

BERMUDA STATUTORY INSTRUMENT

BR 10/1990

BANKRUPTCY RULES 1990

*[made under section 120 of the Bankruptcy Act 1989 [title 8 item 49]
and brought into operation on 2 March 1990]*

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PART I
PRELIMINARY

Citation

1 These Rules may be cited as the Bankruptcy Rules 1990.

Application of Rules

2 These Rules shall, subject to the provisions of section 119 of the Act, apply to all matters arising under the Act or any previous Bankruptcy Act and to all proceedings taken in any such matter, whether commenced before or after 2 March 1990 except where it is not practicable to apply any of these Rules to any proceedings pending on 2 March 1990, the appropriate Bankruptcy Rules in force immediately before 2 March 1990 shall continue to apply to the proceedings.

Interpretation

3 (1) In these Rules, unless the context otherwise requires—

"Appellate Court" means the Court of Appeal;

"creditor" includes a corporation, and a firm of creditors in partnership;

"debtor" includes any debtor proceeded against under the Act, whether adjudged bankrupt or not, and also includes a firm of debtors in partnership;

"printed" includes typewritten;

"scheme" means a scheme of arrangement pursuant to the Act;

"sealed" means sealed with the seal of the Court;

"Taxing Master" means the Registrar;

"taxing office" means the Registry of the Court;

"Taxing Officer" means, in relation to a bill of costs taxed in the Court, either the Taxing Master or a Deputy Registrar or an Assistant Registrar having jurisdiction in respect of the bill under rule 81;

"trustee" includes the trustee appointed under a composition or scheme and also includes the Official Receiver when acting as trustee.

(2) A form referred to by number means the form so numbered in Appendix I to these Rules.

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Computation of time

4 (1) The expression "a day on which the Court does not sit" means a day on which the offices of the Court are closed.

(2) Where, by the Act or these Rules, the time limited for doing any act is seven days or less, public holidays and any other day on which the offices of the Court are closed shall be excluded in computing such time.

Forms

Use of forms in Appendix I

5 (1) The forms in Appendix I, with such variations as circumstances may require, shall wherever applicable be used in proceedings under the Act.

(2) The Chief Justice may alter any forms which relate to matters of an administrative and not of a judicial character, or may substitute new forms in lieu thereof; however, where the Chief Justice alters any form, or substitutes any new form, the altered or substituted form shall be published in the Gazette.

PART II GENERAL PROCEDURE

Court and Chambers

Matters to be heard in Court

6 (1) The following matters and applications shall be heard and determined in open Court:

- (a) the public examination of debtors;
- (b) applications to approve a composition or scheme;
- (c) applications for orders of discharge, except any unopposed application which the Court may direct to be heard in chambers, and applications for certificates under section 30(6) of the Act;
- (d) applications to set aside or avoid any settlement, conveyance, transfer, security, or payment, or to declare for or against the title of the trustee to any property adversely claimed;
- (e) applications for the committal of any person to prison for contempt;

- (f) appeals against the rejection of a proof, or applications to expunge or reduce a proof, where the amount in dispute exceeds three hundred dollars;
 - (g) applications for leave to act as director or take part in the management of a company;
 - (h) applications under section 17 for an order dispensing with the public examination of the debtor.
- (2) Any other matter or application may be heard and determined in chambers.

Adjournment from Chambers to Court and vice versa

7 (1) Subject to the provisions of the Act and these Rules any matter may at any time, if the Judge thinks fit, be adjourned from chambers into Court or from Court to chambers.

(2) If all parties require any matter to be adjourned from chambers into Court it shall be so adjourned.

Proceedings

Title of proceedings

8 (1) Every proceeding in Court under the Act shall be dated, and shall be intituled "In Bankruptcy," and all applications and orders made on applications shall be intituled *ex parte* the applicant.¹

(2) The first proceeding in every matter shall have a distinctive number assigned to it by the Registrar, and all subsequent proceedings in the same matter shall bear the same number.

Proceedings to be written or printed

9 All proceedings shall be written or printed on paper of approximately the size of 14 inches in length and 8 1/2 inches in breadth, but no objection shall be allowed to any proof, affidavit or proxy on account only of its being written or printed on paper of other size.

¹Form 1

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Attestation of documents

10 Any document or declaration by these Rules required to be dated, signed and witnessed shall be sufficiently attested if it is attested—

- (a) in Bermuda, by a barrister and attorney, justice of the peace, notary public, the Registrar, the Official Receiver, Trustee, or such other person appointed by the Judge for that purpose; or
- (b) outside Bermuda:
 - (i) by a Judge or a magistrate;
 - (ii) by a justice of the peace, notary public or other person qualified to administer oaths in that place.

Records of the Court

11 (1) All proceedings of the Court shall be kept and remain of record in the Court for such period as the Chief Justice may from time to time direct.

(2) The trustee, the debtor, and any creditor who has proved, or any person acting on behalf of the trustee, debtor, or creditor, and, by special direction of the Judge, any other person may at all reasonable times inspect the file of proceedings.

Notices to be in writing

12 All notices required to be given by the Act or these Rules shall be in writing, unless these Rules otherwise provide or the Court otherwise orders.

Proof of posting of notice by Official Receiver or trustee

13 Where, by any provision of the Act or these Rules, any notice is required to be sent by the Official Receiver or the trustee, the sending of the notice may be proved by a certificate by the Official Receiver who sent it or his clerk, or by an affidavit by the trustee who sent it or his barrister and attorney or the clerk of either of them, that the notice was duly posted.²

Process to be sealed

14 All process issued by the Court shall be sealed.

²Forms 43, 44, 53, 54

Office copies

15 (1) Office copies required by, or by the barrister and attorney of, any trustee, debtor, or creditor shall be provided by the Registrar.

(2) The copies shall be clearly and legibly printed or written, or by [sic] photographic copies of the same size as the original document, and shall be sealed.

Filing, gazetting, etc

16 (1) The Registrar shall file a copy of every issue of the Gazette which contains an advertisement relating to any matter under the Act in the Court.

(2) A copy of each local paper in which any advertisement relating to any matter under the Act is inserted shall be left by the person inserting the advertisement with the Registrar who shall file the copy.

(3) The Registrar shall file with the proceedings in any matter a memorandum referring to and giving the date of any advertisements in the Gazette and local papers relating to that matter.³

(4) The memorandum by the Registrar shall be *prima facie* evidence that the advertisement to which it refers was duly inserted in the issue of the Gazette or paper mentioned in the memorandum.

(5) Where in the exercise of his functions under the Act or these Rules, the Official Receiver requires to inspect the file of proceedings in any matter, the Registrar shall, unless the file is at the time required for use in court or by him, on request transmit it to the Official Receiver.

Transfer of proceedings by Judge

17 A Judge having jurisdiction in bankruptcy may order the proceedings in any matter under the Act which have been commenced or are pending in his court to be transferred to any other Judge of the Court having jurisdiction in bankruptcy.⁴

Transmission of order of transfer

18 When an order transferring proceedings has been made the Registrar shall give notice of the transfer to the Official Receiver as soon as the Registrar receives the records of the proceedings.⁵

³Form 189

⁴Form 27

⁵Form 28

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Motions and practice

Applications to be made by motion

19 Except where these Rules otherwise provide, every application to the Court shall, unless the Court otherwise directs, be made by motion issued out of the Registry and supported by affidavit.

Notice of motion and *ex parte* applications

20 (1) Where any party other than the applicant is affected by the motion, no order shall be made except with the consent of that party, or upon proof that notice of the motion and a copy of the affidavits in support thereof have been duly served upon him; however where the Court is satisfied that serious mischief may result from delay caused by proceedings in the ordinary way, it may make an order *ex parte* upon such terms as to costs and otherwise, and subject to such undertaking, if any, as the Court thinks just.

(2) Any party affected by an order made *ex parte* may move to set it aside.

Length of notice

21 (1) Unless the Court gives leave to the contrary, notice of motion shall be served on every party affected thereby not less than two days before the day appointed for hearing the motion.

(2) Applications for leave to serve short notice of motion shall be made *ex parte*, endorsed with the name of the barrister and attorney of the applicant, if any.

Affidavits against motion

22 Where a respondent intends to use affidavits in opposition to a motion he shall deliver copies of them to the applicant before the day appointed for the hearing.

Notice not served on all proper parties

23 If, on the hearing of a motion or application, the Court is of opinion that any person to whom notice has not been given ought to have notice, it may either dismiss the motion or application, or adjourn the hearing upon such terms as it thinks fit in order that notice may be given.

Adjournment

24 The hearing of a motion or application may be adjourned upon such terms, if any, as the Court thinks fit.

Personal service

25 (1) Where personal service of any notice of motion or order of the Court is required, it shall be effected by delivering to each party to be served a copy of the notice of motion, or, as the case may be, a sealed copy of the order.⁶

(2) The person effecting personal service shall —

(a) if he is a bailiff, endorse on a copy of the document a note of the date and place of service and a statement that he has served the document on the person to be served personally, and shall sign the endorsement and file a copy of the document in the Court; or

(b) if he is not a bailiff, file in the Court a copy of the document served exhibited to an affidavit of service.

Filing affidavits on motion

26 Affidavits supporting or opposing any motion shall be filed with the Registrar before the hearing.

Preparation of order

Preparation of order

27 (1) If, within one week from the making of an order of adjudication, an order annulling adjudication, an order on application to approve a composition or scheme, an order annulling a composition or scheme, or an order on application for discharge, the order has not been completed, the Registrar shall prepare and complete the order unless these Rules otherwise provide or the Judge otherwise orders.

(2) A person who has the carriage of an order shall obtain from the Registrar an appointment to settle the order, and shall give reasonable notice of the appointment to all persons who may be affected by the order, or to their barristers and attorneys.

Security in court

Security by bond

28 Except where these Rules otherwise provide, the security required to be given by a person shall be in the form of a bond with one or more sureties.⁷

⁶Form 16

⁷Form 21

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Amount of bond

29 The bond shall be taken in a penal sum which, except with the consent of the opposite party, shall be not less than the sum for which security is to be given and probable costs.

Deposit in lieu of bond

30 (1) A person required to give security may, in lieu thereof, lodge in Court a sum equal to the sum for which security is to be given or such other security as the Court may in its discretion approve and probable costs, together with a memorandum approved by the Registrar and signed by such person, his barrister and attorney, or agent, stating the conditions on which the money or security is deposited.

(2) Upon the lodgment the Registrar shall forthwith notify the persons for whose protection the security is given that the money or such other security as the Court may in its discretion approve has been lodged in Court.

Money in Court

31 The rules for the time being in force in the Court relating to payment into and out of Court of money lodged in Court by way of security for costs apply to money or such other security lodged in Court under these Rules.

Security of bank, corporation, etc

32 The security of a bank, insurance company or such other corporation or guarantee association or society approved by the Court or the opposite party may be given in lieu of a bond or deposit.

Notice of sureties

33 (1) Where a person proposes to give a bond by way of security, he shall serve notice of the proposed sureties on the opposite party and on the Registrar.⁸

(2) If there are any objections the party objecting shall lodge such objections with the Registrar within fourteen days on being given notice.

Justification by sureties

34 If there is an objection then the sureties shall make an affidavit of their sufficiency unless the opposite party dispenses with such affidavit and shall, if required, attend the Court to be cross-examined.⁹

⁸Form 22

⁹Form 23

Execution of bond

35 A bond shall be executed and attested in the presence of the Registrar, the Official Receiver, trustee, a justice of the peace, a barrister and attorney, or such other person appointed by the Judge for that purpose.

Stamps

Defacement of stamp

36 Any officer of the Court who receives a document to which an adhesive stamp is affixed shall immediately upon the receipt of the document deface the stamp.

Application of section 128

37 For the purpose of section 128 of the Act, "bankruptcy" includes any proceedings under the Act, whether before or after adjudication, and whether an adjudication is made or not, and "bankrupt" includes any debtor proceeded against under the Act.

Affidavits

Form of affidavit

38 (1) Every affidavit shall —

- (a) be expressed in the first person;
- (b) state the residence and description of each deponent;
and
- (c) be drawn up in paragraphs consecutively numbered.

(2) Each paragraph of the affidavit shall, so far as practicable, be confined to a distinct portion of the subject.

Affidavit by several deponents

39 In an affidavit made by two or more deponents the names of all the deponents shall be inserted in the jurat, but if the affidavit of all the deponents is taken at one time by the same person it is sufficient to state that it was sworn by both or all of the "above-named" deponents.

Costs disallowed

40 (1) No costs shall be allowed in respect of an affidavit or part thereof, if—

- (a) in a material manner it fails to comply with Rule 38 or 39; or
- (b) it contains matters of hearsay, argumentative matters, or superfluous copies of or extracts from documents.

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Scandalous matter

41 The Court may order to be struck out from an affidavit any matter which is scandalous, and may order the costs of any application to strike out such matter to be paid as between barrister and attorney and client.

Erasures, alterations etc

42 Unless the Court otherwise orders, no affidavit shall be read or used in any proceedings if there is any interlineation, alteration or erasure in the body of the affidavit or jurat, unless the person before whom the affidavit was sworn has initialled the interlineation or alteration, and in the case of an erasure has re-written and signed or initialled in the margin of the affidavit any words or figures written on the erasure.

Blind or illiterate persons

43 Where it appears to the person administering the oath that the deponent is illiterate or blind, he shall certify in the jurat that —

- (a) the affidavit was read in his presence to the deponent;
- (b) the deponent seemed perfectly to understand it; and
- (c) the deponent made his signature or mark in his presence;

and the affidavit shall not be used in evidence without such a certificate, unless the Court is otherwise satisfied that it was read over to and appeared to be perfectly understood by the deponent.

Formal defects

44 (1) The Court may allow an affidavit to be used in evidence notwithstanding any defect by misdescription of parties or otherwise in the title or jurat, or any other irregularity in the form of the affidavit.

(2) A note that it has been so used in evidence shall be endorsed on the affidavit.

Filing, office copies etc

45 (1) Where the Court permits the use of an original affidavit, it shall before use be stamped with the proper filing stamp, and after use shall be left in Court with the proper officer, who shall send it to be filed.

(2) When the original affidavit has been filed, an office copy may be used.

Swearing of affidavit

46 No affidavit (other than a proof of debt) shall be sufficient if it was sworn before a commissioner for oaths who, when it was sworn, was a party to the proceedings, the barrister and attorney acting for the party

on whose behalf the affidavit is to be used, or such agent, partner or clerk of the barrister and attorney.

Affidavit filed out of time

47 (1) An affidavit filed out of time may not be used except by leave of the Court.

(2) Unless the Court otherwise directs, an order made *ex parte* upon evidence tendered by affidavit shall not be effective unless the affidavit was made before the order was applied for and was produced or filed at the time of making the motion.

Proof of affidavit

48 The Court shall take judicial notice of the seal or signature of any person authorised by the Act to take affidavits or to certify to such authority.

Witnesses and depositions

Subpoena

49 (1) The Court shall, at the instance of the Official Receiver, trustee, creditor, debtor, or applicant or respondent in any matter, issue a subpoena for the attendance of a witness.¹⁰

(2) The subpoena may require the witness to produce documents in his possession or control.

(3) The names of not more than one witness shall be inserted in the subpoena in respect of a witness to produce documents.

(4) The names of two or more persons may be included in one writ of subpoena ad testificandum.

Service of subpoena

50 (1) A sealed copy of the subpoena shall be served personally on the witness by an officer of the Court or by the person at whose instance the subpoena is issued or his barrister and attorney, or by some person in their employment.

(2) Service shall be effected a reasonable time before the day fixed for the attendance.

(3) Proof of service of the subpoena may, where required, be provided by affidavit.

¹⁰Forms 141, 142

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Costs of witnesses

51 (1) A sum not exceeding the amount referred to in Appendix II to these Rules for payment to witnesses may be allowed in respect of the attendance of a witness.

(2) The allowance may be made whether or not the witness has been called or examined.

(3) A witness, other than the debtor, who is required to attend for the production of a document or for the purpose of an examination is entitled to the same witness allowance as on attendance at a trial in the Court.

(4) The Court may in any matter limit the number of witnesses to be allowed on taxation.

Order for examination

52 (1) The Court may in any matter make an order for the examination upon oath of any person at any place in Bermuda.¹¹

(2) The examination may be ordered to take place before the Court or an officer of the Court or such other person as the Court may direct.

(3) The deposition shall be taken down in writing and, with leave of the Court, may be used in evidence on such terms, if any, as the Court may direct.

Letters of request

53 An order for a letter of request to examine witnesses out of the jurisdiction, and the letter of request, shall follow the forms for the time being in use in the Court, with such variations as circumstances may require.

Production of documents

54 The Court may at any stage of any proceedings order the attendance of any person for the purpose of producing any documents named in the order.

Disobedience to order

55 Any person wilfully disobeying any subpoena or order requiring his attendance for the purpose of being examined or of producing any document shall be deemed guilty of contempt of Court and may be dealt with accordingly.

¹¹Form 136

Shorthand notes

Nomination and appointment of shorthand writers

56 (1) The Court may at any time in any proceedings, if it considers that it would be desirable so to do, appoint a person (in these Rules called a "shorthand writer") to take down in shorthand or otherwise record the evidence of the debtor or of any witness examined at any public or private sitting, examination or meeting under the Act. ¹²

(2) Where no shorthand writer officially attached to the Court is available to act in the proceedings, the Court may appoint such other person as it thinks fit.

(3) Where the Official Receiver applies for the appointment of a shorthand writer, he shall, unless there is a shorthand writer officially attached to the Court, nominate a shorthand writer, who shall be appointed unless the Court otherwise orders.

Remuneration of shorthand writers

57 The fees of the shorthand writer shall be paid by the party at whose instance the appointment was made or out of the estate or by any of the parties to the proceedings as the Court may direct, at such a rate as may be fixed by the Chief Justice.

Discovery and Examination under Section 29 of the Act

Discovery

58 (1) A party may, with the leave of the Court, administer interrogatories to, or obtain discovery of documents from, any other party to the proceedings.

(2) Application for leave may be made *ex parte*.

(3) The Rules of the Court relating to discovery and inspection apply with such modifications as may be necessary.

Examination under section 29

59 (1) An application to the Court under section 29 of the Act shall be in writing and shall state shortly the grounds upon which it is made.

(2) Applications made on behalf of the trustee or the Official Receiver need not be supported by affidavit.

¹²Forms 71, 72, 73 74

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Accounts and sale of mortgaged property

Sale by direction of the Court

60 (1) Any person claiming to be the legal or equitable mortgagee of any real or leasehold property of the bankrupt may apply to the Court for an order directing the property to be sold.

(2) On the application the Court, if it is satisfied as to the applicant's title, shall direct accounts to be taken and inquiries made to ascertain —

(a) the principal, interest, and costs due under the mortgage, and

(b) if the mortgagee has been in possession of the mortgaged property or any part thereof, the rents and profits, dividends, interest, or other proceeds received by him or on his behalf.

(3) If the Court is satisfied that the property ought to be sold, it shall direct a sale, which shall be held by the trustee unless otherwise ordered, and notice of the intended sale shall be inserted in such newspapers as the Court may direct.

(4) The mortgagee may bid for and purchase the mortgaged property at the sale.

(5) All such parties as the Court shall direct shall join in the conveyance of the property.

Proceeds of sale

61 (1) The proceeds of sale shall be applied —

(a) first, in payment of the costs, charges and expenses of the trustee, of and occasioned by the application to the Court, and of the sale and attendance thereat; and

(b) secondly, in payment of the amount found due to the mortgagee for principal, interest, and costs;

and the balance, if any, shall be paid to the trustee.

(2) Where the proceeds of the sale are insufficient to pay in full the amount found due to the mortgagee, he is entitled to prove as a creditor for any deficiency, and to receive dividends thereon rateably with the other creditors, but not so as to disturb any dividend already declared.

Proceedings on inquiry

62 For the purpose of the accounts and inquiries referred to in Rule 60, and of making title to the purchaser, all parties may be examined by the Court upon interrogatories or otherwise and shall produce upon oath

before the Court all such documents in their custody or under their control relating to the estate or effects of the bankrupt as the Court shall direct.

Accounts, etc

63 In any proceedings between a mortgagor and mortgagee or the trustee of either of them, the Court may order accounts to be taken and inquiries made in like manner as obtain in the Court.

Warrants, arrests, and commitments

Address of warrants

64 A warrant of seizure, a search warrant, or any other warrant issued under the provisions of the Act shall be addressed to such officer of the Court as the Court may direct. ¹³

Custody and production of debtor

65 When the debtor is arrested under a warrant issued under section 27 of the Act ¹⁴ —

- (a) the officer apprehending him shall give him into the custody of the Commissioner of Prisons mentioned in the warrant [*sic*], who shall keep him in custody until such time as the Court shall otherwise order and shall produce him before the Court as it may from time to time direct; and
- (b) any books, papers, monies, goods, and chattels in the possession of the debtor which may be seized shall forthwith be lodged with the Official Receiver or trustee, as the case may be.

Execution of warrant under section 29

66 (1) When a person is apprehended under a warrant issued under section 29(2) of the Act, the officer apprehending him shall forthwith bring him before the Court issuing the warrant in order that he may be examined, and if he cannot immediately be brought up for examination, the officer shall deliver him into the custody of the Commissioner of Prisons mentioned in the warrant [*sic*], who shall receive and keep him and shall produce him before the Court as it may from time to time direct. ¹⁵

¹³Forms 134, 137, 138, 139, 146

¹⁴Form 136

¹⁵Form 146

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(2) After apprehending the person named in the warrant, the officer shall forthwith report to the Court the apprehension or delivery into custody, as the case may be, and apply to the Court to appoint a time for the examination of that person, and thereupon the Court shall appoint the earliest practicable day for the examination, and shall direct the Commissioner of Prisons to produce him for examination at the place and time appointed. **16**

(3) Notice of the place and time appointed shall forthwith be given by the Registrar to the person who applied for the examination or warrant.

Applications to commit

67 Application to the Court to commit any person for contempt of court shall be supported by affidavit. **17**

Notice and hearing of application

68 Upon the filing of an application to commit, the Registrar shall fix a time and place for the hearing of the application, and notice thereof shall be personally served on the person sought to be committed not less than two days before the day fixed for the hearing but the Court may, if it thinks fit, allow substituted service or service at shorter notice. **18**

Suspension of issue of a committal order

69 Where an order of committal is made against a debtor, trustee or any other person for disobeying an order of the Court, or an order or direction of the Official Receiver, the Court may direct that the order of committal shall not be issued if the previous order is complied with within a specified time.

Service and execution of process

Service on barrister and attorney

70 (1) A barrister and attorney suing out or serving any process or other document shall endorse thereon his name or that of his firm and the address at which he will accept service of documents on behalf of the party he represents.

(2) Any process or other written communication which does not require personal service shall be deemed to be sufficiently served upon a party represented by a barrister and attorney if left at the address of the barrister and attorney for service.

16Form 147

17Forms 123, 124, 125, 126, 133

18Forms 127, 128, 129, 188(16) & (17)

Time of service

71 (1) Service effected after five o'clock in the afternoon on any week day except Saturday shall, for the purpose of computing time, be deemed to have been effected on the following day, and service effected on a Saturday shall be deemed to have been effected on the following Monday.

(2) No process, order of the Court or other document shall be served or executed within the jurisdiction on a Sunday except, in case of urgency, with the leave of the Court; service on a Sunday shall be deemed to have been effected on the following Monday.

Service out of jurisdiction

72 Where any process or order of the Court or other document is required by the Act or these Rules to be served on any person who is not in Bermuda, the Court may order service on him of that process or order or other document to be effected within such time and in such manner as it thinks fit, and may also require such proof of the service of that process, order or other document, as it thinks fit.

Officers to effect service

73 Service of documents which by the Act or these Rules are required to be served by an officer of the Court or such other person, or which the Court in any particular proceedings orders so to be served, and execution of warrants and other process shall be effected by such officer or such other person as the Court may direct.

Service by post

74 Notice of any order or other proceeding which is to be served by post shall be sent by registered letter unless otherwise directed by the Court.

Enforcement of orders

75 An order of the Court may be enforced in the same manner as a judgment of the Court to the same effect.

Costs and taxation

Award of costs

76 (1) When awarding costs, the Court may direct that the costs of any matter or application shall be taxed and paid as between party and party or as between barrister and attorney and client on the basis of a common fund in which the client and others are interested or that they may be allowed as between barrister and attorney and own client, or it may fix a sum to be paid in lieu of taxed costs.

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(2) Unless the Court otherwise directs, the costs of an opposed motion shall follow the event and shall be taxed as between party and party.

(3) Where an action is brought against the Official Receiver, or trustee in bankruptcy as representing the estate of the debtor, or where the Official Receiver or trustee in bankruptcy is made a party to any proceedings on the application of any other party to the proceedings, he shall not be personally liable for costs unless the Court otherwise directs.

Filing of orders

77 Every order for payment of money or costs shall be sealed, signed by the Registrar and forthwith filed with the proceedings.

Taxation of costs

78 Except where a fixed sum has been awarded as costs, costs directed by any order to be paid or taxed shall be taxed on production of an office copy of the order, and the allocatur shall be signed and dated by the Taxing Officer. ¹⁹

Neglect or delay in taxation

79 (1) If a person whose costs, charges or expenses are to be taxed refuses or neglects when directed to do so to bring them in for taxation or to procure them to be taxed, the Taxing Officer may allow such sum as he thinks appropriate for such person's costs or may assess them at a nominal figure.

(2) A barrister and attorney who delays or impedes a taxation shall, unless the Taxing Officer otherwise directs, forfeit the fees to which he would otherwise be entitled for drawing his bill of costs and for attending the taxation.

Jurisdiction of Taxing Master

80 (1) The Taxing Master has power to tax and settle the costs, charges or expenses in all matters in which the Court may exercise bankruptcy jurisdiction..

(2) The taxation is subject to review by a Judge of the Court.

Taxing by Deputy or Assistant Registrar

81 (1) Subject to this Rule, a Deputy Registrar or an Assistant Registrar shall, by leave of the Taxing Master, have power to tax costs, charges or expenses and to sign allocaturs in any matter where he has been so authorised by the direction of the Chief Justice.

¹⁹Forms 173, 174

(2) If any party before the commencement of a taxation objects to the bill or any part of it being taxed by a Deputy Registrar or an Assistant Registrar, the bill or the part to which the objection relates shall be taxed by the Taxing Master.

(3) Upon objection brought under paragraph 12(1) of Part V of the Appendix II to these Rules against the allowance or disallowance of any item or part thereof in a bill taxed by the Deputy or an Assistant Registrar, the Taxing Master shall reconsider the taxation in accordance with the provisions of paragraph 12(2) of Part V of Appendix II to these Rules.

Scales of costs and charges

82 The scales of costs and allowances and the directions contained in Appendix II and Appendix III to these Rules shall, subject to these Rules, apply to the taxation and allowance of costs and charges in proceedings under the Act.

Re-certification of costs where assets realise more or less than certified amounts

83 (1) Where in any case, whether a summary case or not, the Official Receiver or the trustee has certified the amount of the assets of a debtor and, after taxation of any costs on the footing of the certificate, the assets are ascertained to be more or less than the amount so certified, the Official Receiver or the trustee shall amend his certificate and the Taxing Officer shall amend his allocatur in accordance with the amended certificate.

(2) Where the amount allowed by the amended allocatur exceeds that previously allowed, the excess shall, on demand in writing, be paid by the trustee out of any available assets in his hands at or after the date of the amended allocatur.

(3) Where the amount allowed by the amended allocatur is less than that previously allowed, any excess over the amount allowed by the amended allocatur which has been paid shall be repaid to the Official Receiver or the trustee by the person to whom it was paid.

(4) No fee is payable on the amended allocatur unless the amount allowed exceeds that previously allowed, in which case a fee calculated on the amount allowed by the amended allocatur is payable, credit being given for the fee previously paid.

Barrister and attorney's costs in case of debtor's petition

84 A barrister and attorney in the matter of a bankruptcy petition presented by the debtor against himself shall, in his bill of costs, give credit for any sum or security received from the debtor as a deposit on account of the costs and expenses to be incurred in relation to the filing and prosecution of the petition, and the amount of any such deposit

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shall be noted by the Taxing Officer on the allocatur issued for the costs.²⁰

Costs paid otherwise than out of estate

85 When a bill of costs is taxed under a special order of the Court which directs that the costs are to be paid otherwise than out of the estate of the bankrupt, the Taxing Officer shall note upon the allocatur by whom, or the manner in which the costs are to be paid.

Filing of bills and issue of allocatur

86 (1) Upon completion of the taxation of any costs, charges, or expenses, the Taxing Officer shall forthwith file the bill with the proceedings and issue to the person presenting the bill for taxation his allocatur or certificate of taxation.²¹

(2) Where it is proved to the satisfaction of a Taxing Officer that an allocatur or certificate of taxation has been lost or destroyed, he may issue a duplicate thereof.

Costs of barrister and attorney employed by trustee

87 (1) Where, in accordance with section 58 of the Act, the committee of inspection authorises the trustee to employ a barrister and attorney, the committee shall specify a limit to the amount of costs of the barrister and attorney costs to be incurred in respect of the particular proceedings or business which it may sanction and such limit may be increased by the committee upon application made by the trustee either before or within three months after the limit has been reached; except that upon application made by the trustee the Court may, if it thinks fit

(a) where the committee has not fixed a limit at the time of sanctioning the employment, either itself fix a limit or authorise the fixing of a limit by the committee within a specified further period; or

(b) where application for an increase has not been made to the committee within the time prescribed, either itself increase the limit or extend the time for applying to the committee.

(2) No costs incurred in relation to an application to the Court under the exception to paragraph (1) is chargeable against the estate unless the Court otherwise directs.

(3) When a limit is specified or increased the trustee shall forthwith give notice thereof to the barrister and attorney.

²⁰Form 174

²¹Forms 173, 174

Certificate of employment of barrister and attorney, etc

88 Before taxing the costs or charges of any barrister and attorney, manager, accountant, auctioneer, broker, or other person employed by the Official Receiver or the trustee, the Taxing Officer shall require a certificate, which shall be endorsed on the bill and signed by the Official Receiver or the trustee, as the case may be, stating any special terms of remuneration agreed to, and in addition, in the case of a barrister and attorney, a copy (certified to be a true copy by the Official Receiver or the trustee) of the authority sanctioning the employment of a barrister and attorney and specifying the limit to the amount of costs to be incurred.

Provost Marshal's costs

89 Where pursuant to section 44(1) of the Act, the Provost Marshal is required to deliver goods or money to the Official Receiver or the trustee, the Provost Marshal shall without delay bring in his bill of costs to be taxed by the Taxing Officer and unless the bill is brought in for taxation within one month from the date of the delivery, the Official Receiver or the trustee may decline to pay it.

Taxation of Provost Marshal's costs after deduction

90 (1) If the Official Receiver or the trustee in writing requires any costs which the Provost Marshal has deducted under section 44(2) of the Act to be taxed, the Provost Marshal shall, within seven days from the date of the request, bring in the costs for taxation.

(2) The costs shall be taxed by the Taxing Officer and any amount disallowed on taxation shall forthwith be paid over by the Provost Marshal to the Official Receiver or the trustee, as the case may be.

Lodgment of bills

91 (1) Bills which are to be taxed shall be lodged for perusal with the Official Receiver if the costs or charges were incurred prior to the appointment of a trustee, or with the trustee if they were incurred after his appointment.

(2) The party whose costs or charges are to be taxed shall, on recovering the bill from the Official Receiver or trustee, lodge it with the Taxing Officer.

Notice of appointment to tax

92 Upon receiving an appointment to tax, the person whose costs or charges are to be taxed shall give not less than seven days notice of the appointment to the Official Receiver and to the trustee, if any.

Copy of bill

93 (1) Every person whose costs or charges are to be taxed shall, at the request of the Official Receiver or the trustee, furnish a copy of the

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bill on payment at the rate of 30 cents per foolscap page which may be charged to the estate.

(2) The Official Receiver shall call the attention of the trustee to any items which, in his opinion, ought to be disallowed or reduced, and may attend or be represented on the taxation.

Application for costs

94 Where a party to, or person affected by, any proceeding desires to apply for an order that he be allowed his costs or any part of his costs, incident to the proceeding, and the application is not made at the time of the proceeding —

- (a) he shall serve notice of his intended application on the Official Receiver or the trustee, if any;
- (b) Official Receiver and the trustee may appear on the application and object thereto;
- (c) no costs of or incident to the application shall be allowed to the applicant unless the Court is satisfied that the application could not have been made at the time of the proceeding.

Order of payment of costs and charges payable out of estate

95 The assets in every matter remaining after payment of the expenses properly incurred in preserving, realising and getting in any of the assets of the debtor shall, subject to any order of the Court, be liable to the following payments, which shall be made in the following order of priority :

- (a) the actual expenses incurred by the Official Receiver in protecting the property or assets of the debtor or any part thereof, and any expenses or outlay incurred by him or by his authority in carrying on the business of the debtor;
- (b) the fees, percentages, and charges payable under Table B of the Schedule to the Bankruptcy Fees Order 1989 [*title 8 item 39(b)*], and any other fees payable to, or costs, charges, and expenses incurred or authorised by, the Official Receiver;
- (c) the deposit or deposits lodged by the petitioning creditor pursuant to these Rules;
- (d) the deposit or deposits lodged on any application for the appointment of an interim receiver;
- (e) the remuneration of the special manager, if any;
- (f) the taxed costs of the petitioner;

- (g) the remuneration and charges of the person, if any, appointed to assist the debtor in the preparation of his statement of affairs;
- (h) any allowance made to the debtor or his family by the Official Receiver;
- (i) the taxed charges of any shorthand writer appointed by the Court;
- (j) the trustee's necessary disbursements other than actual expenses of preserving, realising and getting in heretofore provided for;
- (k) the costs of any person properly employed by the trustee with the sanction of the committee of inspection;
- (l) any allowance made to the debtor by the trustee with the sanction of the committee of inspection;
- (m) the remuneration of the trustee;
- (n) the actual out-of-pocket expenses necessarily incurred by the committee of inspection.

Costs of shorthand notes

96 Where at the instance of the Official Receiver or the trustee a shorthand writer is appointed to take notes or otherwise record at the public examination of the debtor, the cost of the notes or recording shall be deemed to be an expense incurred or authorised by the Official Receiver or the trustee.

Disallowance of costs of unnecessary petition

97 Where a creditor's petition has been presented against the debtor and before it is heard the debtor files a petition on which a receiving order is made, no costs shall be allowed to the debtor or his barrister and attorney out of the estate, unless the Court considers that the estate has benefitted by the debtor's conduct, or that in the special circumstances costs should be allowed.

Apportionment of costs in case of partnership

98 In the case of a bankruptcy petition against a partnership, costs payable out of the estate incurred up to and inclusive of the receiving order shall be apportioned between the joint and separate estates of the partners in such proportions as the Official Receiver may determine.

Costs payable out of joint and separate estates

99 (1) Where the joint estate of co-debtors is insufficient to defray costs or charges properly incurred prior to the appointment of the trustee, the Official Receiver may —

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- (a) pay or direct the trustee to pay the costs or charges out of the separate estates of the co-debtors, or one or more of them, in such proportions as he thinks fit; or
 - (b) if he thinks fit, pay or direct the trustee to pay any costs or charges so incurred for any separate estate out of the joint estate or out of any other separate estate, and any part of the costs or charges so incurred for the joint estate which affects any separate estate out of that separate estate.
- (2) Where the joint estate of co-debtors is insufficient to defray any costs or charges properly incurred after the appointment of the trustee, the trustee may —
- (a) pay the costs or charges out of the separate estates of the co-debtors, or one or more of them; or
 - (b) pay any costs or charges so incurred for any separate estate out of the joint estate, and any part of the costs or charges so incurred for the joint estate which affects any separate estate out of that separate estate except that no such payment shall be made without the consent of the committee of inspection of the estate out of which the payment is intended to be made, or, if the committee withhold or refuse their consent, without an order of the Court.

Costs payable without taxation

100 The costs or charges of any person employed by the Official Receiver or the trustee which are payable out of the debtor's estate may, if they are within the prescribed scale and do not exceed the sum of one thousand dollars, be paid and allowed, by the Official Receiver or the trustee, as the case may be, without taxation.

Rules relating to the business of the Court

Sittings

101 A Judge of the Court, with the approval of the Chief Justice, shall regulate the bankruptcy sittings of the Court.

Actions by trustees

102 An action under section 58(1)(b) of the Act brought by a trustee in the Court shall be commenced in the court to which bankruptcy business is so assigned.

Deputy Registrar or Assistant Registrar to act for Registrar

103 A Deputy Registrar or an Assistant Registrar of the Court may act for the Registrar in any bankruptcy matter pending in the Court.

Execution

104 The Rules of the Court relating to execution shall, so far as applicable, apply to the issue of and proceedings on writs of execution.

Appeals

Restrictions on appeal

105 No appeal shall be brought —

- (a) without the leave of the Court from any order made by consent or as to costs only, or from an order relating to property when it is apparent from the proceedings that the money or money's worth involved in the appeal does not exceed five thousand dollars;
- (b) from an omission by the Court to exercise a discretionary power, unless the exercise of the power has been refused upon application made to the Court.

Security for costs of appeal

106 A party intending to set down an appeal shall lodge in the Court the sum of one thousand dollars as security towards any costs that the appellant may be ordered to pay except that the Appellate Court may in any special case increase or diminish the amount of the security or dispense with it.

