

**OFFICIAL ASSIGNEE  
PRACTICE CIRCULAR NO. 1 OF 2002**

**A INTRODUCTION**

- 1 This Practice Circular sets out :
  - (a) the changes in service of bankruptcy papers on the Official Assignee following the extension of Electronic Filing Service of the Supreme Court to bankruptcy proceedings,
  - (b) details the procedures relating to the petitioner's costs of bankruptcy proceedings where the Official Assignee is appointed as the trustee of a bankrupt's estate, and
  - (c) details the procedures where solicitors act for undischarged bankrupts.
  
- 2 This Practice Circular will take effect on 1 September 2002.

**B SERVICE OF DOCUMENTS FILED UNDER EFS FOR HEARING OF BANKRUPTCY PETITION ON THE OFFICIAL ASSIGNEE**

- 1 With the extension of the Electronic Filing Service (EFS) to any proceedings or applications under the Bankruptcy Act or Bankruptcy Rules filed on or after 28 May 2002, petitioners are hereby informed that it is not necessary for them to serve personally on the Official Assignee a copy of the Bankruptcy Petition, all other bankruptcy papers for the hearing of the petition and sealed copies of the Bankruptcy Order. The Official Assignee will receive these documents directly from the High Court through EFS. However, in appeal matters concerning bankruptcy and applications to rescind, annul or set aside a Bankruptcy Order, solicitors should continue to serve all appeal papers and application

to rescind, annul or set aside the Bankruptcy Order on the Official Assignee (need not be on blue papers) at least 7 days before the hearing.

- 2 Please see paragraph (C) regarding payment of deposit to the Official Assignee.

## **C PAYMENT OF DEPOSIT TO THE OFFICIAL ASSIGNEE**

- 1 Petitioners are required to pay their deposit to the Official Assignee either via Giro or Nets:

### Payment via Giro

When filing the Bankruptcy Petition through the EFS, petitioners must also complete and file the Lodgement Form through the EFS for the purpose of deduction of the deposit via GIRO. The Official Assignee will issue receipts for payment of the deposit to petitioners either via fax or e-mail once the Giro deduction is successful.

### Payment via Nets

In the event payment is via Nets, payment must be made at the Official Assignee's Cashier Counter at The URA Centre, East Wing, 45 Maxwell Road, #06-11, Singapore 069118. A receipt will be issued by the Official Assignee for the payment of the deposit via Nets. Thereafter, petitioners must file their Bankruptcy Petition through the EFS and attach the Nets receipt.

- 2 In the event that a bankruptcy petition is withdrawn or dismissed, the deposit less the preliminary fees will be refunded by the Official Assignee to the petitioner without the need for an Order of Court to be produced to the Official Assignee for this purpose.

## **D PETITIONING CREDITORS' COSTS OF BANKRUPTCY PROCEEDINGS**

- 1 Within four (4) weeks from the making of the Bankruptcy Order against the debtor where the Official Assignee is appointed by the High Court as the trustee of the bankrupt's estate, the petitioner must submit Form C to the Official Assignee - "Agreement on Petitioner's Costs & Disbursements of Bankruptcy Proceedings". Form C is available from our website at <http://www.gov.sg/minlaw/ipto/forms.html>.
- 2 The petitioner must complete Part I of Form C. The petitioner is to refer to the Bankruptcy (Costs) Rules 1995 on the costs to be allowed for bankruptcy order made on a creditor's and debtor's petition.
- 3 The Official Assignee will make his recommendation on the costs and disbursements proposed by the petitioner in Part II of Form C and return it to the petitioner.
- 4 If the Official Assignee agrees to the petitioner's proposal, the petitioner need not complete Part III of Form C.
- 5 If the petitioner disagrees with the Official Assignee's recommendations, the petitioner is to complete Part III of Form C and return it to the Official Assignee.

## **E PETITIONING CREDITORS' COSTS OF BANKRUPTCY PROCEEDINGS BEFORE 15 JULY 1995**

The scale of costs under The Bankruptcy (Costs) Rules 1995 and the above procedures in Part C are not applicable to cases where

the petitioner's entitlement to costs and disbursements arose before 15 July 1995. For such cases, the pre-15 July 1995 scale of costs will apply.

## **F SOLICITORS ACTING FOR UNDISCHARGED BANKRUPTS**

- 1 Pursuant to Section 76 (1)(c) of the Bankruptcy Act, on the making of a bankruptcy order, no action or proceedings shall be proceeded with or commenced against the bankrupt ("the insolvent person"). All solicitors acting for debtors against whom a bankruptcy order has been made are to inform the Official Assignee of the actions or proceedings in which the insolvent person is involved.
- 2 Section 131 (1)(a) of the Bankruptcy Act makes it an offence for an undischarged bankrupt to maintain an action other than an action for damages in respect of injury to his person, without the previous sanction of the Official Assignee. As the property of an insolvent person vest in the Official Assignee and as claims for legal costs may be made against the bankruptcy estate, solicitors acting for the insolvent person are to inform the Official Assignee the nature of the action and the merits of the claim in respect of which the solicitor has been instructed to act and seek the Official Assignee's sanction to act for the insolvent person.

## **G REVOCATION OF PRACTICE CIRCULARS**

Practice Circulars No. 1 of 1995, No. 1 of 1997 and No. 1 of 1999 are hereby revoked.

**H ENQUIRY**

If you have any enquiry regarding this Practice Circular, please call Ms Kalaselvi Rengasamy at Tel: 63251446 or e-mail your questions to [kalaselvi\\_rengasamy@ipto.gov.sg](mailto:kalaselvi_rengasamy@ipto.gov.sg)

Dated this 20<sup>th</sup> day of August 2002

SARJIT SINGH  
OFFICIAL ASSIGNEE  
SINGAPORE