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ACTS SUPPLEMENT

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The following Act was passed by Parliament on 14th July 2015 and assented to by the President on 4th August 2015:—

REPUBLIC OF SINGAPORE

No. 21 of 2015.

I assent.

TONY TAN KENG YAM,
President.
4th August 2015.



An Act to amend the Bankruptcy Act (Chapter 20 of the 2009 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Bankruptcy (Amendment) Act 2015 and comes into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2 of the Bankruptcy Act is amended —

(a) by inserting, immediately before the definition of “bankrupt” in subsection (1), the following definition:

“ “administration date” means —

(a) the date of submission by the bankrupt of the statement of the bankrupt’s affairs; or

(b) where the bankrupt is directed by the Official Assignee under section 81(4)(c) to submit supplementary information, the date of submission of the supplementary information if later;”;

(b) by inserting, immediately after the definition of “goods” in subsection (1), the following definition:

“ “income” includes all income, whether or not accruing in or derived from Singapore, and whether received in Singapore or elsewhere;”;

(c) by inserting, immediately after the definition of “limited liability partnership” in subsection (1), the following definition:

“ “monthly contribution” means —

(a) the amount, determined in accordance with section 86A, that a bankrupt is required, under section 108A, to pay to the Official Assignee on a monthly basis out of the bankrupt’s income; or

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- (b) if the amount referred to in paragraph (a) is varied by the court under section 86B(5)(a), 86C(1) or 86E(4)(a) or reduced by the Official Assignee under section 86D(1) or 86F(3), that amount as varied or reduced, as the case may be;”;
- (d) by deleting the words “or lien” in the definition of “secured creditor” in subsection (1) and substituting the words “, lien or other security”;
- (e) by inserting, immediately after the definition of “statutory demand” in subsection (1), the following definitions:
- ““supplementary information” means the supplementary information that a bankrupt is directed to submit under section 81(4)(c);
- “target contribution” means —
- (a) an amount equal to —
- (i) in any case where the bankruptcy is a repeat bankruptcy, 76 payments of monthly contributions determined in accordance with section 86A; or
- (ii) in any other case, 52 payments of monthly contributions determined in accordance with section 86A; or
- (b) if the amount referred to in paragraph (a) is varied by the court under section 86B(5)(a), 86C(1) or 86E(4)(a) or reduced by the Official Assignee under section 86D(1) or 86F(3), that

amount as varied or reduced, as the case may be;” and

- (f) by inserting, immediately after subsection (2), the following subsection:

“(3) In this Act, unless the context otherwise requires, a bankruptcy is a repeat bankruptcy if, before the making of the bankruptcy order in respect of which the bankrupt was adjudged bankrupt, the bankrupt has been previously discharged from bankruptcy under this Act or any previous written law relating to bankruptcy.”.

Amendment of section 9

3. Section 9(1) of the Bankruptcy Act is amended by deleting the words “to a police officer”.

Amendment of section 31

4. Section 31 of the Bankruptcy Act is amended —

- (a) by inserting, immediately after subsection (1), the following subsection:

“(1A) The Official Assignee may apply to the court —

(a) for directions in relation to any particular matter arising under the bankruptcy; or

(b) to reverse or modify any previous act or decision of the Official Assignee.”;

- (b) by inserting, immediately after the words “subsection (1)” in subsection (2), the words “or (1A)”; and

- (c) by deleting subsection (3) and substituting the following subsection:

“(3) This section applies despite the discharge of the bankrupt or the annulment of the bankruptcy order.”.

Amendment of section 32**5. Section 32 of the Bankruptcy Act is amended —**

- (a) by inserting, immediately after subsection (2), the following subsections:

“(3) No liability is to lie personally against the Official Assignee, or any of the Official Assignee’s officers acting under the direction of the Official Assignee who, acting in good faith and with reasonable care, does or omits to do anything in the course of or in connection with —

(a) the exercise or purported exercise of any power; or

(b) the performance or purported performance of any function or duty,

under section 19, 24, 82A, 95A, 108, 113, 116, 123A, 125, 132A, 163 or 165(3).

(4) Any liability which apart from subsection (3) would lie against the Official Assignee, or any of the Official Assignee’s officers, is to lie instead against the Government.”; and

- (b) by deleting the section heading and substituting the following section heading:

“Liability of Official Assignee, etc.”.

Amendment of section 33**6. Section 33 of the Bankruptcy Act is amended —**

- (a) by deleting subsection (1) and substituting the following subsection:

“(1) The court may, in the following circumstances, appoint a person other than the Official Assignee to be the trustee of the bankrupt’s estate: