

MALAYSIA

Warta Kerajaan

SERI PADUKA BAGINDA

DITERBITKAN DENGAN KUASA

HIS MAJESTY'S GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

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No. 17

14hb Ogos 2003

**TAMBAHAN No. 4
AKTA**

Akta-Akta Parlimen yang berikut, yang telah diluluskan oleh kedua-dua Dewan Parlimen dan dipersetujui oleh Seri Paduka Baginda Yang di-Pertuan Agong, adalah diterbitkan menurut Fasal (5) Perkara 66 Perlembagaan:

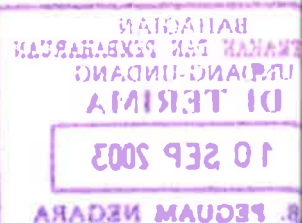
The following Acts of Parliament, passed by both Houses of Parliament and assented to by His Majesty the Yang di-Pertuan Agong, are published pursuant to Clause (5) of Article 66 of the Constitution:

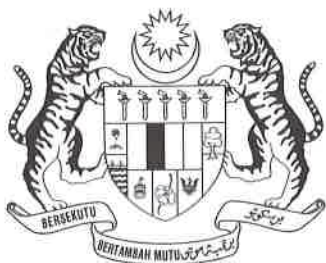
No.

Tajuk ringkas

Akta A1194 ...	Akta Hiburan (Wilayah Persekutuan Kuala Lumpur) (Pindaan) 2003 Entertainment (Federal Territory of Kuala Lumpur) (Amendment) 2003
Akta A1195 ...	Akta Hakcipta (Pindaan) 2003 Copyright (Amendment) Act 2003
Akta A1196 ...	Akta Paten (Pindaan) 2003 Patents (Amendment) Act 2003

No.	Tajuk ringkas
Akta A1197 ...	Akta Kebankrapan (Pindaan) 2003 Bankruptcy (Amendment) Act 2003
Akta A1198 ...	Akta Perlembagaan (Pindaan) 2003 Constitution (Amendment) Act 2003
Akta A1199 ...	Akta Pelindungan Pengguna (Pindaan) 2003 Consumer Protection (Amendment) Act 2003
Akta A1200 ...	Akta Istana Negara (Elaun-Elaun Diraja) (Pindaan) 2003 Istana Negara (Royal Allowances) (Amendment) Act 2003
Akta A1201 ...	Akta Lembaga Akreditasi Negara (Pindaan) 2003 Lembaga Akreditasi Negara (Amendment) Act 2003
Akta A1202 ...	Akta Institusi Pendidikan Tinggi Swasta (Pindaan) 2003 Private Higher Educational Institutions (Amendment) Act 2003





UNDANG-UNDANG MALAYSIA

Akta A1197

AKTA KEBANKRAPAN (PINDAAN) 2003

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ETTE

**TAMBAHAN No. 4
AKTA**

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Tarikh Persetujuan Diraja	24 Julai 2003
Tarikh diterbitkan dalam <i>Warta</i>	14 Ogos 2003

Hakcipta Pencetak (H)**PERCETAKAN NASIONAL MALAYSIA BERHAD**

Semua Hak Terpelihara. Tiada mana-mana bahagian jua daripada penerbitan ini boleh diterbitkan semula atau disimpan di dalam bentuk yang boleh diperolehi semula atau disiarkan dalam sebarang bentuk dengan apa jua cara elektronik, mekanikal, fotokopi, rakaman dan/atau sebaliknya tanpa mendapat izin daripada Percetakan Nasional Malaysia Berhad (Pencetak kepada Kerajaan Malaysia yang dilantik).

UNDANG-UNDANG MALAYSIA**Akta A1197****AKTA KEBANKRAPAN (PINDAAN) 2003**

Suatu Akta untuk meminda Akta Kebankrapan 1967.

[01 Oktober 2003
P.U.(B) 295/03]

DIPERBUAT oleh Parlimen Malaysia seperti yang berikut:

Tajuk ringkas dan permulaan kuat kuasa

1. (1) Akta ini bolehlah dinamakan Akta Kebankrapan (Pindaan) 2003.

(2) Akta ini mula berkuat kuasa pada tarikh yang ditetapkan oleh Menteri melalui pemberitahuan dalam *Warta*, dan Menteri boleh menetapkan tarikh permulaan kuat kuasa yang berlainan bagi peruntukan yang berlainan dalam Akta ini.