Procedure on appeal

107 Subject to the foregoing Rules, the Rules made under the Court of Appeal Act 1964 [*title 8 item 4*] relating to appeals to the Court of Appeal shall apply to appeals to the Appellate Court as if the expression "Appellate Court" were substituted for the expression "Court of Appeal" wherever it occurs in those Rules.

PART III
PROCEEDINGS IN BANKRUPTCY

Declaration of inability to pay debts

Form of declaration

108 A declaration by a debtor of his inability to pay his debts shall be dated, signed by the debtor and witnessed. **22**

22Form 2

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Bankruptcy notice

Court to issue notice

109 A bankruptcy notice may be issued by the Court in which a bankruptcy petition against the debtor may be filed.²³

Issue of bankruptcy notice

110 When applying for the issue of a bankruptcy notice²⁴, the creditor shall —

- (a) produce to the Registrar evidence of the judgment or order on which the notice is to be founded, being—
 - (i) an office copy of the judgment or order of the Court, or
 - (ii) a copy of the judgment or order of a foreign or Commonwealth court with a certificate of registration in the Court endorsed thereon and bearing the Seal of the Central Office of the Supreme Court; and
- (b) file the notice, together with a request for issue; and
- (c) lodge two copies of the bankruptcy notice to be sealed and issued for service.

Particulars to be endorsed on notice

111 Every bankruptcy notice²⁵ shall be endorsed with —

- (a) the name and place of business of the barrister and attorney who is suing out the notice, or, if no barrister and attorney is employed, with a memorandum that it is sued out by the creditor in person;
- (b) an intimation to the debtor that if he has a counterclaim, set-off, or cross demand which equals or exceeds the amount of the judgment debt, and which he could not have set up in the action in which the judgment or order was obtained, he must within the time specified in the notice file an affidavit to that effect with the Registrar.

²³Form 4

²⁴Form 4

²⁵Forms 5, 9

Time for filing affidavit to set aside

112 If the notice is served in Bermuda the time for filing the affidavit referred to in Rule 111 shall be seven days, and in every other case it shall be such time as the Registrar shall fix when issuing the notice.

Application to set aside

113 (1) The filing of the affidavit referred to in Rule 111 shall operate as an application to set aside the bankruptcy notice, and thereupon the Registrar shall, if he is satisfied that sufficient cause is shown, fix a time and place for hearing the application, and shall give not less than two days' notice thereof to the debtor, the creditor, and their respective barristers and attorneys, if known.²⁶

(2) If the application cannot be heard before the time specified in the notice for compliance with its requirements the Registrar shall extend the time, and no act of bankruptcy shall be deemed to have been committed under the notice until the application has been heard and determined.

Duration of bankruptcy notice

114 Subject to the power of the Court to extend the time, a bankruptcy notice to be served in Bermuda shall be served within one month from the issue of the notice.

Service of notice

115 Rules 126 to 129 (inclusive) apply to the service of bankruptcy notice as they apply to the service of a creditor's petition.²⁷

Setting aside notice

116 When making an order setting aside a bankruptcy notice, the Court may declare that no act of bankruptcy has been committed by the debtor under the notice.²⁸

Bankruptcy petitions

Form of petition

117 Every petition shall be in Form 3 or Form 11 with such variation as circumstances may require, and shall be dated, signed and witnessed.

²⁶Form 9

²⁷Forms 8, 17, 18

²⁸Form 10

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Description and address of debtor

118 (1) Where a petition is presented by a debtor, he shall insert his name and description, his address at the date when the petition is presented, and any address at which he has resided or carried on business and at which he has incurred debts and liabilities remaining unpaid or unsatisfied at the date of the petition.²⁹

(2) Where a petition is presented against a debtor who resides or carries on business at an address other than his residence or place of business at the time of contracting the debt or liability in respect of which the petition is presented, the petitioning creditor shall describe the debtor as of his present address and description, and as lately residing or carrying on business at his address when the debt or liability was incurred.

Filing of petition

119 The petition shall be filed in the Court.

Deposit by petitioner

120 (1) Upon the presentation of a petition the petitioner, if a debtor, shall deposit the sum of one hundred dollars or, if a creditor, the sum of one hundred dollars and such further sum, if any, as may be laid down from time to time by a direction of the Court, to cover the fees and expenses to be incurred by the Official Receiver.

(2) The deposit shall be paid to the Official Receiver, who shall give a receipt for it.

(3) No petition shall be filed unless the receipt for the deposit is produced.

(4) The Official Receiver shall account to the creditor or, as the case may be, to the debtor's estate for the sums deposited and any money deposited by a petitioning creditor shall, unless it is required by reason of insufficiency of assets for the payment of fees and expenses incurred by the Official Receiver, be repaid to him out of the proceeds of the estate in the order of priority prescribed by these Rules.

Petition against a firm

121 (1) Upon the filing of a petition by or against a firm in the firm's name, a petitioning debtor shall state the true names and addresses of all the partners in the firm and a petitioning creditor shall state the names and addresses of the partners to the best of his knowledge and belief.

²⁹Forms 3, 11

(2) Where a petition is filed by or against a person carrying on business in a name other than his own, paragraph (1) of this Rule shall apply with the necessary modifications.

Creditor's petition

Copies for service

122 (1) When a creditor's petition is filed there shall be lodged with it one copy for service on each debtor named in the petition, and not less than one additional copy to be exhibited to the affidavit of service.

(2) The copies of the petition shall be sealed and issued to the petitioning creditor.

Verification

123 (1) A creditor's petition shall be verified by affidavit.³⁰

(2) A petitioning creditor who cannot himself verify all the statements contained in his petition shall file an affidavit made by some person who can depose to them.

(3) Each statement contained in a petition presented by two or more creditors jointly shall be verified by some person able to depose to the truth of the statement, but it shall not be necessary for each statement to be verified by every petitioning creditor who is able to depose to it.

Investigation of petition

124 (1) On receipt of a creditor's petition the Registrar shall, before sealing the copies of the petition, investigate the statements contained in it.

(2) If it appears that some of the statements in the petition cannot be verified by affidavit, witnesses may be summoned to prove them.

Security for costs

125 A petitioning creditor who is resident abroad, or whose estate is vested in a trustee under any law relating to bankruptcy, or against whom a petition is pending under the Act, or who has made default in payment of any costs ordered by any court to be paid by him to the debtor, may be ordered to give security for costs to the debtor.

³⁰Forms 12, 13

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Service of creditor's petition

Personal service

126 Subject to Rule 127, service of a creditor's petition shall be effected by an officer of the Court, or by the creditor or his barrister and attorney, or a person in their employment, delivering a sealed copy of the petition to the debtor.

Substituted service

127 (1) If the Court is satisfied by affidavit or other evidence on oath that prompt personal service cannot be effected because the debtor is keeping out of the way to avoid service of the petition or any other legal process, or for any other cause, it may order substituted service to be effected in such manner as it thinks fit.³¹

(2) Where any such order has been carried out, the petition shall be deemed to have been duly served on the debtor.

Proof of service

128 (1) Service of the petition shall be proved by affidavit.³²

(2) The affidavit, with a sealed copy of the petition annexed and referred to as an exhibit, shall be filed in Court forthwith after service.

Death of debtor before service

129 If the debtor dies before service of the petition, the Court may order service to be effected on his personal representatives, or such other persons as it thinks fit.

Interim receiver

Appointment of interim receiver

130 (1) After the presentation of a petition a creditor or the debtor may apply for the appointment of the Official Receiver as interim receiver of the debtor's property or any part thereof.³³

(2) Upon such application the Court may, if it is satisfied by affidavit that sufficient grounds are shown for the appointment, make it upon such terms, if any, as it thinks fit.

(3) The order appointing the Official Receiver to be interim receiver of the debtor's property shall be in Form 15 with such variations as circumstances may require.

³¹Forms 17, 18, 188(16)

³²Form 16

³³Forms 14, 15

Deposit

131 Before the order is issued, the applicant shall deposit with the Official Receiver the sum of one hundred dollars and such further sum as the Court shall direct for the fees and expenses which may be incurred by the Official Receiver.

Further deposit

132 (1) If the sum deposited for the fees and expenses to be incurred by the Official Receiver proves to be insufficient, the Court may, on the application of the Official Receiver, order that an additional sum shall be deposited.

(2) If the deposit is not made within forty-eight hours after the making of the order, the Court may discharge the order appointing the interim receiver.

Repayment of deposit

133 If a receiving order is made after an interim receiver has been appointed on a creditor's application, any money deposited by the creditor shall, unless it is required by reason of insufficiency of assets for payment of the fees chargeable and the expenses incurred by the interim receiver, be repaid to the creditor out of the proceeds of the estate.

Damages on dismissal of petition

134 Where a petition is dismissed after an order has been made appointing an interim receiver, application may be made to the Court within twenty-one days from the date of the dismissal for an adjudication upon any claim to damages resulting from the appointment of the receiver, and thereupon the Court shall make such order as it thinks fit.

Hearing of petition

Proceedings on petition

135 (1) Where a petition is filed by a debtor, the Court shall forthwith make a receiving order thereon. ³⁴

(2) A creditor's petition shall not be heard until the expiration of fourteen days from the service thereof except that the Court may, on such terms, if any, as it thinks fit, hear the petition at an earlier date—

(a) where the act of bankruptcy alleged is the debtor's filing of a declaration of inability to pay his debts, or

(b) where the Court is satisfied that the debtor has absconded, or

³⁴Form 29

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(c) in any other case for good cause shown.

Time of hearing

136 (1) The Registrar shall appoint a time for the hearing of the petition, and notice thereof shall be written on the petition and sealed copies.

(2) Where the petition has not been served the Registrar may from time to time appoint another day for the hearing.

Several respondents

137 Where service has not been effected upon all the respondents to a petition, it may be heard separately or collectively as regards any respondents who have been served, and may subsequently be heard separately or collectively as regards any other respondents as and when service upon them is effected.

Debtor intending to show cause

138 Where a debtor intends to show cause against a petition he shall³⁵ —

- (a) file a notice with the Registrar specifying the statements in the petition which he intends to deny or dispute, and
- (b) not later than two days before the day fixed for the hearing, serve a copy of the notice to the petitioning creditor or his barrister and attorney, if known.

Proof of statements in petition

139 (1) At the hearing the Court may make a receiving order on such proof of the statements in the petition as it thinks sufficient except that where the debtor appears to show cause against the petition there shall be proved the petitioning creditor's debt, the act of bankruptcy or any other matter in respect of which the debtor has given notice of dispute.

(2) If new evidence of any matter in dispute is given, or a witness to such matter is not present for cross-examination, and application is made for an extension of time to show cause, the Court shall, if it considers the application to be reasonable, grant such further time as it thinks fit.

Non-appearance of creditor

140 If a creditor neglects to appear on his petition, no subsequent petition against the same debtor or debtors or any of them, either alone or jointly with any other person, shall be presented by the same creditor

³⁵Form 19

in respect of the same act of bankruptcy without the leave of the Court to which the previous petition was presented.

Power to dispense with personal appearance

141 The Court may, if it thinks fit, dispense with the personal attendance of the petitioning creditor and of the witnesses to prove the debt and the act of bankruptcy or other material statements.

Proceedings after trial of disputed question

142 Where proceedings on a petition have been stayed pending the determination of the validity of the petitioning creditor's debt, then on production of the judgment determining the validity, or of an office copy or certificate thereof, the Registrar shall —

- (a) if the judgment has been given in favour of the validity of the debt, on application by the petitioning creditor, —
 - (i) fix a time and place for the continuance of the proceedings; and
 - (ii) give notice thereof to the petitioner, the debtor at the address given in his notice of intention to show cause, and to their respective barrister and attorney, if known; or
- (b) if judgment has been given against the validity of the debt, on application by the debtor—
 - (i) fix a time and place on which the debtor may apply to the Court for the dismissal of the petition with costs; and
 - (ii) give notice thereof to the petitioner, the debtor, and their respective barrister and attorney, if known.

Application for extension of time

143 (1) An application for extension of time for hearing a petition shall be in writing, but need not be supported by affidavit unless the Court otherwise requires.

(2) No order shall be made extending the time for more than fourteen days from the day fixed for the hearing if the Court is satisfied that further extension will be prejudicial to the general body of creditors.

(3) No costs occasioned by the application shall be allowed out of the estate unless the Court otherwise orders.

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Adjournments

144 (1) Subject to Rule 139(2), no adjournment of the hearing of a petition shall be allowed except for such reason as the Court thinks sufficient.³⁶

(2) The reason for the adjournment shall be stated in the order of adjournment.

Receiving order

Settlement of order

145 Every receiving order, and order for the appointment of the Official Receiver as interim receiver of a debtor's property, shall be settled by the Registrar.

Contents of order

146 (1) A receiving order made on a creditor's petition shall state the nature and date of every act of bankruptcy upon which the order is made.³⁷

(2) Every receiving order shall contain a notice requiring the debtor forthwith after service of the order upon him to attend on the Official Receiver at the place mentioned therein.

(3) Where the petitioner is represented by a barrister and attorney the receiving order shall be endorsed with the name and address of the barrister and attorney.

Service of order

147 Not less than two sealed copies of the receiving order, or order for the appointment of the Official Receiver as interim receiver, shall forthwith be sent by the Registrar to the Official Receiver, who shall cause one of the copies to be served on the debtor.

Advertisement in local paper

148 (1) Upon receipt of a copy of the receiving order the Official Receiver named therein shall forthwith cause the order to be advertised in such local newspaper as the Registrar may direct or, if no direction has been given, as the Official Receiver thinks fit.³⁸

(2) Where advertisement of the order has been stayed, paragraph (1) does not apply until the stay has ceased to operate.

³⁶Form 24

³⁷Forms 29, 30, 31

³⁸Forms 32, 33

Receiving order on bankruptcy notice

149 Where the act of bankruptcy alleged in the petition is non-compliance with the requirements of a bankruptcy notice, then —

- (a) if the debtor has applied to set aside the notice, no receiving order shall be made against him until the application has been heard; and
- (b) if the notice is set aside or while proceedings are stayed, no receiving order shall be made; and

the petition shall be adjourned or dismissed as the Court thinks fit.

Stay of other proceedings

150 An order staying any action or proceedings against the debtor may be included in a receiving order.

Costs of petition, etc

151 (1) Subject to paragraphs (2) to (4) (inclusive), the costs of all proceedings under the Act up to and including the making of the receiving order shall be borne by the party taking the proceedings.

(2) The Court may at any time order that the debtor shall pay the whole or any part of the costs.

(3) Where a receiving order is made on the petition of the debtor while a creditor's petition against him is pending, the Court may order that the costs shall be paid out of the estate.

(4) Where a receiving order is made on a creditor's petition, the costs of the creditor (including the costs of the bankruptcy notice, if any, sued out by him) shall be taxed and paid out of the estate.

Official Receiver's costs where proceeds of estate insufficient

152 If the proceeds of the estate are not sufficient for the payment of any costs necessarily incurred by the Official Receiver, in excess of the amount deposited under Rule 120, between the making of the receiving order and the conclusion of the first meeting of creditors, the Court may order such costs to be paid by the party taking the proceedings.

Application to rescind receiving order or stay proceedings thereunder, or to annul adjudication

153 (1) Unless the Court otherwise directs, no application to rescind a receiving order or to stay proceedings thereunder, or to annul an adjudication, shall be heard unless notice of the intended application and a copy of the affidavits in support of it have been served upon the

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Official Receiver not less than seven days before the hearing of the application. ³⁹

(2) Pending the hearing of the application, the court may make an interim order staying such of the proceedings as it thinks fit.

Application to rescind receiving order, etc. because debts paid in full

154 (1) Not less than four days before the day appointed for the hearing of an application to rescind a receiving order or annul an order of adjudication on the ground that the debts of the debtor have been paid in full, the Official Receiver shall file a report as to the conduct and affairs of the debtor, including his conduct during the proceedings.

(2) The Court may order notice of the application to be served on any creditor who is mentioned in the debtor's statement of affairs or who has notified the Official Receiver or the trustee that he has, or at the date of the receiving order had, claims against the debtor.

(3) On the hearing of the application the Court shall consider the report and hear any further evidence which may be adduced by any party and any objection which may be made by the trustee or by any creditor who has been served with notice of the application or who appears by leave of the Court.

Statement of affairs

Submission and filing

155 (1) The debtor shall be furnished by the Official Receiver with instructions for the preparation of his statement of affairs. ⁴⁰

(2) Two copies of the statement of affairs, one of which shall be verified by affidavit, shall be submitted by the debtor to the Official Receiver.

(3) The Official Receiver shall file in court the verified statement of affairs.

Extension of time

156 A debtor who requires an extension of time for the submission of his statement of affairs may, instead of applying to the Court under section 15 of the Act, apply to the Official Receiver, who may, if he thinks fit, give a written certificate extending the time.

³⁹Form 107

⁴⁰Form 34

Public examination

Order fixing time of public examination

157 (1) When a receiving order has been made, the Official Receiver shall apply to the Court for the appointment of a time and place for the public examination of the debtor and the Official Receiver shall not delay the application by reason only that the case is one to which Rule 166 may apply.⁴¹

(2) Upon the application the Court shall make an order appointing a time and place for the examination and ordering the debtor to attend thereat.

Notice to debtors, creditors, etc

158 On the making of the order appointing a time and place for the public examination,⁴² the Official Receiver shall —

- (a) serve a copy of the order on the debtor;
- (b) give notice of the order to the creditors; and
- (c) cause the order to be advertised in such local paper as the Registrar may direct or, if no direction has been given, as he thinks fit.

Debtor's failure to attend

159 If the debtor, without giving any sufficient reason, fails to attend the public examination or any adjournment thereof and the Court is satisfied that the order requiring the debtor to attend was duly served, it may forthwith issue a warrant for his arrest in accordance with section 27(1)(d) of the Act, or make such other order as it thinks just.

General proxy-holders may question debtor

160 For the purpose of section 16(4) of the Act (which permits a creditor or his representative to question the debtor), a holder of a general proxy or power of attorney from a creditor shall be deemed to be his representative authorised in writing.

Adjournment other than *sine die*

161 In the exercise of its discretion to adjourn the public examination under section 16(3) of the Act, the Court may have regard to the fact that criminal proceedings have been, or are likely to be, instituted in respect of any matter arising out of or connected with the bankruptcy proceedings.

⁴¹Forms 67, 68

⁴²Form 68

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Adjournment *sine die*

162 The Court may adjourn the public examination *sine die* and may make such further order as it thinks fit, where —

- (a) it is of opinion that the debtor is not making a full and true disclosure of his affairs; or
- (b) the debtor, without showing any sufficient reason has failed to attend the public examination or any adjournment thereof, or to comply with any order of the Court in relation to his accounts, conduct, dealings, or property.

Application to proceed

163 The Court may, on the application of the Official Receiver or of the debtor, appoint a time and place for proceedings with a public examination which has been adjourned *sine die*.

Costs of advertising date of adjourned examination

164 Where application is made by the debtor for the appointment of a time and place for proceeding with a public examination adjourned *sine die*, then, unless the Official Receiver or the trustee, as the case may be, consents to payment of the expenses out of the estate —

- (a) the expense of gazetting, advertising and giving notice to the creditors of the date of the adjourned examination shall be borne by the debtor;
- (b) before a time and place is appointed for proceeding with the examination the debtor shall deposit with the Official Receiver such sum as the Official Receiver considers sufficient to defray the expenses; and
- (c) the balance of the deposit after defraying the expenses shall be returned to the debtor.

Notice of proceedings after adjournment *sine die*

165 On the making of an order⁴³ appointing a time and place for proceeding with a public examination adjourned *sine die*, the Official Receiver shall, unless the Court otherwise orders, —

- (a) serve a copy of the order on the debtor;
- (b) give notice of the order to the creditors; and
- (c) not later than seven days before the day so appointed cause the order to be advertised in the local paper in

⁴³Forms 69, 70

which the order for the public examination was advertised pursuant to Rule 158.

Debtor unfit to attend public examination

166 (1) Where a debtor is suffering from mental or physical affliction or disability rendering him unfit to attend a public examination, application may be made for an order dispensing with the examination, or directing that the examination shall be conducted in such manner and at such place as the Court thinks fit.⁴⁴

(2) The application shall be made —

- (a) by the Official Receiver, or
- (b) by a person who has been appointed by the Court to manage the affairs of or represent the debtor, or
- (c) by a relative or friend of the debtor whom the Court considers to be a proper person to make the application.

(3) Where the application is made by the Official Receiver —

- (a) it may be made *ex parte*, and may be supported by evidence in the form of a report by the Official Receiver to the Court;
- (b) the expense of holding an examination ordered upon the application shall be deemed to be an expense incurred by the Official Receiver within the meaning of Rule 95.

(4) Where the application is made by any person other than the Official Receiver, then—

- (a) it shall be made by motion and shall, unless the debtor is a person of unsound mind so found by inquisition, be supported by the affidavit of a duly registered medical practitioner as to the debtor's physical and mental condition;
- (b) notice of the motion shall be given to the Official Receiver and trustee, if any;
- (c) before any order is made on the application, the applicant shall deposit with the Official Receiver such sum as the Official Receiver shall certify to be necessary for the expense of the examination.

⁴⁴ Forms 77, 78

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Order dispensing with public examination

167 (1) When a receiving order has been made against a debtor it shall be the duty of the Official Receiver to consider whether, having regard to the matters specified in section 17(1) of the Act, reasonable grounds exist to warrant an application by him under that section for an order to dispense with the holding of a public examination.⁴⁵

(2) Not later than twenty-one days before the day appointed for the hearing of the application, the Official Receiver shall give notice of the time and place thereof to the debtor and the creditors and the notice shall inform the creditors that any objections to the making of an order under section 17(1) of the Act must be received by the Official Receiver not later than fourteen days before the day so appointed.

(3) Any such application by the Official Receiver shall be made *ex parte* and shall be supported by evidence in the form of a report by the Official Receiver to the Court to be filed not less than seven days before the day appointed for the hearing of the application and the report shall include a statement as to whether the Official Receiver has received from any creditor any objection to the making of an order under section 17 of the Act and the substance of the objection.

(4) The application may, if the Court thinks fit, be heard in the absence of the debtor and if the hearing takes place on a day other than that appointed for the public examination the Official Receiver shall give notice of the outcome of the application to the debtor and to the creditors.

(5) When the Court rescinds an order made under section 17 of the Act, the Official Receiver shall apply to the Court for the appointment of a time and place for the public examination of the debtor and upon the application the Court shall make an order appointing a time and place for the examination and order the debtor to attend thereat.

Approval of composition or scheme

Application for approval

168 (1) After the public examination has been concluded, the Official Receiver or the debtor may, where the creditors have accepted a composition or scheme, forthwith apply to the Court to fix a time and place for hearing an application for approval of the composition or scheme.⁴⁶

(2) The making of an application shall not be deemed to imply approval of the composition or scheme.

⁴⁵ Form 77

⁴⁶ Forms 87, 88

Notice to Official Receiver

169 Any person other than the Official Receiver who applies to the Court to approve a composition or scheme shall, not less than seven days before the day appointed for hearing the application, send notice of the application to the Official Receiver.⁴⁷

Notice to creditors

170 Not less than two days before the day appointed for hearing an application to approve a composition or scheme, the Official Receiver shall send notice of the application to every creditor who has proved his debt.⁴⁸

Official Receiver's report and appearance

171 (1) The Official Receiver shall file his report not less than two days before the day appointed for the hearing.⁴⁹

(2) The Official Receiver and the trustee, if any, shall be entitled to be heard on application.

Restrictions on approval of composition or scheme

172 The Court shall not make an order approving the composition or scheme, unless it is satisfied—

- (a) that the provisions of section 18(1) and (2) of the Act have been complied with; and
- (b) that on the report of the Official Receiver, provision is made for payment of all proper costs, charges, and expenses in respect of the proceedings, and all fees and percentages payable to the Official Receiver and the Registrar.

Debtor's costs

173 If the Court refuses to approve the composition or scheme, no costs incurred by the debtor in respect of the application shall be allowed out of the estate.

Appeal

174 An appeal to the Appellate Court from an order approving or refusing to approve a composition or scheme shall lie at the instance of the trustee.

⁴⁷Form 91

⁴⁸Forms 89, 90

⁴⁹Form 83

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Publishing order

175 Upon the making of an order approving a composition or scheme, the Registrar shall forthwith direct that the order be published in the Gazette.⁵⁰

Fee on application

176 The fee payable on an application to approve a composition or scheme may be allowed and paid out of the estate of the debtor where there are funds available for the purposes in the hands of the Official Receiver or the trustee, as the case may be.

Correction of errors and omissions

177 At the time a composition or scheme is approved, the Court may correct or supply any accidental error or omission therein, but no alteration in the substance of the composition or scheme shall be made.

Rescission of receiving order

178 When making an order approving a composition or scheme, the Court shall discharge the receiving order.

Proceedings if scheme is approved

179 When a composition or scheme is approved, the Official Receiver shall, on payment of all proper costs, charges, and expenses of and incidental to the proceedings, and all fees and percentages payable to the Official Receiver, forthwith put the debtor, or the person or persons to whom under the composition or scheme the property of the debtor is to be assigned, into possession of the debtor's property.

Official Receiver to be trustee

180 If under a composition or scheme a trustee is not appointed or if a trustee so appointed declines to act or becomes incapable of acting or is removed, the Official Receiver shall unless and until another person is appointed trustee by the creditors, be the trustee for the purposes of the composition or scheme.

Security by trustee under composition or scheme

181 (1) When a composition or scheme is approved, the trustee appointed under it may, if required, give security to the satisfaction of the creditors in like manner as a trustee in bankruptcy.

(2) If the trustee fails to give the security within the time required, he may be removed by the Court.

⁵⁰Form 188(3)

Default in payment of composition

182 Where default is made by a debtor or a trustee in any payment under a composition or scheme, the only remedy of any person aggrieved shall be by application to the Court under section 18(15) and (16) and section 25(3) of the Act.⁵¹

Effect of annulment of composition or scheme

183 Upon the annulment of a composition or scheme —

- (a) the property of the debtor shall, unless the Court otherwise directs, forthwith revert to the Official Receiver to whom the estate was originally assigned; and
- (b) the trustee under the composition or scheme shall account to the trustee in the bankruptcy for any money or property of the debtor which has come to his hands, and hand over to the trustee in bankruptcy any money or property which has not been duly administered.

Provision for disputed claims

184 (1) Where under a composition or scheme provision is made for the payment of any monies to the creditors and any claim in respect of which a proof has been lodged is disputed, the Court may, if it thinks fit, direct that the amount which would be payable if the claim were established shall be secured in such manner as the Court may direct.

(2) On the determination of the dispute, the sum so secured shall be paid as the Court may direct.

Proof of debts in composition or scheme

185 (1) A person claiming to be a creditor under a composition or scheme who has not proved his debt before the approval of the composition or scheme shall lodge his proof with the trustee thereunder, or, if there is no trustee, with the Official Receiver.

(2) The trustee or Official Receiver shall admit or reject the proof.

(3) No creditor is entitled to enforce payment of any sum payable under a composition or scheme unless he has proved his debt and his proof has been admitted.

Compositions and schemes under sections 18 and 25

186 The provisions of these Rules relating to compositions or schemes apply to compositions or schemes under section 18, and, so far as applicable, to those under section 25 of the Act.

⁵¹Forms 93, 94, 95

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Adjudication

Adjudication on application of debtor

187 (1) At the time of making a receiving order or at any time thereafter the Court may, on the application of the debtor, adjudge him bankrupt.⁵²

(2) The application may be made orally and without notice.

Adjudication on application of other parties

188 (1) When a receiving order has been made, any creditor or the Official Receiver may apply to the Court to adjudge the debtor bankrupt.⁵³

(2) On the application the Court may forthwith make an order of adjudication if —

- (a) a quorum of creditors has not attended the first meeting of creditors or one adjournment thereof; or
- (b) it is satisfied that the debtor has absconded or does not intend to propose a composition or scheme; or
- (c) any of the other events specified in the Act have occurred.

Adjudication on failure of composition or scheme

189 Where a composition or scheme is not accepted by the creditors at the first meeting or at one adjournment thereof, the Court may, on the application of the Official Receiver or of any person interested, adjudge the debtor bankrupt.

Adjudication on adjournment of public examination *sine die*

190 Where the public examination of a debtor is adjourned *sine die*, the Court may forthwith adjudge him bankrupt.

Notice of order of adjudication

191 Where the debtor is adjudged bankrupt the Registrar shall forthwith give notice thereof to the Official Receiver and direct the Official Receiver to advertise the notice thereof in the Gazette.⁵⁴

Adjudication of a barrister and attorney

192 Where the debtor is a barrister and attorney the Registrar shall, upon the making of an order of adjudication, and upon the annulment of

⁵²Form 103

⁵³Forms 98 to 103

⁵⁴Form 188(4)

such an order, forthwith give notice thereof to the Secretary of the Bar Council.

Trustee to account notwithstanding annulment

193 The annulment of an adjudication shall not relieve a trustee from the duty imposed on him by the Act and these Rules to account to the Registrar for all his transactions in connexion with the estate.

Discharge

Application for discharge.

194 A bankrupt intending to apply for his discharge shall produce to the Registrar a certificate from the Official Receiver specifying the number of his creditors of whom the Official Receiver has notice, whether they have proved or not.⁵⁵

Notice of hearing

195 (1) When a day has been appointed for hearing the application the Registrar shall, not less than twenty-eight days before the day so appointed, give notice of the time and place to the Official Receiver and to the trustee and shall also forthwith cause a notice thereof to be published in the Gazette.⁵⁶

(2) Notice of the time and place appointed for the hearing shall be sent by the Official Receiver to each creditor not less than fourteen days before the day so appointed.

Report of Official Receiver

196 Not less than seven days before the day fixed for the hearing the Official Receiver shall file his report and send a copy to the bankrupt by post or such other electronic method or effect personal delivery.

Evidence in answer to report

197 (1) Where a bankrupt intends to dispute any statement with regard to his conduct or affairs contained in the Official Receiver's report, he shall, not less than two days before the hearing of the application for discharge, file in Court a notice in writing specifying the statements in the report which he proposes to dispute and serve a copy of the notice upon the Official Receiver.

(2) Any creditor who intends to oppose the discharge of a bankrupt on grounds other than those mentioned in the Official Receiver's report shall, not less than two days before the hearing of the

⁵⁵Forms 108, 109

⁵⁶Forms 110, 111, 188(6)

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application, file in court a notice in writing stating his intended opposition and the grounds thereof, and serve a copy of the notice upon the Official Receiver and upon the bankrupt.

Costs of application

198 The costs of the bankrupt of or incidental to his application for discharge shall not be allowed out of his estate.

Order conditional on consent to judgment

199 (1) Where the Court grants an order of discharge conditionally upon the bankrupt consenting to judgment being entered against him by the Official Receiver or the trustee for the balance, or any part of the balance, of the debts provable under the bankruptcy which is not satisfied at the date of his discharge, the order of discharge shall not be signed, completed, or delivered out until the bankrupt has given the required consent.⁵⁷

(2) The judgment shall be entered in the Court having jurisdiction in the bankruptcy in which the order of discharge is granted.

(3) If the bankrupt does not give the required consent within one month of the making of the order the Court may, on the application of the Official Receiver or the trustee, rescind the order or make such other order as it thinks fit.

Order of discharge

200 The order of the Court made on an application for discharge shall bear the date of and take effect from the day on which it is made, but the operation of the order shall be suspended until such time as it is drawn up and signed.⁵⁸

Deferment of issue of order pending appeal

201 (1) The order on an application for discharge shall not be delivered out or published in the Gazette until the time allowed for appealing has expired or, if an appeal is entered, until the appeal has been determined.

(2) When the time for appealing has expired or, as the case may be, when the appeal has been decided, the Registrar shall forthwith transmit the order to the Official Receiver who shall cause the order to be published in the Gazette.⁵⁹

⁵⁷Forms 116, 117, 118

⁵⁸Forms 112, 114, 115, 116

⁵⁹Form 188(8) & (10)

Appeals

202 An appeal to the Appellate Court shall lie at the instance of the trustee from any order of the Court made upon an application for discharge or upon an application for rescission of a receiving order or for annulment of adjudication on the ground that the debts of the debtor have been paid in full.

Execution on judgment under conditional discharge

203 (1) An application by the Official Receiver or the trustee for leave to issue execution on a judgment entered pursuant to a conditional order of discharge shall be in writing, and shall state shortly the grounds on which the application is made.

(2) When the application is lodged, the Registrar shall fix a time and place for the hearing.

(3) Not less than seven days before the day appointed for the hearing the Official Receiver or the trustee shall give notice thereof to the debtor and send him a copy of the application.

Accounts of after-acquired property

204 (1) Where a bankrupt is discharged conditionally upon consenting to judgment being entered against him, or upon payments being made out of his future earnings or after-acquired property, he shall, until the judgment or condition is satisfied, give the Official Receiver such information as he may from time to time require with respect to his earnings and after-acquired property and income, and not less than once a year file in court a statement, verified by affidavit, showing particulars of any property or income acquired by him after his discharge. **60**

(2) The Official Receiver or the trustee may require the bankrupt to attend before the Court to be examined on oath as to his statement or as to his earnings, income, after-acquired property, or dealings.

(3) Where a bankrupt neglects to file a verified statement or to attend the Court for examination when required to do so, or fails properly to answer any proper questions put to him, the Court may on the application of the Official Receiver or the trustee, rescind the order of discharge.

Application for modification of order

205 Where, after the expiration of two years from the date of the order made on application for discharge, a bankrupt applies to the Court

60 Form 119

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to modify the terms of the order on the ground that there is no reasonable probability of his being in a position to comply with its terms, he shall give fourteen days' notice of the day fixed for hearing the application to the Official Receiver and to all creditors who have proved.

Automatic discharge

Consideration by the Court

206 (1) When the Court makes an order which concludes or, under section 17 of the Act, dispenses with the public examination of a debtor, the Court shall proceed to consider whether or not to make an order under section 31(1) of the Act directing that section 31(2) of the Act shall have effect if the debtor has been or is subsequently adjudged bankrupt in the proceedings.

(2) When the Court dispenses with the public examination of a debtor under section 16(10) of the Act it shall proceed to consider whether to make an order under section 31(1) of the Act but may, if it thinks fit, adjourn such consideration for the purpose of receiving from the Official Receiver a report as to the conduct and affairs of the debtor, including his conduct during the proceedings, and such report is *prima facie* evidence of the matters contained therein.

Service of order by Official Receiver

207 If the Court thinks fit to make an order under section 31(1) of the Act not less than two sealed copies of the order shall forthwith be sent by the Registrar to the Official Receiver who shall cause one of the copies to be served on the debtor.

Gazetting of discharge

208 Where an order made under section 31(1) of the Act has not been rescinded and the circumstances set out in section 31(2) of the Act apply, the Registrar shall on the fifteenth anniversary of the date of the adjudication forthwith give notice published in the Gazette that the debtor has been discharged under section 31(2) of the Act.⁶¹

Application by trustee to rescind order

209 Unless the Court otherwise directs, no application by a trustee to rescind an order made under section 31(1) of the Act shall be heard unless notice of the intended application and a copy of the affidavits in support of it have been served upon the Official Receiver and the debtor not less than seven days before the hearing of the application.

⁶¹Form 188(9)

Application by Official Receiver to rescind order

210 The Official Receiver shall apply to rescind an order made under section 31(1) of the Act if —

- (a) he becomes aware of any misconduct on the part of the debtor which occurred before the making of the order and which was not known to the Official Receiver when the order was made but which, if it had been disclosed to the Court, would, in the opinion of the Official Receiver, have been likely to result in the order not being made;
- (b) the debtor is guilty of any misconduct which, if it had occurred before the making of the order and had then been known to the Court would, in the opinion of the Official Receiver, have been likely to result in the order not being made;
- (c) the Court so directs when an application by the debtor for his discharge has been refused;
- (d) an application by the debtor for his discharge has been granted subject to a suspension or condition such that the debtor may still be an undischarged bankrupt on the fifteenth anniversary of the date of the adjudication;
- (e) the debtor has failed to co-operate with the Official Receiver or the trustee;
- (f) the debtor has again been adjudged bankrupt; or
- (g) the debtor has been convicted of any offence under the Act or any other offence connected with his bankruptcy;

and any application by the Official Receiver under paragraph (c) or (d) may be made without notice or formality immediately following the making of the order to which the said paragraph (c) or (d) relates.

Discharge on application of Official Receiver

Notice of hearing

211 Not less than fourteen days before the day appointed for the hearing of an application by the Official Receiver under section 32 of the Act in respect of the adjudication of the bankrupt, notice of the time and place appointed for the hearing shall be given by the Official Receiver to the trustee and the bankrupt and to the Registrar who shall cause the notice to be published in the Gazette. ⁶²

⁶²Form 188(7)

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Consequential provisions

212 Rules 196, 197 and 199 to 205 (inclusive) shall apply to proceedings under section 32 of the Act as they apply to proceedings under section 30 of the Act except that it shall not be necessary to give notice to creditors of an application by the bankrupt under section 32(8).⁶³

Acting as director

Application for leave to act

213 (1) Where a bankrupt intends to apply for leave to act as director or take part in the management of a company, he shall serve upon the Official Receiver notice of the intended motion and a copy of the affidavit in support thereof, and shall apply to the Court to fix a time and place for the hearing of the motion.

(2) The Registrar shall give to the Official Receiver not less than twenty-eight days' notice of the time and place fixed for the hearing.

(3) The Official Receiver shall make a report to the Court and send a copy thereof to the bankrupt by registered post or effect personal delivery not less than seven days before the day fixed for the hearing.

