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**BANKRUPTCY ACT
(CHAPTER 20)**

BANKRUPTCY (AMENDMENT) RULES 2016

In exercise of the powers conferred by section 166 of the Bankruptcy Act, the Minister for Law makes the following Rules:

Citation and commencement

1. These Rules are the Bankruptcy (Amendment) Rules 2016 and come into operation on 1 August 2016.

Amendment of rule 2

2. Rule 2(1) of the Bankruptcy Rules (R 1) is amended —

(a) by inserting, immediately before the definition of “associate”, the following definition:

“ “administrator”, in relation to a bankrupt’s estate, means the person administering the estate, whether the Official Assignee or a trustee;”;
and

(b) by deleting the definition of “Form”.

New rule 2A

3. The Bankruptcy Rules are amended by inserting, immediately after rule 2, the following rule:

“Forms

2A. The Forms to be used for the purposes of these Rules are those set out on the Internet website of the Ministry of Law at <http://www.mlaw.gov.sg>, and any reference in these Rules to a numbered form is to be construed as a reference to the current version of the form bearing the corresponding number which is displayed at that website.”.

Amendment of rule 11

4. Rule 11 of the Bankruptcy Rules is amended by inserting, immediately after paragraph (2), the following paragraph:

“(3) Unless otherwise provided in the Act or these Rules, every application must be supported by an affidavit.”.

Amendment of rule 18

5. Rule 18 of the Bankruptcy Rules is amended by deleting paragraph (2).

Amendment of rule 20

6. Rule 20 of the Bankruptcy Rules is amended —

- (a) by inserting, immediately after the word “scandalous,”, the words “irrelevant or otherwise oppressive,”; and
- (b) by deleting the rule heading and substituting the following rule heading:

“Scandalous, irrelevant or oppressive matter”.

Amendment of rule 22

7. Rule 22 of the Bankruptcy Rules is amended by deleting paragraph (3).

Amendment of rule 23

8. Rule 23 of the Bankruptcy Rules is amended by deleting paragraph (1) and substituting the following paragraphs:

“(1) A sealed copy of a subpoena issued under rule 22(1) must be served personally on the witness concerned by —

- (a) an officer of the court;
- (b) the person at whose instance the subpoena is issued or that person’s solicitor; or
- (c) an employee of the person, or of the person’s solicitor, mentioned in sub-paragraph (b).

(1A) Despite paragraph (1), the subpoena may be served in such manner as is agreed in writing between the witness concerned and the person at whose instance the subpoena is issued.”.

Amendment of rule 25

9. Rule 25 of the Bankruptcy Rules is amended by inserting, immediately after paragraph (1), the following paragraph:

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

Amendment of rule 27

10. The Bankruptcy Rules are amended by renumbering rule 27 as paragraph (1) of that rule, and by inserting immediately thereafter the following paragraph:

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

Amendment of rule 29

11. Rule 29 of the Bankruptcy Rules is amended by deleting the words “, a search warrant or any other warrant”.

Amendment of rule 30

12. Rule 30 of the Bankruptcy Rules is amended by deleting paragraph (b) and substituting the following paragraph:

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

- (i) where the arrested person is an undischarged bankrupt, the administrator of the arrested person’s estate; or
- (ii) in every other case, the Official Assignee.”.

Amendment of rule 31

13. Rule 31 of the Bankruptcy Rules is amended —

- (a) by deleting the words “section 83(13)” in paragraph (1) and substituting the words “section 82A(3) or 83(13)”; and
- (b) by deleting the words “section 83(13)” in the rule heading and substituting the words “section 82A(3) or 83(13)”.

Deletion and substitution of rule 47

14. Rule 47 of the Bankruptcy Rules is deleted and the following rule substituted therefor:

“Evidence on application by Official Assignee

47.—(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 leave, or for an extension of time to apply for leave, to disclaim a lease;
- (c) an application to commit a bankrupt;
- (d) an application to reverse or modify any previous act or decision of the Official Assignee;
- (e) an application to vary a bankrupt’s monthly contribution and target contribution.

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

Amendment of rule 48

15. Rule 48 of the Bankruptcy Rules is amended —

- (a) by deleting paragraph (d) and substituting the following paragraph:

“(d) to grant a bankrupt —

- (i) leave under section 148 of the Companies Act (Cap. 50) to act as director, or take part in the management, of a corporation; or
 - (ii) leave 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;”;
- (b) by inserting, immediately after the words “to appoint” in paragraph (e), the words “under rule 270(1)”.

Deletion of rule 50

16. Rule 50 of the Bankruptcy Rules is deleted.

Deletion of rule 51

17. Rule 51 of the Bankruptcy Rules is deleted.

Amendment of rule 53

18. Rule 53 of the Bankruptcy Rules is amended by inserting, immediately after paragraph (1), the following paragraph:

“(1A) Where section 33(1A) of the Act applies, an application for the appointment of a trustee must be included in the creditor’s bankruptcy application.”.

Amendment of rule 54

19. Rule 54 of the Bankruptcy Rules is amended —

- (a) by inserting, immediately after the words “the following provisions as to security”, the words “(including any fresh security required under section 35(1)(b) of the Act)”;
- (b) by deleting the words “in such manner as the Official Assignee may, from time to time, direct” in paragraph (a) and substituting the words “in the form of a banker’s guarantee”; and