

OFFICIAL ASSIGNEE
PRACTICE CIRCULAR NO. 1 OF 2026

PRACTICE CIRCULAR FOR BANKS

Introduction

1 This Practice Circular sets out particular operational procedures of the Official Assignee (“OA”) under the personal insolvency regime of the Insolvency Restructuring and Dissolution Act 2018 (“IRDA”) in connection with bank account(s) and other banking facilities held by bankrupts in their sole name or jointly with others.

List of bankruptcy orders

2 As an administrative measure to assist creditors, the OA will publish, on a weekly basis, lists of new bankruptcy orders made and bankruptcy discharges granted, on the Ministry of Law’s website at <https://io.mlaw.gov.sg>. Each list will be maintained for a period of nine weeks from the date of publication before being removed from the website.

3 Details of the trustee in bankruptcy appointed by the Court (“**the Trustee**”)¹ to administer the respective bankruptcy cases will be included in the list of bankruptcy orders.

4 Section 327(1)(a) and (b) of the IRDA² provide that on the making of a bankruptcy order, the property of the bankrupt vests in the Trustee, who is constituted the receiver of the bankrupt’s property, without any further conveyance, assignment or transfer, and becomes divisible amongst the bankrupt’s creditors.

Bankers, agents and holders of bankrupts’ assets

5 The OA is empowered by law under s 334 of the IRDA to:

- (a) summon various persons for examination in relation to the bankrupt’s affairs, dealings and property; and
- (b) require such persons to produce and surrender any book or document, or copy of such, in the persons’ possession or control that relates to the bankrupt’s affairs, dealings and property and without payment, inspect, keep, copy, photograph or take extracts from the book, document or copy.

¹ Throughout this Circular, references to the Trustee are references to both private trustees in bankruptcy (“PTIBs”) and the OA, where the OA is appointed by the Court.

² Read with s 39(1) and (2) of the IRDA where applied to PTIBs.

6 The persons referred to in paragraph 5 include persons known or suspected by the OA to possess any of the bankrupt's property or any document relating to the bankrupt's affairs, dealings and property and persons the OA believes are able to give information regarding the bankrupt or the bankrupt's affairs, dealings and property. Persons who, without reasonable excuse³ fail to comply with notices to appear,⁴ answer questions or produce or surrender books, documents or copies, commit an offence under s 334(6) of the IRDA, which is punishable with a fine not exceeding \$1,500 or imprisonment for a term not exceeding one month or both.

7 In addition, under s 369(5) of the IRDA,⁵ a bank must pay and deliver to the Trustee all moneys and securities in the bank's possession or under the bank's control which the bank is not by law entitled to retain as against the bankrupt or the Trustee. Section 369(6) of the IRDA provides that a person who fails to comply with s 369(5) of the IRDA commits an offence which is punishable with a fine of up to \$10,000 or imprisonment of up to 3 years, or both.

8 The OA is empowered by law to investigate offences under ss 334(6) and 369(5) of the IRDA.

9 In view of the foregoing, banks are advised to do the following:

- (a) provide the Trustee with:
 - (i) details (bank account number and account balance) of account(s) held by the bankrupt with the bank, either solely or jointly;
 - (ii) details of all mortgages, liens or charges over property as security for debts owed or due to the bank by the bankrupt, whether as principal debtor or guarantor;
 - (iii) details of all personal guarantees given by the bankrupt to the bank;
 - (iv) details of safe deposit boxes held by the bankrupt with the bank, either solely or jointly; and
- (b) pay, deliver or remit to the bankruptcy estate the credit balance of all accounts (except Child Development Accounts) held by the bankrupt with the bank. Where the account is held jointly, the bankrupt's share of the credit balance divided equally among all account holders should be paid, delivered or remitted to the bankruptcy estate.

³ The OA's view is that s 47(1) of the Banking Act 1970 ("the BA") does not constitute reasonable excuse in view of s 47(2) of the BA read with item 3(a) of the Third Schedule to the BA.

⁴ Persons who, without reasonable excuse, fail to appear for examination when required by notice may also be the subject of a Court-issued warrant of arrest under s 334(3)(a) of the IRDA.

⁵ Read with s 39(1) and (2) of the IRDA where applied to PTIBs.

Effective date

10 This Practice Circular shall take effect from 3 February 2026.

Clarifications

11 For any queries on this Practice Circular, please write in to us via our online enquiry form at <https://go.gov.sg/contactminlaw>.



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(This Practice Circular is also available on our website at <https://io.mlaw.gov.sg>)