(4) Where the bankrupt intends to dispute any statement in the report, he shall, not less than two days before the day fixed for the hearing, file in court a notice specifying the statements which he intends to dispute, and serve a copy of the notice on the Official Receiver.

(5) An appeal to the Appellate Court from the order made on the motion shall lie at the instance of the bankrupt.

Meetings of creditors

Notice of first meeting

214 (1) The Official Receiver shall fix the time and place for the first meeting of creditors, and shall forthwith give notice thereof to the creditors and publish the notice in the Gazette.⁶⁴

(2) The Official Receiver shall give two days' notice to the debtor of the time and place appointed for the meeting but the failure by the Official Receiver to send the notice or by the debtor to receive it does not absolve the debtor from his duty to attend the meeting in accordance with the provisions of section 26 of the Act.

⁶³Form 188(10)

⁶⁴Forms 38, 39, 40, 41, 45, 188(2)

Notice of other meetings

215 Notice of subsequent meetings summoned by the Official Receiver or the trustee shall be dispatched to creditors not less than two days before the day appointed for the meeting unless the Act or these Rules otherwise provide. ⁶⁵

Meetings summoned by the Court

216 Where the Court orders a meeting of creditors to be summoned under paragraph 5 of the First Schedule to the Act, the meeting shall be summoned as the Court directs, and in default of any direction the Registrar shall transmit a sealed copy of the order to the Official Receiver or the trustee, who shall, not less than seven days before the meeting, send a copy of the order to each creditor at the address given in his proof or, if he has not proved, the address given by the debtor in the list of creditors, or any other address known to the Official Receiver or the trustee. ⁶⁶

Non-receipt of notice by creditors

217 The proceedings at a meeting of creditors shall, unless the Court otherwise orders, be valid, notwithstanding that some creditors have not received the notice summoning the meeting.

Notice to Official Receiver

218 Where a trustee summons a meeting of creditors, he shall send to the Official Receiver a copy of the notice convening the meeting.

Cost of creditor's meetings

219 Where the Official Receiver or the trustee calls a meeting at the request of creditors, the cost of summoning the meeting, including all disbursements for printing, stationery, postage and the hire of a room for the meeting, shall be calculated at the following rate depending on the number of creditors to whom notice is required to be sent, that is to say, for a number not exceeding twenty-five, one hundred dollars and for every additional ten or part thereof, fifty dollars; however, the cost of every adjournment of such a meeting shall be calculated at half of this rate.

⁶⁵Forms 40, 42, 52, 55, 56

⁶⁶Form 51

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Copy of resolution for Registrar

220 The Official Receiver, or, as the case may be, the trustee, shall send to the Registrar a copy, certified by him, of every resolution of a meeting of creditors.⁶⁷

Adjourned meetings

221 Unless in the resolution for adjournment another place is specified, adjourned meetings shall be held at the same place as the original meeting.⁶⁸

Quorum

222 In calculating the quorum of creditors present at a meeting, only persons entitled to vote at the meeting shall be reckoned.

Proof of debts

Swearing of proof

223 An affidavit of proof of debt may be sworn before the Official Receiver, the trustee, a justice of the peace, notary public, or any officer of the Court, or outside Bermuda by a justice of the peace, notary public, judge, magistrate, or other person qualified to administer oaths in the country where he resides.⁶⁹

Workmen's wages

224 (1) Where it appears from the debtor's statement of affairs that there are numerous claims for wages by persons employed by him, a combined proof for all such claims made by the debtor, or his foreman or some other person on behalf of all such creditors shall have the same effect as if separate proofs have been made by each of such creditors.⁷⁰

(2) A schedule setting out the names of the creditors, and the amounts severally due to them, shall be annexed to the combined proof.

Production of bills of exchange and promissory notes

225 Unless the Court otherwise orders, a bill of exchange, promissory note, or other negotiable instrument or security in respect of which a creditor seeks to prove must be produced to the Official Receiver, chairman of a meeting, or trustee, as the case may be, before the proof can be admitted, either for voting or for dividend.

⁶⁷Form 47

⁶⁸Form 49

⁶⁹Forms 60, 61, 62

⁷⁰Form 63

Time for lodging proofs

226 (1) A proof intended to be used at the first meeting of creditors shall be lodged with the Official Receiver not later than the time mentioned for that purpose in the notice convening the meeting.

(2) The time specified shall be at least two days before the day appointed for the meeting.

(3) A proof intended to be used at an adjournment of the first meeting (if not lodged in time for the first meeting) must be lodged not less than twenty-four hours before the time fixed for the adjourned meeting.

Transmission of proofs to trustee

227 Upon the appointment of a trustee, the Official Receiver shall —

- (a) make a list of all proofs of debts which he has received; and
- (b) after taking on the list a receipt from the trustee for the proofs, hand them over to him.

Proofs to be sent by the Official Receiver to Registrar

228 Where another trustee is not appointed, the Official Receiver shall, forthwith —

- (a) after the final payment has been made in a composition or scheme approved by the Court, or
- (b) after a final dividend has been declared in a bankruptcy,

send to the Registrar all proofs tendered in the proceedings with a certified list thereof, distinguishing the proofs which were wholly or partly admitted, and those which were wholly or partly rejected.

Proofs to be sent by trustee to Registrar

229 A trustee in bankruptcy other than the Official Receiver, shall—

- (a) send to the Registrar a certified list of all proofs received by him from the Official Receiver or otherwise tendered, distinguishing in the list proofs admitted, rejected, and held over for further consideration; and
- (b) transmit all proofs admitted or rejected to the Registrar to be filed.

Procedure where creditor appeals

230 The Official Receiver or, as the case may be, the trustee shall, within seven days after receiving notice from a creditor of his intention to appeal against a decision rejecting a proof, file the proof with the

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Registrar, together with a memorandum stating the reasons for his decision.

(2) After the appeal has been heard by the Court, the proof, unless wholly disallowed, shall be returned to the Official Receiver or the trustee.

Time for admission or rejection of proofs by Official Receiver

231 The Official Receiver when acting as trustee shall, within fourteen days from the latest date for lodging proofs mentioned in the notice of his intention to declare a dividend, in writing either admit or reject, wholly or in part, every proof lodged with him, or require further evidence in support thereof.

Time for admission or rejection of proofs by trustee

232 A trustee other than the Official Receiver shall, within twenty-eight days after receiving a proof which has not previously been dealt with by the Official Receiver in writing either admit or reject it, wholly or in part, or require further evidence in support thereof except that where the trustee has given notice of his intention to declare a dividend he shall, within fourteen days after the latest date mentioned in the notice for lodging proofs, in writing admit or reject every proof which has not already been admitted or rejected.

Notice of admission or rejection of proof

233 (1) Where a creditor's proof has been admitted, the notice of dividend shall be sufficient notification to the creditor of the admission. ⁷¹

(2) Where a creditor's proof has been rejected wholly or in part, notice of the decision shall be given to the creditor within the time limited for rejecting proofs.

Appeal against rejection of proof

234 No application to reverse or vary the decision of an Official Receiver or a trustee rejecting a proof shall be entertained after the expiration of twenty-one days from the date of the decision.

Costs of appeal against rejection

235 The Official Receiver is not personally liable for any costs incurred in relation to an appeal from his decision rejecting a proof wholly or in part.

⁷¹Form 64

Proxies and voting letters

Filing of proxies

236 (1) A proxy shall be lodged with the Official Receiver or the trustee not later than two days before the meeting or adjourned meeting, at which it is to be used.

(2) As soon as a proxy or voting letter has been used it shall be filed with the proceedings.

Signature of proxy

237 (1) A proxy given by a creditor is sufficiently executed if it is signed by a person in the creditor's employment having a general authority to sign for him, or by the creditor's authorised agent if the creditor is resident abroad.

(2) The creditor's authority shall be in writing and shall be produced to the Official Receiver if required.

Blind creditor's proxy

238 The proxy of a creditor who is blind or incapable of writing may be accepted if —

- (a) the creditor has placed his mark upon or signed it in the presence of a witness,
- (b) the witness has added to the creditor's mark or signature his own signature, description and residence, and
- (c) all insertions in the proxy are in the handwriting of the witness, and he has certified at the foot of the proxy that all the insertions were made by him at the creditor's request and in his presence before he attached his mark or signature.⁷²

Infants not to be proxies

239 An infant shall not be appointed as a proxy.

Dividends

Notice of intended dividend

240 (1) Not more than two months before declaring a dividend, the trustee shall give notice of his intention to do so —

⁷²Forms 65, 66

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- (a) to the Registrar, who shall direct the Official Receiver to publish the notice in the Gazette; and
- (b) at the same time to every creditor mentioned in the bankrupt's statement of affairs who has not proved his debt.⁷³

(2) The notice shall specify the latest date up to which proofs may be lodged, which shall not be less than fourteen days from the date of the notice.

Appeal after notice of intended dividend

241 (1) Where a creditor, after the latest date for lodging proofs mentioned in the notice of intention to declare a dividend, appeals against the decision of the Official Receiver or the trustee rejecting a proof—

- (a) the appeal shall be commenced and notice thereof given to the Official Receiver or trustee within seven days from the date of the notice of rejection against which the appeal is made, and
- (b) the Official Receiver or the trustee shall make provision for the dividend payable upon the proof and probable costs of the appeal in the event of the proof being admitted.

(2) If no appeal has been commenced within the prescribed time, the trustee shall exclude the proof which has been rejected from participation in the dividend.

Declaration of dividend

242 Immediately after the expiration of the time fixed by these Rules for appealing against the decision of the trustee, the trustee shall proceed to declare a dividend, give notice to the Registrar who shall direct the Official Receiver to publish it in the Gazette, and send a notice of dividend to each creditor whose proof has been admitted, accompanied by a statement showing the position of the estate.⁷⁴

Postponement of declaration of dividend

243 If it becomes necessary, in the opinion of the trustee and the committee of inspection, to postpone the declaration of the dividend beyond the prescribed limit of two months, the trustee shall give fresh notice of his intention to declare a dividend to the Registrar, who shall direct the Official Receiver to publish the notice in the Gazette, and thereafter the same procedure shall be followed as in the case of the

⁷³Forms 166, 167, 188(13)

⁷⁴Forms 165, 169, 188(14)

original notice but no fresh notice need be given to creditors mentioned in the bankrupt's statement of affairs who have not proved their debts.

Production of bills of exchange, etc

244 Subject to section 69 of the Bills of Exchange Act 1934 [*title 17 item 21*], a bill of exchange, promissory note, or other negotiable instrument or security upon which proof has been made, shall, unless the Court on special grounds dispenses with its production, be exhibited to the trustee before payment of any dividend thereon, and the amount of dividend paid shall be endorsed on the instrument.

Dividend sent

245 A dividend may, at the request and risk of the creditor, be transmitted to him by such means as he may specify.

Payment of dividends to a nominee

246 If a person to whom dividends are payable desires that they shall be paid to some other person, he may lodge with the trustee a request to that effect, and the request is a sufficient authority for payment of the dividend to the person therein named.⁷⁵

Appropriation of pay, salary, etc.

Application for appropriation order

247 (1) When a trustee intends to apply to the Court for an appropriation order under section 54 of the Act, he shall give to the bankrupt notice of his intention to do so.

(2) The notice shall specify the time and place fixed for hearing the application, and shall state that the bankrupt is at liberty to show cause against the order being made.

Notice to chief officer of department

248 Where application is made under section 54(1) of the Act, a copy of the proposed order shall be sent by the Registrar to the chief officer of the department under which the pay or salary is enjoyed, and the application shall stand adjourned until the officer's written consent is obtained.⁷⁶

Notice of order made under section 54(3)

249 Where an order is made under section 54(3) of the Act, the Registrar shall give a sealed copy of the order to the trustee who shall

⁷⁵Form 170

⁷⁶Form 149

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communicate the order to the employer, chief officer of a department or other person under whom the salary, income, half-pay or compensation is enjoyed.⁷⁷

Review of order

250 Where an order has been made for payment to the trustee by a bankrupt or his employer of a portion of the bankrupt's pay, salary or other income, the bankrupt may, upon any diminution in the amount of that income, apply to the Court to rescind or vary the order.

Disclaimer of lease

Disclaimer of lease

- 251 (1) A lease may be disclaimed without the leave of the Court—
- (a) where the bankrupt has not sub-let the demised premises or any part thereof or created a mortgage or charge upon the lease; and
 - (i) the estate is administered in a summary manner under section 117 of the Act; or
 - (ii) the trustee serves the lessor with notice of his intention to disclaim, and the lessor does not within seven days after the receipt of the notice give notice to the trustee requiring the matter to be brought before the Court;
 - (b) where the bankrupt has sub-let the demised premises or any part thereof or created [*sic*] mortgage or charge upon the lease, and the trustee serves the lessor and the sub-lessee or the mortgagees with notice of his intention to disclaim, and neither the lessor nor the sub-lessee or the mortgagees, or any of them, within fourteen days after the receipt of notice, require or requires the matter to be brought before the Court.
- (2) Except in a case mentioned paragraph (1), a disclaimer of the lease without the leave of the Court is void.
- (3) Where a trustee disclaims a leasehold interest he shall forthwith file in the Court the disclaimer containing particulars of the interest disclaimed, and a statement of the persons to whom notice of the disclaimer has been given, and no disclaimer is operative until it has been so filed.

⁷⁷Form 150

(4) Where in pursuance of notice by the trustee of his intention to disclaim a leasehold interest, the lessor, sub-lessee, or mortgagee requires the trustee to apply to the Court for leave to disclaim, the costs of the lessor, sub-lessee, or mortgagee shall not be allowed out of the estate of the bankrupt unless the Court is satisfied that the application was necessary in order to do justice between the parties.

(5) A disclaimer made without leave of the Court under this Rule is not void or otherwise affected by reason only that notice of intention to disclaim required by this Rule has not been given to some person who claims to be interested in the demised property.

(6) Where any person claims to be interested in any property of the bankrupt burdened with onerous covenants, he shall, at the request of the Official Receiver or the trustee, furnish a statement of the interest so claimed by him.

Proceeding by or against firm

Signature of notices etc. in firm's name

252 Where any notice, declaration, petition or other document requiring attestation is signed by a firm of creditors or debtors in the firm's name, the partner signing for the firm shall add his own signature and a statement that he is a partner in the firm.

Service on firm

253 Any notice or petition for which personal service is necessary shall be deemed to be duly served—

- (a) on all members of a partnership firm, if it is served at the principal place of business of the firm in Bermuda on any one of the partners, or on any person having at the time of service control or management of the partnership business there;
- (b) on a person carrying on business in a name or style other than his own, if it is served on any person having at the time of service control or management of the business in Bermuda.

Debtor's petition by firm

254 A declaration of inability to pay their debts or a bankruptcy petition filed by a firm of debtors shall contain the names in full of the individual partners in the firm and, if signed in the firm's name, shall be accompanied by an affidavit made by the partner who signs the declaration or petition, showing that all the partners concur in the filing thereof.

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Service of creditor's petition on limited partnership

255 A creditor's petition against a limited partnership registered as such under the Limited Partnership Act 1883 [*title 17 item 24*], shall, unless the Court otherwise orders, be served at the registered principal place of business of the partnership by delivering there a sealed copy of the petition to one of the general partners or to some person having at the time of service the control or management of the partnership business.

Petition by limited partnership

256 (1) A limited partnership may present a petition in bankruptcy in the name of the firm.

(2) The petition shall be signed by a general partner and shall contain the full names of the general partners and, if signed in the firm's name, shall be accompanied by an affidavit made by the partner who signs the petition showing that all the general partners concur in filing it.

(3) A petition in bankruptcy by or against a limited partnership shall be presented to the Court.

Receiving order against firm

257 A receiving order made against a firm shall operate as if it were a receiving order made against each of the persons who at the date of the order is a partner in that firm.

Receiving order against limited partnership

258 A receiving order made against a limited partnership shall operate as if it were a receiving order made against each of the persons who at the date of the order is a general partner in the firm.

Statement of affairs

259 Where a receiving order is made against a firm, the debtors shall submit a joint statement of their partnership affairs, and each debtor shall submit a statement of his separate affairs.

Adjudication order against partners

260 No order of adjudication shall be made against a firm in the firm's name, but it shall be made against the partners individually.

Rights of limited partners

261 Where a receiving order is made against a limited partnership, any past or present limited partner has the same rights as a creditor who has proved his debt to inspect the file, to attend meeting of creditors, and the appear on, and take part in, the public examination of, or any application for an order of discharge by, any general partner.

Liability of limited partners

262 The assets of a limited partnership which, by section 115 of the Act, are to vest in the trustee in the event of all the general partners being adjudged bankrupt, shall include any liability of limited partners and past general partners to contribute to the assets of the partnership, and such liability may be enforced by the trustee by motion in the bankruptcy; however,

- (a) no person is liable as a present or past limited partner to contribute to the assets of the partnership any amount in excess of any part of his contribution as such limited partner which he may have failed to pay into or have drawn out or received back from the partnership assets since he became, or while he remained, a limited partner;
- (b) no past general partner is liable as such to contribute to the assets of the partnership except in respect of partnership debts and obligations incurred while he continued to be a general partner;
- (c) no past general or limited partner is liable as such to contribute to the assets of the partnership unless it appears to the Court that the partnership assets otherwise available are insufficient for the payment in full of the partnership liabilities and the costs, charges and expenses of the administration in bankruptcy of the partnership estate.

First meeting of creditors

263 Where a receiving order is made against a firm, the joint and separate creditors shall be summoned collectively to the first meeting of creditors.

Acceptance of composition or scheme by joint and separate creditors

264 (1) The joint creditors and each set of separate creditors may severally accept compositions or schemes of arrangement.

(2) So far as circumstances will allow, a proposal accepted by joint creditors may be approved notwithstanding that any proposal made by one or more of the debtors to his or their separate creditors may not be accepted.

Voting on composition or scheme

265 (1) Where proposals for compositions or schemes are made by a firm, and by the partners therein individually, the proposal made to the joint creditors shall be considered and voted upon by them apart from all

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separate creditors, and the proposal made to each set of separate creditors shall be considered and voted upon by that set of separate creditors apart from all other creditors.

(2) The proposals may vary in character and amount.

(3) Where a composition or scheme is approved, the receiving order shall be discharged only so far as it relates to an estate the creditors of which have accepted the composition or scheme.

Trustee and committees of inspection

266 (1) In the bankruptcy of a partnership the trustee appointed by the joint creditors or, in default of such appointment, by the Court, shall be the trustee of the separate estates of the partners.

(2) Each set of separate creditors may appoint its own committee of inspection except that the committee (if any) appointed by the joint creditors shall be deemed to have been appointed also by any set of separate creditors who do not appoint a separate committee.

Separate firms

267 (1) If any two or more of the members of a partnership constitute a separate and independent firm, the creditors of the firm shall be deemed to be a separate set of creditors and subject to the same rules as the separate creditors of any individual member of the partnership.

(2) Where any surplus remains after the administration of the assets of the separate firm, the surplus shall be carried over to the separate estates of the partners in that firm according to their respective rights therein.

Apportionment of trustee's remuneration

268 Where joint and separate estates are being administered, the remuneration of the trustee in respect of the administration of the joint estate may be fixed by the creditors, or (if duly authorised) by the committee of inspection, of the joint estate and the remuneration of the trustee in respect of the administration of any separate estate may be fixed by the creditors, or (if duly authorised) by the committee of inspection, of that separate estate.

Persons of unsound mind

Appointment of representative

269 (1) Where it appears to the Court that any debtor, creditor or other person who may be affected by any proceeding under the Act or these Rules is a person of unsound mind not so found by inquisition (in this Rule called "the person of unsound mind"), the Court may appoint such person as it thinks fit to appear for, represent or act for and in the

name of the person of unsound mind, either generally, or for the purpose of any particular application or proceeding, or in the exercise of any particular rights or powers which the person of unsound mind might have exercised if he had been of sound mind.

(2) The Court may make the appointment —

(a) of its own motion; or

(b) upon application made by any person who has been duly appointed by any court to manage the affairs or property of, or to represent the person of unsound mind, or by any relative or friend of the person of unsound mind who appears to the Court to be a proper person to make the application, or by the Official Receiver.

(3) The application may be made *ex parte* and without notice, but the Court may require such notice of the application as it thinks necessary to be given to the Official Receiver, trustee, petitioning creditor, person alleged to be a person of unsound mind, or any other person, and may adjourn the hearing of the application to enable the notice to be given.

(4) The application shall be supported by an affidavit of a registered medical practitioner as to the mental condition of the person of unsound mind except that an application made by the Official Receiver may be supported by a report made by him.

(5) Any notice served on or given to a person appointed under this Rule has the same effect as if the notice had been served on or given to the person of unsound mind.

Small bankruptcies

Summary administration

270 Where an estate is ordered to be administered in a summary manner under section 117 of the Act, the provisions of the Act and these Rules shall, subject to any special direction of the Court, be modified as follows:

(a) the Registrar shall forthwith give notice of the making of the order to the Official Receiver and there shall be no advertisement of any proceedings in a local paper unless the Court otherwise directs;⁷⁸

⁷⁸Forms 35, 36

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- (b) the title of every document in the proceedings subsequent to the making of the order⁷⁹ shall contain the words "Summary Case";
- (c) all questions of law and fact shall be determined by the Court;
- (d) if no proposal for a composition or scheme is lodged with the Official Receiver within the times specified for that purpose in section 18 of the Act, or if the Official Receiver satisfies the Court that the debtor has absconded, or that the debtor does not intend to propose a composition or scheme, or that the composition or scheme proposed is not reasonable or not calculated to benefit the general body of creditors, the Court may forthwith adjudge the debtor bankrupt;
- (e) if during or at the conclusion of the public examination of the debtor it appears to the Court that a composition or scheme ought not to be sanctioned by reason of the conduct of the debtor, the Court may forthwith adjudge the debtor bankrupt;
- (f) all payments shall be made into or out of a bank that the Court orders;
- (g) the first meeting of creditors may be held on the day appointed for the public examination or any other day fixed by the Official Receiver, and if a quorum of creditors is not present, it is not necessary to adjourn the meeting;
- (h) meetings of creditors shall be held in a place where the Official Receiver determines;
- (i) on an application by the bankrupt for his discharge the certificate of the Official Receiver shall not include creditors whose debts do not exceed one hundred dollars and notices shall not be sent to such creditors;
- (j) in lieu of the copy of the account to be filed with the Court in accordance with section 91(4) of the Act⁸⁰, a statement shall be filed setting out the position of the estate in a manner analogous to that prescribed in Form 165;

⁷⁹Form 1

⁸⁰Form 165

- (k) notices of meetings other than first meetings or of sittings of the Court shall be sent only to creditors whose debts or claims exceed the sum of one hundred dollars;
- (l) the time limit prescribed by section 64(2) of the Act shall be extended to six months;
- (m) the estate shall be realised with all reasonable despatch, and, where practicable, distributed in a single dividend.

Administration of estates of deceased insolvents

Verification of petition

271 Every petition for the administration of the estate of a deceased debtor under section 118 of the Act shall be verified by affidavit. ⁸¹

Deposit by petitioner

272 The provisions of Rule 120 as to the deposit payable on presentation of a petition apply to petitions presented under section 118 of the Act by a creditor or by the legal personal representative of a debtor.

Service of petition

273 The petition shall be served—

- (a) unless the Court otherwise directs, on each executor who has proved the will or, as the case may be, on each person who has taken out letters of administration; and
- (b) on such other persons, if any, as the Court may direct.

Proof of service, and hearing of petition

274 The provisions of the Act and these Rules regarding proof of service and hearing of a petition apply to a petition under section 118 of the Act as they apply to an ordinary creditor's petition.

Notice of administration order

275 The provisions of Rule 191 apply to the notification, advertising and gazetting of an administration order as they apply to an order of adjudication. ⁸²

⁸¹Forms 161, 162

⁸²Form 188(1)

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Duties of executor, etc

276 (1) When an administration order has been made, the legal personal representative of the debtor shall forthwith lodge with the Official Receiver an account in duplicate of his dealings with and administration of the deceased's estate, and shall also forthwith furnish in duplicate a list of the creditors, a statement of the assets and liabilities and such other particulars of the affairs of the deceased as may be required by the Official Receiver.

(2) Every account, list, or statement to be made under this Rule shall as far as practicable be made and verified in accordance with the practice for the time being of the Court.

(3) The expense of preparing, making, verifying, and lodging any account, list, or statement under this Rule shall be taxed and allowed out of the estate upon production of the necessary allocatur.

Executor de son tort

277 Where an administration order has been made and it appears to the Court on the report of the Official Receiver that no legal personal representative exists, the account, list, and statement mentioned in Rule 276 shall be made, verified, and lodged by such person as, in the opinion of the Court on the report, has taken upon himself the administration of, or otherwise intermeddled with, the property of the deceased or any part thereof.

Meetings of creditors

278 Where a meeting of creditors is convened for the purpose of section 118(4) of the Act, the provisions of the First Schedule to the Act and of these Rules apply with such variations as may be required to render them applicable to the estate of a deceased person.

Summary administration

279 Where an order for summary administration is made in respect of the estate of a deceased debtor which has been ordered to be administered under section 118 of the Act —

- (a) the provisions of section 117 of the Act shall apply with such variations as may be required to render them applicable to the estate of a deceased person; and
- (b) the provisions of Rule 270 apply with the exception of paragraphs (d), (e), (g) and (i).

PART IV
OFFICIAL RECEIVER, TRUSTEES, SPECIAL MANAGERS,
SECURITY BY TRUSTEE OR SPECIAL MANAGER, GAZETTING,
REGISTRAR'S BOOKS AND RETURNS, ACCOUNTS
AND AUDIT UNCLAIMED FUNDS

Official Receivers

Appointment of Official Receiver

280 Judicial notice shall be taken of the appointment of the Official Receiver.

Removal and resignation of Official Receiver

281 (1) Notice of an order removing the Official Receiver shall be given to him by the Registrar.

(2) Where the Official Receiver is removed, dies, or resigns, the estates, rights and powers vested in him shall vest in such Official Receiver as may be appointed.

Officer to act for Official Receiver

282 In the absence of the Official Receiver to whom an estate has been assigned, a person duly authorised by the Official Receiver in writing, may by leave of the Court act on behalf of the Official Receiver and take part for him in the public examination of the debtor in any examination under section 29 of the Act and on any unopposed application to the Court.

Duties as to debtor's statement of affairs

283 When the Official Receiver receives notice that he has been appointed to an estate⁸³ —

- (a) he shall forthwith furnish the debtor with instructions for the preparation of his statement of affairs, and
- (b) he or some person deputed by him shall forthwith interview the debtor for the purpose of investigating his affairs and determining whether the estate should be administered in a summary manner under section 117 of the Act.

Subsistence allowance to debtor and his family

284 (1) Subject to any directions of the Court, the Official Receiver, while in possession of the property of the debtor may make him

⁸³Form 34

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such allowance out of his property for the support of himself and his family as may be just.

(2) In fixing the amount of the allowance, any assistance rendered by the debtor in the management of his business or affairs may be taken into account.

(3) Where the debtor has died, the Official Receiver, whether acting as trustee or not, may make an allowance to the debtor's family for their support.

Report as to person employed to assist debtor

285 When under the powers given by section 76 of the Act, the Official Receiver employs a person to assist the debtor in the preparation of his statement of affairs, he shall forthwith inform the Court of the employment, the reasons for it and the remuneration to be allowed.

Use of proxies by deputy

286 Where the Official Receiver holds any proxies and cannot conveniently attend any meeting of creditors at which the proxies might be used, he may in writing depute a person to attend the meeting and use the proxies on his behalf in such manner as he may direct.⁸⁴

Personal performance of duties

287 The Court may direct which acts or duties shall be performed by the Official Receiver in person, and which of his functions may be discharged on his behalf by a person.

Registrar to act in emergency

288 In case of sudden emergency, the Registrar may, if there is no Official Receiver capable of acting, do any act or thing required or authorised to be done by the Official Receiver.

Removal of special manager

289 Where a special manager has been appointed, the Official Receiver may at any time remove him if his employment seems unnecessary or unprofitable to the estate, and shall remove him if so required by a special resolution of the creditors.

Mode of application to Court

290 Applications by the Official Receiver to the Court may be made personally and without notice or formality but the Court may order the application to be renewed and direct that such notice as it thinks fit shall be given to persons likely to be affected by the application.

⁸⁴Form 46

Evidence on application by Official Receiver

291 Where, for the purposes of an application to the Court by the Official Receiver—

- (a) for directions,
- (b) to adjudge a debtor bankrupt,
- (c) for leave to disclaim a lease,
- (d) for an extension of time to apply for leave to disclaim a lease,
- (e) to commit a bankrupt,
- (f) to rescind an order made under section 17 of the Act dispensing with the public examination of a debtor, or
- (g) to rescind an order made under section 31 (1) of the Act in relation to automatic discharge,

evidence has to be given by the Official Receiver in support of the application, the evidence instead of being given by affidavit may be given by his report to the Court, which shall be *prima facie* evidence of the matters contained therein.

Reports to be *prima facie* evidence

292 Where application is made to the Court —

- (a) to approve a composition or scheme,
- (b) to rescind a receiving order,
- (c) to grant the debtor leave to act as director or take part in the management of a company,
- (d) to appoint a representative of a debtor who is of unsound mind,
- (e) to dispense with the public examination of a debtor who is unfit to attend, or to make special provision for his examination,
- (f) to annul an order of adjudication on the ground that the debts of the debtor have been paid in full,
- (g) to dispense with the public examination of a debtor under section 17 of the Act,

any report filed on the application by the Official Receiver in accordance with a duty or power given to him by the Act or these Rules is *prima facie* evidence of the matters contained therein.

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Application for directions

293 The Official Receiver may apply to the Court for directions in any case of doubt or difficulty, or on any matter not provided for by the Act or these Rules.

No expenses to be incurred where no assets

294 Where a debtor against whom a receiving order has been made has no available assets, the Official Receiver shall not be required to incur any expense in relation to the estate unless the Court otherwise directs.

Accounting by Official Receiver

295 (1) Where a composition or scheme is approved by the Court, the Official Receiver shall account to the debtor or, as the case may be, to the trustee under the composition or scheme.

(2) Where the debtor is adjudged bankrupt and a trustee is appointed, the Official Receiver shall account to the trustee.

(3) If the debtor or, as the case may be, the trustee, is dissatisfied with the account, he may report the matter to the Court and the Court may take such action as it deems expedient.

(4) The provisions of this Part of these Rules as to trustees' accounts do not apply to the Official Receiver when acting as trustee, but he shall account in such manner as the Court may direct.

Payment over of money

296 (1) Where the Official Receiver requests payment over to him in accordance with section 44(1) of the Act of any money seized or received by the Provost Marshal General in part satisfaction of an execution, it shall be a good discharge to the Provost Marshal General to show that he has paid the money to the Official Receiver and that at the time of the payment he did not have notice of a receiving order made against the execution debtor.

(2) When the Provost Marshal General receives notice of a receiving order, he shall deliver the notice to the Registrar who shall deduct the costs of execution and on request pay over to the Official Receiver all monies he has received in respect of the execution and has not paid out before he had notice of the receiving order.

Notice of petition or receiving order

297 For the purpose of section 44 of the Act, notice that a petition has been presented or a receiving order made shall be in writing addressed to the Provost Marshal General or, where the execution is not in respect of a judgment of the Court, to the officer charged with the execution, and shall be delivered by hand or registered post at the office of the officer charged with the execution.

Official Receiver to act where no committee of inspection

298 Where there is no committee of inspection any functions of the committee may, subject to the directions of the Court, be exercised by the Official Receiver.

Trading account of debtor

299 (1) The debtor shall, on the request of the Official Receiver, furnish him with trading and profit and loss accounts and a cash and goods account for such period not exceeding two years immediately preceding the date of the receiving order as the Official Receiver shall direct except that the Court may order the accounts to be furnished for a longer period.

(2) If the debtor fails to comply with the requirements of this Rule, the Official Receiver shall report the failure to the Court, and the Court shall take such action upon the report as it thinks just.

Liability for costs, expenses and damages

300 (1) The provisions in this Rule apply to any proceedings taken against the Official Receiver in respect of any act or default of his when acting in pursuance of the provisions of the Act or in the bona fide and reasonable belief that he is so acting or exercising powers given to the Official Receiver by the Act.

(2) Subject to the provisions of paragraphs (3) to (5) (inclusive), any damages, costs, or expenses which the Official Receiver may have to pay or to which he may be put in the proceedings shall be paid out of the estate of the debtor.

(3) The Official Receiver is not entitled to be paid out of the estate of any costs or expenses for which he may be liable in consequence of resisting the proceedings, unless the Court otherwise orders.

(4) Where the proceedings are commenced before the appointment of a trustee by the creditors or before the approval of a composition or scheme, the Official Receiver, before putting the trustee or, in the case of a composition or scheme, the debtor, in possession of the debtor's property, may at the direction of the Court retain the whole or part of the debtor's estate to meet any damages, costs or expenses which he may incur in consequence of the proceedings.

(5) Where the proceedings are commenced after the appointment of a trustee, or after the approval of a composition or scheme, the Official Receiver shall forthwith give notice of the proceedings to the trustee or other persons in whom the estate of the debtor may be vested (including, where appropriate, the debtor himself), and as from the date of the notice the estate shall be charged with the payment of all damages, costs and expenses.

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Trustees

Notice of appointment

301 (1) When the appointment of a trustee has been certified, the Registrar shall direct the trustee to publish a notice of his appointment in the Gazette. ⁸⁵

(2) The expense of publishing the notice shall be borne by the trustee who may charge it against the estate.

Notification of objection to the Court

302 (1) Where a majority in value of the creditors object to the appointment of a trustee, such creditors may request the Registrar to notify the objection to the Court and the Registrar on receipt of the request shall fix a time for the hearing of the matter before the Court. ⁸⁶

(2) The notification may be accompanied with a report setting out the grounds of objection which shall be *prima facie* evidence of the statements contained therein.

Grounds of objection

303 It shall be sufficient objection to the appointment of a trustee that in any other proceedings—

- (a) he has not complied with the requirements of section 132 of the Act;
- (b) he has been removed under section 94(2) of the Act from the office of trustee; or
- (c) he has failed or neglected, without good cause shown by him, to render his accounts for audit for two months after the date by which they should have been rendered.

Right of audience on objection

304 At the hearing of the objection to the appointment of a trustee, the proposed trustee and every creditor shall be entitled to be heard.

Rate of remuneration of trustee

305 The creditors, or, as the case may be, the committee of inspection, in voting the remuneration of the trustee, shall distinguish between the commission or percentage payable on the amount realised, and the commission or percentage payable on the amount distributed in dividend.

⁸⁵Forms 121, 188(11)

⁸⁶Form 120

Limit of remuneration

306 Subject to the provisions of the Act and these Rules, the trustee shall not receive out of the estate any remuneration for services rendered to the estate other than the remuneration to which under the Act and these Rules he is entitled for his services as trustee.

Remuneration of trustee appointed by the Court

307 A trustee appointed by the Court shall receive out of the estate such remuneration as the Court shall determine.

Removal for failure to keep up or increase security

308 Where a trustee or special manager fails to keep up his security or, if called upon to do so, to increase it, the Court may, if it thinks fit, remove him from his office.

Notification of removal

309 The Court upon removing a trustee shall forthwith send a notice of the order removing him to the Registrar who shall —

- (a) file the notice with the proceedings;
- (b) give written notice of the order to the Official Receiver;
and
- (c) direct the Official Receiver to publish a notice of the order in the Gazette.

Notice of resignation

310 A trustee intending to resign his office shall call a meeting of creditors to consider whether his resignation shall be accepted and shall give not less than seven days' notice of the meeting to the Official Receiver.⁸⁷

Application for release

311 Before applying to the Court for his release, a trustee shall send notice of his intention to do so, accompanied by a summary of his receipts and payments as trustee to all creditors who have proved their debts and to the debtor except that no notice or summary shall be sent to the creditors where the application is made upon the trustee ceasing to act by reason of a composition or scheme having been approved under section 25 of the Act, however, any objection to the granting of a release shall be notified to the Court within twenty-one days of the date of the notice.⁸⁸

⁸⁷Forms 57, 122

⁸⁸Forms 165, 182, 183

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Release to be published

312 (1) A notice of the order of the Court granting the release of a trustee shall be published by the Official Receiver in the Gazette. ⁸⁹

(2) The trustee shall provide the stamp fee required on the notice and may charge the amount of the fee to the estate.

Delivery of books etc. on release or removal

313 Upon resigning or being released or removed from his office, the trustee shall deliver over to the Official Receiver or, as the case may be, the new trustee, all books, papers, documents, and accounts in his possession relating to the office of trustee.

No release until books handed over

314 The release of a trustee shall not take effect until the provisions of rule 313 have been complied with.

Meeting to consider removal of trustee

315 Where one-tenth in value of the creditors desire a general meeting of creditors to be summoned to consider the propriety of removing the trustee, the meeting may be summoned by a member of the committee of inspection or by the Official Receiver, on deposit of a sum sufficient to defray the expenses of summoning the meeting. ⁹⁰

Local bank

316 Where the trustee has opened an account at a local bank—

- (a) moneys received by him shall forthwith be paid in to the credit of the estate;
- (b) payments out shall be made by cheque payable to order;
- (c) cheques shall bear the name of the estate and shall be signed by the trustee and countersigned by at least one member of the committee of inspection and such other person, if any, as the Registrar may direct.

