

**Debtors Act  
(CHAPTER 73)**

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## Legislative History

# DEBTORS ACT

## (CHAPTER 73)

(Original Enactment: Ordinance 25 of 1934)

REVISED EDITION 2014

(30th June 2014)

An Act relating to debtors and to provide penalties for fraudulent debtors.

[1st January 1935]

### Short title

1. This Act may be cited as the Debtors Act.

### Interpretation

2. In this Act, unless there is anything repugnant in the context —

“court” means the High Court or a judge when sitting in open court in all cases where proceedings are taken in the High Court and means the District Court or a District Judge when sitting in open court, in all cases where proceedings are taken in a District Court;

“judge” means a judge sitting in chambers in all cases where proceedings are taken in the High Court and means a District Judge sitting in chambers in all cases where proceedings are taken in a District Court;

“judgment” includes any order for the payment of money.

## PART I

### ARREST, EXAMINATION AND IMPRISONMENT OF JUDGMENT DEBTORS

#### Arrest of judgment debtor

3. Where a judgment for the payment of money remains wholly or in part unsatisfied, whether or not a writ of execution has issued, the court or a judge may order the debtor to be arrested and brought before the court forthwith for examination as hereinafter provided, if it appears to the court or judge that there is probable reason for believing, having regard to his conduct, or the state of his affairs, or otherwise, that he is likely to leave Singapore with a view to avoiding payment of such money or to avoiding examination in respect of his affairs.

### **Examination of debtor**

4.—(1) The examination referred to in section 3 shall be an oral examination of the debtor before the court respecting his ability to pay or satisfy the judgment or so much thereof as remains due, and shall be conducted in the manner and subject to any rules for the time being prescribed for the examination of a debtor by way of discovery in aid of execution or under section 25.

### ***Adjournment of examination and security for further attendance***

(2) If the examination is adjourned, the court may order the debtor to be committed to the civil prison until the adjourned hearing, or until such time as he furnishes security in an amount to be named in the order for his appearance at the adjourned hearing.

### **Interim order for protection of debtor's property**

5. The court may, upon an examination under this Part, make any interim order which it may consider expedient for the protection of any property appearing likely to be available for the discharge of the judgment debt.

### **Powers of court on examination**

6.—(1) On the conclusion of the examination, the court may commit the debtor to the civil prison for a term which may extend to 6 weeks or until earlier payment of the judgment debt, or may order that the judgment debt be paid by instalments of such amount and at such times as it thinks fit.

(2) Subject to any rules of court made under or having effect by virtue of the Supreme Court of Judicature Act (Cap. 322), an order for the payment of instalments under this section shall not be a bar to proceedings in execution unless and except to the extent that the court so directs.

### ***Failure to comply with order for instalments***

(3) If the debtor makes default in the payment of any instalment ordered to be paid under subsection (1), the judgment creditor may apply in such manner as may be

prescribed by rules of court made under or having effect by virtue of the Supreme Court of Judicature Act for a notice in the prescribed form, to be issued from the court office, calling upon the debtor to attend before the court at a time named in the notice, and to show cause why he should not be committed to prison for such default and may cause such notice to be served personally upon him; and if on the day so named, or any subsequent day to which the matter may be adjourned, no sufficient cause is shown by the debtor, the court may commit him to the civil prison for a term which may extend to 6 weeks or until earlier payment of any instalment or instalments due.

(4) A debtor shall not be committed to prison under this section unless it appears that he has, since the date of the judgment or of the order directing payment by instalments, had sufficient means to pay the judgment or comply with the order, as the case may be.

## **Rules**

7. Rules of court may be made under the Supreme Court of Judicature Act for the following purposes:

- (a) to require the deposit by the person at whose instance any order for arrest or imprisonment is issued, of a sum of money to provide for the expense of bringing the debtor before the court and the subsistence of the debtor while in prison;
- (b) to regulate any matter incidental to such deposit.

## **Arrest or commitment to be dependent on deposit of expenses**

8.—(1) Where under any rules for the time being in force the judgment creditor is required to deposit money to provide for the expense of bringing the debtor before the court, the debtor shall not be arrested until such deposit has been made; and where the judgment creditor is required to deposit money to provide for the subsistence of the debtor while in prison, the order for committal shall not be executed until such deposit has been made.

(2) Where any further deposit is required during any period of imprisonment under this Part, the court or a judge may, if such deposit is not duly made, order that the debtor be discharged from prison.

## **Expenses to be judgment debt**

9. Unless in any case the court otherwise orders, the costs and expenses of and incidental to the arrest and imprisonment of any judgment debtor under this Act shall be added to the judgment debt and be recoverable accordingly.