

Bankruptcy (Amendment) Bill

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Bill No: 4/1966

Read the first time: 23rd February 1966

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Explanatory Statement

Expenditure of Public Money

Bankruptcy (Amendment) Bill

Bill No. 4/1966

Read the first time on 23rd February 1966.

An Act to amend the Bankruptcy Ordinance (Chapter 11 of the Revised Edition) and to repeal the Bankruptcy (Statutory Discharge) Ordinance, 1948 (No. 8 of 1948).

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, 1966, and shall come 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 Ordinance (hereinafter in this Act referred to as “the Ordinance”) is hereby amended —

- (a) by deleting the definitions of “affidavit” and “oath” appearing therein; and
- (b) by deleting the definition of “Registrar” appearing therein and substituting therefor the following: —

““Registrar” means the Registrar of the Supreme Court and includes the Deputy Registrar;”.

Amendment of section 3

3. Section 3 of the Ordinance is hereby amended —

- (a) by inserting the expression “, transfer” immediately after the word “conveyance” appearing in the first and second lines of paragraph (a) of subsection (1) thereof;
- (b) by deleting the word “clause” appearing in the fourth line of paragraph (j) of subsection (1) thereof and substituting therefor the word “paragraph”; and
- (c) by deleting the words “British subject” appearing in subsection (3) thereof and substituting therefor the words “citizen of Singapore”.

Repeal and re-enactment of section 14

4. Section 14 of the Ordinance is hereby repealed and the following section substituted therefor: —

“Power of court to rescind receiving order in certain cases

14.—(1) If in any case where a receiving order has been made on a bankruptcy petition it appears to the court, upon an application by the Official Assignee or any creditor or other person interested, that a majority of the creditors in number and value are resident in Malaysia, and that from the situation of the property of the debtor or for other causes his estate and effects ought to be distributed among the creditors under the bankruptcy or insolvency laws of Malaysia, the court, after such inquiry as to it seems fit, may rescind the receiving order and stay all proceedings on or dismiss the petition upon such terms, if any, as it thinks fit.

(2) If the debtor has been adjudged bankrupt, in any such case the court shall also annul the adjudication after rescinding the receiving order.”.

Amendment of section 17

5. Subsection (10) of section 17 of the Ordinance is hereby amended by deleting the colon appearing in the fifth line thereof and substituting therefor a full-stop, and by deleting the proviso thereto.

Amendment of section 18

6. Subsection (16) of section 18 of the Ordinance is hereby amended by deleting the expression “Part IV shall apply” appearing in the fourth line thereof and substituting therefor the expression “sections 73, 77, 78, 79, 80, 81, 83, 84, 85 and 86 of this Ordinance shall apply *mutatis mutandis*”.

Amendment of section 31

7. Subsection (6) of section 31 of the Ordinance is hereby amended by deleting the colon appearing in the sixth line thereof and substituting therefor a full-stop, and by deleting the proviso thereto.

Amendment of section 35

8. Section 35 of the Ordinance is hereby amended —

- (a) by deleting the word “Crown” wherever it appears in subsection (1) thereof and substituting therefor the word “Government”; and
- (b) by deleting the expression “, and may give this Ordinance and the special matter in evidence” appearing at the end of subsection (6) thereof.

Amendment of section 36

9. Subsection (1) of section 36 of the Ordinance is hereby amended —

- (a) by deleting the words “the Legislative Assembly of the Colony” appearing in paragraph (a) thereof and substituting therefor the word “Parliament”;
- (b) by deleting the semi-colon appearing at the end of paragraph (b) thereof and substituting therefor a full-stop; and
- (c) by deleting paragraph (c) thereof.

Amendment of section 37

10. Section 37 of the Ordinance is hereby amended by deleting the expression “the Legislative Assembly, Judge, Magistrate, Justice of the Peace or City Councillor” appearing in the second and third lines thereof and substituting therefor the expression “Parliament, Judge, Magistrate or Justice of the Peace”.

Amendment of section 43

11. Paragraph (a) of subsection (1) of section 43 of the Ordinance is hereby amended by deleting the words “rates due under the provisions of the Municipal Ordinance” appearing therein and substituting therefor the words “local rates and property tax due”.

New section 47A

12. The Ordinance is hereby amended by inserting immediately after section 47 thereof the following new section: —

“Provisions as to second bankruptcy

47A.—(1) Where a second or subsequent receiving order is made against a bankrupt, or where an order is made for the administration in bankruptcy of the estate of a deceased bankrupt, then for the purposes of any proceedings consequent upon any such order, the Official Assignee shall be deemed to be a creditor in respect of any unsatisfied balance of the debts provable in the last preceding bankruptcy against the property of the bankrupt in the subsequent bankruptcy.

(2) In the event of a second or subsequent receiving order made against a bankrupt being followed by an order adjudging him bankrupt, or in the event of an order being made for the administering in bankruptcy of the estate of a deceased bankrupt, any property acquired by him since he was last adjudged bankrupt, which at the date when the subsequent petition was presented had not been distributed amongst the creditors in such last preceding bankruptcy, shall (subject to any disposition thereof made by the Official Assignee in that bankruptcy