Payments out of account

317 Payments out of the account in the name of the debtor's estate shall be made in such manner as the Court may direct.

Application for directions

318 Where a trustee applies to the Court for directions, he shall file an application, and thereupon the Court shall hear the application, or fix

⁸⁹Form 188(12)

⁹⁰Form 55

a time and place for hearing it and direct the trustee to apply by motion.⁹¹

Prohibition of purchase of estate by trustee or committee of inspection

319 (1) Unless the leave of the Court is first obtained, no person shall, while acting as trustee or as a member of a committee of inspection, directly or indirectly, by himself or any partner, clerk, agent or servant, become purchaser of any part of the estate.

(2) A purchase made contrary to the provisions of this Rule may be set aside by the Court on the application of any creditor.

Dealings with estate by trustee and committee of inspection

320 (1) Where a trustee carries on the business of the debtor, he shall not, without first obtaining the leave of the Court, purchase goods for the business from his employer, or from any person who is connected with the trustee in such a way that the trustee would obtain a portion of any profit arising out of the transaction.

(2) No member of the committee of inspection shall, without first obtaining the leave of the Court, directly or indirectly, by himself or his employer, partner, clerk agent, or servant, be entitled to derive any profit from any transaction arising out of the bankruptcy, or to receive out of the estate any payment for services rendered by him in connexion with the administration of the estate, or for any goods supplied by him to the trustee for or on account of the estate.

(3) If it appears to the Court that any payment or profit has been made contrary to the provisions of this Rule, the Court may disallow the payment or recover the profit, as the case may be, on the audit of the trustee's account.

(4) No payment shall be allowed to a member of a committee of inspection for services rendered by him in the discharge of his duties as a member of the committee.

(5) The Court shall not sanction any payment to a member of a committee of inspection for services rendered in connexion with the administration of the estate unless the services performed are of a special nature, and the order of the Court sanctioning a payment shall specify the nature of the services.

(6) The cost of obtaining the leave of the Court under this Rule or Rule 319 shall be borne by the person in whose interest it is obtained and shall not be payable out of the debtor's estate.

⁹¹Forms 159, 160

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Discharge of costs, etc., before estate handed over to trustee

321 (1) Where a trustee is appointed, the Official Receiver shall forthwith upon the debtor being adjudged bankrupt put the trustee into possession of all of the property of the bankrupt of which the Official Receiver is possessed except that the estate shall not be so handed over until the trustee has—

- (a) discharged any balance due to the Official Receiver on account of fees, costs, and charges incurred by him and payable under the Act,
- (b) discharged any balance due on account of advances properly made by the Official Receiver in respect of the estate, together with interest on the advances at the rate of five dollars per cent per annum, and
- (c) discharged or undertaken to discharge all guarantees properly given by the Official Receiver for the benefit of the estate.

(2) The trustee shall pay all fees, costs, and charges of the Official Receiver, whenever incurred, which have not been discharged by the trustee before the estate was handed over to him.

(3) The Official Receiver shall be deemed to have a lien upon the estate until all such balances, guarantees and other liabilities as mentioned in this Rule have been discharged.

(4) The Official Receiver shall, at the request of the trustee, give him all such information respecting the bankrupt and his estate and affairs as may be necessary or conducive to the due discharge of the duties of the trustee.

Meetings of creditors to consider conduct of trustee

322 Where the Official Receiver is of opinion that any act done by the trustee or any resolution passed by the committee of inspection should be brought to the notice of the creditors for the purpose of being reviewed or otherwise, the Official Receiver may summon a meeting of creditors to consider the act or resolution, and the expense of summoning the meeting shall be paid by the trustee out of any available assets under his control.

Special manager

Remuneration

323 Where a special manager is appointed and his remuneration is not fixed by the creditors, he shall be paid such remuneration as may from time to time be fixed by the Official Receiver.

Accounts

324 The special manager shall submit his accounts, verified by affidavit in the prescribed form⁹², to the Official Receiver and, when the accounts are approved by the Official Receiver, the totals of the receipts and payments shall be added to the Official Receiver's accounts.

Security by trustee or special manager

Mode of giving security

325 (1) A trustee or special manager shall give security to such persons and in such manner as the creditors may from time to time direct; however, it is not necessary that security is given in each separate matter but it may be given either specially in a particular matter or generally, to be available for any matter in which the person giving security may be appointed trustee or special manager.

(2) The creditors shall fix the amount and nature of the security and may from time to time, as they think fit, direct the amount to be increased or diminished.

Publishing amending order or notice

326 An order or notice which has been amended or altered after publication in the Gazette or which has been wrongly or inaccurately published in the Gazette shall be re-published in the Gazette with the appropriate amendments in the prescribed form, at the expense of the estate.

Annulment of orders to be published

327 (1) Where an order which has been published in the Gazette is annulled, revoked or rescinded, the Registrar shall forthwith give notice of the order of annulment, revocation or rescission by publishing it in the Gazette.⁹³

(2) The expenses of publishing shall, where the order is annulled, revoked or rescinded on the application of the Official Receiver or the trustee, be paid out of the estate, and in any other case be paid by the party on whose application the order was made.

Registrars' registers and returns

Registers to be kept by Registrar

328 The Registrar shall keep a register of bankruptcy notices, a register of petitions and a register of receiving orders for such period as

⁹²Form 181

⁹³Form 188(5) & (15)

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the Chief Justice may from time to time direct, and shall make entries in the registers forthwith after the step in the proceedings to which they relate.⁹⁴

Inspection of registers

329 (1) The registers kept by the Registrar shall, on payment of the prescribed fee, be open to the public for inspection except that the Registrar may refuse to allow a person to search the registers if he is not satisfied as to the propriety of the object for which the search is required.

(2) If the Registrar refuses to allow a search, the applicant may apply *ex parte* without written application or other formality to the Judge in Chambers who may allow or refuse the search on such terms, if any, as he thinks fit.

(3) The decision of the Judge is final.

Returns to Official Receiver.

330 The Registrar shall send to the Official Receiver such extracts from his books and such information and returns as the Official Receiver may require.

Accounts and audit

Record Book

331 Until a trustee is appointed, the Official Receiver, and thereafter the trustee, shall keep a book to be called the "Record Book" in which he shall record the minutes, proceedings, and resolutions of any meeting of creditors, and of the committee of inspection, and any other matters that may be necessary to give an accurate record of his administration of the estate except that—

- (a) he shall not be bound to insert in the record any document of a confidential nature; and
- (b) he may refuse inspection of the document mentioned in subparagraph (a) to any person other than a member of the committee of inspection.

Cash Book

332 Until a trustee is appointed, the Official Receiver, and thereafter the trustee, shall keep a book to be called the "Cash Book", which shall be in such form as the Court may direct, and shall (subject to the provisions of Rule 333 as to trading accounts) from day to day enter the receipts and payments made by him.

⁹⁴Forms 184, 185, 186

Trustee carrying on business

333 (1) Where the trustee carries on the business of the debtor, he shall keep a distinct account of the trading, and shall incorporate in the Cash Book the total weekly amount of the receipts and payments on the trading account.⁹⁵

(2) The trustee shall, not less than once in every month, verify the trading account by affidavit, and submit it to the committee of inspection or such member thereof as may be appointed by the committee for that purpose, who shall examine and certify the account.

Creditor may obtain copy of trustee's accounts

334 Where a creditor who has proved his debt so requests, the trustee shall, on payment at the rate prescribed in Item 55 Appendix II to these Rules supply him with a copy of the Cash Book accounts or any part thereof relating to the estate up to the date of the request.

Statements of accounts to be furnished to creditors

335 The cost of furnishing and transmitting to creditors a statement of accounts in pursuance of section 86 of the Act shall be calculated at the rate prescribed in Item 55 Appendix II to these Rules.⁹⁶

Books to be submitted to committee of inspection

336 The trustee shall submit the Record Book and Cash Book, together with any other requisite books and vouchers, to the committee of inspection, if any, when required.

Audit of Cash Book

337 The committee of inspection shall, not less than once every year, audit the Cash Book and certify therein the date of their audit.⁹⁷

Official Receiver to receive six monthly accounts

338 (1) Subject to the provisions of paragraph (3) the trustee shall, at the expiration of six months from the date of the receiving order, and at the expiration of every six months thereafter until his release, transmit to the Official Receiver—

- (a) a copy in duplicate of the Cash Book for the immediately preceding six months, together with all necessary vouchers and copies of certificates of audit by the committee of inspection; or

⁹⁵Forms 177, 178, 179

⁹⁶Form 180

⁹⁷Form 175

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(b) if no receipts or payments have been made by him during that period, an affidavit to that effect.

(2) The first accounts so transmitted shall be accompanied by a summary of the debtor's statement of affairs in such form as the Official Receiver may direct, showing in red ink the amounts realised, and explaining the cause of the non-realisation of any assets not realised.

(3) When the estate has been fully realised and distributed, or if the adjudication is annulled, the trustee shall forthwith send in his accounts to the Official Receiver.

(4) The accounts sent in by the trustee shall be certified and verified by him.⁹⁸

Copy of accounts to be filed

339 When the trustee's account has been audited, the Official Receiver shall certify thereon that the account has been duly passed, and transmit the duplicate copy bearing a similar certificate to the Registrar, who shall file it with the proceedings.

Accounts of joint and separate estates

340 (1) Where a receiving order has been made against debtors in partnership, distinct accounts shall be kept of the joint estate and of the separate estate or estates.

(2) No transfer of a surplus from a separate estate to the joint estate on the ground that there are no creditors under the separate estate shall be made until notice of the intention to make the transfer has been published in the Gazette.⁹⁹

Expenses of sale

341 (1) When property forming part of a debtor's estate is sold by the trustee through an auctioneer or other agent, the gross proceeds of the sale shall be paid over by the auctioneer or agent, and the charges and expenses connected with the sale shall afterwards be paid to the auctioneer or agent on production of the necessary allocatur.

(2) The trustee by whom the auctioneer or agent is employed shall be accountable for the proceeds of the sale unless the Court otherwise orders.

Allowance to debtor

342 Any allowance made by the trustee to the bankrupt out of his property under the provisions of section 60 of the Act, shall, unless the

⁹⁸Form 176

⁹⁹Form 187

creditors by special resolution otherwise determine, be in money, and the amount allowed shall be entered in the trustee's accounts.

Unclaimed funds

Mode of payment into Consolidated Fund

343 Before paying any unclaimed funds or dividends into the Consolidated Fund pursuant to section 132 of the Act, the payer shall seek the assistance of the Minister of Finance as to the manner of payment.

Application for payment out

344 An application under section 132 of the Act for payment out of the Consolidated Fund of any sum to which any person claims to be entitled shall be made in such form and manner as the Minister of Finance may direct, and shall (unless the Minister dispenses therewith) be supported by the affidavit of the claimant, and such further evidence as the Minister may require.

Accounts by trustees of unclaimed funds

345 For the purposes of section 132(1) of the Act, the Court or the Official Receiver may at any time order the trustee under a bankruptcy, composition or scheme to submit to it an account, verified by affidavit, of the sums received and paid by him under or in pursuance of the bankruptcy, composition or scheme, and may direct and enforce an audit of the account and the payment of any unclaimed or undistributed sums arising from the property of the debtor into the Consolidated Fund in accordance with the terms of that subsection.

PART V
JUDGMENT DEBTORS

Fee on receiving order

346 (1) When a receiving order is made under section 100 of the Act in lieu of an order of committal, the creditor shall pay the like fee and deposit as are prescribed on the presentation of bankruptcy petition by a creditor.

(2) Where the Court is of opinion that a receiving order ought to be made, and the judgment creditor does not consent, or declines to pay the required fee and deposit, the Court may dismiss the application or adjourn it on such terms, as to costs and otherwise, as may be just.

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Receiving order in lieu of committal

347 Where an application to commit is made to the Court and it is of opinion that a receiving order should be made in lieu of committal, the Court may make such order as it deems just.

Orders for summary administration

348 When a receiving order is made under section 100 of the Act and the Court by which the order is made, by affidavit or otherwise, or by the report of the Official Receiver, that the property of the debtor (after deducting any property in the hands of secured creditors, debts enforceable by distraint, the costs of execution under section 44(1) of the Act, and all debts which under the Act are directed to be paid in priority to other debts), is not likely to exceed in value twenty thousand dollars may make an order that the debtor's estate be administered in a summary manner under section 117 of the Act.

PART VI MISCELLANEOUS

Issue of regulations by Chief Justice

349 (1) The Chief Justice may issue general orders or regulations for the purpose of regulating any matters under the Act or these Rules which are of an administrative and not a judicial character.

(2) Any document purporting to be general orders or regulations made or issued and published by the Chief Justice shall be received in evidence and deemed to be such order or regulations unless the contrary is shown.

Lien on debtor's books

350 No person shall, as against the Official Receiver or the trustee, be entitled to withhold possession of the books of account belonging to the debtor or to set up any lien thereon.

Disposal of bankrupt's books and papers

351 The Official Receiver may direct that the debtor's books of account and other documents given up by him may be sold, destroyed, or otherwise disposed of.

Non-compliance with Rules

352 Non-compliance with any of these Rules, or with any rule of practice, does not render any proceeding void unless the Court so directs, but the proceeding may be set aside wholly or in part, amended, or otherwise dealt with in such manner and upon such terms as the Court may think fit.

Extension or abridgment of time

353 The Court may, for good cause shown, extend or abridge the time appointed by these Rules or fixed by an order of the Court for doing any act or taking any steps in any proceedings.

Rules of Supreme Court not to apply

354 Save as provided by these Rules, the Rules of the Supreme Court shall not apply to any proceedings in bankruptcy.

Repeal

355 The Bankruptcy Rules 1953 are revoked.

APPENDIX I
FORMS

Rules 3(2), 5

No. 1 (Rules 8, 270(b))
GENERAL TITLE (SUPREME COURT)

In the Supreme Court of Bermuda

In Bankruptcy. No. [blank] of 19 [blank].

Re [James Brown].

[*Ex parte* (here insert "the debtor," or "J.S. a creditor," or "the Official Receiver," or "the Trustee")].

No. 2 (Rule 108)
DECLARATION OF INABILITY TO PAY DEBTS
(Title)

I, A.B. [name and description of debtor], residing at [blank] and [carrying on business at [blank]], hereby declare that I am unable to pay my debts.

Dated this [blank] day of [blank] 19 [blank].

(Signature)

Signed by the debtor in my presence.

Signature of witness.

A.B.

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Address.

Description.

Filed the [blank] day of [blank] 19 [blank].

NOTE—Where the debtor resides at a place other than his place of business both addresses should be inserted.

No. 3 (Rules 117, 118)
Debtor's Petition
(Title)

I, [insert name, address, and description of debtor], of [blank] lately residing at [insert the other address or addresses at which unsatisfied debts or liabilities may have been incurred] [and carrying on business at [blank]] having for the greater part of the past six months resided at [blank] [and carried on business at [blank]] and being unable to pay my debts, hereby petition the Court that a receiving order be made in respect of my estate [and that I may be adjudged bankrupt¹⁰⁰].

[See Note below, which is not part of this form].

Dated the [blank] day of [blank] 19 [blank].

(Signature)

Signed by the debtor in my presence.

Signature of witness.

Address.

Description.

Filed the [blank] day of [blank] 19 [blank].

Note—Where the debtor resides at a place other than his place of business both addresses should be inserted.

No. 4 (Rule 110)
REQUEST FOR ISSUE OF BANKRUPTCY NOTICE
In the Supreme Court of Bermuda.

¹⁰⁰[*NOTE—If these words are left undeleted, the Court will, under B.R. 187, make both a receiving order and an order of adjudication forthwith]

In Bankruptcy.

1 I, [blank], of [blank] in the [blank] of [blank] [being a person residing outside Bermuda exchange control area as defined in the Exchange Control Regulations 1973][delete words in brackets if not applicable] hereby request that a bankruptcy notice be issued by this Court against [here insert name, description, and address of judgment debtor]

2 The said [blank] has for the greater part of the past six months resided at [blank] [and carried on business at [blank]].

3 I produce an office copy of a final judgment or order against the said [blank] obtained by ["Me", or, as the case may be] in the [blank] Court on the [blank] day of [blank] 19 [blank].

Judgment Creditor.

[Or, "Barrister and Attorney for the judgment creditor"]

NOTE—

- (i) Where the debtor resides at a place other than his place of business both addresses should be inserted.
- (ii) Where the creditor is a person residing outside the Territories as specified in the First Schedule to the Exchange Control Regulations 1973, the form of bankruptcy notice to be used shall be forms 6 and 7.

No. 5 (Rules 109, 111)

BANKRUPTCY NOTICE ON JUDGMENT OR ORDER
OF THE SUPREME COURT
(Title)

To A.B. (or A.B. & Co.) [blank], of [blank]

TAKE NOTICE that within [fourteen¹⁰¹] days after service of this notice on you excluding the day of such service, you must pay to [blank] of [blank] [or to [blank], of [blank] his (or their) agent duly authorised] [strike out if no agent authorised] the sum of \$ [blank] claimed by [insert name of creditor] as being the amount due on a final judgment or order obtained by ["him" or "them"] against you in the Supreme Court of Justice, dated [blank], whereon execution has not been stayed, or you must secure or compound for the said sum to ["his" or "their"] satisfaction [or the satisfaction of his (or their) said agent] [strike out if

¹⁰¹See s.3(g)

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no agent authorised] or to the satisfaction of this Court; or you must satisfy this Court that you have a counterclaim, set-off, or cross-demand against ["him" or "them"] which equals or exceeds the sum claimed by ["him" or "them"] and which you could not set up in the action or other proceedings in which the judgment or order was obtained.

Dated this [blank] day of [blank] 19 [blank].

By the Court,

Registrar

INDORSEMENT OF NOTICE

You are specially to note:

That the consequences of not complying with the requisitions of this notice are that you will have committed an act of bankruptcy, on which bankruptcy proceedings may be taken against you.

If, however, you have a counterclaim, set-off, or cross-demand which equals or exceeds the amount claimed by [name of creditor] in respect of the judgment or order and which you could not set up in the action or other proceedings in which the said judgment or order was obtained, you must within [blank] days apply to this Court to set aside this notice, by filing with the Registrar an affidavit to the above effect.

[Name and address of barrister and attorney suing out the notice, or
"This notice is sued out by [blank] in person."

No. 6

BANKRUPTCY NOTICE FOR USE WHERE PERMISSION OF
CONTROLLER HAS NOT BEEN OBTAINED

(Title)

To A.B. (or A.B. & Co.) of

Take notice that whereas C.D. [or C.D. & Co.,] of [blank] a person [or persons] residing outside the Bermuda exchange control area as defined in the Exchange Control Regulations 1973 has [or have] obtained judgment against you for the sum of \$ [blank] and whereas permission of the Controller for payment of the said sum by you to him [or them] has not been obtained you must within [fourteen] days after service of this notice on you excluding the day of such service pay into Court in accordance with rules of court the said sum of \$ [blank] the amount of the said judgment whereon execution has not been stayed or you must

secure or compound for the said sum to his [or their] satisfaction or the satisfaction of Mr [blank] of [blank] his [or their] duly authorised agent or to the satisfaction of the court in some manner not prohibited in the circumstances set out above by the said Act or you must satisfy this Court that you have a counterclaim, set-off or cross-demand against him [or them] which equals or exceeds the amount claimed by him [or them] which you could not set up in the action or other proceedings in which the judgment [or order] was obtained.

Dated the [blank] day of [blank] 19 [blank].

By the Court,

Registrar

No. 7

BANKRUPTCY NOTICE FOR USE WHEN THE CONTROLLER HAS
GRANTED PERMISSION FOR PAYMENT INTO A BLOCKED ACCOUNT
(Title)

To *A.B.* (or *A.B. & Co.*) of

Take notice that whereas *C.D.* [or *C.D. & Co.*] of [blank] a person [or persons] residing outside the Bermuda exchange control area as defined in the Exchange Control Regulations 1973 has [or have] obtained a final judgment [or order] against you for the sum of \$ [blank] and whereas permission of the Controller for payment of the said sum by you to him [or them] has not been obtained but the Controller has directed that the said sum shall be paid to a blocked account and the said *C.D.* [or *C.D. & Co.*] has [or have] nominated an account in his [or their] name at the [blank] Bank of [blank] pursuant to Paragraph 6 of the Third Schedule to the said Regulations you must within [fourteen] days after service of this notice on you excluding the day of such service pay the said sum of \$ [blank] being the amount of the said judgment [or order] on which execution has not been stayed either into the said blocked account or into Court or you must secure or compound for the said sum to the satisfaction of the said *C.D.* [or *C.D. & Co.*] or to the satisfaction of Mr [blank] of [blank] his [or their] duly authorised agent or to the satisfaction of the Court in manner not prohibited by the said Regulations or you must satisfy this Court that you have a counterclaim, set-off or cross-demand against him [or them] which equals or exceeds the amount claimed by him [or them] and which you could not set up in the action or other proceedings in which the judgment [or order] was obtained.

Dated the [blank] day of [blank] 19 [blank].

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By the Court,

Registrar

No. 8 (Rule 115)
AFFIDAVIT OF SERVICE OF BANKRUPTCY NOTICE
(Title)

In the matter of a bankruptcy notice, issued [blank]

I, L.M., of [blank] make oath and say—

1 That I [blank] did on [blank] day the [blank] day of [blank] 19 [blank], serve the above-mentioned A.B. [or the partners in the above-mentioned firm of [blank]] with a copy of the above-mentioned notice, duly sealed with the seal of the Court, by delivering the same personally to the said A.B. [or C.D. a partner or E.F. a person having at the time of service the control and management of the partnership business there or of the business carried on under the above-mentioned name or style] at [place] before the hour [blank] in the [blank] noon.

2 A sealed copy of the said notice marked A is hereunto annexed.

Sworn at, etc.

L.M.

NOTE—If the service is effected on one partner on behalf of his firm or on a person having at the time of service the control or management of the partnership business there or of a business carried on by any person in a name or style other than his own, the affidavit must, after the word "at", contain the words "being the principal place of business of the said [blank]".

(See Rule 253)

No. 9 (Rules 111, 113)
AFFIDAVIT ON APPLICATION TO SET ASIDE
BANKRUPTCY NOTICE
(Title)

I, A.B., of [blank] make oath and say—

1 That I was, on the [blank] day of [blank] 19 [blank], served with the notice hereunto annexed [or, describe the notice]. That I have satisfied the debt claimed by C.D. by [state nature of satisfaction].

OR,

2 That I have a counterclaim [or set-off or cross-demand] for \$ [blank] being a sum equal to [or exceeding] the claim of the said *C.D.*, in respect of [here state grounds of counterclaim].

3 That I could not have set up the said counterclaim [or, as the case may be] in the action in which the said judgment or order was obtained against me.

Sworn at, etc.

No. 10 (Rule 116)
ORDERS SETTING ASIDE BANKRUPTCY NOTICE
(Title)

In the matter of a bankruptcy notice issued —

Upon the application of *A.B.* to set aside this notice, and upon reading the affidavit of *A.B.* [and upon hearing [blank]], it is ordered that the notice be set aside, and that *C.D.* [or, as the case may be] pay to *A.B.* the costs of this matter, to be taxed by the taxing officer unless agreed [or the sum of \$ [blank] for costs][and it is declared that no act of bankruptcy has been committed by *A.B.* under the notice].

Dated the [blank] day of [blank] 19 [blank].

By the Court,

Registrar

Or,
(Title)

In the matter of a bankruptcy notice issued—

Upon the application of *A.B.* to set aside this notice, and upon reading [blank] and hearing [blank], and upon the said *A.B.* having entered into a bond in the penal sum of [the amount of the alleged debt and probable costs or such other sum as the Court may direct], with such two sufficient sureties as the Court [or *C.D.*] has approved [or having deposited in Court the sum of \$ [blank]], as security for the amount claimed by the notice, the condition of the bond [or deposit] being [here insert condition], it is ordered that the notice be set aside [and it is declared that no act of bankruptcy has been committed by *A.B.* under the notice].

Dated the [blank] day of [blank] 19 [blank].

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By the Court,

Registrar

No. 11 (Rules 117, 118)

CREDITOR'S PETITION

(Title)

I, *C.D.*, of [blank] [or we, *C.D.*, of [blank] and *E.F.*, of [blank]], hereby petition the Court that a receiving order may be made in respect of the estate of *A.B.* [insert name of debtor] of [insert present address and description of debtor] and lately residing at [or carrying on business at] [insert address or addresses at which the debtor has lately resided or carried on business¹⁰²] and say—

1 That the said *A.B.* has for the greater part of six months next preceding the presentation of this petition resided [or carried on business] at

2 That the said *A.B.* is justly and truly indebted to me [or us] in the aggregate in the sum of \$ [blank] [set out amount of debt or debts, and the consideration].

3 That I [or we] do not, nor does any person on my [or our] behalf hold any security on the said debtor's estate, or on any part thereof, for the payment of the said sum.

Or,

That I hold security for the payment of [or part of] the said sum [but that I will give up such security for the benefit of the creditors of *A.B.* in the event of his being adjudged bankrupt] or [and I estimate the value of such security at the sum of \$ [blank]].

Or,

That I, *C.D.*, one of your petitioners, hold security for the payment of, etc.

That I, *E.F.*, another of your petitioners, hold security for the payment of, etc.

4 That *A.B.* within three months before the date of the presentation of this petition has committed the following act [or acts] of

¹⁰²NOTE— The address at which the debtor was residing or carrying on business when the petitioning creditor's debt was incurred should in all cases appear in the petition (see Rule 118).

bankruptcy, namely [here set out the nature and date or dates of the act or acts of bankruptcy relied on].

Dated the [blank] day of [blank] 19 [blank].

(Signed) *C.D.*

E.F.

[Signed by the petitioner
in my presence.]

Signature of witness.

Address.

Description.

NOTE—If there be more than one petitioner, and they do not sign together, the signature of each must be separately attested, e.g., "Signed by the petitioner, *E.F.* in my presence." If the petition be signed by a firm, the partner signing should add also his own signature, e.g., "A.S. & Co. by *J.S.*, a partner in the said firm." If the debtor resides at any place other than the place where he carries on business both addresses should be inserted.

Indorsement

This petition having been presented to the Court on the [blank] day of [blank] 19 [blank], it is ordered that this petition shall be heard at [blank] on the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon.

And you, the said *A.B.* are to take notice that if you intend to show cause against the petition you must file with the Registrar of this Court a notice specifying the statements in the petition which you intend to deny or dispute, and send by post a copy of the notice to the petitioner and his barrister and attorney, if known, not later than three days before the day fixed for the hearing.

No. 12 (Rule 123)

AFFIDAVIT OF TRUTH OF STATEMENTS IN PETITION

(Title)

I, the petitioner named in the petition hereunto annexed [or, I, [blank] of [blank], being a person having knowledge of the facts to which the petition hereunto relates] make oath and say—

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That the several statements in the said petition are to the best of my knowledge, information and belief true.

Sworn at, etc.

C.D.

NOTE—If the petitioner cannot depose that the several statements in the petition are to the best of his knowledge and belief true he must set forth the statements the truth of which he can depose to, and file a further affidavit by some person or persons who can depose to the truth of the remaining statements.

No. 13 (Rule 123)

AFFIDAVIT OF TRUTH OF STATEMENTS IN JOINT PETITION
(Title)

We, *C.D.*, *E.F.*, *G.H.*, etc., the petitioners named in the petition hereunto annexed, severally make oath and say—

And first I the said *C.D.* for myself say—

1 That *A.B.* is justly and truly indebted to me in the sum of [*blank*] dollars, as stated in the said before-mentioned petition, and that I do not hold any security for the said sum as stated in paragraph 3 of the said petition. [or as otherwise stated in paragraph 3 of the petition]

And I further say that to the best of my knowledge, information and belief—

2 The said *A.B.* committed the act [or acts] of bankruptcy, stated to have been committed by him in the said before-mentioned petition.

3 That *A.B.* has for the greater part of the past six months resided (or carried on business) at [*blank*]

And I the said *E.F.* say—

4 That *A.B.* is justly and truly indebted to me in the sum of [*blank*] dollars as stated in the said before-mentioned petition, and that I do not hold any security for the said sum as stated in paragraph 3 of the said petition. [or as otherwise stated in paragraph 3 of the petition]

And I the said *G.H.* say—

5 That *A.B.* is, etc.

C.D.

E.F.

G.H.

Sworn by the deponents *C.D.*, *E.F.*,
and *G.H.*, etc.

See note to Form 12

No. 14 (Rule 130)
APPLICATION FOR INTERIM RECEIVER
(Title)

I, *C.D.* of [blank], do, on the grounds set forth in the annexed affidavit, apply to the Court to appoint the Official Receiver of this Court as Interim Receiver of the property of the said *A.B.*, and [here insert any special directions to the receiver that may be desired].

Dated the [blank] day of [blank] 19 [blank].

(Signed) *C.D.*

No. 15 (Rule 130)
ORDER APPOINTING INTERIM RECEIVER
(Title)

Upon reading this application and the affidavit therein referred to, and hearing [blank], it is ordered that upon a deposit of \$ [blank] being lodged by the applicant, Mr. *C.D.* the Official Receiver be constituted Interim Receiver of the property of the said *A.B.* [here insert nature, short description and locality of the property and special directions, if any].

Dated the [blank] day of [blank] 19 [blank].

By the Court,

Registrar

No. 16 (Rules 25, 128)
AFFIDAVIT OF SERVICE
(Title)

In the matter of [blank][state nature of document served] dated [blank]
I, *L.M.*, of [blank], make oath and say—

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1 That I did, on [blank] day the [blank] day of [blank] 19[blank], serve the above-mentioned A.B. [or the partners in the above-mentioned firm of [blank]] with a copy of the above-mentioned [blank],[state nature of document served] duly sealed with the seal of the Court, by delivering the same personally to the said A.B. [or C.D., a partner, or E.F., a person having at the time of service the control and management of the partnership business there or of the business carried on under the above-mentioned name or style] at [place] before the hour of [blank] in the [blank] noon.

2 A sealed copy of the said [blank][state nature of document served] is hereunto annexed.

Sworn at, etc.

L.M.

NOTE—If the service is effected on one partner on behalf of his firm or on a person having at the time of service the control and management of the partnership business there or of a business carried on by any person in a name or style other than his own, the affidavit must, after the word "at" contain the words "being the principal place of business of the said [blank]."

(See Rule 253)

No. 17 (Rules 115, 127)
SUBSTITUTED SERVICE OF PETITION OR BANKRUPTCY NOTICE
NOTICE IN GAZETTE

In the Supreme Court of Bermuda.

In Bankruptcy.

In the matter of a bankruptcy petition filed the [blank] day of [blank] 19[blank]. [or in the matter of a bankruptcy notice issued on the [blank] day of [blank] 19 [blank]].

To: A.B.

Take notice that a bankruptcy petition has been presented [or a bankruptcy notice has been issued] against you in this Court by [blank] of [blank] and the Court has ordered that the sending of a sealed copy of the petition [or bankruptcy notice] together with a sealed copy of the Order for substituted service by registered post addressed to [blank] and/or the publication of this notice in the Gazette and/or in the [blank] newspaper [following the terms of the Order for substituted service] shall be deemed to be service of the petition [or bankruptcy notice] upon you; [add this in case of a Petition.] and further take notice that the said

petition will be heard at this Court on the [blank] day of [blank] at [blank] o'clock in the [blank] noon, on which day you are required to appear, and if you do not appear the Court may make a receiving order against you in your absence.

The petition [or bankruptcy notice] can be inspected by you on application at this Court.

Dated this [blank] day of [blank] 19 [blank].

Registrar

No. 18 (Rules 115, 127)

ORDER FOR SUBSTITUTED SERVICE OF A PETITION OR BANKRUPTCY
NOTICE
(Title)

In the matter of a bankruptcy petition filed the [blank] day of [blank] [or In the matter of a bankruptcy notice issued on the [blank] day of [blank] 19 [blank]]

Upon the application of [blank] and upon reading the affidavit of [blank] of [blank] in the [blank] of [blank]

It is ordered that the sending of a sealed copy of the above-mentioned petition [or bankruptcy notice] together with a sealed copy of this order by registered post addressed to [blank] at [blank] and/or by publication in the Gazette and/or in the [blank] newspaper [of the presentation of such petition and the time and place fixed for hearing the petition] or [of the issuing of such bankruptcy notice] shall be deemed to be good and sufficient service of the said petition [or bankruptcy notice] on the said [blank] on the [blank] day of completing such posting or publication as aforesaid.

Given under the seal of the Court this [blank] day of [blank] 19 [blank].

By the Court,

Registrar

No. 19 (Rule 138)

NOTICE BY DEBTOR OF INTENTION TO OPPOSE PETITION
(Title)

In the matter of a bankruptcy petition presented against me on the [blank] day of [blank] 19 [blank] by C.D. of [blank] [or and E.F. of [blank] G.H. of [blank] etc.]

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I, the above *A.B.*, do hereby give you notice that I intend to oppose the making of a receiving order as prayed, and that I intend to dispute the petitioning creditor's debt [or the act of bankruptcy, or to contend that, *[blank]* or as the case may be].

Dated this *[blank]* day of *[blank]* 19 *[blank]*.

To *[blank]* *C.D.*, of *[blank]*

and to *[blank]*, *A.B.*

and to the Registrar of the Court.

No. 20 (Section 7(5) of the Act)
ORDER TO STAY PROCEEDINGS ON PETITION
(Title)

In the matter of a bankruptcy petition against *A.B.* *[blank]* of *[blank]*

Upon the hearing of this petition this day, and the said *A.B.* appearing and denying that he is indebted to the petitioner [where petition presented by more than one creditor, add the name of the creditor whose debt is denied] in the sum stated in the petition [or alleging that he is indebted to the petitioner in a sum of less amount than five thousand dollars],[or alleging that he is indebted to *C.D.*, one of the petitioners, in a sum less than the sum stated to be due from him in the petition], it is ordered that the said *A.B.* shall within *[blank]* days enter into a bond in the penal sum of [the amount of the alleged debt and probable costs, or such other sum as the Court may direct] with such two sufficient sureties as the Court shall approve of to pay [or deposit with the Registrar the sum of \$ *[blank]* as security for the payment of] such sum or sums as shall be recovered against the said *A.B.* by *C.D.* the petitioner [or one of the petitioners] in any proceedings taken or continued by him against the said *A.B.*, together with such costs as shall be given by the Court in which the proceedings are had.

And it is further ordered, that upon the said *A.B.* entering into the bond aforesaid, all proceedings on this petition shall be stayed until after the Court in which the proceedings shall be taken shall have come to a decision thereon.

Dated this *[blank]* day of *[blank]* 19 *[blank]*.

By the Court,

Registrar

No. 21 (Rule 28)
BOND ON STAY OF PROCEEDINGS, SECURITY, ETC.
(Title)

Know all men by these presents, that we, *A.B.* of etc., and *C.D.*, of etc., and *E.F.* of etc., are jointly and severally held and firmly bound to *L.M.* of etc., in [blank] dollars to be paid to the said *L.M.*, or his certain attorney, executors, administrators, or assigns. For which payment to be made we bind ourselves and each and every of us, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this [blank] day of [blank] one thousand nine hundred and [blank]

Whereas a bankruptcy petition against the said *A.B.* having been presented to the Supreme Court he did appear at the hearing of the said petition and deny that he was indebted to the petitioner [or to one or more of the Petitioners], [or allege that he was indebted to the petitioner in the sum of [blank] dollars only or as the case may be].

Now therefore, the condition of this obligation is such that if the above-bounden *A.B.*, or the said *C.D.* or *E.F.*, shall on demand well and truly pay or cause to be paid to *L.M.*, his attorney or agent, such sum or sums as shall be recovered against the said *A.B.* by any proceedings taken or continued within twenty-one days from the date hereof in any competent Court by the said *L.M.* for the payment of the debt claimed by him in the said petition, together with such costs as shall be given to the said *L.M.* by such Court [or whatever the condition of the bond is] this obligation shall be void, other wise it shall remain in full force.

A.B.(L.S.)

C.D.(L.S.)

E.F.(L.S.)

Signed, sealed, and delivered by the above-bounden [blank] in the presence of [blank]

NOTE—If a deposit of money be made the memorandum should follow the terms of the conditions of the bond. This form may be adapted to other cases.

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No. 22 (Rule 33)
NOTICE OF SURETIES
(Title)

In the matter of a bankruptcy petition [or In the matter of a bankruptcy notice by *C.D.*] of [blank]

Take notice that the sureties whom I propose as my security in the above matter [here state the proceedings which has rendered the sureties necessary] are [here state the full names and descriptions of the sureties, and their residences for the last six months, therein mentioning the parish or city, places, streets, and numbers, if any].

Dated this [blank] day of [blank] 19 [blank].

A.B.

To the Registrar of the Court
and to *L.M.* of [blank]

No. 23 (Rule 34)
AFFIDAVIT OF JUSTIFICATION
(Title)

In the matter of a bankruptcy petition against *A.B.* of [blank] [or In the matter of a bankruptcy notice by *L.M.* against *A.B.* of [blank]].

I, *E.F.*, of [blank], one of the sureties for [blank] make oath and say—

1 That I am a householder [or, as the case may be], residing [blank] [describing particularly the parish or city, the street or place, and the number of the house, if any].

2 That I am worth property to the amount of \$ [blank] [the amount required] over and above what will pay my just debts [if security in any other action or for any other purpose, add, and every other sum for which I am now security].

3 That I am not bail or security in any other matter, action, or proceeding, or for any other person [or if security in any other action or actions, add] except for *C.D.* at the suit of *E.F.*, in the Court in the sum of \$ [blank]; for *G.H.*, at the suit of *I.K.*, in the Court in the sum of \$ [blank] [specifying the several actions with the Courts in which they are brought and the sums in which he has become bound].

