and whereas upon the application of the *Official Assignee/trustee in bankruptcy and upon hearing the bankrupt, it appears to the court just and reasonable that the monthly sum of _____ dollars, a portion of the said pay (or salary) ought to be paid to the *Official Assignee/trustee in bankruptcy during the bankruptcy, in order that the same may be applied in payment of the debts of the bankrupt, and that such payment ought to be made out of the first moneys which shall be due after the _____ day of _____ 20 , and be continued until this court shall make order to the contrary; it is ordered, that such portion of the pay (or salary) shall be paid to the *Official Assignee/trustee in bankruptcy [*insert trustee's name if trustee has been authorised to receive the moneys*] accordingly.

Dated this day of 20 .

By the Court,

Registrar

**Delete where appropriate*

FIRST SCHEDULE — *continued*

Form PIR-23

Rule 131(1)(*b*)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 (ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

(Title)

ORDER SETTING ASIDE SALARY OR INCOME UNDER SECTION 372(2) OF INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018

Whereas it appears to the court that the bankrupt is in the receipt of (or entitled to) a salary (or income, half-pay, pension, or compensation granted by the Government, as the case may be) of about _____ dollars; as (here set forth the circumstances under which the salary or income is received):

And whereas upon the application of the *Official Assignee/trustee in bankruptcy and upon hearing the bankrupt, it appears to the court just and reasonable that the monthly sum of _____ dollars, a portion of the said salary (or income, etc.) ought to be paid by the bankrupt by monthly payment to the *Official Assignee/trustee in bankruptcy [*insert trustee's name if trustee has been authorised to receive the moneys*] during the bankruptcy, in order that the same may be applied in payment of the debts of the said bankrupt, and that the first of such payment ought to be made on the ___ day of _____ 20 , and be continued monthly until this court shall make order to the contrary; it is ordered that the said sum shall be paid by _____ in the manner aforesaid out of the bankrupt's salary (or income, etc.).

Dated this day of 20 .

By the Court,

Registrar

**Delete where appropriate*

FIRST SCHEDULE — *continued*

Form PIR-24

Rule 172

INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 (ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

In the General Division of the High Court of the Republic of Singapore

In Bankruptcy)

O.A. No.)

Of 20)

CREDITOR'S APPLICATION FOR ADMINISTRATION OF ESTATE OF DECEASED DEBTOR UNDER SECTION 419 OF INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018

In the matter of the Insolvency, Restructuring and Dissolution Act 2018 (Act 40 of 2018)

And

In the matter of

Between

Claimant

And

Defendant

Let all parties concerned attend before the Judge (or Registrar) in chambers on (date/time) on the hearing of the application by the claimant that —

1. An order be made for the administration in bankruptcy of the estate of the late [*state full particulars of deceased debtor*], who died on the _____ day of _____ 20 ;

2. The Official Assignee be appointed as trustee of the deceased debtor's estate in bankruptcy.

Dated this day of 20 .

Registrar

FIRST SCHEDULE — *continued*

This summons is taken out by of solicitor for the said claimant whose address is [or where the claimant sues in person]. This summons is taken out by the said claimant who resides at and is [*state occupation*] and [*if the claimant does not reside within the jurisdiction*] whose address for service is

Note: This summons shall be served together with an affidavit in support of the application. This summons may not be served more than 6 calendar months after the above date unless renewed by order of the court.

Endorsement

This application has been filed in court on the day of 20 .

And you, [*Name of Executor/Administrator of deceased's estate*] are to take notice that if you intend to oppose this application you must not later than 3 days before the day fixed for hearing —

(*a*) file in court a notice specifying the grounds on which you object to the making of an administration order;

(*b*) send a copy of the notice to the claimant or his solicitor at the abovementioned address; and

(*c*) send a copy of the notice to the Official Assignee at [*state address*].

If a defendant does not attend personally or by his counsel or solicitor at the time and place abovementioned, such order will be made as the court may think just and expedient.

[S 196/2022 wef 01/04/2022]

[S 1039/2020 wef 02/01/2021]

FIRST SCHEDULE — *continued*

Form PIR-25

Rule 172

INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 (ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

(Title)

AFFIDAVIT IN SUPPORT OF CREDITOR'S APPLICATION FOR ADMINISTRATION OF ESTATE OF DECEASED DEBTOR UNDER SECTION 419 OF INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018

I/We _____, of _____ do make oath (or affirm) and say as follows:

1. [*explanation as to how rule 75 of the Insolvency, Restructuring and Dissolution (Personal Insolvency) Rules 2020 is satisfied*].

2. The estate of the said deceased is justly and truly indebted to me/us in the aggregate sum of $_____ [*exact sum as of date of bankruptcy application*], full particulars of which are set out in the annexure to this application which is marked ____ [*The annexure shall be strictly in accordance with rule 71 of the Insolvency, Restructuring and Dissolution (Personal Insolvency) Rules 2020 and include particulars of assignment of debt, if any*].

3. The abovementioned debt is for a liquidated sum payable immediately.

4. I/We do not, nor does any person on my/our behalf, hold any security on the deceased debtor's estate, or any part thereof, for the payment of the abovementioned sum.

OR

4. I/We hold security for the payment of [*part of*] the abovementioned sum.

I/We will give such security for the benefit of all the creditors in the event of an order for administration in bankruptcy being made.

OR

4. I/We hold security for the payment of part of the abovementioned sum and I/we estimate the value of such security to be $_____. This application is not made in respect of the secured part of my/our debt.