Pindaan am

2. Akta Kebankrapan 1967 [Akta 360], yang disebut "Akta ibu" dalam Akta ini, dipinda dengan menggantikan perkataan "Official Assignee", "Official Assignee's" dan "OFFICIAL ASSIGNEE" di mana-mana jua terdapat, kecuali dalam seksyen 70, subseksyen 71(2) dan (3), seksyen 84 dan seksyen 104, masing-masing dengan perkataan "Director General of Insolvency", "Director General of Insolvency's" dan "DIRECTOR GENERAL OF INSOLVENCY".

Pindaan seksyen 2**3. Seksyen 2 Akta ibu dipinda—**

- (a) dengan memasukkan selepas takrif “deed of arrangement” takrif yang berikut:

“Director General of Insolvency” includes any officer appointed under section 70 and authorized to exercise the powers of the Director General of Insolvency;’;

- (b) dengan memotong takrif “Official Assignee”; dan

- (c) dengan memasukkan selepas takrif “secured creditor” takrif yang berikut:

“social guarantor” means a person who provides, not for the purpose of making profit, the following guarantees:

- (a) a guarantee for a loan, scholarship or grant for educational or research purposes;
- (b) a guarantee for a hire-purchase transaction of a vehicle for personal or non-business use; and
- (c) a guarantee for a housing loan transaction solely for personal dwelling;’.

Pindaan seksyen 5**4. Seksyen 5 Akta ibu dipinda—**

- (a) dalam perenggan (1)(a), dengan menggantikan perkataan “ten” dengan perkataan “thirty”; dan
- (b) dengan memasukkan selepas subseksyen (2), subseksyen yang berikut:

“(3) A petitioning creditor shall not be entitled to commence any bankruptcy action against a social guarantor unless he proves to the satisfaction of the court that he has exhausted all avenues to recover debts owed to him by the debtor.”.

Pindaan seksyen 33B

5. Subseksyen 33B(1) Akta ibu dipinda dengan memotong perkataan “, together with a statement of his reasons for wanting to do so”.

Pindaan seksyen 43

6. Seksyen 43 Akta ibu dipinda—

- (a) dengan menggantikan subseksyen (5) dengan subseksyen yang berikut:

“(5) If there is any surplus after payment of the foregoing debts, the surplus shall not be applied in any payment of interest after the date of the receiving order to any creditor on any debt proved in the bankruptcy, except for the payment of interest to a secured creditor under subsection 8(2A).”; dan

- (b) dalam subseksyen (6), dengan menggantikan perkataan “, without prejudice to the right of a creditor to receive out of the estate any higher rate of interest to which he may be entitled after all the debts proved in the estate have been paid in full” dengan perkataan “up to the date the receiving order is granted by the court”.

Pindaan seksyen 70

7. Akta ibu dipinda dengan menggantikan seksyen 70 dengan seksyen yang berikut:

“Appointment of Director General of Insolvency and other officers

70. (1) The Minister shall appoint a Director General of Insolvency and a Deputy Director General of Insolvency from amongst the members of the Judicial and Legal Service.

(2) The Minister may appoint such number of Directors of Insolvency, Deputy Directors of Insolvency, Senior Assistant Directors of Insolvency, Assistant Directors of Insolvency, Insolvency Officers and other officers, as he deems fit, to assist the Director General of Insolvency in carrying out the purposes of this Act.

(3) The Deputy Director General of Insolvency, Directors of Insolvency, Deputy Directors of Insolvency, Senior Assistant Directors of Insolvency, Assistant Directors of Insolvency and Insolvency Officers shall be subject to the general direction, control and supervision of the Director General of Insolvency and shall exercise such powers of the Director General of Insolvency as the Director General of Insolvency may assign except all the powers expressly stated in this Act to be exercisable by the Director General of Insolvency personally.”.

Pindaan seksyen 71

8. Seksyen 71 Akta ibu dipinda—

- (a) dalam subseksyen (2), dengan menggantikan perkataan “Official Assignee, Deputy Official Assignees, Senior Assistant Official Assignees, Assistant Official Assignees, Bankruptcy Officers” dengan perkataan “Director General of Insolvency, Deputy Director General of Insolvency, Directors of Insolvency, Deputy Directors of Insolvency, Senior Assistant Directors of Insolvency, Assistant Directors of Insolvency, Insolvency Officers”; dan
- (b) dalam subseksyen (3)—
 - (i) dengan menggantikan perkataan “Every Official Assignee, Deputy Official Assignee, Senior Assistant Official Assignee, Assistant Official Assignee, Bankruptcy Officer” dengan perkataan “The Director General of Insolvency, Deputy Director General of Insolvency and every Director of Insolvency, Deputy Director of Insolvency, Senior Assistant Director of Insolvency, Assistant Director of Insolvency, Insolvency Officer”; dan
 - (ii) dengan memotong perkataan “applicable”.