4 That my property, to the amount of the said sum of \$ [blank] [and if security in any other action, etc., over and above all other sums for which I am now security as aforesaid], consists of [here specify the nature and value of the property in respect of which the deponent

proposes to become bondsman as follows, stock in trade, in my business of [blank] carried on by me at [blank] of the value of \$ [blank], of good book debts owing to me to the amount of \$ [blank], of furniture in my house at [blank] of the value of \$ [blank], of a freehold [or leasehold] farm of the value of \$ [blank], situate at [blank] occupied by [blank], or of a dwelling house of the value of \$ [blank] situate at [blank], occupied by [blank], or of other property, particularising each description of property, with the value thereof].

5 That I have for the last six months resided at [blank] [describing the place of such residence, or if he has had more than one residence during that period, state it in the same manner as above directed].

Sworn at, etc.

E.F.

No. 24 (Rule 144)
ADJOURNMENT OF PETITION
(Title)

Upon the hearing of the petition this day, and hearing [blank] for the petitioner and [blank] for the debtor, and reading [blank] it is ordered that on account of [here insert reason for adjournment] the further hearing of this petition be adjourned until the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon.

Dated the [blank] day of [blank] 19 [blank].

By the Court,

Registrar

No. 25 (Section 7(6) of the Act)
DISMISSAL OF PETITION UPON WHICH PROCEEDINGS
ARE STAYED WHERE A RECEIVING ORDER HAS BEEN MADE
ON A SUBSEQUENT PETITION
(Title)

Whereas a receiving order has been made against *A.B.* upon a petition presented to this Court by *O.P.* of [blank], it is ordered that the bankruptcy petition against the said *A.B.*, presented to this Court by

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C.D. of [blank], the proceedings on which were stayed by order of Court of the [blank] day of [blank] 19 [blank], be dismissed [add terms if any].

Dated this [blank] day of [blank] 19 [blank].

By the Court,

Registrar

No. 26 (Section 11 of the Act)

ORDER RESTRAINING ACTION, ETC., BEFORE RECEIVING ORDER
(Title)

Upon the application of [blank] and upon reading [blank] it is ordered that L.M. of [blank] shall be restrained from taking any further proceedings in the action brought by him [or, upon the judgment recovered or obtained by him] against the said A.B. in [here state the Court in which proceedings are] or it is ordered that the proceedings in the action [or suit] brought by him against the said A.B. in [here state the Court in which proceedings are] may be proceeded with on [here insert the terms fixed by the Court].

Dated this [blank] day of [blank] 19 [blank].

By the Court,

Registrar

No. 27 (Rule 17)

ORDER OF TRANSFER OF PROCEEDINGS
(Title)

Upon the application of A.B. and upon reading [blank] and hearing [blank], and it appearing to the Court that [state here special reason or reasons why order is made], and that the proceedings in the above matter should be transferred from [blank] to [blank] [or, as the case may be].

It is hereby ordered that the said proceedings in the above-named matter be transferred from [blank].

Dated this [blank] day of [blank] 19 [blank].

By the Court,

Registrar

No. 28 (Rule 18)
NOTICE TO THE OFFICIAL RECEIVER OF TRANSFER OF
PROCEEDINGS
(Title)

The proceedings in the above matter have been this day transferred to [blank] from [blank] and have had the above distinctive number allotted to them. The distinctive number before transfer was No. [blank] of 19 [blank].

[add this in cases where a consolidation of proceedings has been directed.] The proceedings have been consolidated with those in the following matter, viz.—

and will be treated under the same distinctive number, viz. No. [blank] of 19 [blank].

Dated this [blank] day of [blank] 19 [blank].

Registrar

No. 29 (Rules 135, 146(2) and (3))
RECEIVING ORDER ON DEBTOR'S PETITION
(Title)

On the petition of the debtor himself, filed the [blank] day of [blank] 19 [blank], and numbered [blank] of 19 [blank], a receiving order is hereby made against A.B. [insert name, addresses, and descriptions of debtor as set out in petition], and the Official Receiver is hereby constituted receiver of the estate of the said debtor.

Dated [blank] o'clock in the [blank] noon, this [blank] day of [blank] 19[blank].

By the Court,

Registrar

NOTE—The above-named debtor is required immediately after the service of this order upon him to attend the Official Receiver at his office at [insert the place at which the debtor is to attend on the Official Receiver.]

The Official Receiver's office is open (except on holidays) every week day from [blank] a.m. to [blank] p.m. except [blank] days when they close at [blank] p.m.

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Indorsement on Order

The name and address of barrister and attorney (if any) to the debtor are [insert name and address].

No. 30 (Rule 146)
RECEIVING ORDER ON CREDITOR'S PETITION
(Title)

On the petition (dated the [blank] day of [blank] 19 [blank], and numbered [blank] of 19 [blank]) of J.S., of [blank] a creditor filed the [insert date], and on reading [blank] and hearing [blank] and it appearing to the Court that the following act or acts of bankruptcy has or have been committed, *viz*—

[set out the nature and date or dates of the act or acts of bankruptcy on which the Order is made.]

A receiving order is hereby made against A.B. [insert name, addresses, and descriptions of debtor as set out in petition] and the Official Receiver is hereby constituted receiver of the estate of the said debtor.

Dated [blank] o'clock in the [blank] noon, this [blank] day of [blank] 19[blank].

By the Court,

Registrar

NOTE— The above-named debtor is required immediately after the service of this order upon him to attend the Official Receiver at his office at [insert the place at which the debtor is to attend on the Official Receiver.]

The Official Receiver's office is open (except on holidays) every week day from [blank] a.m. to [blank] p.m. except [blank] days when they close at [blank] p.m.

Indorsement on Order

The name and address of barrister and attorney to the petition creditor are [insert name and address].

No. 31 (Rule 146)
RECEIVING ORDER UNDER SECTION 100 OF THE ACT

The Bankruptcy Act 1989 and the Debtors Act 1973

In the

[by transfer from *[blank]*]

In the matter of *[blank]*, a debtor.

Whereas an order was made against the above-named debtor on the *[blank]* day of *[blank]* for the payment of his debts in full [or by instalments of *[blank]*].

And whereas the debtor has made default in payment of \$ *[blank]* payable in pursuance of the said order.

Now upon reading the consent of the judgment creditor that a receiving order shall be made against the debtor in lieu of an order for commitment to prison, and the prescribed fees having been paid

It is ordered that a receiving order be made against the debtor in lieu of an order of commitment to prison, and a receiving order is hereby made against the debtor, and the Official Receiver is hereby constituted receiver of the estate of the said debtor.

Dated this *[blank]* day of *[blank]* 19 *[blank]*.

By the Court,

Registrar

NOTE—The above-named debtor is required immediately after the service of this order upon him to attend the Official Receiver at his office at *[blank]*

The Official Receiver's office is open (except on holidays) every week day from *[blank]* a.m. to *[blank]* p.m. except *[blank]* days when they close at *[blank]* p.m.

Indorsement

The name and address of barrister and attorney to the judgment creditor are *[blank]*

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No. 32 (Rule 148)
NOTICE OF RECEIVING ORDER, ETC. (FOR LOCAL PAPER)
(Title)

Receiving Order made
Date of adjudication (if any)
Date and place of first meeting
Date of public examination.....

NOTE—All debts due to the estate should be paid to me

Official Receiver

(Address)

Dated this [blank] day of [blank] 19 [blank].

No. 33 (Rule 148)
NOTICE OF RECEIVING ORDER, ETC. IN SUMMARY CASES (FOR
LOCAL PAPER)

In Bankruptcy.

Re *A.B.*, of [insert here, as concisely as possible, name, address,
and description of debtor, and add name of Court, and No. of
proceeding.]Receiving order made

Date of order for summary
administration
Date of adjudication (if any).....
Date and place of first meeting
Date of public examination.....

NOTE—All debts due to the estate should be paid to me.

Official Receiver

(Address)

Dated [blank] 19 [blank].

No. 34 (Rule 155)
STATEMENT OF AFFAIRS
(Title)

To the Debtor,

You are required to fill up, carefully and accurately, this sheet, and such of the several sheets A, B, C, D, E, F, G, H, I, J, and K⁽¹⁾, as are applicable showing the state of your affairs on the day on which the Receiving Order was made against you, viz: the [blank] day of [blank] 19[blank]. Such sheets when filled up will constitute your Statement of Affairs, and must be verified by oath or declaration.

(1) Sheet "I" should be substituted for any one or more of such of the sheets named as will have to be returned blank.

Gross Liabilities	Liabilities (as stated and estimated by Debtor)	Expected to rank	Assets (as stated and estimated by Debtor)	Estimated to produce
\$	€	\$		\$
	Unsecured creditors as per list (A)			
	Creditors fully secured as per list (B)		Property as per list (H), viz:—	
	Estimated value of securities		(a) Cash at Bankers	
	Surplus		(b) Cash in hand	
	Less amount thereof carried to sheet (c)		(c) Cash deposited with barrister and attorney for costs of petition	
	Balance thereof to contra		(d) Stock-in-trade (cost \$)	
	Creditors partly secured as per list (C)		(e) Machinery	
	Less estimated value of securities		(f) Trade fixtures, fittings, utensils, etc.	
	Liabilities on bills discounted other than debtor's own acceptances for value as per list (D), viz:—		(g) Farming stock	
	On accommodation bills as drawer, acceptor, or indorser \$		(h) Growing crops and tenant right	
	On other bills as drawer or indorser \$		(i) Furniture	
			(j) Life Policies	
	Of which it is expected will rank against the estate for dividend		(k) Stocks and shares	
	Contingent or other liabilities as per list (E) \$		(l) Reversionary or other interests under wills	
	Of which it is expected will rank against the estate for dividend		(m) Other property, viz:—	
	Creditors for rent, etc., recoverable by distress as per list (F)		Total as per list (H)	
	Creditors for rates, taxes, wages, etc., payable in full as per list (G)		Book Debts as per list (I), viz:—	
	Provost Marshal General's charges payable under s. 44 of the Act, estimated at		Good	
	Deduct contra		Doubtful	\$
			Bad	€
			Estimated to produce	
			Bills of Exchange or other similar securities on hand as per list (J)	\$
			Estimated to produce	
			Surplus from securities in the hands of Creditors fully secured (per contra)	\$
			Deduct creditors for preferential rates, taxes, wages, Provost Marshal General's charges, etc. (per contra)	\$

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	(2) Surplus explained in Statement (K)		(2) Deficiency explained in Statement (K)	
	\$		\$	

(2) Strike out words which do not apply.

I [blank] of [blank] in the Parish of [blank] make oath and say that the above statement and the several lists hereunto annexed marked [blank] are, to the best of my knowledge and belief, a full, true and complete statement of my affairs on the date of the above-mentioned receiving order made against me.

Sworn at [blank]

in the Parish of [blank]
the .[blank] day of [blank].19 .[blank].
Before me . [blank].Signature. [blank]

A
UNSECURED CREDITORS

The names to be arranged in alphabetical order and numbered consecutively,

Creditors for \$100 and upwards being placed first

No.	Name	Address and Occupation	Amount of Debt	Date when Contracted		Consideration
				Month	Year	

Signature

Dated [blank] 19[blank]

NOTES— 1 When there is a contra account against the creditor, less than the amount of his claim against the estate, the amount of the creditor's claim and the amount of the contra account should be shown in the third column, and the balance only be inserted under the heading "Amount of Debt", thus—

Total amount of claim..... \$ ¢

Less contra account

No such set-off should be included in sheet "I" _____ " "

2 The particulars of any bills of exchange and promissory notes held by a creditor should be inserted immediately below the name and address of such creditor.

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B
CREDITORS FULLY SECURED

No.	Name	Address & Occupation	Amount of Debt	Date when Contracted		Consideration	Particulars of Security	Date when given	Estimated value of Security	Estimated surplus from Security
				Month	Year					

Signature

Dated [blank] 19 [blank].

C
CREDITORS PARTLY SECURED

No.	Name	Address & Occupation	Amount of Debt	Date when Contracted		Consideration	Particulars of Security	Month & year when given	Estimated value of Security	Balance of Debt Unsecured
				Month	Year					

Signature

Dated [blank] 19 [blank].

D
LIABILITIES OF DEBTOR ON BILLS DISCOUNTED
OTHER THAN HIS OWN ACCEPTANCES FOR VALUE

No.	Acceptor's Name, Address & Occupation	Whether liable as Drawor or Indorsor	Date when due	Amount		Holder's Name, Address & Occupation (if known)	Amount expected to rank against Estate for Dividend
				Accommodation bills	Other Bills		

Signature

Dated [blank] 19 [blank].

E
CONTINGENT OR OTHER LIABILITIES

(FULL PARTICULARS of all Liabilities not otherwise Scheduled to be given here)

No.	Name of Creditor or Claimant	Address & Occupation	Amount of Liability or Claim		Amount expected to rank for Dividend		Date when Liability incurred		Nature of Liability
			\$	¢	\$	¢	Month	Year	

Signature

Dated [blank] 19 [blank].

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F
CREDITORS FOR RENT, ETC.,

No.	Name of Creditor	Address & Occupation	Nature of Claim	Period during which Claim accrued due	Date when due	Amount of Claim		Difference ranking for Dividend (To be carried to List A.)	
						\$	¢	\$	¢

Signature

Dated [blank] 19 [blank].

G
PREFERENTIAL CREDITORS FOR RATES, TAXES, WAGES,
AND OTHERWISE

No.	Name of Creditor	Address & Occupation	Nature of Claim	Period during which Claim accrued due	Date when due	Amount of Claim		Amount payable in full		Difference ranking for Dividend (To be carried to List A.)	
						\$	¢	\$	¢	\$	¢

Signature

Dated [blank] 19 [blank].

H
PROPERTY

FULL PARTICULARS of every description of PROPERTY in possession and in reversion as defined by Section 2 of the Act, not included in any other list, are to be set forth in this list—

Full Statement and Nature of Property		Estimated to produce	
		\$	¢
(a)	Cash at Bankers		
(b)	Cash in hand		
(c)	Cash deposited with barrister and attorney for costs of position		
(d)	Stock in trade at Cost \$		
(e)	Machinery at		
(f)	Trade fixtures, fittings, utensils, etc., at		
(g)	Farming stock at		
(h)	Growing crops and tenant right at		
(i)	Household furniture and effects at		
(j)	Life policies		
(k)	Stocks and shares		
(l)	Reversionary or other interests under wills, etc.		
(m)	Other property (state particulars) viz.		

Signature

Dated [blank] 19 [blank].

I
DEBTS DUE TO THE ESTATE

No.	Name of Debtor	Residence & Occupation	Amount of Debt			Folio of Ledger or other Book where Particulars to be found	When Contracted		Estimated to produce	Particulars of any Securities held for debt
			Good	Doubtful	Bad		Month	Year		

Signature

Dated [blank] 19 [blank].

NOTE—If any debtor to the estate is also a creditor, but for a less amount than his indebtedness, the gross amount due to the estate and the amount of the contra account should be shown in the third column, and the balance only be inserted under the heading "Amount of Debt" thus—

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\$ ¢

Due to estate

Less contra account _____

No such claim should be included in sheet "A".

J

**BILLS OF EXCHANGE, PROMISSORY NOTES, ETC. AVAILABLE AS
ASSETS**

No.	Name of Acceptor of Bill or Note	Address, etc.	Amount of Bill or Note		Date when due	Estimated to produce	Particulars of any Property held as Security for Payment of Bill or Note
			\$	¢			

Signature

Dated [blank] 19 [blank].

K
DEFICIENCY (OR SURPLUS) ACCOUNT

DEFICIENCY (OR SURPLUS) ACCOUNT				
	\$	¢	\$	
<p>Excess of assets over liabilities on the (1) [blank] day of [blank] 19 [blank] (if any).</p> <p>Net profit (if any) arising from carrying on business from the (1) [blank] day of [blank] 19 [blank] to date of Receiving Order, after deducting usual trade expenses.</p> <p>Income or profit from other sources (if any) since the (1) [blank] day of [blank] 19 [blank].</p> <p>Gifts from relations and others</p> <p>(5) Deficiency as per Statement of Affairs</p>			<p>Excess of Liabilities over assets on the (1) [blank] day of [blank] 19 [blank] (if any).</p> <p>Net loss (if any) arising from carrying on business from the (1) [blank] day of [blank] 19 [blank] to date of Receiving Order, after charging against profits the usual trade expenses</p> <p>Bad debts (if any) as per Schedule "I" (2).</p> <p>Depreciation of stock in trade.</p> <p>Depreciation of machinery.</p> <p>Depreciation of trade fixtures, fittings, etc.</p> <p>Expenses incurred since the (1) [blank] day of [blank] 19 [blank], other than usual trade expenses, viz. household and personal expenses of self and (3)</p> <p>(4) Other losses and expenses (if any)</p> <p>(5) Surplus as per Statement of Affairs</p>	
<p>Total amount to be accounted for (6)</p>	\$		\$	

- (1) This date should be twelve months before date of receiving order, or such other time as Official Receiver may have fixed.
- (2) This Schedule must show when debts were contracted.
- (3) Add "wife and children" (if any), stating number of latter.
- (4) Here add particulars of other losses or expenses (if any), including liabilities (if any) for which no consideration received.
- (5) Strike out words which do not apply.
- (6) These figures should agree.

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Signature

Dated [blank] 19 [blank].

L

IN SUBSTITUTION for such of the Sheets named "A" to "J" as will have to be returned blank

List Particulars, as per front sheet	DEBTOR'S REMARKS Where no particulars are entered by the Debtor on any one or more of the lists named "A" to "J" the word "Nil" should be inserted in this column opposite the particular list or lists thus left blank.	
A.	Unsecured creditors	
B.	Creditors fully secured.....	
C.	Creditors partly secured	
D.	Liabilities of debtor on bills discounted other than his own acceptances for volume	
E.	Contingent or other liabilities	
F.	Creditors for rent, etc., recoverable by distress	
G.	Preferential Creditors for rates, taxes, and wages.....	
H.	Property	
I.	Debts due to the estate.....	
J.	Bills of Exchange, Promissory Notes, etc., available as assets.....	

Signature

Dated [blank] 19 [blank].

No. 35 (Rule 270)
APPLICATION FOR SUMMARY ADMINISTRATION
UNDER SECTION 117 of the Act
(Title)

I, [blank], the Official Receiver in the above matter, hereby report to the Court that the property of the debtor is not likely to exceed in value twenty thousand dollars, and I apply that the Court may order the estate to be administered in a summary manner pursuant to Section 117 of the Act

Dated this [blank] day of [blank] 19 [blank].

Official Receiver.

No. 36 (Rule 270)
ORDER FOR SUMMARY ADMINISTRATION
(Title)

Upon the application of [blank] and reading [blank] it is ordered that the estate of the above-named debtor be administered in a summary manner pursuant to Section 117 of the Act.

Dated this [blank] day of [blank] 19 [blank].

By the Court,

Registrar

No. 37 (First Schedule, para. 1 to the Act)
APPLICATION FOR EXTENSION OF TIME FOR HOLDING FIRST
MEETING, AND ORDER THEREON

(Title)
Ex parte the Official Receiver

I, [blank], the Official Receiver in the above matter, apply to the Court for an extension of time to the [blank] day of [blank] 19 [blank], for holding the first meeting of creditors, on the ground following [strike out such of the grounds as are not applicable]:

That the said debtor has not submitted a statement of and in relation to his affairs in compliance with section 15 of the Bankruptcy Act 1989.

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Or,

That the said debtor has obtained an extension of time for submitting a statement of and in relation to his affairs, viz., to the [blank] day of [blank] 19 [blank].

Or,

That the prescribed notice in the Gazette of the first meeting of creditors in the above matter required by paragraph 2 of the First Schedule to the Act cannot be given in time for holding the meeting within 30 days from the date of the receiving order.

Or,

That there may be sufficient time for the books of the debtor to be examined, the statement of affairs investigated, and the summary and the observations thereon prepared and printed, pursuant to paragraph 3 of the First Schedule to the Act.

Dated this [blank] day of [blank] 19 [blank].

Official Receiver.

Order thereon

Upon the application of the Official Receiver it is ordered that the time for holding the first meeting of creditors in the above matter be extended to the [blank] day of [blank] 19 [blank],

Dated this [blank] day of [blank] 19 [blank].

By the Court,

Registrar

No. 38 (Rule 214)

NOTICE TO CREDITORS OF FIRST MEETING, WHERE NO ORDER
FOR SUMMARY ADMINISTRATION HAS BEEN MADE
AND THE DEBTOR HAS NOT SUBMITTED A PROPOSAL
FOR A COMPOSITION OR SCHEME.

(Title)

[Under receiving order dated the [blank] day of [blank]
19 [blank]]

Notice is hereby given, that the first meeting of creditors in the above matter will be held at [blank] on the [blank] day of [blank] 19 [blank] at [blank] o'clock in the [blank] noon,

To entitle you to vote thereat your proof must be lodged with me not later than [blank] o'clock on the [blank] day of [blank] 19 [blank].

A form of proof and forms of general and special proxy are enclosed herewith. Proxies to be used at the meeting must be lodged with me not later than [blank] o'clock on the [blank] day of [blank] 19 [blank].

The public examination of the debtor is fixed for the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon, at [blank]

Any creditor who has tendered a proof, or his representative authorised in writing, or the holder of a general proxy or general power of attorney from a creditor, may question the debtor on his public examination concerning his affairs and the causes of his failure.

Official Receiver

(Address)

The debtor's statement of affairs [Here insert "has not been lodged," or "has been lodged, and summary is enclosed".]

NOTES

At the first meeting the creditors may amongst other things:

- 1 By ordinary resolution resolve that the debtor be adjudged bankrupt, and in that case they may also, by ordinary resolution, appoint a trustee.
- 2 By ordinary resolution fix the remuneration of the trustee, or resolve that the same be left to the committee of inspection.
- 3 By ordinary resolution appoint a committee of inspection from among the creditors or the holders or intended holders of general proxies or general powers of attorney for the creditors.

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No. 39 (Rule 214)

NOTICE TO CREDITORS OF FIRST MEETING IN SUMMARY CASE
WHERE DEBTOR HAS NOT SUBMITTED AN OFFER OF COMPOSITION
(Title)

SUMMARY CASE

[Under receiving order dated the [blank] day of [blank] 19 [blank].]

Notice is hereby given that the first meeting of the creditors in the above matter will be held at [blank] on the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon, for the purpose of receiving a report by the Official Receiver upon the position of the estate.

The debtor has been adjudged bankrupt, and an order for summary administration has been made by the Court. Under section 110 of the Bankruptcy Act 1989 the Official Receiver is the trustee in the bankruptcy, but the creditors can, by special resolution, appoint a trustee in his place. [strike out this paragraph if adjudication order not made.]

An order for summary administration has been made by the Court. If the creditors resolve that the debtor shall be adjudged bankrupt the Official Receiver will become the trustee in the bankruptcy, but the creditors can, by special resolution, appoint some other person to be trustee. [strike out this paragraph if adjudication order has been made.]

To entitle you to vote at this meeting your proof must be lodged with me not later than [blank] o'clock on the [blank] day of [blank] 19 [blank].

A form of proof and forms of general and special proxy are enclosed herewith.

Proxies to be used at the meeting must be lodged with me not later than [blank] o'clock on the [blank] day of [blank] 19 [blank].

The public examination of the debtor is fixed for the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon at [blank].

Any creditor who has tendered a proof, or his representative authorised in writing, or the holder of a general proxy or general power of attorney from a creditor, may question the debtor on his public examination concerning his affairs and the causes of his failure.

Dated this [blank] day of [blank] 19 [blank].

Official Receiver
(Address)

The debtor's statement of affairs [Here insert "has not been lodged" or "has been lodged, and summary is enclosed."].

No. 40 (Rules 214 & 215)
NOTICE OF FIRST OR OTHER MEETING WHERE DEBTOR
SUBMITS AN OFFER OF COMPOSITION OR SCHEME
(WHERE NO ORDER FOR SUMMARY ADMINISTRATION
HAS BEEN MADE)

(Title)

[Under receiving order, dated the [blank] day of [blank] 19
[blank].]

Notice is hereby given that the first [or a general] meeting of the creditors of the above-named debtor will be held at [blank] on the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon precisely.

Creditors qualified to vote at such meeting may, by a resolution passed by a majority in number, and three-fourths in value, of all creditors who have proved their debts, accept the proposal made by the debtor for a composition [or scheme], the terms of which are set forth in the accompanying report, or any amendment of such proposal which in the opinion of the Official Receiver is calculated to benefit the general body of creditors.

Proofs of debt intended to be used at the meeting must be lodged with the Official Receiver not later than [blank] o'clock on the [blank] day of [blank] 19 [blank].

Proxies and voting letters to be used at the meeting must be lodged not later than [blank] o'clock on the [blank] day of [blank] 19 [blank].

Creditors who prove their debts, and whose proofs are admitted, and who do not vote on the debtor's proposal, will be reckoned as voting against it.

A sitting of the Court for the public examination of the debtor will be held at [blank] on the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon.

Any creditor who has tendered a proof, or his representative authorised in writing, or the holder of a general proxy or general power of

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attorney from a creditor, may question the debtor on his public examination concerning his affairs and the causes of his failure.

Dated this [blank] day of [blank] 19 [blank].

Official Receiver

(Address)

NOTES

1 Creditors who have proved may vote for or against the acceptance of the debtor's proposal by means of the voting letter attached to the Official Receiver's report.

2 If the proposal be not accepted the meeting may, if the debtor has not already been adjudged bankrupt, resolve on his adjudication, and in that case they may also by ordinary resolutions appoint a trustee and a committee of inspection and fix the remuneration of the trustee or resolve that it be left to the committee of inspection.

3 A form of proof and forms of general and special proxy and a summary of the statement of affairs are sent herewith.

No. 41 (Rule 214)

NOTICE OF MEETING IN A SUMMARY CASE WHERE DEBTOR
SUBMITS AN OFFER OF COMPOSITION OR SCHEME

(Title)

SUMMARY CASE

[Under receiving order, dated the [blank] day of [blank] 19 [blank].]

Notice is hereby given that a general meeting of the creditors of the above-named debtor will be held at [blank] on the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon precisely.

Creditors qualified to vote at such meeting may, by a resolution passed by a majority in number, and three-fourths in value, of all the creditors who have proved their debts, accept the proposal made by the debtor for a composition [or scheme], the terms of which are set forth in the accompanying report, or any amendment of such proposal which in the opinion of the Official Receiver is calculated to benefit the general body of creditors.

Proofs of debt intended to be used at the meeting must be lodged with the Official Receiver not later than [blank] o'clock on the [blank] day of [blank] 19 [blank].

Proxies and voting letters to be used at the meeting must be lodged not later than [blank] o'clock on the [blank] day of [blank] 19 [blank].

Creditors who prove their debts, and whose proofs are admitted, and who do not vote on the debtor's proposal, will be reckoned as voting against it.

A sitting of the Court for the public examination of the debtor will be held at [blank] on the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon.

Any creditor who has tendered a proof, or his representative authorised in writing, or the holder of a general proxy or general power of attorney from a creditor, may question the debtor on his public examination concerning his affairs and the causes of his failure.

Dated this [blank] day of [blank] 19 [blank].

Official Receiver

(Address)

NOTES

1 Creditors who have proved may vote for or against the acceptance of the debtor's proposal by means of the voting letter attached to the Official Receiver's report.

2 If the proposal be not accepted the meeting may, if the debtor has not already been adjudged bankrupt, resolve on his adjudication, when the Official Receiver will become the trustee, unless the creditors by special resolution appoint a trustee.

3 A form of proof and forms of general and special proxy and a summary of the statement of affairs are sent herewith.

No. 42 (Rule 215)

NOTICE TO CREDITORS OF ADJOURNED MEETING

(Title)

Take notice that the meeting of creditors in the above matter held on the [blank] day of [blank] at [blank] was adjourned to the [blank] day of [blank] and will accordingly be held at [blank] on the said day at [blank] o'clock in the [blank] noon.

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AGENDA

[insert here nature of business to be transacted]

Dated this [blank] day of [blank] 19 [blank].

Official Receiver

(Address)

No. 43 (Rule 13)

AFFIDAVIT OF POSTAGE OF NOTICES, FIRST MEETING

(Title)

I, [blank] make oath and say as follows:

1 That I did on the [blank] day of [blank] 19 [blank], send to each creditor mentioned in the debtor's statement of affairs, and to the above-named debtor a notice of the time and the place of the [insert here if necessary "adjourned."] first meeting of creditors, *accompanied by a summary of the debtor's statement of affairs* in the form[s] hereunto annexed marked "A" and "B" *respectively* [strike out the words in italics if summary not sent.].

2 That such notices were addressed to the said creditors respectively, according to their respective names and addresses appearing in the statement of affairs of the said debtor, and also to the said debtor at [blank]

3 That I sent the said notices by putting the same into the post office at [blank] before the hour of [blank] o'clock in the [blank] noon on the said day.

Sworn at, etc.

(Signature)

No. 44 (Rule 13)

CERTIFICATE OF POSTAGE OF NOTICES, FIRST MEETING

(Title)

I, [blank], [a clerk in the office of] [strike out words in brackets if Official Receiver signs certificate.] the Official Receiver, hereby certify:

1 That I did on the [blank] day of [blank] 19 [blank], send to each creditor mentioned in the debtor's statement of affairs, a notice of the time and place of the [insert here, if necessary, "adjourned."] first meeting of creditors, *accompanied by a summary of the debtor's statement*

of affairs in the form hereunto annexed marked "A" and "B" respectively
[strike out the words in italics if summary not sent.]

2 That such notices were addressed to the said creditors respectively, according to their respective names and addresses appearing in the statement of affairs of the said debtor.

3 That I sent the said notices by putting the same into the post office at [blank] before the hour of [blank] o'clock in the [blank] noon on the said day.

4 That I did on the said [blank] day of [blank] 19 [blank], send by registered post notice of the time and place of the said meeting to the said debtor, and that such notice was sent to the following address, *viz*—

Dated this [blank] day of [blank] 19 [blank].

[Clerk in the office of]
[strike out the words in brackets if
Official Receiver signs certificate]
Official Receiver

(Address)

No. 45 (Rule 214)

NOTICE TO DEBTOR TO ATTEND FIRST MEETING OF CREDITORS

(Title)

Take notice that the first meeting of your creditors will be held on the [blank] day of [blank] 19 [blank], at [blank] o'clock at [Here insert place where meeting will be held] and that you are required to attend thereat, and submit to such examination and give such information as the meeting may require. And further, take notice that if you fail to comply with the requirements of this notice, you will be guilty of a contempt of court, and may be punished accordingly.

Dated this [blank] day of [blank] 19 [blank].

Official Receiver

To [blank]
the above-named debtor

(Address)

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No. 46 (Rule No. 286)

AUTHORITY TO DEPUTY TO ACT AS CHAIRMAN OF MEETING AND USE
PROXIES
(Title)

I, [blank], the Official Receiver in Bankruptcy do hereby nominate Mr [blank], of [blank] to be the chairman of the [first] meeting of creditors in the above matter, appointed to be held at [blank] on the [blank] day of [blank] 19 [blank], and I depute him, [blank], to attend such meeting and use on my behalf any proxy or proxies held by me in this matter.

Dated this [blank] day of [blank] 19 [blank].

Official Receiver

(Address)

No. 47 (Rule 220)

RESOLUTIONS WHERE ADJUDICATION RESOLVED ON
(Title)

Minutes of resolutions come to and proceedings had at the first meeting of creditors held at [blank] this [blank] day of [blank] 19 [blank], [blank], Chairman, the Official Receiver [or the Official Receiver being absent, F.K., of [blank], Chairman].

Resolved as follows [unanimously]:

That A.B. shall be adjudged bankrupt, and that the Official Receiver do apply to the Court to make the adjudication.

That G.H., of [residence and occupation], shall be the trustee of the property of the bankrupt at [here state remuneration][or That the appointment of a trustee in this bankruptcy be made by the committee of inspection].

That I.K., L.M., N.O., P.Q., and R.S. be appointed the committee of inspection in this bankruptcy, for the purpose of superintending the administration of the property of the bankrupt by the trustee.

[Here add any other resolutions that may be come to as to the manner of the administration of the property by the trustee, etc.]

Official Receiver or F.K., Chairman

No.	Assenting Creditor's Signatures	Amount of Proof	No.	Dissenting Creditor's Signatures	Amount of Proof
-----	---------------------------------	-----------------	-----	----------------------------------	-----------------

--	--	--	--	--	--

NOTE—When a resolution is carried unanimously the creditors need not sign, but when a division is taken all creditors and holders of proxies voting should sign. The signatures must be attached at the meeting. Resolutions should be put separately.

No. 48 (Section 123 and para. 26 of the First Schedule to the Act)
MINUTES OF PROCEEDINGS AT FIRST MEETING IN SUMMARY CASES
(Title)

Before [blank] at [blank] on the [blank] day of [blank] 19 [blank],
at [blank] o'clock.

The first meeting of creditors in the above matter was held at the
place and time above mentioned, and the several proofs of debt lodged
were produced, but no resolution was passed.

Chairman

No. 49 (Section 123, para. 26 of the First Schedule to the Act
and Rule 221)
MEMORANDUM OF ADJOURNMENT OF FIRST OR OTHER MEETING
(Title)

Before [blank] at [blank] on the [blank] day of [blank] 19
[blank], at [blank] o'clock.

The ["First" or as the case may be.] [blank] meeting of creditors in
the above matter was held at the time and place above mentioned, and
the several proofs of debt lodged were produced but it appearing that
[Here state reason for adjournment.] [blank] the meeting was adjourned
until the [blank] day of [blank] 19 [blank], at [blank] o'clock in the
[blank] noon, then to be held at the same place.

Chairman

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No. 50 (Section 123 and para. 26 of the First Schedule to the Act)
MINUTES OF PROCEEDINGS AT ADJOURNED
FIRST MEETING WHERE NO QUORUM
(Title)

Before [blank] at [blank] on the [blank] day of [blank] 19 [blank],
at [blank] o'clock.

The adjourned meeting of creditors in the above matter was held
at the time and place above mentioned, and the several proofs of debt
lodged were produced; but it appearing that there was not a quorum of
creditors qualified to vote present or represented no resolution was
passed, and the meeting was not further adjourned.

Chairman

No. 51 (Rule 216)
ORDER OF COURT FOR GENERAL MEETING OF CREDITORS
(Title)

Upon the application of C.D., of [blank], it is ordered that the
trustee of the property of the bankrupt [or the Official Receiver] do
summon a meeting of the creditors of the bankrupt to be held at [blank]
on the [blank] day of [blank] 19 [blank] at [blank] o'clock in the [blank]
noon [here state the purpose for which meeting called].

Dated this [blank] day of [blank] 19 [blank].

By the Court,

Registrar

No. 52 (Rule 215)
NOTICE OF MEETING (GENERAL FORM)
(Title)

Take notice that a meeting of creditors in the above matter will
be held at [blank] on the [blank] day of [blank] 19 [blank] at [blank]
o'clock in the [blank] noon.

(Forms of general and special proxy are enclosed herewith)

[Here insert purpose for which meeting called]

AGENDA

Dated the [blank] day of [blank] 19 [blank].

(Signed)["Trustee" or "Official Receiver"]

(Address)

No. 53 (Rule 13)

AFFIDAVIT OF POSTAGE OF NOTICES (GENERAL)

(Title)

I, [state whether trustee, barrister and attorney to trustee or clerk to either of them.] the trustee in the above matter, make oath and say as follows:

1 That I did, on the [blank] day of [blank] 19 [blank], send to [insert description of recipients, e.g. debtor, creditors, who have proved or as the case may be.] notices of [state purport of notice.] on the form hereunto annexed marked "A", [together with [insert description of any accompanying document.]].

2 That such notices were addressed to the said [insert description of recipients, e.g. debtor, creditors, who have proved or as the case may be.] at [state origin of address(es), e.g., last known address(es), or address(es) appearing on proofs or statement of affairs.]

3 That I sent the said notices by putting the same in the Post Office at [blank] before the hour of [blank] o'clock in the [blank] noon on the same day.

Sworn at, etc.

(Signature)

No. 54 (Rule 13)

CERTIFICATE OF POSTAGE OF NOTICES (GENERAL)

(Title)

I, [blank][Clerk in the office of] [strike out words in brackets if Official Receiver signs certificate.] the Official Receiver, hereby certify:

1 That I did, on the [blank] day of [blank] 19 [blank], send to [insert description of recipients e.g., debtor, creditors who have proved or as the case may be.] notices of [state purport of notice] on the form hereunto annexed marked "A", [together with [insert description of any accompanying document]].

2 That such notices were addressed to the said [insert description of recipients e.g., debtor, creditors who have proved or as the case may

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be.] at [state origin of address(es) e.g., last known address(es) or address(es) appearing on proofs or statement of affairs.]

3 That I sent the said notices by putting the same into the Post Office at [blank] before the hour of [blank] o'clock in the [blank] noon on the same day.

Dated this [blank] day of [blank] 19 [blank].

[Clerk in the office of
[strike out words in
brackets if Official
Receiver signs
certificate.]
Official Receiver

No. 55 (Rules 215 & 315)

NOTICE TO CREDITORS OF MEETING TO REMOVE TRUSTEE AND TO
APPOINT A PERSON TO FILL THE VACANCY

(Title)

At the request of one-tenth in value of the creditors of the bankrupt a general meeting of the creditors is hereby summoned to be held at [blank] on the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon for the purpose of considering the propriety of removing G.H., the trustee of the property of the bankrupt, from his office as such trustee, and in the event of his removal to appoint a person to fill the vacancy.

