

# **Bankruptcy (Amendment) Rules 2002**

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**No. S 343**

### **BANKRUPTCY ACT (CHAPTER 20)**

### **BANKRUPTCY (AMENDMENT) RULES 2002**

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

#### **Citation and commencement**

**1.** These Rules may be cited as the Bankruptcy (Amendment) Rules 2002 and shall come into operation on 1st August 2002.

## **Deletion and substitution of rule 174**

2. Rule 174 of the Bankruptcy Rules (R 1) is deleted and the following rule substituted therefor:

### **“Manner and contents of proof**

**174.**—(1) Every creditor must prove his debt within 3 months after the making of a bankruptcy order by lodging with the Official Assignee or the trustee, as the case may be, a proof of debt.

(2) Except for a proof of debt filed by a moneylender in respect of a loan given by him, any other proof of debt may be filed electronically.

(3) Every proof of debt —

- (a) shall be in Form 23 or where it is filed electronically, in such electronic form as may be required by the Official Assignee; and
- (b) shall state the following matters:
  - (i) the creditor’s name and address;
  - (ii) the total amount of his claim as at the date of the bankruptcy order;
  - (iii) whether the amount claimed includes interest as defined under section 94(3) of the Act and if so, a separate identification of the actual amount that has accrued as at the date of the bankruptcy order and the rate at which and the period for which it was calculated;
  - (iv) whether or not the claim includes goods and services tax and, if so, the amount of such tax;
  - (v) particulars of how and when the debt was incurred by the bankrupt;
  - (vi) particulars of any security held, the date when it was given and the value which the creditor puts upon it; and
  - (vii) the name, address and authority of the person submitting the proof (if such person is not the creditor himself).

(4) The documents substantiating the claim specified in the proof of debt shall accompany the proof of debt.

(5) If the proof of debt is filed electronically, the documents substantiating the claim specified in the proof of debt must be sent to the Official Assignee within 14 days from the date of submission of the proof of debt.

(6) Unless the Official Assignee or the trustee, as the case may be, allows otherwise or the court otherwise orders, a bill of exchange, promissory note, or other negotiable instrument or security or a copy thereof (certified by the creditor or his authorised representative to be a true copy) in respect of which a creditor seeks to prove shall be produced to the Official Assignee or the trustee before the proof is admitted, either for voting or for dividend.

(7) The Official Assignee or the trustee may at any time call for further evidence of the claim to be furnished.”.

### **Amendment of rule 175**

3. Rule 175 of the Bankruptcy Rules is amended by deleting paragraphs (2) and (3) and substituting the following paragraph:

“(2) A schedule setting out the names of the creditors, and the amounts severally due to them —

- (a) shall accompany the proof; or
- (b) where the proof is submitted to the Official Assignee electronically, must be sent to the Official Assignee not more than 14 days after the submission of the proof.”.

### **Amendment of rule 179**

4. Rule 179 of the Bankruptcy Rules is amended by inserting, immediately after the words “inspected by” in the 3rd line, the words “, or provide details of the proofs lodged with him to,”.

### **Amendment of rule 205**

5. Rule 205(2) of the Bankruptcy Rules is amended by deleting the words “section 95 (5)” and substituting the words “section 95 (5) and (6)”.

### **New Part IXA**

6. The Bankruptcy Rules are amended by inserting, immediately after rule 262, the following Part:

## “PART IXA

### ELECTRONIC FILING SYSTEM

#### **Electronic filing system**

**262A.** There shall be established an electronic filing system for the purposes of carrying out transactions with the Official Assignee under these Rules.

#### **Duty of person carrying out electronic filing**

**262B.** Any person who wishes to file, serve, deliver or otherwise convey an application or a request or document by means of the electronic filing system shall do so in accordance with these Rules and any practice directions issued by the Official Assignee.

#### **Receipt of submission**

**262C.—**(1) Any application, request or document transmitted by means of the electronic filing system is considered to have been submitted to and received by the Official Assignee if the last byte of the transmission containing the document is received by the server designated by the Official Assignee for the receipt of such transmissions.

(2) Any person who files with or sends to the Official Assignee any application, request or document by means of the electronic filing system may produce a record of transmission issued through the electronic filing system together with a copy of the notification of acceptance of the transmission by the Official Assignee as evidence of —

- (a) the filing or sending of the application, request or document; and
- (b) the date and time the filing or sending took place.”.

#### **Amendment of Schedule**

7. The Schedule to the Bankruptcy Rules is amended —

- (a) by deleting Forms 23 and 24 and substituting the following Form: