

Jabatan Kehakiman,  
Mahkamah Tinggi,  
Kuala Lumpur.

21hb. Jun, 1971.

Kapada Semua:-

Penolong Kanan Pendaftar/Penolong Pendaftar, Mahkamah2 Tinggi,  
Pendaftar Kanan/Pendaftar, Mahkamah2 Seshen,  
Yang di-Pertua Khas/Yang di-Pertua Kanan/Yang di-Pertua,  
Mahkamah2 Seshen.  
Mejisteret2, Mahkamah2 Rendah.

REGISTRAR'S CIRCULAR NO. 5 OF 1971  
Section 107 of the Bankruptcy Act, 1967

The Pegawai Pemegang Harta, Malaysia, has brought to my notice that the provisions of Section 107 of the Bankruptcy Act, 1967, do not appear to have been implemented by the Courts when making order for the payment of the judgment or for the committal of the debtor who is a wage-earner and that the Courts have failed to order the debtor to attend before the Official Assignee and also to report the matter to the Official Assignee as required under sub-Section (2) of Section 107 of the Act.

2. Section 107 of the Bankruptcy Act reads as follows:

"(1) In this part of this Act "Wage-earner" means a person who is or has been employed on a salary or wage of an amount not exceeding five hundred dollars per mensem excluding any temporary allowance and whose other income, if any, exclusive of any pension he may receive, does exceed fifty dollars per mensem and does not arise from any trade or business in the management of which he takes any part.

(2) If on examination of a judgment debtor in the High Court or in a Sessions Court or Magistrates Court it appears to such Court -

- (i) that the debtor is a wage-earner; and
- (ii) that he is indebted to more than one creditor; and
- (iii) that none of his debts or other liabilities was contracted in any trade or business in the management of which the debtor took part; and

(iv) that his liabilities exceed the probable amount of his income during the ensuing six months, such Court shall, unless cause to the contrary be shown, instead of making any order for the payment of the judgment debt or for the committal of the debtor, order the debtor to attend before the Official Assignee and also report the matter to the Official Assignee."

3. I am therefore directed to draw your attention of its requirements and to ensure its implementation otherwise it would appear that any Order made by the Courts would entail further problems insofar where the duties and responsibilities of the Official Assignee is concerned.

J R.