Dated this [blank] day of [blank] 19 [blank]

L.M.,
A member of the
Committee of Inspection
[or Official Receiver]

To X.Y.

No. 56 (Rule 215)

NOTICE OF MEETING TO BE HELD TO APPOINT NEW TRUSTEE

(Title)

I, [blank] the Official Receiver in the above matter, hereby give you notice that a meeting of creditors will be held at [blank] on the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon, for the purpose of appointing a trustee in the place of the late trustee, who has resigned the office [or who has died or against whom a Receiving Order has been made].

Dated this [blank] day of [blank] 19 [blank].

Official Receiver
(Address)

To: X.Y.

No. 57 (Rule 310)
MINUTES OF MEETING FOR RECEIVING RESIGNATION
OF TRUSTEE, ETC.
(Title)

Minutes of proceedings had at a meeting of creditors of the said bankrupt held at [blank] on the [blank] day of [blank] 19 [blank].

Chairman of the meeting, E.F., of [blank]

Resolved (here should follow resolutions).

E.F. Chairman of this meeting

No. 58
LIST OF CREDITORS ASSEMBLED TO BE USED AT EVERY MEETING
(Except a meeting at which a scheme or composition has been
considered)
(Title)

Meeting held at [blank] this [blank] day of [blank] 19 [blank].

No.	Names of Creditors present or represented	Amount of proof	
1			
2			
3			
4			
5			
6			
7			
7	Total number of creditors present or represented		

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No. 59

LIST OF CREDITORS FOR USE AT MEETING HELD FOR
 CONSIDERATION OF COMPOSITION OR SCHEME
 (Title)

Meeting held at [blank] this [blank] day of [blank] 19 [blank].

No.	Names of all Creditors whose Proofs have been admitted	Here state as to each Creditor whether he voted, and if so, whether Personally, by Proxy, or Voting Letter	Amount of Assents		Amount of admitted Proof	
		Total				

Required number for majority

Required value..... \$ _____

No. 60 (Rule 223)
PROOF OF DEBT: GENERAL FORM
(Title)

Re (a) [blank] No. (a) [blank] of 19 [blank].

I (b) [blank] of [blank] in the parish of [blank], make oath and say:

(c) That I am in the employ of the under-mentioned creditor, and that I am duly authorised by [blank] to make this affidavit, and that it is within my own knowledge that the debt herein-after deponed to was incurred, and for the consideration stated, and that such debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.

(d) That I am duly authorised, under the seal of the company hereinafter named, to make the proof of debt on its behalf.

That the said [blank] w[blank], at the date of the receiving order, viz., the [blank] day of [blank] 19 [blank] and still w[blank] justly and truly indebted to (e) [blank] in the sum of [blank] dollars and [blank] cents for (f) [blank] as shown by the* account endorsed hereon/account hereto annexed, marked "A" for which sum or any part thereof I say that I have not nor hath (g) [blank] or any person by (h) [blank] order to my knowledge or belief for (h) [blank] use had or received any manner of satisfaction or security whatsoever, save and except the following (i)—

	Date	Drawer	Acceptor	Amount		Due Date
Admitted to vote for \$ [blank] the [blank] day of [blank] 19 [blank]. Official Receiver				\$	¢	
Admitted to rank for [blank] dividend for [blank] \$ this [blank] day of [blank] 19 [blank]. Trustee	Sworn at [blank] in the Parish of [blank] this [blank] day of [blank] 19 [blank]. Before me		Where the debt proved for exceeds [blank] (see Note below) Bankruptcy stamp must be affixed here, or a postal order for [blank] be sent to the Official Receiver, as otherwise the proof cannot be admitted. Postage Stamps cannot be accepted.			
Deponent's Signature			NOTE—The stamp must not be defaced by the Creditor			

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The proof cannot be admitted for voting at the first meeting unless it is properly completed and lodged with the Official Receiver before the time named in the notice convening such meeting.

PARTICULARS OF ACCOUNT REFERRED TO ON OTHER SIDE
(Credit should be given for contra accounts)

If space is not sufficient, let the particulars be annexed, but where the particulars are on a separate sheet of paper the same must be marked by the person before whom the affidavit is sworn, thus—

IN BANKRUPTCY— "This is the account marked with the letter "A" referred to in the annexed proof of the debt made by [blank] in re sworn before me this [blank] day of [blank] 19 [blank].

(Signed)

Commissioner or Officer administering Oath."

Date	Consideration	Amount		Remarks
		\$	¢	The vouchers (if any) by which the account can be substantiated should be set out here

Signature of Deponent

You should attend carefully to these directions

- (a) Here insert the number of matter, and the name of debtor, as given on the notice of meeting.
- (b) Fill in full name, address, and occupation of deponent. If proof made by creditor, strike out clauses (c) and (d). If made by clerk of creditor strike out (d). If by clerk or agent of company strike out (c).
- (e) Insert "me" or, in case of a firm "me and C.D. and E.F. my co-partners trading as," or if by clerk, insert name, address, and description of principal.

Debt \$
Contra \$

\$ _____

NOTE THIS.

(f) State consideration [as—Goods sold and delivered by me][and my said partner] to him [or them] at his [or their] request between the dates of [or monies advanced by me in respect of the undermentioned bill of exchange], *or as the case may be.*

* Strike out the words not applicable.

(g) "My said partners or any of them" *or* "the above-named creditor," as the case may be.

(h) "My" *or* "our" *or* "their" *or* "his," as the case may be.

(i) Here state the particulars of all securities held, and where the securities are on the property of the debtor, assess the value of the same, and if any bills or other negotiable securities be held, specify them in the schedule.

N.B.—Bills or other negotiable securities must be produced before the proof can be admitted.

No. 61 (Rule 223)

PROOF OF DEBT BY SECURED CREDITOR

(Title)

Re [insert the number of matter and the name of debtor, as given on the notice of meeting.] No. [blank] of 19 [blank].

I, *L.M.*, of (*residence and description, e.g.,* Secretary) of the Y Bank, Limited, of (*address*), make oath and say—

That I am duly authorised, under the seal of the Company hereinafter named, to make the proof of debt on its behalf.

That the said *A.B.* was at the date of the Receiving Order, namely [blank] 19 [blank], justly and truly indebted to the said Y Bank, Limited, at their [blank] Branch in the sum of [blank] dollars for the balance of the overdrawn banking account kept by him at the said Branch of the said Bank, and still is justly and truly indebted to the said Bank in the sum of \$ [blank], being the said sum of \$ [blank] less a sum of \$ [blank], being the net proceeds of sale of certain securities held under a memorandum of deposit dated [blank] 19 [blank] as shown by [the account indorsed hereon *or* the following account, namely (*set out account*)] for which sum or any part thereof I say that the said Bank hath not nor hath any person by their order or to my knowledge or belief for

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their use had or received any manner of satisfaction or security whatsoever, save and except the following: 40 shares in the K.O. Company, Limited, the value of which security is assessed at \$ [blank].

Debt \$
 Contra..... \$

(Set out account, attestation, stamp and indorsement by Official Receiver and Trustee as in Form 60)

THE PROOF (continue as in Form 60)

(On the reverse)

PARTICULARS OF ACCOUNT REFERRED TO ON OTHER SIDE

(Continue as far as account as in Form 60)

Date	Consideration	Amount	Remarks The Vouchers (if any) by which the Account can be substantiated should be set out here
19 [blank] 1 January	Amount of overdraft on Current Banking Account Less: 500 Shares in the K.O., Company Limited, which realised on sale Less: Assessed value of unrealised security as in affidavit	\$ \$	

(Deponent's Signature)

No. 62

PROOF BY TRUSTEE IN PRIOR BANKRUPTCY (Rule 223)

(Title)

I, [blank] of [blank] make oath and say—

1 The said [blank] was adjudicated a bankrupt in the [blank] Court on [blank] 19 [blank], and I am the Trustee under such bankruptcy.

2 There was at the date of the Receiving (or Administration) Order herein, namely the [blank] day of [blank] 19 [blank], and still is an unsatisfied balance of the debts provable against the property of the bankrupt in the aforesaid bankruptcy, of which I am trustee, amounting

to \$ [blank], as shown in the Statement endorsed hereon [or annexed hereto marked "A"].

3 I claim to prove in the present proceedings for the said amount.
Sworn etc.

Before me

Admitted to vote for \$ [blank]
the [blank] day of [blank] 19
[blank],

Official Receiver or Trustee

Admitted to rank for dividend for
\$[blank] this [blank] day of [blank]
19 [blank].

Official Receiver or Trustee

No. 63 (Rule 224)
PROOF OF DEBT OF WORKMEN
(Title)

I, [Fill in full name, address, and occupation of deponent.] of [blank] [The above-named debtor or the foreman of the above-named debtor, or on behalf of the workmen and others employed by the above-named debtor.] make oath and say—

That ["I" or "the said."] [blank] w [blank] at the date of the receiving order, viz., the [blank] day of [blank] 19 [blank], and still [blank] justly and truly indebted to the several persons whose names, addresses, and descriptions appear in the schedule endorsed hereon in sums severally set against their names in the seventh column of the schedule for wages due to them respectively as workmen or others in ["My employ" or "the employ of the above-named debtor."] in respect of services rendered by them respectively to ["Me" or "the above-named debtor."] during such periods before the date of the receiving order as are set out against their respective names in the fifth column of such schedule, and for accrued holiday remuneration so due to them in respect of the periods so set out in the sixth column of the schedule for which said sums, or any part thereof, I say that they have not, nor hath any of them had or received any manner of satisfaction, or security whatsoever.

Sworn, etc.

Schedule referred to on the other side

1	2	3	4	5	6	7
No.	Full Name of Workman	Address	Description	Period over which wages due	Period over which accrued holiday remuneration due	Amount due

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						\$	c
--	--	--	--	--	--	----	---

No. 64 (Rule 233)
NOTICE OF REJECTION OF PROOF OF DEBT
(Title)

Take notice, that, as Official Receiver [or trustee] of the above estate, I have this day rejected your claim against such estate [if proof wholly rejected strike out words underlined.] [to the extent of \$ _____] on the following grounds:

And further take notice that if you are dissatisfied with my decision in respect of your proof, you may apply to the Court to reverse or vary the same, but subject to the power of the Court to extend the time, no application to reverse or vary my decision in rejecting your proof will be entertained after the expiration of [21 days or 7 days as the case may be. See Rules 234 and 241.] days from this date.

Dated this [blank] day of [blank] 19 [blank].

Official Receiver
or Trustee

To

(Address)

No. 65 (Rules 236 to 239)
GENERAL PROXY
(Title)

I [if a firm, write "we" instead of "I," and set out the full name of the firm.] [blank] of [blank], a creditor, hereby appoint [Here insert *either* "Mr. [blank] of [blank] a clerk, [blank] manager, &c., in my regular employ," or "The Official Receiver in the above matter." The standing of the person appointed must be clearly set out.] to be ["My" or "our."] general proxy in the above matter [excepting as to the receipt of dividend [see note 1.]].

Dated this [blank] day of [blank] 19 [blank].

(Signed)

[If a firm, sign the firm's trading title, and add "by A.B., a partner" in the said firm. As to signature by agent, see notes 2 and 3.]

(Signature of witness)

(Address)

Notes

1 When the creditor desires that his general proxy should receive dividends he should strike out the words, "excepting as to the receipt of dividend," putting his initials thereto [it is not intended that the Official Receiver shall in any case receive dividends on behalf of a creditor.].

2 The authorised agent of a corporation may fill up blanks, and sign for the corporation thus—

For the [blank] Company.

J.S. (duly authorised under the seal of the Company).

3 A proxy given by a creditor may be filled up and signed by any person in the employ of the creditor having a general authority in writing to sign for such creditor. Such person shall sign,

J.S. (duly authorised by a general authority in writing to sign on behalf of (*name of creditor*) [The Official Receiver or trustee may require the authority to sign to be produced for his inspection.]).

*Certificate to be signed by person other than creditor
filling up the above Proxy*

I, [blank] being a [*here state whether clerk or manager in the regular employment of the creditor or a commissioner to administer oaths in the Supreme Court*], hereby certify that all insertions in the above proxy are in my own handwriting, and have been made by me at the request of the above-named [blank] and in his presence, before he attached his signature [*or mark*] thereto.

Dated this [blank] day of [blank] 19 [blank].

(Signature)

The proxy must be lodged with the Official Receiver or trustee not later than midday on the day before the meeting at which it is to be used.

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No. 66 (Rules 236 to 239)
SPECIAL PROXY
(Title)

I, [if a firm, write "we" instead of "I," and set out the full name of the firm.] [blank] of [blank], a creditor, hereby appoint [Here insert *either* "Mr. [blank] of [blank]" or "The Official Receiver in the above matter."] as ["My" or "our."] proxy at the meeting of creditors to be held on the [blank] day of [blank] 19 [blank], or at any adjournment thereof, to vote [Here insert the word "for" or the word "against" as the case may require, and specify the particular resolution or name of proposed trustee, remuneration, or other matter.]

Dated this [blank] day of [blank] 19 [blank].

(Signed

[If a firm, sign the firm's trading title, and add "by A.B., a partner" in the said firm. As to signature by agent, see notes 2 and 3.]

(Signature of witness)

(Address)

Notes

1 A creditor may give a special proxy to any person to vote at any specified meeting or adjournment thereof on all or any of the following matters:

- (a) for or against any specific proposal for a composition or scheme of arrangement;
- (b) for or against the appointment of any specified person as trustee at a specified rate of remuneration or as member of the committee of inspection, or for or against the continuance in office of any specified person, as trustee or member of a committee of inspection;
- (c) on all question [sic] relating to any matter, other than those above referred to, arising at any specified meeting or adjournment thereof.

2 The authorised agent of a corporation may fill up blanks and sign for the corporation, thus—

"For the [blank] Company.

J.S. (Duly authorised under the seal of the Company)."

3 A proxy given by a creditor may be filled up and signed by any person in the employ of the creditor having a general authority in writing to sign for such creditor. Such person shall sign.

J.S. (Duly authorised by a general authority in writing to sign on behalf of (*name of creditor*)[The Official Receiver or trustee may require the authority to sign to be produced for his inspection.]

*Certificate to be signed by person other than creditor filling up the above
Proxy*

I, [blank], of [blank], being a [*here state whether clerk or manager in the regular employment of the creditor or a commissioner to administer oaths in the Supreme Court*], hereby certify that all insertions in the above proxy are in my own handwriting, and have been made by me at the request of the above-named [blank] and in his presence, before he attached his signature [*or mark*] thereto.

Dated this [blank] day of [blank] 19 [blank].

(Signature)

The proxy must be lodged with the Official Receiver or trustee not later than midday on the day before the meeting at which it is to be used.

No. 67 (Rule 157)

APPLICATION BY THE OFFICIAL RECEIVER FOR AN ORDER
APPOINTING A SITTING FOR THE PUBLIC EXAMINATION OF THE
DEBTOR
(Title)

A receiving order having been made in the above matter, application is hereby made to the Court by the Official Receiver for an order appointing the [blank] day of [blank] at [blank] or such other time and place as the Court shall direct for holding the public examination of the debtor, and that the debtor do attend such public examination.

Dated this [blank] day of [blank] 19 [blank].

Official Receiver

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No. 68 (Rules 157 & 158)
ORDER APPOINTING A TIME FOR THE PUBLIC EXAMINATION
OF THE DEBTOR
(Title)

Upon the application of the Official Receiver in the above matter, it is ordered that the public examination of the above-named debtor be held at [blank] [insert the place for the examination] on the [blank] day of [blank] at [blank] o'clock in the [blank] noon.

And it is ordered that the above-named debtor do attend at the place and time above mentioned.

Dated this [blank] day of [blank] 19 [blank].

By the Court,

Registrar

NOTE—Notice is hereby given that if you, the above-named debtor, fail, without reasonable excuse, to attend at the time and place aforesaid you will be liable to be committed to prison without further notice.

No. 69 (Rule 165)
ORDER APPOINTING TIME FOR PROCEEDING WITH PUBLIC
EXAMINATION ADJOURNED *Sine Die*.
(Title)

Upon the application of the Official Receiver (*OR* debtor) in the above matter, it is ordered that the public examination of the above-named debtor which was adjourned *sine die* on the [blank] day of [blank] 19 [blank], be held at [blank][insert the place for the examination] on the [blank] day of [blank] at [blank] o'clock in the [blank] noon and it is ordered that the above-named debtor do attend at the time and place above mentioned.

Dated this [blank] day of [blank] 19 [blank].

By the Court,

Registrar

NOTE—Notice is hereby given that if you, the above-named debtor, fail, without reasonable excuse to attend at the time and place aforesaid you will be liable to be committed to prison without further notice.

No. 70 (Rule 165)
NOTICE OF DAY FOR PROCEEDING WITH PUBLIC EXAMINATION
(FOR LOCAL PAPER)
(Title)

Notice is hereby given that the above-named Court has appointed [blank] day, the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon, for proceeding with the public examination of the above-named debtor, which, on the [blank] day of [blank] 19 [blank] was adjourned *sine die*.

Dated this [blank] day of [blank] 19 [blank].

(Signed)

Official Receiver

No. 71 (Rule 56)
APPOINTMENT OF SHORTHAND WRITER TO
TAKE EXAMINATION OF DEBTOR
(Title)

Before [blank]

Upon the application of the Official Receiver [blank] the Court hereby appoints [blank] of [blank] to take the examination of the said [blank] at his public examination this day pursuant to Rule 56 of the Bankruptcy Rules 1989.

Dated this [blank] day of [blank] 19 [blank].

By the Court,

Registrar

No. 72 (Rule 56)
DECLARATION BY SHORTHAND WRITER
(Title)

Before [blank]

I, [blank], of [blank], in the parish of [blank], the shorthand writer appointed by this Court to take down the examination of the said [blank],

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do solemnly and sincerely declare that I will truly and faithfully take down the questions and answers put and given by the said [blank] in this matter, and will deliver true and faithful transcripts thereof as the Court may direct.

Dated this [blank] day of [blank] 19 [blank].

[Declared before me at the time and place above-mentioned.]

Registrar

No. 73 (Rule 56)

DECLARATION BY OFFICIAL SHORTHAND WRITER

(Title)

Before [blank]

I, [blank], of [blank], one of the Official Shorthand Writers appointed to this Court do solemnly and sincerely declare that I will truly and faithfully take down the questions put to and the answers given by all persons whose examination, whether Public or Private, I shall from time to time be appointed by the Court to take down and will deliver true and faithful transcripts thereof as the Court may direct.

Dated this [blank] day of [blank] 19 [blank].

[Declared before me at the time and place above-mentioned.]

Registrar

No. 74 (Section 16(8) of the Act and Rule 56)

NOTES OF PUBLIC EXAMINATION OF DEBTOR

WHERE A SHORTHAND WRITER IS APPOINTED

(Title)

Public Examination of the Debtor

Before [blank] at the [blank] Court this [blank] day of [blank] 19 [blank].

The above-named debtor, being sworn and examined at the time and place above-mentioned, upon the several questions following being put and propounded to him, gave the several answers thereto respectively following each question, that is to say—

A.

These are the notes of the public examination referred to in the memorandum of public examination of [blank], taken before me this [blank] day of [blank] 19 [blank].

(Signed)

No. 75 (Section 16(8) of the Act)
NOTES OF PUBLIC EXAMINATION OF DEBTOR
WHERE SHORTHAND WRITER IS NOT APPOINTED
(Title)

Public Examination of the Debtor

Before [blank] at the [blank] Court this [blank] day of [blank] 19 [blank].

The above-named debtor being sworn and examined at the time and place above-mentioned, upon his oath saith as follows:

A.

These are the notes of the public examination referred to in the memorandum of public examination of [blank], taken before me this [blank] day of [blank] 19 [blank].

(Signed)

No. 76 (Section 16(3) of the Act)
ORDER OF ADJOURNMENT OF PUBLIC EXAMINATION
(Title)

This being the day appointed for the [insert here word "further" if necessary.] public examination of the above named [blank], and the said [blank] having submitted himself for such examination, now upon hearing Mr. [blank] the Official Receiver in the above matter, and upon hearing [blank] and it appearing that [blank]

It is ordered that the said public examination be adjourned to the [blank] day of [blank] 19 [blank], at [blank] in the [blank] noon at [blank]. And it is further ordered that the said [blank] do attend at the said Court on the said [blank] day of [blank] 19 [blank] for the purpose of being further examined as to his conduct, dealings, and property. And it is further ordered that the said [set out any further order of the court.]

Dated this [blank] day of [blank] 19 [blank].

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Registrar

No. 77 (Rule 166 and section 17 of the Act)
ORDER DISPENSING WITH PUBLIC EXAMINATION OF DEBTOR
(Title)

Upon the application of the Official Receiver [or, of [insert name and address of applicant, and the capacity in which he makes the application.], of [blank]] in the above matter, and upon reading [blank], and upon hearing [blank], and it appearing to the Court that the debtor is [state what the disability is.], it is ordered that the public examination of the debtor be dispensed with.

Dated this [blank] day of [blank] 19 [blank].

By the Court,

Registrar

No. 78 (Rule 166)
ORDER AS TO EXAMINATION OF DEBTOR WHO IS
SUFFERING FROM MENTAL OR PHYSICAL AFFLICTION OR DISABILITY
(Title)

Upon the application of the Official Receiver [or, of [insert name and address of applicant, and the capacity in which he makes the application], of [blank]] in the above matter, and upon reading [blank], and upon hearing [blank], and it appearing to the Court that the debtor is suffering from physical disability which makes him unfit to attend a public examination in court [or, as the case may be] it is ordered that instead of a public examination of the debtor [This part of the order to be adapted to the circumstances of the case] the debtor be examined on oath at [insert place of examination.] before the Registrar [blank] on [blank] the [blank] day of [blank] 19 [blank] at [blank] o'clock or such other time as having regard to the condition of the debtor may be convenient, and that the Official Receiver and Trustee and [insert name of any other person authorised by the Court to attend.] be at liberty to attend such examination and take part therein.

Dated this [blank] day of [blank] 19 [blank].

By the Court,

Registrar

No. 79 (Section 16(8) of the Act)
MEMORANDUM OF PUBLIC EXAMINATION OF DEBTOR
(Title)

Memorandum.—That I, [blank], the above-named debtor, being sworn and examined upon my oath, say that the notes of my public examination marked "A," and appended hereto, were read over by or to me and are correct.

And I further say, that at the time of this my examination, I have delivered up to the Official Receiver or the Trustee of my estate, all property, estate, and effects, and all books, papers, and writings relating thereto.

And I further say, that I have made a full disclosure of all my assets and of all my debts and liabilities of whatever kind, and that I have not removed, concealed, embezzled, or destroyed any part of my estate, real or personal, nor any books of accounts, papers, or writings relating thereto, with an intent to defraud my creditors, or to conceal the state of my affairs.

[Here insert any special matter]

Dated this [blank] day of [blank] 19 [blank].

Signature

No. 80 (Section 16(9) of the Act)
ORDER OF COURT THAT EXAMINATION IS CONCLUDED
(Title)

Whereas the above-named *A.B.* has duly attended before the Court, and has been publicly examined as to his conduct, dealings, and property;

And whereas the Court is of opinion that the affairs of the said *A.B.* have been sufficiently investigated, it is hereby ordered that the examination of the said *A.B.* is concluded.

Dated this [blank] day of [blank] 19 [blank].

By the Court,

Registrar

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No. 81 (Section 18(1) of the Act)
PROPOSAL FOR A COMPOSITION
(Title)

I, [blank], the above-named debtor, hereby submit the following proposal for a composition in satisfaction of my debts:

1 That payment in priority to all other of my debts of all debts directed to be so paid in the distribution of the property of a bankrupt shall be provided for as follows:

[set out terms of proposal so far as relate to preferential claims]

2 That provision for payment of all the proper costs, charges, and expenses of and incidental to the proceedings, and all fees and percentages payable to the Official Receiver shall be made in the following manner:

[set out proposal for provisions for fees, charges, costs, etc.]

3 That the following composition shall be paid as herein-after mentioned on all provable debts:

[set out terms of composition]

4 That the payment of the composition be secured in the following manner:

*[set out full names and addresses of sureties (if any)
and complete particulars of all securities intended to be given]*

Dated this [blank] day of [blank] 19 [blank].

(Signed)

[To be signed by the debtor; in case of joint debtors to be signed in the firm name by such of the debtors as the Official Receiver shall require.]

No. 82 (Section 18(1) of the Act)
PROPOSAL FOR A SCHEME
(Title)

I, [blank], the above-named debtor, hereby submit the following proposal for a scheme of arrangement of my affairs in satisfaction of my debts.

1 That—

[set out terms of scheme]

2 That payment in priority to all other of my debts of all debts directed to be so paid in the distribution of the property of a bankrupt is provided for as follows:

[set out or indicate by reference to the scheme how it is proposed to satisfy preferential claims]

3 That provision for payment of all the proper costs, charges and expenses of and incidental to the proceedings, and all fees and percentages payable to the Official Receiver is provided for as follows:

[set out, or indicate by reference to the scheme, how it is proposed to provide for fees, costs, charges, etc.]

[set out any other terms]

Dated this [blank] day of [blank] 19 [blank].

(Signed)

[To be signed by the debtor,
or in the case of joint debtors, to be signed in the firm name by such of the debtors as the Official Receiver shall require.]

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No. 83 (Rule 171)

REPORT OF OFFICIAL RECEIVER TO CREDITORS ON PROPOSAL FOR
COMPOSITION OR SCHEME AND VOTING LETTER

(Title)

The Official Receiver of the above estate hereby reports—

That the debtor has lodged with him a proposal for a composition [or
scheme] to be submitted to the creditors, of which the following is a copy:

[Here set out fully the terms of proposal]

That the liabilities, as shown by the debtor's statement of affairs, amount
to the sum of \$ [blank], and the assets are estimated by the debtor at the
sum of \$ [blank] after payment of preferential debts.

That the value of the assets is [fairly estimated by the debtor] [or, as the
case may be].

That the terms of the debtor's proposal [set out particulars of proposal
and observations on the proposal and the debtor's conduct].

Dated this [blank] day of [blank] 19 [blank].

Official Receiver

(Address)

VOTING LETTER (Section 18(4) of the Act)

(Title)

I, [blank], of [blank], a creditor in the above matter for the sum of
\$ [blank], hereby request the Official Receiver of the said estate to record
my vote [insert here the word "for" or the word "against" as the case may
require.] the acceptance of the proposal as set forth in the Report of the
Official Receiver hereto annexed and/or [(Creditors may, if they think fit,
authorise the Official Receiver to vote "against" the proposal now
submitted, but "for" such amendment thereof as may be satisfactory to
the Official Receiver.] any amendment thereof which shall, in the opinion
of the Official Receiver, be calculated to benefit the general body of the
creditors.

Dated this [blank] day of [blank] 19 [blank].

Signature of Creditor

Signature of Witness

Address

No. 84 (Section 18(2) of the Act)
RESOLUTION ACCEPTING COMPOSITION
(Title)

Minutes of resolutions come to and proceedings had at a meeting of creditors held at [blank] this [blank] day of [blank] 19 [blank], [blank], Chairman.

Resolved as follows: [insert "unanimously" where the resolution is so carried.]

That the debtor's proposal for a composition, as set forth in the annexed paper writing, marked "A," be accepted.

F.K., Chairman

Number	Assenting Creditor's Signatures	Amount of Proof		Number	Dissenting Creditor's Signatures	Amount of Proof	
		\$	¢			\$	¢

Note—When a resolution is carried unanimously the creditors need not sign, but when a division is taken all creditors and holders of proxies voting should sign. The signatures must be attached at the meeting. Resolutions should be put separately.

No. 85 (Section 18(2) of the Act)
RESOLUTION ACCEPTING A SCHEME OF ARRANGEMENT
(Title)

Minutes of resolutions come to and proceedings had at the first meeting of creditors held at [blank] this [blank] day of [blank] 19 [blank].

[blank], Chairman

Resolved as follows: [insert "unanimously" where the resolution is so carried.]

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That the debtor's proposal for a scheme of arrangement as set forth in the paper writing hereunto annexed, and marked with the letter "A," be accepted.

F.K., Chairman

Number	Assenting Creditor's Signatures	Amount of Proof		Number	Dissenting Creditor's Signatures	Amount of Proof	
		\$	¢			\$	¢

NOTE—When a resolution is carried unanimously the creditors need not sign, but when a division is taken all creditors and holders of proxies voting should sign. The signatures must be attached at the meeting. Resolutions should be put separately.

No. 86

APPLICATION TO EXTEND TIME FOR APPROVING A COMPOSITION OR SCHEME AND ORDER THEREON
(Title)

Ex parte the Official Receiver.

The Official Receiver in the above matter reports to the Court—

That a ["Composition" or "scheme of arrangement."] was on the [blank] day of [blank] 19 [blank], duly lodged by the debtor in the above matter.

That the public examination of the debtor was concluded on the [blank] day of [blank] 19 [blank].

That ["The prescribed notices cannot be given"; or "the moneys or securities required for the said ["Composition" or "scheme of arrangement."] have not been lodged"; or as the case may be.] in time to allow of the approval of the said ["Composition" or "scheme of arrangement."] within fourteen days after the conclusion of the examination of the debtor as required by section 20 of the Bankruptcy Act 1989.

Under these circumstances, application is made for an extension of time to the [blank] day of [blank] 19 [blank], for obtaining such approval.

Dated this [blank] day of [blank] 19 [blank].

Official Receiver

Order

Before [blank]

Upon reading the above report of the Official Receiver, and hearing [blank] it is ordered that the time for obtaining the approval of the said ["Composition" or "scheme of arrangement."] in the above matter be extended to the [blank] day of [blank] 19 [blank].

Dated this [blank] day of [blank] 19 [blank].

By the Court,

Registrar

No. 87 (Rule 168)

APPLICATION TO COURT TO APPOINT DAY FOR APPROVING
COMPOSITION OR SCHEME

(Title)

Whereas at a meeting of creditors of the above-named debtor, held at [blank] on the [blank] day of [blank] 19 [blank], a resolution to accept a ["Composition" or "scheme of arrangement."] was duly passed by a majority in number representing three-fourths in value of all the creditors who have proved their debts.

And whereas the public examination of the said debtor was concluded on the [blank] day of [blank] 19 [blank].

Now the ["Debtor or Official Receiver] applies to the Court to fix a day for the consideration of the above-mentioned ["Composition" or "scheme of arrangement."]

The gross amount of the ["Estimated assets" (but not exceeding the gross amount of the unsecured liabilities) or "composition."] on which the ad valorem fee will be payable is \$ [blank].

Dated this [blank] day of [blank] 19 [blank].

Debtor [or Official Receiver]

Order

Before [blank]

Upon reading the above application, and hearing [blank], it is ordered that the application for the consideration by the Court of the above-mentioned [Composition or scheme of arrangement.] shall be

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heard at [blank] on the [blank] day of [blank] 19 [blank] , at [blank] o'clock in the [blank] noon.

Dated this [blank] day of [blank] 19 [blank].

By the Court,

Registrar

No. 88 (Rule 168)
APPLICATION TO COURT TO APPOINT DAY FOR APPROVING
COMPOSITION OR SCHEME IN A SUMMARY CASE
(Title)

SUMMARY CASE

Whereas an order for the summary administration of the estate of the above-named [blank] was made by the Court on the [blank] day of [blank] 19 [blank].

And whereas at a meeting of creditors of the above-named debtor, held at [blank] on the [blank] day of [blank] 19 [blank], a resolution to accept [a Composition or scheme of arrangement.] was duly passed by a majority in number representing three-fourths in value of all creditors who have proved their debts.

And whereas the public examination of the said debtor was concluded on the [blank] day of [blank] 19 [blank].

Now the ["Debtor" or "Official Receiver."] applies to the Court to fix a day for the consideration of the above-mentioned [Composition or scheme of arrangement.].

The gross amount of the ["Estimated assets" (but not exceeding the gross amount of the unsecured liabilities) or "composition."] on which the ad valorem fee will be payable is \$ [blank]

Dated this [blank] day of [blank] 19 [blank].

Debtor [or Official Receiver]

Order

Before [blank]

Upon reading the above application, and hearing [blank], it is ordered that the application for the consideration by the Court of the

above-mentioned [Composition or scheme of arrangement.] shall be heard at [blank] on the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon.

Dated this [blank] day of [blank] 19 [blank].

By the Court,

Registrar

No. 89 (Rule 170)

NOTICE TO CREDITORS OF APPLICATION TO COURT TO APPROVE
COMPOSITION OR SCHEME OF ARRANGEMENT

(Title)

Take notice that application will be made to the above Court sitting at [blank], on [blank] the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon to approve the composition [or scheme of arrangement] as proposed by the said debtor and duly accepted by the statutory majority of the creditors at a meeting held on [blank] the [blank] day of [blank] 19 [blank].

Dated this [blank] day of [blank] 19 [blank].

Official Receiver

(Address)

No. 90 (Rule 170)

NOTICE TO CREDITORS OF APPLICATION TO COURT TO APPROVE
COMPOSITION OR SCHEME OF ARRANGEMENT IN A SUMMARY CASE

(Title)

SUMMARY CASE

Take notice that application will be made to the above Court sitting at [blank] on [blank] the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon to approve the composition [or scheme of arrangement] as proposed by the said debtor and duly accepted by the statutory majority of creditors at a meeting held on [blank] the [blank] day of [blank] 19 [blank].

Dated this [blank] day of [blank] 19 [blank].

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Official Receiver
(Address)

No. 91 (Rule 169)

NOTICE TO OFFICIAL RECEIVER OF APPLICATION TO COURT BY
DEBTOR TO APPROVE COMPOSITION OR SCHEME

(Title)

Take notice that application will be made to the Court on the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon, to approve the composition [or scheme], accepted on the [blank] day of [blank] 19 [blank] by the statutory majority of creditors.

Dated this [blank] day of [blank] 19 [blank].

G.H.

No. 92 (Section 18(12) of the Act)

ORDER ON APPLICATION TO APPROVE COMPOSITION OR SCHEME

(Title)

On the application of [blank] and on reading the report of the Official Receiver filed on the [blank] day of [blank] 19 [blank], and hearing the Official Receiver and [blank], and the Court being satisfied that the creditors in the above matter have duly accepted a composition [or scheme] in the following terms, namely [*here insert terms if short; if not, insert "in the terms contained in the paper writing marked A, annexed hereto"*]* and being satisfied that the said terms are reasonable and calculated to benefit the general body of creditors⁼ and that the case is not one in which the Court would be required, if the debtor were adjudged bankrupt, to refuse an order of discharge.

[*and as the case may be*]

And being satisfied—

(a) That no facts have been proved which would justify the Court in refusing, qualifying, or suspending an order of discharge,

or

(b) That facts have been proved which would justify the Court in refusing, qualifying, or suspending an order of discharge, but that having regard to the nature of such facts, and the composition [or scheme] providing reasonable security for payment of not less than ten

cents in the dollar on all unsecured debts provable against the debtor's estate, the said composition [*or* scheme] is hereby approved, and it is ordered—

(a) That the receiving order made against the said [*blank*] on the [*blank*] day of [*blank*] 19 [*blank*], be and the same is hereby discharged,

or

(b) That the order of adjudication made against the said [*blank*] on the [*blank*] day of [*blank*] 19 [*blank*], be and the same is hereby annulled.

or after *

and being satisfied that the said terms are not reasonable or calculated to benefit the general body of creditors

and (or after = and being satisfied)

(a) That the case is one in which the Court would be required, if the debtor were adjudged bankrupt, to refuse his discharge.

or

(b) That the facts have been proved which would, under the Act, justify the Court in refusing, qualifying or suspending the debtor's discharge.

The Court doth refuse to approve the said composition [*or* scheme].

Dated this [*blank*] day of [*blank*] 19 [*blank*].

By the Court,

Registrar

No. 93 (Rule 182)

APPLICATION FOR ENFORCEMENT OF PROVISION
IN A COMPOSITION OR SCHEME

(Title)

In the matter of a composition [*or* scheme of arrangement] made by [*blank*] A.B., of [*blank*]

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I, *L.M.*, of [blank], do apply to this Court for an order for the enforcement of the provisions of the said composition [or scheme of arrangement] against [blank], on the grounds set forth in the annexed affidavit.

Dated this [blank] day of [blank] 19 [blank].

L.M.

No. 94 (Rule 182)
AFFIDAVIT IN SUPPORT OF APPLICATION FOR ENFORCEMENT OF
PROVISIONS OF A COMPOSITION OR SCHEME
(Title)

In the matter of a composition [or scheme of arrangement], made by [blank] *A.B.*, of [blank]

I, *A.M.*, of [blank], make oath and say—

1 That I am interested in the said composition [or scheme of arrangement], having proved my debt as a creditor of the said *A.B.*, [or as the case may be].

2 That [one of] the provisions of the said composition [or scheme of arrangement] is [or are] that [here set it or them out].

3. That [blank] has failed to comply with the said provisions [or as the case may be].

Sworn at, etc.

L.M.

No. 95 (Rule 182)
ORDER FOR ENFORCEMENT OF PROVISION IN A COMPOSITION OR
SCHEME
(Title)

In the matter of a composition [or scheme of arrangement], made by [blank] *A.B.*, of [blank]

Upon the application of *L.M.*, of [blank], and reading [here insert evidence], and upon hearing [blank] the Court being of opinion that the provisions of the said composition [or scheme of arrangement] mentioned in the said affidavit should be enforced, it is ordered that [here insert order].

Dated this [blank] day of [blank] 19 [blank].