FIRST SCHEDULE — *continued*

5. The assets of the estate are as follows [*state description and estimation or actual value*].

6. The will of the said deceased debtor was on the day of 20 , proved by [*state name and address of Executor(s)*].

OR

6. The letters of administration were on the day of 20 , granted to [*state name and address of Administrator(s)*].

7. The total assets of the estate are to my knowledge and information insufficient to settle the debts of the estate.

8. There has been no stay of enforcement in respect of this debt. [*applicable to judgment debts only*].

9. [*any other relevant information*].

Sworn (or affirmed) on the day of 20 ,

at

(through the interpretation of)

Before me

Commissioner for Oaths

Note: If the applicant is the Official Assignee, paragraphs 2, 3 and 4 do not apply.

[S 196/2022 wef 01/04/2022]

FIRST SCHEDULE — *continued*

Form PIR-26

Rule 176(*a*)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 (ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION (PERSONAL INSOLVENCY) RULES 2020

(Title)

ORDER FOR ADMINISTRATION OF ESTATE OF DECEASED DEBTOR

Upon the application of [*Name and address of claimant*], a creditor, which was filed on the day of 20 , and upon reading the affidavit of

And upon hearing

It is ordered that an order be made for the administration of the estate of [*full description of debtor as set out in the application*] [and it is ordered that the Official Assignee be appointed trustee of the deceased debtor's estate]

Dated this day of 20 .

By the Court,

Registrar

Notice to the Legal Representative of the Deceased Debtor

You are required to attend upon the Official Assignee at his office at 45 Maxwell Road #07-11, the URA Centre (East Wing), Singapore 069118 upon written notification by the Official Assignee. The Official Assignee's office is open every Monday to Friday (except public holidays) from 8.30 a.m. to 5.00 p.m.

ENDORSEMENT ON ORDER

The solicitor to the claimant is

Name

Address

FIRST SCHEDULE — *continued*

Tel. No.

Ref. No.

[S 196/2022 wef 01/04/2022]

SECOND SCHEDULE

Rule 149

BANKRUPTCY COSTS

Description	*Costs to be allowed*
1. Where a bankruptcy order is made on a creditor's bankruptcy application, costs allowed to the creditor-applicant	$1,200 plus disbursements
2. The following costs to be allowed in addition to the costs allowed under item 1:	
(*a*) where substituted service is ordered and effected	$350 plus disbursements
(*b*) where service out of jurisdiction is ordered and effected	$700 plus disbursements
(*c*) where an order for assessment is made, for work done for and in assessment	$500
3. Costs allowed to a debtor's solicitor where a bankruptcy order is made upon a debtor's bankruptcy application	$450 plus disbursements
4. Costs allowed to a debtor's solicitor for work done for assessment where an order for assessment of the solicitor's costs is made	$50
5. Where an application under section 394 of the Act is dismissed, costs allowed to a creditor who was heard under section 394(2) of the Act and who objected to the application	$500 plus disbursements
6. Costs allowed to a creditor where an application under section 396(9) of the Act is allowed upon the creditor's application	$450 plus disbursements

[S 196/2022 wef 01/04/2022]

THIRD SCHEDULE

Rules 170 and 171

FEES

1.	On making a bankruptcy application	$60
2.	On a bond	$4
3.	On filing a report of the Official Assignee in lieu of an affidavit	$2
4.	On issuing an order to attend court, an order to produce documents or a 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, 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 419 of the Act and every order of administration made under that section	$60
8.	On every application for an order of discharge under section 394 of the Act	$20
9.	On every application for an interim order under section 276 of the Act	$20
10.	On every application to approve a voluntary arrangement	$20
11.	On every application for the annulment of a bankruptcy order	$20
12.	On sealing any order other than an order for adjournment of any proceedings	$20
13.	On every record of trial	$20 or such less sum as the Court may order
14.	On every allocatur by an officer of the Court for any costs, charges or disbursements for every $50 allowed or fraction of $50 allowed	$2 subject to a minimum of $50

THIRD SCHEDULE — *continued*

15.	On every application to oppose the issuance of a certificate of discharge by the Official Assignee under section 396(4) of the Act	$20
16.	On a request for the refund of the fee paid for an unused document	$20
17.	On filing any affidavit, for each page or part of a page, including any exhibit annexed to or produced with the affidavit	$1
18.	On filing an instrument of authority	$5
19.	On filing in the Registry any document for which no other fee is specified in this Schedule	$10
20.	On every application to set aside a statutory demand	$40
21.	On every appeal from a Registrar to a Judge in chambers	$150
22.	On filing a statement of affairs	$5
23.	On executing every warrant of seizure or search or warrant of arrest or order of commitment	$20
24.	For the Sheriff or bailiff keeping possession of goods under a warrant	Actual cost (for each person employed in taking charge of any property under seizure)
25.	On any application for which no specific fee has been prescribed	$20.

[S 196/2022 wef 01/04/2022]

Notes:

1. The fee in item 12 is not payable on an order made on the application of the Official Assignee or the trustee of a bankrupt's estate.

2. The fee in item 17 is not payable on any affidavit filed by the Official Assignee or the trustee of a bankrupt's estate.

3. The fee in item 21 is not payable on any appeal filed by the Official Assignee.

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
Advocate and Solicitor.

KUAH BOON THENG, SC
Advocate and Solicitor.

[LAW 06/011/004; AG/LEGIS/SL/142B/2015/17 Vol. 5]

(To be presented to Parliament under section 448(3) of the Insolvency, Restructuring and Dissolution Act 2018).