



THE STATUTES OF THE REPUBLIC OF SINGAPORE

DISTRESS ACT 1934

2020 REVISED EDITION

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Distress Act 1934

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An Act relating to distress for rent.

[1 January 1935]

Short title

1. This Act is the Distress Act 1934.

Interpretation

2. In this Act, unless the context otherwise requires —

“judge” means a Judge in all cases where proceedings are taken in the General Division of the High Court, and means a District Judge in all cases where proceedings are taken in a District Court;

“landlord” means the lessor or sublessor of any premises under any lease or agreement of tenancy, and includes any person claiming to be entitled in any capacity to receive rents due under any such lease or agreement;

“prescribed form” means the form prescribed by the Rules of Court;

“registrar” means a Registrar, a Deputy Registrar or an Assistant Registrar of the Supreme Court in all cases where proceedings are taken in the General Division of the High Court and means a Registrar, a Deputy Registrar or an Assistant Registrar of a District Court in all cases where proceedings are taken in a District Court;

“sheriff” includes a bailiff of a District Court in all cases where proceedings are taken in a District Court;

“tenant” means any person from whom a landlord claims rent to be due under any such lease or agreement.

[40/2019]

Act not to apply to Government rents

3. This Act shall not apply to rents due to the Government.

No distress otherwise than under this Act

4. No landlord shall distrain for rent except in the manner provided by this Act.

Application for writ of distress

5.—(1) A landlord or his agent duly authorised in writing may apply *ex parte* to a judge or registrar for an order for the issue of a writ, to be called a writ of distress, for the recovery of rent due or payable to the landlord by a tenant of any premises for a period not exceeding 12 completed months of the tenancy immediately preceding the date of the application; and the judge or registrar may make such order accordingly.

(2) Such authority may be in the prescribed form, with such variations as circumstances require, and shall be produced at the time of the application.

(3) Arrears of rent may be distrained for after the determination of the tenancy, provided that either the tenant is still in occupation of the premises in respect of which the rent is claimed to be due, or any goods of the tenant are still on the premises.

Provision for distress by one of joint owners

6. Where a right to a distraint accrues to persons jointly or together interested in any premises, such right may be exercised by any one of such persons in his own name and the names of those jointly or together interested with him, and the levy shall be a complete discharge to the defendant for the amount recovered; but the judge or registrar may in any case require the party so applying to produce a written authority to distrain, signed by the other persons jointly or together interested with him.

Writ of distress

7. A writ of distress shall be addressed to the sheriff, directing him forthwith to distrain any movable property found by him on the premises named therein, or such part of the property as may in his judgment be sufficient, when sold, to realise the amount of rent therein stated to be due to the applicant, together with such sum as may be due to the applicant by way of costs and to the sheriff for his fees and expenses.