By the Court,

Registrar

To

Take notice that unless you obey the directions contained in this order, you will be deemed to have committed a contempt of Court.

No. 96 (Section 18(14) of the Act)
CERTIFICATE OF APPROVAL OF COMPOSITION OR SCHEME
(Title)

I hereby certify that a composition [*or* scheme of arrangement] between A.B., of [blank], the above-named debtor, and his creditors was duly approved by the Court on the [blank] day of [blank] 19 [blank].

Dated this [blank] day of [blank] 19 [blank].

Official Receiver

No. 97
NOTICE TO DEBTOR OF INTENDED APPLICATION FOR ADJUDICATION
(Title)

Take notice, that, on behalf of the Official Receiver, application will be made to the Court sitting in Bankruptcy, at [blank] on [blank] day, the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon for an order adjudging you, the above-named [blank] bankrupt.

[Here state the grounds on which the application will be made.]

[and further take notice, that leave has been obtained to serve you with short notice of this Application.]

Dated this [blank] day of [blank] 19 [blank].

To the above-named

No. 98 (Rule 188)
APPLICATION FOR ADJUDICATION UNDER SECTION 15 OF THE ACT
(Title)

The Official Receiver in the above matter reports to the Court—

That a receiving order was made against the above-named debtor on the [blank] day of [blank] 19 [blank].

That a copy of the form hereunto annexed was [blank] to the said debtor, on the [blank] day of [blank] 19 [blank].

That the debtor has not submitted a statement of and in relation to his affairs as required by Section 15 of the Act, nor has he furnished the Official Receiver with any reasonable excuse for his failure to do so.

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The Official Receiver accordingly, in pursuance of Section 15 of the Act, makes application to the Court to adjudge the said debtor [blank] bankrupt.

Dated this [blank] day of [blank] 19 [blank].

Official Receiver

No. 99 (Rule 188)
APPLICATION FOR ADJUDICATION UNDER
SECTION 15 OF THE ACT AND RULE 188
(Title)

The Official Receiver in the above matter reports to the Court—

That a receiving order was made against the above-named debtor on the [blank] day of [blank] 19 [blank].

That the act of bankruptcy on which the petition was founded was the allegation that the debtor had within three months before the date of the presentation of the petition [blank].

That from inquiries made since the receiving order, the statement that the said debtor had [blank] appears to have been well founded, and the present place of residence of the debtor has not been ascertained.

That the debtor has failed to attend at the office of the Official Receiver to be examined in respect of his property and creditors, and to give necessary information relative to his estate, affairs, conduct, and dealings, and to receive instructions as to the preparation of a statement of and in relation to his affairs in accordance with the notice (a copy of which is hereto annexed) sent by post addressed to [blank] as aforesaid.

That the debtor has not submitted a statement of and in relation to his affairs in pursuance of Section 15 of the Act.

The Official Receiver accordingly, in pursuance of the provisions of Section 15 of the Act, and Rule 188 of the Bankruptcy Rules 1989, makes application to the Court to adjudge the said debtor [blank] bankrupt.

Dated this [blank] day of [blank] 19 [blank].

Official Receiver.

No. 100 (Rule 188)
APPLICATION FOR ADJUDICATION AFTER RESOLUTION FOR
BANKRUPTCY OR BY CONSENT
(Title)

The Official Receiver of the estate of the above-named debtor hereby reports to the Court—

That at the first meeting of the creditors of the said debtor [blank] held at [blank] on the [blank] day of [blank] 19 [blank], the following resolution was passed:

"That [blank], the above-named debtor, shall be adjudged bankrupt, and that the Official Receiver do apply to the Court to make the adjudication."

[And/Or that the debtor has, in writing, consented to be adjudged bankrupt.]

The Official Receiver accordingly, in pursuance of the provisions of Section 20 of the Act, makes application to the Court to adjudge the said debtor, [blank], bankrupt.

Dated this [blank] day of [blank] 19 [blank].

Official Receiver

No. 101 (Rule 188)
APPLICATION FOR ADJUDICATION; NO QUORUM; SUMMARY
ADMINISTRATION
(Title)

The Official Receiver reports to the Court—

That a receiving order was made against the above-named debtor on the [blank] day of [blank] 19 [blank].

That an order for the summary administration of the estate of the debtor was made on the [blank] day of [blank] 19 [blank].

That the first meeting of creditors was duly summoned to be held at [blank] on the [blank] day of [blank] 19 [blank].

That creditors qualified to vote not being present or represented thereat to form a quorum no resolution was passed.

That ["the debtor has, in writing, consented to the Court adjudging him bankrupt."]

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The Official Receiver accordingly, in pursuance of the provisions of Section 20 of the Act, makes application to the Court to adjudge the said debtor, [blank], bankrupt.

Dated this [blank] day of [blank] 19 [blank].

Official Receiver

No. 102 (Rule 188)
APPLICATION FOR ADJUDICATION WHERE NO QUORUM AT
ADJOURNED MEETING
(Title)

The Official Receiver reports to the Court—

That a receiving order was made against the above-named debtor on the [blank] day of [blank] 19 [blank].

That the first meeting of creditors was duly summoned to be held at [blank], on the [blank] day of [blank] 19 [blank].

That creditors qualified to vote not being present or represented thereat to form a quorum, the said meeting was adjourned to the [blank] day of [blank] 19 [blank].

That at such adjourned meeting creditors qualified to vote not being present or represented to form a quorum no resolution was passed.

That [Notice of this application was on the [blank] day of [blank] 19 [blank], sent by post addressed to the debtor, or, the debtor has consented, in writing, to the Court adjudging him bankrupt.]

The Official Receiver accordingly, in pursuance of section 20 of the Act, makes application to the Court to adjudge the said debtor, [blank], bankrupt.

Dated this [blank] day of [blank] 19 [blank].

Official Receiver

No. 103 (Rules 187 & 188)
ORDER OF ADJUDICATION
(Title)

Pursuant to a petition, dated [blank] against [here insert name, description, and address of debtor] on which a receiving order was made, on the [date], and on the application of [here insert "the Official Receiver" or "the debtor himself" or "A.B. of [blank] a creditor"], and on reading

[*blank*] and hearing [*blank*] it is ordered that the debtor be and the said debtor is hereby adjudged bankrupt.

Dated this [*blank*] day of [*blank*] 19 [*blank*].

By the Court,
Registrar

Or,

Whereas pursuant to a petition dated [*blank*] against *A.B.*, a receiving order was made on the [*date*]. And whereas it appears to the Court that at the first meeting of creditors held on the [*date*], (or at an adjournment of the first meeting of creditors) at [*blank*], it was duly resolved that the debtor be adjudged bankrupt. It is ordered that the debtor be and the said debtor is hereby adjudged bankrupt.

Dated this [*blank*] day of [*blank*] 19 [*blank*].

By the Court,
Registrar

No. 104 (Rule 188)
ORDER OF ADJUDICATION AFTER RECEIVING ORDER UNDER
SECTION 100 OF THE ACT

(Title)

Whereas a receiving order was made against the above-named debtor on the [*blank*] day of [*blank*] upon the hearing of an application for his commitment to prison for default in payment of moneys pursuant to an order of the Court, and in lieu of his commitment to prison for such default.

And whereas it appears to this Court that [grounds of application for adjudication].

It is ordered that the debtor be and the said debtor is hereby adjudged bankrupt.

Dated this [*blank*] day of [*blank*] 19 [*blank*].

By the Court,
Registrar

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No. 105

APPLICATION TO ANNUL ADJUDICATION UNDER SECTION 35 OF THE
ACT
(Title)

I, *R.S.*, of [blank], being interested in this matter do hereby make application to the Court that the order of adjudication against *A.B.* be annulled [*here state grounds of application*].

Dated this [blank] day of [blank] 19 [blank].

R.S.

No. 106

ORDER ANNULING ADJUDICATION UNDER SECTION 35 OF THE ACT
(Title)

On the application of *R.S.*, of [blank], and on reading [blank] and hearing [blank], it is ordered that the order of adjudication dated [blank] against *A.B.*, of [blank], be and the same is hereby annulled.

Dated this [blank] day of [blank] 19 [blank].

By the Court,

Registrar

No. 107 (Rule 153)

NOTICE TO OFFICIAL RECEIVER AND TRUSTEE OF APPLICATION FOR
ANNULMENT OR RESCISSION ON PAYMENT OF DEBTS IN FULL
(Title)

The bankrupt (*or the debtor*) having applied to the Court for annulment of the order of adjudication (*or rescission of the receiving order*) made against him on the ground that he has paid his debts in full, the Court has fixed the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon at [blank] for hearing the application.

Dated this [blank] day of [blank] 19 [blank].

Registrar

To the Official Receiver

(and Mr. [blank]
trustee of the estate of the bankrupt)

No. 108 (Rule 194)
APPLICATION FOR ORDER OF DISCHARGE
(Title)

I, *A.B.*, of [blank], having been adjudged bankrupt on the [blank] day of [blank] 19 [blank], and being desirous of obtaining my discharge, hereby apply to the Court to fix a day for hearing my application.

My public examination was concluded on the [blank] day of [blank]

Annexed hereto is the certificate of the Official Receiver specifying the number of my creditors of whom he has notice.

Dated this [blank] day of [blank] 19 [blank].

(Signed) *A.B.*

To the Registrar of the Supreme Court.

No. 109 (Rule 194)
CERTIFICATE OF NUMBER OF CREDITORS
(Title)

I certify that the creditors of the above bankrupt who require to be notified of his intention to apply for his discharge are [blank] in number.

Dated this [blank] day of [blank] 19 [blank].

G.H., Official Receiver

No. 110 (Rule 195)
NOTICE TO OFFICIAL RECEIVER AND TRUSTEE OF APPLICATION FOR
DISCHARGE
(Title)

The bankrupt having applied to the Court for his discharge, the Court has fixed the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon at [blank] for hearing the application.

Dated this [blank] day of [blank] 19 [blank].

Registrar

To the Official Receiver,
and Mr. [blank]
trustee of the estate of [blank]
the bankrupt.

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No. 111 (Rule 195)
NOTICE TO CREDITORS OF APPLICATION FOR DISCHARGE
(Title)

TAKE NOTICE that the above-named Bankrupt has applied to the Court for his discharge, and that the Court has fixed the [blank] day of [blank] 19 [blank], at [blank] o'clock for hearing the application.

Dated this [blank] day of [blank] 19 [blank].

Official Receiver
(Address)

NOTE—On the back of this notice the provisions of ss. 30 and 33 of the Bankruptcy Act 1989 should be printed.

No. 112 (Rule 200)
ORDER GRANTING DISCHARGE UNCONDITIONALLY
(Title)

On the application of *A.B.*, of etc., adjudged bankrupt on the [blank] day of [blank] 19 [blank], and upon taking into consideration the report of the Official Receiver as to the bankrupt's conduct and affairs, including the bankrupt's conduct during the proceedings under his bankruptcy, and upon hearing the Official Receiver, and *C.D.*, *E.F.*, etc., creditors, and *G.H.*, the trustee [*as the case may be*].

And whereas it has not been proved that the bankrupt has committed any of the misdemeanours mentioned in section 30 of the Bankruptcy Act 1989 and proof has not been made of any of the facts mentioned in subsection (5) of that section or in section 33 of the Bankruptcy Act 1989, or that the bankrupt has been guilty of any misconduct in relation to his property and affairs. It is ordered that he be and he hereby is discharged.

Dated this [blank] day of [blank] 19 [blank].

By the Court,
Registrar

No. 113 (Section 30(3) of the Act)
ORDER REFUSING DISCHARGE
(Title)

On the application of [blank]

[as in first paragraph of Form 112]

And whereas it has been proved that the Bankrupt has committed the following misdemeanours namely,

[Here state particulars]

Or

And whereas it has not been proved that the bankrupt has committed any of the misdemeanours mentioned in section 30 of the Bankruptcy Act 1989, but proof has been made of the following facts under subsection (5) of that section (or/and under section 33 of the Bankruptcy Act 1989) namely

[Here state particulars]

or/and that he has been guilty of misconduct in relation to his property and affairs, namely,

[Here state particulars]

It is ordered that the Bankrupt's discharge be and it is hereby refused.

Dated this [blank] day of [blank] 19 [blank].

By the Court,

Registrar

No. 114 (Rule 200)
ORDER SUSPENDING DISCHARGE
(Title)

On the application of [blank]

[as in first paragraph of Form 112]

And whereas it has not been proved that the bankrupt has committed any of the misdemeanours mentioned in section 30 of the Bankruptcy Act 1989 [or it has been proved that the bankrupt has committed the following misdemeanours), namely (*set them out*)], and/but proof has been made of the following facts under subsection (5) of that section (or/and under section 33 of the Bankruptcy Act 1989)

[Here state particulars]

or/and that he has been guilty of misconduct in relation to his property and affairs, namely—

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[Here state particulars]

It is ordered that the Bankrupt's discharge be suspended until a dividend of not less than ten cents in the dollar has been paid to the creditors, with liberty to the bankrupt at any time after the expiration of two years from the date of this order to apply for a modification thereof, pursuant to section 30.

Or

It is ordered that the Bankrupt's discharge be suspended for [blank] and that he be discharged as from the [blank] day of [blank] 19 [blank].

Dated this [blank] day of [blank] 19 [blank].

By the Court,
Registrar

No. 115 (Rule 200)

ORDER OF DISCHARGE SUBJECT TO CONDITIONS AS TO EARNINGS,
AFTER-ACQUIRED PROPERTY, AND INCOME
(Title)

On the application of [blank]

[as in first paragraph of Form 112]

And whereas it has not been proved [Here state particulars of the finding of the Court.]

It is ordered that the bankrupt be discharged subject to the following conditions as to his future earnings, after-acquired property, and income—

After setting aside out of the bankrupt's earnings, after-acquired property, and income the yearly sum of \$ [blank] for the support of himself and his family, the bankrupt shall pay the surplus, if any [or such portion of such surplus as the Court may determine], of such earnings, after-acquired property, and income to the Official Receiver [or Trustee] for distribution among the creditors in the bankruptcy. An account shall, on the 1st day of January in every year, or within fourteen days thereafter, be filed in these proceedings by the bankrupt, setting forth a statement of his receipts from earnings, after-acquired property, and income during the year immediately preceding the said date, and the surplus payable under this Order shall be paid by the bankrupt to the Official Receiver [or trustee] within fourteen days of the filing of the said account.

Dated this [blank] day of [blank] 19 [blank].

By the Court,
Registrar

No. 116 (Rules 199 & 200)
ORDER OF DISCHARGE SUBJECT TO A CONDITION REQUIRING THE
BANKRUPT TO CONSENT TO JUDGMENT BEING ENTERED UP
AGAINST HIM
(Title)

On the application of [blank]

[as in first paragraph of Form 112]

It is ordered that the bankrupt be discharged subject to the following condition to be fulfilled before his discharge takes effect, namely, he shall before the signing of this Order, consent to judgment being entered against him in the Supreme Court by the Official Receiver [or trustee] for the sum of \$ [blank], being the balance [or part of the balance] of the debts provable in the bankruptcy which is not satisfied at the date of this Order, and for [blank] costs of judgment.

And it is further ordered, without prejudice and subject to any execution which may be issued on the said judgment with the leave of the Court, that the said sum of \$ [blank] be paid out of the future earnings or after-acquired property of the bankrupt in manner following, that is to say, after setting aside out of the bankrupt's earnings, and after-acquired property a yearly sum of \$ [blank] for the support of himself and his family, the bankrupt shall pay the surplus, if any [or such portion of such surplus as the Court may determine], to the Official Receiver [or trustee] for distribution among the creditors in the bankruptcy. An account shall on the 1st day of January in each year, or within fourteen days thereafter, be filed in these proceedings by the bankrupt, setting forth a statement of his receipts from earnings, after-acquired property, and income during the year immediately preceding the said date, and the surplus payable under this Order shall be paid by the bankrupt to the Official Receiver [or trustee] within fourteen days of the filing of the said account.

And it is further ordered that upon the required consent being given judgment may be entered against the bankrupt in the Supreme Court for the said sum of \$ [blank], together with [blank] for costs of judgment.

Dated this [blank] day of [blank] 19 [blank].

By the Court,
Registrar

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No. 117 (Rule 199)

CONSENT OF BANKRUPT TO JUDGMENT BEING ENTERED FOR
BALANCE OR PART OF BALANCE OF PROVABLE DEBTS
(Title)

Re

I, A.B., of [blank], the above-named bankrupt, do hereby consent to judgment being entered against me in the Supreme Court [*or as the case may be*] by the Official Receiver [*or trustee*] for the sum of \$ [blank], being the balance or part of the balance of the debts provable under my bankruptcy which is not satisfied at the date of my discharge; but this consent is subject to the provision contained in the Bankruptcy Act 1989 with regard to the issue of execution on such judgment.

Dated this [blank] day of [blank] 19 [blank].

(Signed) A.B.

No. 118 (Rule 199)

JUDGMENT TO BE ENTERED PURSUANT TO CONSENT IN THE
SUPREME COURT

In the Supreme Court of Bermuda

19 [blank]. No. [blank]

Between

Plaintiff,

and

A.B., Defendant.

And in the matter of the bankruptcy of the said A.B.

The [blank] day of [blank] 19 [blank].

Pursuant to the order of the Supreme Court dated the [blank] day of [blank], whereby it was ordered that

[*recite substance of order*]

And the consent mentioned in the said order having been given and filed in the matter of the said bankruptcy.

It is this day adjudged that the said plaintiff recover against the said defendant [blank], together with [blank] for costs of judgment.

Dated this [blank] day of [blank] 19 [blank].

G.F.,

Barrister and Attorney for Plaintiff

No. 119 (Rule 204)

AFFIDAVIT BY DEBTOR, WHOSE DISCHARGE HAS BEEN GRANTED
CONDITIONALLY AS TO AFTER-ACQUIRED PROPERTY OR INCOME
(Title)

I, [blank] the above-named debtor, make oath and say as follows:

1 I have since the date of my discharge resided and carried on business at [blank], and I now reside and carry on business at

2 That statement hereto annexed is a full, true, and complete account of all moneys earned by me and of all property and income acquired or received by me since the date of my discharge [or, since the date when last I filed a statement of after-acquired property and income in court, namely, the the [blank] day of [blank] 19 [blank]].

Sworn at, etc.

(Signature of debtor)

No. 120 (Rule 302)

CREDITORS TO NOTIFY OBJECTION TO TRUSTEE TO SUPREME
COURT
(Title)

We, the undersigned, being a majority in value of the creditors of the above-named A.B., do hereby request the Registrar to notify to the Supreme Court their objection to the appointment of C.D. as trustee of the property of the bankrupt.

Dated this [blank] day of [blank] 19 [blank].

Signature of creditors

Amount of debt.

E.F.

G.H.

K.L.

etc.

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No. 121 (Rule 301)
CERTIFICATE OF APPOINTMENT OF TRUSTEE
(Title)

This is to certify that *G.H.*, of [blank], has been duly appointed and approved as trustee of the property of [blank], who was adjudged bankrupt on the [blank] 19 [blank].

Dated this [blank] day of [blank] 19 [blank].

(Signed) *J.S.*

No. 122 (Rule 310)
REPORT OF APPOINTMENT OF TRUSTEE TO FILL A VACANCY
CAUSED BY RESIGNATION, ETC.
(Title)

It is hereby reported as follows:

1 That a meeting of creditors in this bankruptcy was held at [blank] on the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon, for the purpose of receiving of *G.H.* his resignation of the office of trustee and of appointing a person to fill such office [or for the purpose of appointing a trustee in the place of *G.H.* who is dead, or who has resigned, or who has been removed, or as the case may be].

2 That the said *G.H.* resigned the office of trustee [or as the case may be], and by resolution at such meeting *N.O.*, of [blank], was appointed to fill the office of trustee of the property of the bankrupt.

Dated this [blank] day of [blank] 19 [blank].

F.K., Chairman

No. 123 (Rule 67)
APPLICATION BY TRUSTEE FOR COMMITTAL
OF BANKRUPT OR OTHER PERSON
(Title)

I, the trustee of the property of the said bankrupt [or as the case may be], do apply to this Court for an order of committal for contempt of this Court against the said bankrupt [or *L.M.*, [blank]], on the ground set forth in the annexed affidavit.

Dated this [blank] day of [blank] 19 [blank].

G.H., Trustee

No. 124 (Rule 67)
AFFIDAVIT OF PERSON INTERESTED IN A COMPOSITION IN SUPPORT
OF APPLICATION FOR COMMITTAL
(Title)

In the matter of a composition made by *A.B.*, of [blank]

I, *L.M.* of [blank], make oath and say—

1 That [blank] of [blank] was by an order of this Court made on the [blank] day of [blank] 19 [blank], ordered to [here set out the order].

2 That a copy of the said order was duly served on the said

3 That the said [blank] has failed to obey such order.

Sworn at, etc.

L.M.

No. 125 (Rule 67)
AFFIDAVIT IN SUPPORT OF APPLICATION FOR COMMITTAL OF
DEBTOR FOR CONTEMPT UNDER SECTION 26 OF THE ACT
(Title)

I, [blank], the Official Receiver of the estate of the said debtor [or the trustee of the property of the said bankrupt] make oath, and say—

[Where debtor does not submit to examination]

That the said debtor did attend at the first meeting of his creditors held on the [blank] day of [blank] 19 [blank], at [blank], and wilfully refused to submit to be examined at such meeting in respect of his property [or his creditors], the submitting to examination being a duty imposed upon him by the Bankruptcy Act 1989, section 26.

or

[Where debtor fails to attend a meeting other than the first.]

[1 That the said [debtor] bankrupt did wilfully fail to attend a meeting of his creditors held on the [blank] day of [blank] 19 [blank], at [blank] [or to wait on me at my office on the [blank] day of [blank] 19 [blank]], the attending such meeting [or waiting on me] being a duty imposed upon him by the Bankruptcy Act 1989, section 26.]

[Where debtor fails to execute a deed.]

[or

1 That the said [debtor] bankrupt has wilfully failed to execute [here describe the deed, etc., that he has failed to execute], the execution

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of such deed when required by me being a duty imposed upon him by the Bankruptcy Act 1989, section 26.]

2 [That the said [debtor] bankrupt was on the [blank] day of [blank] 19 [blank], duly served with a notice, a copy of which is hereunto annexed, by leaving the same at his usual place of residence, requiring him to attend the said meeting], [or to execute the above-mentioned deed, etc.

or

[Where debtor fails to obey special orders of court.]

1 That the said [debtor] bankrupt has wilfully failed to perform the duty imposed upon him by the Bankruptcy Act 1989, section 26, [*here insert any act he has been required to do by any special order of the Court, stating the day on which the order was made.*]

2 That the said [debtor] bankrupt was duly served with a copy of such order by leaving the same at his usual place of residence on the [blank] day of [blank] 19 [blank].

or

[Where debtor has failed to deliver up property.]

That the said [debtor] bankrupt has failed to deliver up possession of [*here state the property he has failed to deliver up*], which property is divisible amongst his creditors under the said Act, and which said property was [or is] in his possession or control, he having been required by me to deliver up the said property by notice, a copy of which is hereunto annexed, and which notice was duly served upon him on the [blank] day of [blank] 19 [blank], at [blank].

Sworn at, etc.

Official Receiver

or Trustee

No. 126 (Rule 67)

AFFIDAVIT OF TRUSTEE UNDER SECTION 52(7) OF THE ACT

(Title)

I, G.H., the trustee of the property of the said A.B., a bankrupt, make oath and say—

1 That I believe that L.M., of [blank], hath in his possession or power as [*here set out the capacity in which the person stands to the bankrupt*] certain moneys [and securities] belonging to the bankrupt, that is to say [*here set out and describe the particular moneys and securities*].

2 That on the [blank] day of [blank] 19 [blank], I did apply personally to the said *L.M.* to pay and deliver to me the said moneys [and securities], and that he did not then, nor has he since, paid or delivered to me the same [or, That I, on the [blank] day of [blank], posted a letter to the said *L.M.*, addressed to him at [blank], calling upon him to, etc., and that on the [blank] day of [blank] 19 [blank], I posted another letter, by which I again called upon him, to etc., and that he has failed to pay and deliver the same].

3 That I firmly believe that the said *L.M.* is not entitled by law to retain such moneys [and securities] as against the bankrupt or against me as the trustee of the property of the bankrupt.

Sworn at, etc.

Trustee

No. 127 (Rule 68)
NOTICE OF APPLICATION FOR COMMITTAL
UNDER SECTION 18 OR SECTION 25 OF THE ACT
(Title)

To

Take notice that *C.D.*, of [blank], will on the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon, apply to this Court for an order for your committal to prison for contempt of this Court, you having disobeyed the order of this Court made on the [blank] day of [blank] 19 [blank] [here set out order]. And further take notice that you are required to attend the Court on such day, at the hour before stated, to show cause why an order for your committal should not be made.

Dated this [blank] day of [blank] 19 [blank].

Registrar

No. 128 (Rule 68)
NOTICE OF APPLICATION FOR COMMITTAL UNDER SECTION 26 OF
THE ACT
(Title)

To the said *A.B.*, bankrupt

Take notice that the trustee [or Official Receiver] of the property of the said bankrupt will on the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon, apply to this Court for an order for your committal to prison for contempt of this Court, you having failed to perform the duty imposed on you by the Bankruptcy Act 1989, section

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26 [*here set out the duty he has failed to perform*]. And further take notice that you are required to attend the Court on such day at the hour before stated to show cause why an order for your committal should not be made.

Dated this [blank] day of [blank] 19 [blank].

Registrar

No. 129 (Rule 68)
NOTICE OF APPLICATION FOR COMMITTAL UNDER
SECTION 52(7) OF THE ACT
(Title)

To [*here insert name, address, and description of the person to whom the notice is to be sent*].

Take notice that the trustee [*or Official Receiver*] of the property of the bankrupt will on the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon, apply to this Court for an order for your committal to prison for contempt of this Court, you having failed to pay and deliver to him certain moneys [*and securities*] belonging to the bankrupt in your possession or power as [*here state whether as treasurer, banker, etc.*], that is to say [*here set out and describe the particular moneys and securities*]. And further take notice that you are required to attend the Court on such day at the hour before stated to show cause why an order for your committal should not be made.

Dated this [blank] day of [blank] 19 [blank].

Registrar

No. 130
ORDER OF COMMITTAL UNDER SECTION 18 OR SECTION 25 OF THE
ACT
(Title)

Whereas by an order of this Court made on the [blank] day of [blank] 19 [blank], [*here recite the order*]. Now upon the application of C.D., [blank], and upon hearing A.B., [*or, as the case may be*]. [*or if he does not appear*] reading the affidavit of [*here insert name and description of person by whom the order was served on A.B.*], and upon reading the affidavit of [*enter evidence*], the Court being of opinion that the said A.B. has been guilty of a contempt of this Court by his disobedience of the said order, it is ordered that the said A.B. do stand committed to prison for his said contempt.

Dated this [blank] day of [blank] 19 [blank].

By the Court,
Registrar

No. 131

ORDER OF COMMITTAL UNDER SECTION 26 OF THE ACT
(Title)

Upon the application of the trustee [or Official Receiver] of the property of the bankrupt [or debtor], and upon hearing the bankrupt [or if he does not appear] and reading the affidavit of [here insert name and description of person by whom the notice to show cause was served] and upon reading the affidavit of [enter evidence], the Court being of opinion that the bankrupt [or debtor] has been guilty of a contempt of this Court by having failed to [here follow the notice], it is ordered that the bankrupt [or debtor] do stand committed to prison for his said contempt.

Dated this [blank] day of [blank] 19 [blank].

By the Court,
Registrar

No. 132

ORDER OF COMMITTAL UNDER SECTION 52(7) OF THE ACT
(Title)

Upon the application of the trustee of the property of the bankrupt, and upon hearing *L.M.* [or if *L.M.* does not appear], and reading the affidavit of [here insert name and description of person by whom the notice to show cause was served] and upon reading the affidavit of [enter evidence] the Court being of opinion that *L.M.* has been guilty of a contempt of this Court by having failed to pay and deliver to the said trustee certain moneys [and securities] [here follow the notice], it is ordered that the said *L.M.* do stand committed to prison for the said contempt.

Dated this [blank] day of [blank] 19 [blank].

By the Court,
Registrar

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No. 133 (Rule 67)
AFFIDAVIT OF NON-COMPLIANCE WITH ORDER UNDER SECTION
98(3) OF THE ACT
(Title)

I, *L.M.*, of [blank] make oath and say—

- 1 That *G.H.* of [blank] was by an order of the Official Receiver made on the [blank] day of [blank] 19 [blank], ordered to [here set out order].
- 2 That [a copy of] the said order was duly served on the said *G.H.*
- 3 That the said *G.H.* has failed to obey the order.

Sworn, etc.

No. 134 (Rule 64)
WARRANT OF COMMITTAL FOR CONTEMPT
(Title)

To *X.Y.*, officer of this Court and to the Commissioner of Prisons

Whereas by an order of this Court bearing date the [blank] day of [blank] 19 [blank], it was ordered that the said debtor [or *L.M.* of [blank]] should stand committed for contempt of this Court.

These are therefore to require you the said *X.Y.* and others, to take the said debtor [or *L.M.*] and to deliver him to the Commissioner of Prisons, and you the said Commissioner to receive the said debtor [or *L.M.*] and him safely to keep in prison and in your custody until such time as this Court shall order; and you the said Commissioner shall, while the said debtor [or *L.M.*] is in your custody, at all times when the Court shall so direct produce the said debtor [or *L.M.*] before the Court.

Dated this [blank] day of [blank] 19 [blank].

By the Court,
Registrar

No. 135
ORDER FOR DISCHARGE FROM CUSTODY ON CONTEMPT
(Title)

Upon application made this [blank] day of [blank] 19 [blank], for the said debtor [or *L.M.*] who was committed to prison for contempt by order of this Court, dated the [blank] day of [blank] 19 [blank], and upon reading his affidavit showing that he has cleared [or is desirous of clearing] his contempt and has paid the costs occasioned thereby, and upon hearing the trustee [or Official Receiver][or *C.D.* of [blank]], it is

ordered that the Commissioner of Prisons do discharge the said debtor [or *L.M.*] out of his custody, as to the said contempt.

Dated this [blank] day of [blank] 19 [blank].

By the Court,
Registrar

No. 136 (Rules 52 & 65)

ORDER FOR PRODUCTION OF PERSON IN PRISON FOR EXAMINATION
BEFORE THE COURT

(Title)

Upon application made this [blank] day of [blank] by [applicant] for an order for the production of the said debtor [or *L.M.*] who was committed to prison for contempt by order of this Court dated the [blank] day of [blank] 19 [blank], for examination before this Court; it is ordered that the Commissioner of Prisons do cause the said debtor [or *L.M.*] to be brought in custody before the Court at [blank] on the [blank] day of [blank] 19 [blank], for examination before the Court, and afterwards to be taken back to prison to be there safely kept pursuant to the said order.

Dated this [blank] day of [blank] 19 [blank].

By the Court,
Registrar

No. 137 (Rule 64)
SEARCH WARRANT

(Title)

To *X.Y.*, the officer of this Court and his assistants

Whereas by evidence duly taken upon oath it hath been made to appear to the Court that there is reason to suspect and believe that property of the said debtor is concealed in the house of one *X.M.* [or other place, describing it, as the case may be] of [blank] in the parish of [blank] such house [or place] not belonging to the said debtor.

These are therefore to require you to enter in the daytime into the house of the said *X.M.* situate at [blank] aforesaid [or other place, describing it] and there diligently to search for the said property, and if any property of the said debtor shall be there found by you on such

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search, that you seize the same, to be disposed of and dealt with according to the provisions of the Bankruptcy Act 1989.

Dated this [blank] day of [blank] 19 [blank].

Registrar

No. 138 (Rule 64)
WARRANT OF SEIZURE
(Title)

To X.Y., the officer of this Court and his assistants

Whereas on the [blank] day of [blank] 19 [blank], a receiving order was made against the said debtor.

These are therefore to require you forthwith to enter into and upon the house and houses, and other the premises of the said debtor, and also in all other place and places belonging to the said debtor where any of his goods and moneys are, or are reputed to be; and there seize all the ready money, jewels, plate, household stuff, goods, merchandise, books of accounts, and all other things whatsoever, belonging to the said debtor, other than the particulars as excepted by the Bankruptcy Act 1989, section 42.

And that which you shall so seize you shall safely detain and keep in your possession until you shall receive other orders in writing for the disposal thereof from the trustee [or Official Receiver]; and in case of resistance or of not having the key or keys of any door or lock of any premises belonging to the said debtor where any of his goods are or are suspected to be, you shall break open, or cause the same to be broken open for the better execution of this warrant.

Dated this [blank] day of [blank] 19 [blank].

Registrar

No. 139 (Rule 64)
WARRANT AGAINST DEBTOR ABOUT TO QUIT BERMUDA, ETC.
(Title)

To X.Y. the officer of this Court and all police officers within the jurisdiction of the said Court, and to the Commissioner of Prisons.

Whereas, by evidence taken upon oath, it hath been made to appear to the satisfaction of the Court that there is probable reason to suspect and believe that the said debtor has absconded and gone abroad [or quitted his place of residence], or is about to go abroad [or quit his place of residence] [with a view of avoiding service of a bankruptcy petition] [or of avoiding appearing to a bankruptcy petition], [or of

avoiding examination in respect of his affairs, or otherwise delaying or embarrassing the proceedings in bankruptcy] [or of avoiding payment of a judgment debt in respect of which a bankruptcy notice has been issued].

[Or that there is probable cause to suspect and believe that the said debtor is about to remove his goods or chattels with a view to preventing or delaying such goods or chattels being taken possession of by the trustee of the property of the bankrupt] [or that the said debtor has concealed or is about to conceal or destroy his goods or chattels, or some of them, or his books, documents, or writings, or some or one of them, which may be of use to the creditors in the course of the bankruptcy of the said debtor].

[Or whereas, by evidence taken upon oath, it hath been made to appear to the satisfaction of this Court that the said debtor has removed certain of his goods and chattels in his possession, above the value of three hundred dollars, without the leave of the Official Receiver or trustee, that is to say (*here describe the goods or chattels*).]

[Or that the said debtor did without good cause fail to attend at this Court on the [blank] day of [blank] 19 [blank], for the purpose of being examined, according to the requirements of an order of this Court made on the [blank] day of [blank] 19 [blank], directing him so to attend.]

These are therefore to require you the said Commissioner to take the said debtor and to deliver him to prison, and you the said Commissioner to receive the said debtor, and him safely to keep in prison until such time as this Court may order.

Dated this [blank] day of [blank] 19 [blank].

By the Court,
Registrar

No. 140

ORDER TO POSTMASTER-GENERAL UNDER SECTION 28 OF THE ACT
(Title)

Upon the application of [blank] the Official Receiver [or the trustee] of the property of the above debtor, it is ordered that for a period of three months from the [blank] day of [blank] 19 [blank] all post letters telegrams and postal packets electronic communication or otherwise directed or addressed to the said debtor, at [here insert the full address or addresses] shall be re-directed, sent or delivered by the Postmaster-General, or officers acting under him, to [the said Official Receiver (or trustee) at [blank] or otherwise as the Court may direct.] except any letter on which there is a specific direction signed by the Official Receiver [or trustee] that it is to be delivered as addressed, if possible, and that a

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sealed duplicate of this order to be forthwith transmitted by the Official Receiver [or trustee] to the Postmaster-General, or officers acting under him.

Dated this [blank] day of [blank] 19 [blank].

By the Court,
Registrar

No. 141 (Rule 49)
SUBPOENA (SUPREME COURT)
(Title)

Elizabeth the Second, by the Grace of God, of the United Kingdom and Great Britain and Northern Ireland and of Our other realms and territories Queen, Head of the Commonwealth, Defender of the Faith: to [the names of three witnesses may be inserted] greeting: We command you to attend before [blank] at [blank] on the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon, and so from day to day until the above matter is heard, to give evidence on behalf of [insert name].

Dated this [blank] day of [blank] 19 [blank].

Registrar

No. 142 (Rule 49)
SUBPOENA DUCES TECUM (SUPREME COURT)
(Title)

Elizabeth the Second, by the Grace of God, of the United Kingdom and Great Britain and Northern Ireland and of Our other realms and territories Queen, Head of the Commonwealth, Defender of the Faith: to [the names of three witnesses may be inserted] greeting: We command you to attend before [blank] at [blank] on the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon, and so from day to day until the above matter is heard, to give evidence on behalf of [blank], and also to bring with you and produce at the time and place aforesaid [specify documents to be produced].

Dated this [blank] day of [blank] 19 [blank].

Registrar

No. 143
SUMMONS UNDER SECTION 29 OF THE ACT
(Title)

To [blank], of [blank]

You are hereby required to attend at the [blank] Court holden at [blank] on the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon, to give evidence in the above matter, and then and there to have and produce [state any particular documents required, *e.g.*, all ledgers and books of account, invoices, statements of account, letters, books, papers, and documents of every kind, in any manner relating to your dealings and transactions with A.B., a bankrupt, touching a debt alleged to be due by you to the said bankrupt's estate amounting to the sum of \$ [blank]] hereof if you fail, having no lawful impediment to be then made known to the Court, and allowed by it, the Court may by warrant cause you to be apprehended and brought up for examination.

Dated this [blank] day of [blank] 19 [blank].

Registrar

NOTE—This summons is issued on the application of the Official Receiver and trustee, and take notice, that if the sum of \$ [blank], stated to be due by you to this estate, be paid to [blank], Official Receiver, at [blank], on or before the [blank] day of [blank], this summons will be discharged.