Pindaan seksyen 84

9. Akta ibu dipinda dengan menggantikan seksyen 84 dengan seksyen yang berikut:

“84. If a receiving order is made against the Director General of Insolvency or against a Deputy Director General of Insolvency, Director of Insolvency, Deputy Director of

Insolvency, Senior Assistant Director of Insolvency, Assistant Director of Insolvency, Insolvency Officer or other officer he shall thereby vacate his office of Director General of Insolvency, Deputy Director General of Insolvency, Director of Insolvency, Deputy Director of Insolvency, Senior Assistant Director of Insolvency, Assistant Director of Insolvency, Insolvency Officer or other officer, as the case may be.”.

Seksyen baru 84A

10. Akta ibu dipinda dengan memasukkan selepas seksyen 84 tajuk dan seksyen yang berikut:

“Additional Powers

Additional powers of Director General of Insolvency

84A. (1) In addition to, and without prejudice to the powers, duties and functions conferred under this Act, the Director General of Insolvency shall, for the purposes of this Act and sections 421, 422, 423 and 424 of the Penal Code, have all the powers of a Commissioner of Police under the Police Act 1967 [Act 344] and the Criminal Procedure Code [Act 593].

(2) The powers exercisable by the Director General of Insolvency in subsection (1) shall be exercisable by the Director General of Insolvency personally.

(3) The Director General of Insolvency may appoint fit and proper persons to be investigation officers who shall, for the purposes of this Act and sections 421, 422, 423 and 424 of the Penal Code, have all the powers of a police officer under the Police Act 1967 and the Criminal Procedure Code.

(4) Notwithstanding any provision in this Act to the contrary, the Director General of Insolvency shall have the power to direct any creditor to render such assistance in the administration of the debtor’s estate as he deems necessary.”.

Pindaan seksyen 104**11. Seksyen 104 Akta ibu dipinda—**

- (a) dalam subseksyen (3), dengan menggantikan perkataan “each of such Governments of the Official Assignees in Bankruptcy appointed by the other Government” dengan perkataan “the Government of Malaysia of the Official Assignee in Bankruptcy appointed by the Government of Singapore and the recognition by the Government of Singapore of the Director General of Insolvency in Bankruptcy appointed by the Government of Malaysia”; dan
- (b) dalam subseksyen (4), dengan menggantikan perkataan “Official Assignee of Malaysia” dengan perkataan “Director General of Insolvency of Malaysia”.

Pindaan seksyen 109**12. Seksyen 109 Akta ibu dipinda—**

- (a) dalam subperenggan (1)(m)(i), dengan menggantikan perkataan “hundred” dengan perkataan “thousand”; dan
- (b) dengan memotong subseksyen (4).

Pindaan seksyen 110**13. Seksyen 110 Akta ibu dipinda dengan memotong subseksyen (2).****Pemotongan seksyen 117****14. Akta ibu dipinda dengan memotong seksyen 117.****Pindaan seksyen 138****15. Seksyen 138 Akta ibu dipinda dengan menggantikan perkataan “Assistant Official Assignee” dengan perkataan “Assistant Director of Insolvency”.**

Pindaan Jadual C

16. Jadual C kepada Akta ibu dipinda dengan menggantikan kaedah 24 dengan kaedah yang berikut:

"Interest

24. On any debt or sum certain payable at a certain time or otherwise, whereon interest is not reserved or agreed upon and which is overdue at the date of the receiving order and provable in bankruptcy, the creditor may prove for interest at a rate not exceeding six per centum per annum to the date of the receiving order from—

- (a) if the debt or sum is payable by virtue of a written instrument at a certain time, the time the debt or sum was payable; or
- (b) if the debt or sum is payable otherwise than by virtue of a written instrument, the time when demand in writing was made."

Peralihan

17. Apabila seksyen 7 mula berkuat kuasa, setiap sebutan mengenai "Official Assignee", "Deputy Official Assignee", "Senior Assistant Official Assignee", "Assistant Official Assignee" atau "Bankruptcy Officer" dalam mana-mana undang-undang bertulis lain hendaklah masing-masing ditafsirkan sebagai sebutan mengenai "Director General of Insolvency", "Deputy Director General of Insolvency", "Senior Assistant Director of Insolvency", "Assistant Director of Insolvency" atau "Insolvency Officer".