No. 144 (Section 29(4) of the Act)
ADMISSION OF DEBT BY DEBTOR OF BANKRUPT
(Title)

In the matter of A.B., of [blank], a bankrupt.

I, the undersigned J.K. of [blank], do hereby admit that I am indebted to the said bankrupt in the sum of [blank] dollars, upon the balance of accounts between myself and the said bankrupt.

Dated this [blank] day of [blank] 19 [blank].

J.K.

Witness,

C.D., Registrar,

[or Official Receiver]

No. 145 (Section 29(4) of the Act)
ORDER TO PAY ADMITTED DEBT
(Title)

Whereas J.K., of [blank], in his examination taken this day, and signed and subscribed by him, has admitted that he is indebted to the

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said debtor in the sum of [blank] dollars, on the balance of accounts between him and the debtor; it is ordered that the said *J.K.* do pay to the trustee of the property of the debtor, in full discharge of the sum so admitted, the sum of [blank] dollars forthwith [*or if otherwise, state the time and manner of payment*], and do further pay to the said trustee the sum of [blank] dollars for costs.

Dated this [blank] day of [blank] 19 [blank].

By the Court,
Registrar

No. 146 (Rules 64 & 66)

WARRANT TO APPREHEND A PERSON SUMMONED UNDER SECTION
29 OF THE ACT
(Title)

To *X.Y.* and his assistants of this Court and to the Commissioner of Prisons.

Whereas by summons dated the [blank] day of [blank], and directed to *A.B.*, of [blank], the said *A.B.* was required personally to be and appear on the [blank] day of [blank] at [blank] o'clock in the [blank] noon at this Court to be examined [*and/or produce such document as hereinafter mentioned*] which said summons was afterwards on the [blank] day of [blank] as hath been proved upon oath duly served upon the said *A.B.* and a reasonable sum was tendered him for his expenses, and where the said *A.B.* having no lawful impediment made known to and allowed by this Court at the time of its sitting hath refused to appear before the Court at the time appointed [*and/or hath refused to produce a document in his custody or power relating to the debtor, his dealings, or property, which this Court has required him to produce*]. These are, therefore, to require and authorise you and every of you, the said *X.Y.* and your assistants immediately upon receipt hereof to take the said *A.B.* and bring him before this Court at such time and place as this court shall direct, in order to his being examined as aforesaid, and in the meantime him safely to keep or deliver to the Commissioner of Prisons, and forthwith, after such taking and delivery, to report the same to this Court, and obtain its direction or order fixing a day, time, and place for the examination of the said *A.B.* and you the said Commissioner to receive the said *A.B.* and him safely keep in prison and in your custody to await the direction or order of this Court, and to produce him before this Court at such time and place as shall be specified in such direction or order, and for so doing this shall be a sufficient warrant to you and every of you.

Dated this [blank] day of [blank] 19 [blank].

By the Court,
Registrar

No. 147 (Rule 66)
ORDER FOR PRODUCTION OF PERSON APPREHENDED UNDER
WARRANT UNDER SECTION 29 OF THE ACT FOR EXAMINATION
BEFORE THE COURT
(Title)

Upon report made to the Court the [blank] day of [blank] that A.B., has been apprehended under a Warrant issued by this Court on the [blank] day of [blank], it is ordered that the Commissioner of Prisons do cause the said A.B. to be brought in custody before the Court sitting at [blank] on the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon for examination before the Court, and in the meantime to be safely kept, and afterwards if the Court shall so direct to be taken back to prison and there safely kept pursuant to the said Warrant.

Dated this [blank] day of [blank] 19 [blank].

By the Court,
Registrar

No. 148 (Rule 247)
NOTICE TO BANKRUPT UNDER SECTION 54 OF THE ACT
(Title)

To A.B.

Take notice that I intend to apply to this Court on the [blank] day of [blank] 19 [blank] at [blank] o'clock in the [blank] noon for an order under Section 54 of the Bankruptcy Act 1989 for the payment of a part of your salary [or income] to me as trustee for the benefit of the creditors under your bankruptcy. On the application you are at liberty to show cause against such order being made.

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Dated this [blank] day of [blank] 19 [blank].

G.H., Trustee

No. 149 (Rule 248)

ORDER SETTING ASIDE PAY OR SALARY UNDER SECTION 54(1) OF
THE ACT
(Title)

Whereas it appears to the Court that the bankrupt is [or, here state what the bankrupt is], and as such is in the enjoyment of the annual pay [or salary] of [blank] dollars; and whereas upon the application of G.H. of [blank] the trustee of the property of the bankrupt, it appears to the Court just and reasonable that the annual sum of [blank] dollars a portion of the said pay [or salary], ought to be paid to the said trustee during the bankruptcy, in order that the same may be applied in payment of the debts of the bankrupt, and that such payment ought to be made out of the first moneys which shall be due after the [blank] day of [blank] 19 [blank], and be continued until this Court shall make order to the contrary: it is ordered, with the written consent of [here insert the official title of the chief officer of the department under which the pay or salary is enjoyed], that such portion of the [here insert pay or salary] shall be paid to the trustee accordingly.

Dated this [blank] day of [blank] 19 [blank].

By the Court,

Registrar

I consent to the above order.

Dated this [blank] day of [blank] 19 [blank].

F.K. [add title and office].

No. 150 (Rule 249)

ORDER SETTING ASIDE SALARY OR INCOME UNDER SECTION 54(3)
OF THE ACT
(Title)

Whereas it appears to the Court that the bankrupt is in receipt of [or entitled to] a salary [or income, half-pay, pension, or compensation granted by [blank] of about [blank] dollars, as [here set forth the circumstances under which the salary or income is received]: And whereas upon the application of the trustee of the property of the bankrupt and upon hearing the bankrupt it appears to the Court just and reasonable, that the annual sum of [blank] dollars, a portion of the said salary [or

income, etc.), ought to be paid by the bankrupt by monthly [or quarterly] payment [according as the bankrupt receives his salary or income, etc.] to the trustee during the bankruptcy, in order that the same may be applied in payment of the debts of the said bankrupt, and that the first of such payments ought to be made on the [blank] day of [blank] 19 [blank], and be continued monthly [or quarterly] until this Court shall make order to the contrary: it is ordered that the said sum shall be paid by [blank] in manner aforesaid out of the bankrupt's said salary [or income, etc.].

Dated this [blank] day of [blank] 19 [blank].

By the Court,
Registrar

No. 151 (Rule 251)
NOTICE TO LANDLORD OF INTENTION TO DISCLAIM LEASEHOLD
PROPERTY NOT SUBLET OR MORTGAGED
(Title)

Take notice that I intend to disclaim the [lease or tenancy as the case may be] dated [blank] whereby [here specify property let] was let to the above-named bankrupt at a rent of \$ [blank].

If you require the matter to be brought before the Court, you must give notice thereof to me in writing within seven days of the receipt by you of this notice.

Dated this [blank] day of [blank] 19 [blank].

Trustee

To [blank], [blank] (Address)

The landlord of the above-mentioned property.

No. 152 (Rule 251)
NOTICE OF INTENTION TO DISCLAIM LEASEHOLD PROPERTY SUBLET
OR MORTGAGED
(Title)

Take notice that I intend to disclaim the lease dated [blank] whereby [here insert particulars of demised property] was let to [the above-named bankrupt or as the case may be] at a rent of \$ [blank].

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If you require the matter to be brought before the Court, you must give notice thereof to me in writing within fourteen days of the receipt by you of this notice.

Dated this [blank] day of [blank] 19 [blank].

Trustee

To [blank], [blank] (Address)

The landlord of the above-mentioned premises *and*

To [blank]

The mortgagee *or* sub-tenant.

No. 153 (Rule 251)

DISCLAIMER WITHOUT NOTICE OF INTENTION TO DISCLAIM
(Title)

I, [blank], the trustee of the property of the above-named bankrupt, hereby disclaim the [lease dated the [blank] *or as the case may be*] of the premises [insert description of the property] which were let to the above-named bankrupt [on a tenancy *or* for a term of years *or as the case may be*] at a rent of \$ [blank] per [blank].

Notice of this disclaimer has been given to [insert names and addresses of persons to whom notice given].

Dated this [blank] day of [blank] 19 [blank].

Trustee

(Address)

No. 154 (Rule 251)

DISCLAIMER OF LEASEHOLD PROPERTY AFTER NOTICE
TO LANDLORD, MORTGAGEES ETC.
(Title)

Pursuant to notice dated the [blank] day of [blank] 19 [blank], addressed to [here insert names and addresses of persons to whom notice of intention to disclaim has been given] I, [blank] the trustee of the property of the above-named bankrupt, hereby disclaim the lease dated the [blank] day of [blank] 19 [blank], whereby [here insert particulars of demised property] were let to [the above-named bankrupt *or as the case may be*] at a rent of \$ [blank] for a term of [blank].

Notice of this disclaimer has been given to [insert names and addresses of persons to whom notice of disclaimer has been given].

Dated this [blank] day of [blank] 19 [blank].

Trustee

(Address)

No. 155 (Rule 251)

DISCLAIMER OF LEASE WITH LEAVE OF COURT

(Title)

Pursuant to an order of Court dated the [blank] day of [blank] 19 [blank], I, [blank] the trustee of the property above-named bankrupt, hereby disclaim all interest in the lease dated the [blank] day of [blank] 19 [blank], whereby the premises [insert description of property disclaimed] were demised to [blank] at a rent of \$ [blank] per annum, for a term of [blank].

Notice of this disclaimer has been given to [blank].

Dated this [blank] day of [blank] 19 [blank].

Trustee

(Address)

No. 156 (Rule 251)

NOTICE OF DISCLAIMER WITHOUT LEAVE OF COURT

(Title)

Take notice that, by writing under my hand, bearing date the [blank] day of [blank] 19 [blank], I, [blank], the trustee of the property of the above-named bankrupt, disclaimed [the lease dated the [blank] day of [blank] or as the case may be] of the premises known as [insert description of property disclaimed] which were let to [blank] [on a tenancy or for a term of years or as the case may be] at a rent of \$ [blank] per [blank] [add where necessary "pursuant to notice dated the [blank] day of [blank] 19 [blank]."].

The above-mentioned disclaimer has been filed in Court with the proceedings in the bankruptcy.

Your attention is directed to the provisions of the Bankruptcy Act 1989 printed on the back hereof.

Dated this [blank] day of [blank] 19 [blank].

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Trustee
(Address)

NOTE—ON the back of this notice the provisions of Section 56 (2) and (6) of the Bankruptcy Act 1989, should be printed.

No. 157 (Rule 251)

NOTICE OF DISCLAIMER OF LEASE WITH LEAVE OF COURT

(Title)

Take notice that pursuant to an Order of Court dated the [blank] day of [blank] 19 [blank], I, [blank], the trustee of the property of the above-named bankrupt, by writing under my hand bearing date the [blank] day of [blank] 19 [blank], disclaimed all interest in the lease dated the [blank] day of [blank] 19 [blank], whereby the premises [insert description of property disclaimed] were demised to [blank] at a rent of \$ [blank] per annum, for a term of [blank].

The above-mentioned disclaimer has been filed in Court with the proceedings in the bankruptcy.

Dated this [blank] day of [blank] 19 [blank].

To [blank] Trustee
(Address)

No. 158 (Rule 251)

FORM OF NOTICE BY LANDLORD OR OTHER PERSON REQUIRING
TRUSTEE TO BRING MATTER OF INTENDED DISCLAIMER OF
PROPERTY BURDENED WITH ONEROUS COVENANTS BEFORE THE
COURT

(Title)

To Mr. [blank]

Trustee of the property of the above-named bankrupt.

SIR,

I HEREBY give you notice that the bankrupt was, at the date of the receiving order, interested as lessee [or, as the case may be] in the property described in the schedule to this notice, and that as such lessee [or as the case may be] the bankrupt was liable in respect of [set out nature of the bankrupt's liability] which liability has devolved on you as trustee in bankruptcy of his property, and I hereby require you to bring the matter of your intended disclaimer of the bankrupt's interest in the said property before the Court.

I am, etc.,
(Signed) A.B.

[state how interested in the property.]

SCHEDULE TO NOTICE when given by Lessor

Date of Lease	Names, Addresses and Descriptions of Parties to Lease	Full Description of Property Leased	Term and Rent	Date of Assignment to Bankrupt (if any)	Names and Addresses of Parties to Assignment (if any)	Particulars of any Notices of Mortgage of Lease by Bankrupt

SCHEDULE TO NOTICE when given by Mortgagee or Assignee

Date of Lease	Names and Addresses of Parties to Lease	Full Description of Property Leased	Term and Rent	Date of Mortgage	Names and Addresses of Parties to Mortgage	Term conveyed by Mortgage	Amount secured by Mortgage	Particulars of any Transfer of Mortgage, with Dates and names and Descriptions of Parties thereto

No. 159 (Rule 318)

APPLICATION FOR DIRECTIONS BY TRUSTEE

(Title)

I desire to make application to the Court for its directions [*here state the particular matter in relation to which they are sought*].

Trustee

Let this application be heard on the [*blank*] day of [*blank*] 19 [*blank*], at [*blank*] o'clock in the [*blank*] noon, and let the trustee give notice to [*here insert the persons to whom it is to be given*].

Dated this [*blank*] day of [*blank*] 19 [*blank*].

Registrar

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No. 160 (Rule 318)
ORDER ON APPLICATION OF TRUSTEE FOR DIRECTIONS
(Title)

Whereas at a Court held this day the trustee of the property of the bankrupt applied to this Court for its directions [*here state the particular matter in relation to which they are sought*]. Now upon hearing *C.D.*, of [blank], on the matter, it is ordered [blank] [*here set out the order*], and that the trustee do pay out of his own moneys [*or out of the property of the bankrupt*] the sum of \$ [blank] the costs of this order, and the sum of \$ [blank] to *C.D.* for his costs [*or that C.D. do pay the sum of \$ [blank] the costs of this order, and also the sum of \$ [blank] to the trustee for his costs*].

Dated this [blank] day of [blank] 19 [blank].

By the Court,
Registrar

No. 161 (Rule 271)
CREDITOR'S PETITION FOR ADMINISTRATION OF ESTATE OF
DECEASED DEBTOR UNDER SECTION 118 OF THE ACT
(Title)

I, *C.D.*, of [blank] [*or, we, C.D., of [blank], and E.F., of [blank]*], hereby petition the Court that an order be made for the administration in bankruptcy of the estate of the late [*here insert name and description of deceased debtor*], who died on the [blank] day of [blank] 19 [blank], and say—

- 1 That the said *A.B.* resided [*or carried on business*] at [blank].
- 2 That the estate of the said *A.B.* is justly and truly indebted to me [*or us in the aggregate*] in the sum of \$ [blank] [*set out amount of debt or debts and the consideration*].
- 3 That [I] do not nor does any person on [my] behalf hold any security on the said deceased debtor's estate, or on any part thereof, etc. [*or, as in Form No. 11, Creditor's Petition*].
- 4 That the estate of the said *A.B.* is according to my information and belief insufficient to pay his debts.
- 5 That the will of the said *A.B.* was on the [blank] day of [blank] 19 [blank], proved by *J.S.*, of [blank], and *G.H.*, of [blank]

Or,

That the letters of administration were on the [blank] day of [blank] 19 [blank], granted to *J.S.*, of [blank], and *G.H.*, of [blank].

Dated this [blank] day of [blank] 19 [blank].

(Signed) *C.D.*

Signed by the petitioner in my presence *E.F.*

Signature of witness.

Address.

Description.

Indorsement

This petition having been presented to the Court on the [blank] day of [blank] 19 [blank], it is ordered that this petition shall be heard at [blank] on the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon.

If you, the said *J.S.* or *G.H.*, intend to show cause against the petition, you must file with the Registrar of the Court a notice specifying the statements in the petition which you intend to deny or dispute, and send by post a copy of the notice to the petitioner and his barrister and attorney, if known, not later than three days before the day fixed for the hearing.

No. 162 (Rule 271)

PETITION BY LEGAL ESTATE REPRESENTATIVE FOR ORDER OF
ADMINISTRATION UNDER SECTION 118 OF THE ACT
(Title)

I, *C.D.*, of [blank] [or we, *C.D.*, of [blank], and *E.F.*, of [blank]], hereby petition the Court that an order be made for the administration in bankruptcy of the estate of the late [here insert name and description of deceased debtor], who died on the [blank] day of [blank] 19 [blank], and say—

1 That I am [or we are] the legal estate representative [or representatives] of the said [debtor] and that his Will was on the [blank] day of [blank] 19 [blank], proved by [blank] [or that letters of Administration of his estate were on the [blank] day of [blank] 19 [blank], granted to [blank]].

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2 That the estate of [debtor] is according to my [or our] information and belief insufficient to pay his debts.

(Signed)

Signed by the petitioner in my presence.

Signature of witness.

Address.

Description.

No. 163 (Section 118 of the Act)
ORDER FOR ADMINISTRATION IN BANKRUPTCY OF ESTATE OF
DECEASED DEBTOR UPON PETITION
(Title)

Upon the petition of C.D., dated [blank], and numbered [blank] of 19 [blank], and upon reading [blank] and hearing [blank], it is ordered that the estate of A.B., of [blank], who died insolvent, be administered in bankruptcy, and that the Official Receiver be the trustee, and that the costs of this application be [blank].

Dated this [blank] day of [blank] 19 [blank].

By the Court,
Registrar

No. 164
ORDER FOR ADMINISTRATION OF ESTATE OF DECEASED DEBTOR
ON TRANSFER OF PROCEEDINGS UNDER SECTION 118(3) OF THE
ACT
(Title)

Whereas proceedings for the administration of the estate of A.B., late of [blank], deceased, were commenced before [here set out name of Judge before whom proceedings commenced] on the [blank] day of [blank] 19 [blank].

And whereas [blank] [here set out name of Judge] did on the [blank] day of [blank] 19 [blank], transfer such proceedings to this Court.

It is hereby ordered that the estate of the said A.B., deceased, shall be administered according to the law of bankruptcy pursuant to Section 118 of the Act, and that G.H., the Official Receiver, be the trustee of the property of the said A.B., deceased.

Dated this [blank] day of [blank] 19 [blank].

By the Court,
Registrar

No. 165 (Rules 242 , 270 & 311)
STATEMENT TO ACCOMPANY NOTICE OF DIVIDEND, AND
APPLICATION FOR RELEASE
THE BANKRUPTCY ACT 1989

In the [blank] Court [blank], No. [blank] of 19 [blank]

In the matter of [blank], of [here state address and description of debtor],
under Receiving Order dated [blank] day of [blank] 19 [blank]

Statement showing position of estate at date of declaring [1st, or as the
case may be] dividend, or at date of application for release,
as the case may be.

Dr.			Cr.					
	Estimated to produce per debtor's statement	Receipts				Payments		
			\$	¢	\$		¢	
To total receipts from date of receiving order, viz.:- (State particulars under the several headings specified in the debtor's Statement of Affairs). Receipts per trading account Other receipts.....	\$ ¢		Court fees (including stamp of [blank] petition Law costs of petition Other law costs			\$ ¢ \$ ¢ \$ ¢		
Total	\$ ¢		Trustee's remuneration, as fixed by the (a) [blank] viz.: [blank] per cent on \$ [blank] assets realised per cent on \$ [blank] assets distributed in dividend ..			\$ ¢ \$ ¢ \$ ¢		
Less: Deposit returned to petitioner... Payments to redeem securities... Costs of execution..... Payments per trading account..	\$ ¢		Special manager's charges Person appointed to assist debtor under s.76 of the Act..... Auctioneer's & Valuer's charges as taxed..... Other taxed costs..... Costs of possession..... Costs of notices in Gazette and local papers..... Incidental outlay.....			\$ ¢ \$ ¢ \$ ¢ \$ ¢ \$ ¢ \$ ¢ \$ ¢		
Net realisations.....	\$	\$	Total cost of realisation..\$			\$		
			Allowance to debtor			\$ ¢		

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			Creditors, viz.—				
			(b) Preferential.....				
			(b) Unsecured.....				
			(c) dividend now declared of				
			[blank] cents in the \$ on				
			\$ [blank].....				
			Dividends previously declared				
			The debtor's estimate of				
			amount expected to rank				
			for dividend was				
			\$ [blank].....				
			Balance.....				
		\$				\$	

Section 83(2) of the Bankruptcy Act 1989 provides that "If one fourth in number or value of the creditors dissent from the resolution, or the bankrupt satisfies the Court that the remuneration is unnecessarily large, the Court shall fix the amount of the remuneration."

Assets not yet realised estimated to produce \$ [blank].

(Add here any special remarks trustee thinks desirable)

Creditors can obtain any further information by inquiry at the office of the trustee.

Dated this [blank] day of [blank] 19 [blank].

(Signature of Trustee)

(Address)

NOTE—When this statement accompanies a declaration of a second or subsequent dividend, it shall incorporate the figures of the preceding statement or statements under their respective headings.

- (a) Creditors or committee of inspection, *as the case may be*.
- (b) Insert number of creditors.
- (c) 1st, *or as the case may be*.

No. 166 (Rule 240)

NOTICE TO CREDITORS OF INTENTION TO DECLARE DIVIDEND

(Title)

A [insert here "first" or "second" or "final" *or as the case may be*] dividend is intended to be declared in the above matter. You are mentioned in the debtor's statement of affairs, but you have not yet proved your debt.

If you do not prove your debt by the [blank] day of [blank] 19 [blank], you will be excluded from this dividend.

Dated this [blank] day of [blank] 19 [blank].

G.H.,
Trustee
Address

To X.Y.

No. 167 (Rule 240 and Section 69 of the Act)
NOTICE TO PERSONS CLAIMING TO BE CREDITORS OF INTENTION TO
DECLARE FINAL DIVIDEND
(Title)

Take notice that a final dividend is intended to be declared in the above matter, and that if you do not establish your claim to the satisfaction of the Court on or before the [blank] day of [blank] 19 [blank], or such later day as the Court may fix, your claim will be expunged, and I shall proceed to make a final dividend without regard to such claim.

Dated this [blank] day of [blank] 19 [blank].

G.H.,
Trustee
Address

To X.Y.

No. 168
NOTICE TO CREDITOR OF INTENTION TO PAY COMPOSITION
(Title)

Notice is hereby given that a composition is intended to be paid in the above matter.

Your name is included in the list of creditors in the debtor's statement of affairs, but you have not yet proved your debt.

The last day for receiving proofs is the [blank] day of [blank] 19 [blank].

Dated this [blank] day of [blank] 19 [blank].

Official Receiver
(Address)

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No. 169 (Rule 242)
NOTICE OF DIVIDEND
(Title)

[Please bring this Dividend Notice with you]

Dividend of [blank] in the \$

Address

Date [blank] 19 [blank].

Notice is hereby given that a [insert here "first" or "second" or "final" or as the case may be.] dividend of [blank] in the \$ has been declared in this matter and that the same may be received at my office, as above, on [blank] the [blank] day of [blank] 19 [blank], or on any subsequent [blank] between the hours of [blank] and [blank].

Upon applying for payment, this Notice must be produced entire, together with any bills of exchange, promissory notes or other negotiable securities held by you. If you desire the dividend to be paid to some other person you can sign and lodge with the Trustee an authority in the prescribed form No. 170, otherwise, if you do not attend personally you must fill up and sign the subjoined forms of receipt and authority when a dividend payable order in your favour will be delivered in accordance with the authority.

(Signed) *G.H., Trustee*

NOTE—Dividend payable orders are cancelled at the expiration of six months from the date of issue, but will be re-issued, after that period, on application to the trustee.

A fee of _____ is chargeable on the re-issue of each dividend payable order, the fee being payable in bankruptcy stamps.

RECEIPT

RECEIVED of *G.H.*, Trustee of the above-mentioned estate, the sum of [blank] dollars and [blank] cents being the amount payable to me/us in respect of the dividend [blank] of [blank] in the \$ on my/our claim against this estate.

Creditor's signature

\$

[EXEMPT FROM STAMP DUTY]

AUTHORITY

SIR,

Please deliver to me/us by post at my/our risk.
the Bearer, Mr. [blank]

(Strike out words inapplicable.)

the dividend order for the dividend payable to me/us in this matter.

Creditor's Signature.

To G.H., Trustee.

Date [blank] 19 [blank].

No. 170 (Rule 246)

AUTHORITY TO TRUSTEE TO PAY DIVIDENDS TO ANOTHER PERSON
(Title)

To

The Trustee

SIR,

I/We hereby authorise and request you to pay to [blank] of [blank], all dividends as they are declared in the above-named matter, and which may become due and payable to me/us in respect of the proof of debt for the sum of \$ [blank], against the above estate made by me/us [or by [blank], on my/our behalf].¹

And I/We further request that the dividend payable order or orders issued in respect of such dividends may be made payable to the said [blank] whose receipt shall be sufficient authority to you for the issue of such order or orders in his name.

It is understood that this authority is to remain in force until revoked by me/us in writing.

Witness to the signature of [blank]

Signature
of

Date

¹ Strike out words inapplicable.

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No. 171 (Section 70 of the Act)
APPLICATION BY CREDITOR FOR ORDER FOR TRUSTEE TO PAY
DIVIDEND WITHHELD AND ORDER THEREON
(Title)

I, *F.K.*, of [blank], make application to this Court for an order to be made upon the trustee to pay the dividend in this bankruptcy due to me, with interest thereon for the time it has been withheld from me, that is to say, from the [blank] day of [blank] 19 [blank], on which day I applied to the trustee for its payment to me, and also to pay to me the costs of this application.

Dated this [blank] day of [blank] 19 [blank].

F.K.

Order

Upon the reading of this application, and upon hearing [blank] it is ordered that the trustee do forthwith pay to the said *F.K.* the sum of [blank] dollars, the amount of such dividend.

And it is further ordered that the trustee do pay to the said creditor at the same time the sum of [blank], for interest on such dividend, being at the rate of \$ [blank] per cent., per annum for the time that its payment has been withheld, together with a further sum of [blank] for the costs of this application.

Dated this [blank] day of [blank] 19 [blank].

By the Court,
Registrar

(If the Court does not order payment, then, after the words "it is ordered," insert the order made.)

No. 172 (Section 84(5) of the Act)
REQUEST TO DELIVER BILL FOR TAXATION
(Title)

I hereby request that you will within seven days of this date, or such further time as the Court may grant, deliver to me for taxation by the taxing officer your bill of costs (*or charges*) as [here state capacity in which person employed or engaged] failing which, I shall, in pursuance of the statute, proceed to declare and distribute a dividend without regard to any claim you may have against me or against the estate of the debtor.

Dated this [blank] day of [blank] 19 [blank].

G.H.,
Trustee
(Address)

No. 173
ALLOCATUR (Rules 78 & 86)
(Title)

I hereby certify that I have taxed the bill of costs [or charges] [or expenses] of C.D. [here state capacity in which employed or engaged] [where necessary add "pursuant to an order of the Court dated the [blank] day of [blank] 19 [blank]"], and have allowed the same at the sum of [blank] dollars and [blank] cents [where necessary add "which sum is to be paid to the said C.D. by [blank] as directed by the said order."]

Dated this [blank] day of [blank] 19 [blank].

(Signed)

\$

No. 174 (Rules 78, 84 & 86)
ALLOCATUR FOR COSTS OF DEBTOR'S PETITION
(Title)

I hereby certify—

(1) That I have taxed the bill of costs of [blank], the debtor's barrister and attorney, for filing the petition herein, and have allowed the same at the sum of [blank] dollars and [blank] cents.

(2) That the deposit of [blank] dollars paid to the Official Receiver on the filing of the petition ["is" or "is not."] included in the above-mentioned sum.

(3) That credit has been given in the said Bill for the sum of [blank] received on account of such costs.

(4) That for the purpose of the taxation the assets were certified as likely to realise \$ [blank], but not to exceed \$ [blank].

Dated this [blank] day of [blank] 19 [blank].

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§

(Signed)

No. 175 (Rule 337)
CERTIFICATE BY COMMITTEE OF INSPECTION AS TO AUDIT OF
TRUSTEES' ACCOUNTS

We, the undersigned, members of the committee of inspection in the matter of [blank], a bankrupt, hereby certify that we have examined the foregoing account with the vouchers, and that to the best of our knowledge and belief the said account contains a full, true, and complete account of the trustee's receipts and payments on account of the estate.

Dated this [blank] day of [blank] 19 [blank].

A.B.)

C.D.) Committee of Inspection.

E.F.)

No. 176 (Rule 338(41))
AFFIDAVIT VERIFYING TRUSTEE'S ACCOUNT
(Title)

I, G.H., of [blank], the trustee of the property of the above-named bankrupt, make oath and say—

That¹ *the account hereunto annexed marked B. is a true copy of the estate cash book and contains a full and true account of my receipts and payments on account of the bankrupt's estate from the [blank] day of [blank] to the [blank] day of [blank] inclusive,¹ and that I have not, nor has any other person by my order or for my use during such period, received or paid any moneys on account of the said estate¹ other than and except the items mentioned and specified in the said account.*

Sworn at, etc.

No. 177 (Rule 333)
TRUSTEE'S TRADING ACCOUNT
(Title)

G.H., the trustee of the property of the bankrupt in account with the estate.

¹ NOTE — If no receipts or payments, strike out the words in italics.

<i>Date</i>				<i>Date</i>			

G.H., Trustee

(Date)

We have examined this account with the vouchers and find the same correct, and we are of opinion that the expenditure has been proper.

Dated this [blank] day of [blank] 19 [blank].

Committee of Inspection

[or member of the Committee of Inspection]

No. 178 (Rule 333)
PROFIT AND LOSS ACCOUNT (TRADING ACCOUNT)
 (Title)

PROFIT AND LOSS ACCOUNT

<i>Dr.</i>	<i>Cr.</i>
Stock on hand [blank] day of [blank] 19 [blank]. Purchases Trade expenses, viz.— Rent and taxes Wages Miscellaneous Balance being profit	Sales Other receipts, if any Stock on hand [blank] day of [blank] 19 [blank].

G.H., Trustee

(Date)

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NOTE—This account is to be submitted when the committee of inspection require, and in any case at the end of the trading business carried on by the trustee.

No. 179 (Rule 333)
AFFIDAVIT VERIFYING TRUSTEE'S TRADING ACCOUNT
(Title)

I, *G.H.*, of [blank] the trustee of the property of the above-named bankrupt, make oath and say that the account hereto annexed is a full, true, and complete account of all money received and paid by me or by any person on my behalf in respect of the carrying on of the trade or business of the bankrupt, and that the sums paid by me as set out in such account have, as I believe, been necessarily expended in carrying on such trade or business.

G.H., Trustee

Sworn at, etc.

No. 180 (Rule 335)
STATEMENT OF ACCOUNTS UNDER SECTION 86 OF THE ACT
(Title)

Receipts					Payments				
Date	Of whom received	Nature of Receipt	Amount		Date	To whom paid	Nature of Payment	Amount	
			\$	¢				\$	¢

Signature

Dated this [blank] day of [blank] 19 [blank].

No. 181 (Rule 324)
AFFIDAVIT BY SPECIAL MANAGER
(Title)

I, [blank] of [blank], make oath and say as follows:

1 The account hereto annexed marked with the letter A, produced and shown to me at the time of swearing this my affidavit, and

purporting to be my account as special manager of the estate or business of the above-named debtor, contains a true account of all and every sums and sum of money received by me or by any other person or persons by my order or to my knowledge or belief for my use on account or in respect of the said estate or business.

2 The several sums of money mentioned in the said account hereby verified to have been paid or allowed have been actually and truly so paid and allowed for the several purposes in the said account mentioned.

3 The said account is just and true in all and every the items and particulars therein contained according to the best of my knowledge and belief.

Sworn, etc.

No. 182 (Rule 311)

NOTICE TO CREDITORS OF INTENTION TO APPLY FOR RELEASE
(Title)

Take notice that I, the trustee of the property of the bankrupt, intend to apply to the Court for my release, and further take notice that any objection you may have to the granting of my release must be notified to the Court within twenty-one days of the date hereof.

A summary of my receipts and payments as trustee is hereto annexed.

Dated this [blank] day of [blank] 19 [blank].

G.H.,

Trustee

(Address)

To

K.L.,

Creditor.

Note—Section 92(3) of the Bankruptcy Act 1989 enacts that "An order of the Court or any court releasing the trustee shall discharge him from all liability in respect of any act, or omission of his done or default made by him in the administration of the affairs of the bankrupt, or otherwise in relation to his conduct as trustee, but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact."

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No. 183 (Rule 311)
 APPLICATION BY TRUSTEE TO COURT FOR RELEASE
 (Title)

I, *G.H.*, the trustee of the property of the bankrupt, do hereby report to the Court as follows:

1 That the whole of the property of the bankrupt has been realised for the benefit of his creditors [and a dividend in the amount of *[blank]* cents in the dollar has been paid as shown by the statement hereto annexed];

[or That so much of the property of the bankrupt as can, according to the joint opinion of myself and the committee of inspection, hereunto annexed in writing under our hands, be realised without needlessly protracting the bankruptcy, has been realised, as shown by the statement hereunto annexed, and a dividend to the amount of *[blank]* cents has been paid];

[or That a composition [or scheme] under Section 25 of the Act has been duly approved by the Court].

2 I therefore request the Court to cause a report on my accounts to be prepared, and to grant me a certificate of release.

Dated this *[blank]* day of *[blank]* 19 *[blank]*.

G.H.,
 Trustee

No. 184 (Rule 328)
 REGISTER OF BANKRUPTCY NOTICES TO BE KEPT BY REGISTRAR

No.	Debtor	Creditor	When Filed	Barrister and Attorney	Result of Notice

No. 185 (Rule 328)
 REGISTER OF PETITIONS TO BE KEPT BY THE REGISTRAR

No.	Debtor	Date	Petitioning Creditor	Barrister or	Act of	Date of	Date of	

of Petition	Name	Residence & Occupation	of Filing Petition	Name	Residence & Occupation	& Attorney	Bankruptcy alleged	dismissal of petition	Receiving Order	Registrar

No. 186 (Rule 328)

REGISTER OF RECEIVING ORDERS TO BE KEPT BY THE REGISTRAR

Debtor		Petition		Receiving Order			Date of Public Examination	Date of approval of Composition or Scheme	Adjudication	
Name	Residence & Occupation	No.	Date of Filing	No.	Date of Order	Date of Discharge or rescission of Order			Date of Order	Date of Annulment

Trustee			Discharge of Bankrupt			Proceedings consolidated or transferred	Date of Order for Summary Administration (s.117)	Date of Order for Administration of deceased Debtor's estate (s. 118)	Registrar
Name and Address	Date of Appoint- ment	Date of Release	Date of hearing Application	Date of Order	Nature of Order				

No. 187 (Rule 340)

NOTICE OF TRANSFER OF SEPARATE ESTATE TO JOINT ESTATE FOR
GAZETTE

(Title)

Notice is hereby given that there being in the hands of the trustee in the above bankruptcy a surplus estimated at \$ [blank] arising from the separate estate of [name of separate partner] one of the bankrupts, and there being no separate creditors of such bankrupt, it is the intention of such trustee, at the expiration of [blank] days from the

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appearance of this notice in the *Gazette*, to transfer such surplus to the credit of the joint estate in the said bankruptcy.

Dated this [blank] day of [blank] 19 [blank].

(Signed)

Trustee

No. 188

NOTICES FOR *GAZETTE*
THE BANKRUPTCY ACT 1989

(1) ADMINISTRATION ORDER IN THE CASE OF DECEASED DEBTOR (Rule 275)

Name of Deceased (Surname first)

Address

Description

Date of Death

Court

Number of Matter

Date of Order

Date of Filing

Petition or of Transfer

Whether Will or other Testamentary Disposition (with date thereof) or letters of Administration

Dated when proved or granted

(2) FIRST MEETING (Rule 214)

Debtor's Name (Surname first)

Address

Description

Court

Number of Matter

Date of First Meeting

Hour

Place

Date of Order, if any , for Summary Administration

(3) ORDER ON APPLICATION TO APPROVE COMPOSITION OR SCHEME (Rule 175)

Debtor's Name (Surname first)

Address

Description

Court

Number of Matter

Date of Order

Nature of Scheme or Composition sanctioned or Order made

(4) ADJUDICATION (Rule 191)

Debtor's Name (Surname first)

Address

Description

Court

Number of Matter

Date of Order

Date of Filing Petition

(5) ADJUDICATION ANNULLED (Rule 327)

Debtor's Name (Surname first)

Address

Description

Court

Number of Matter

Date of Adjudication

Date of Annulment

Grounds of Annulment

(6) APPLICATION FOR DISCHARGE (Rule 195)

Debtor's Name (Surname first)

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Address
Description
Court
Number of Matter
Day fixed for hearing
Hour
Place

(7) APPLICATION BY OFFICIAL RECEIVER TO CONSIDER
DISCHARGE OF BANKRUPT (Rule 211)

Debtor's Name (Surname first)
Address
Description
Court
Number of Matter
Day fixed for hearing
Hour
Place

(8) ORDER MADE ON APPLICATION FOR DISCHARGE (Rule 201)

Debtor's Name (Surname first)
Address
Description
Court
Number of Matter
Date of Order
Nature of Order made
Grounds named in Order for refusing an absolute Order of
Discharge

(9) ORDER FOR AUTOMATIC DISCHARGE (Rule 208)

Debtor's Name (Surname first)
Address

Description
Court
Number of Matter
Date of Order
Nature of Order made
Grounds named in Order for automatic discharge

(10) ORDER MADE ON APPLICATION BY OFFICIAL RECEIVER TO CONSIDER DISCHARGE OF BANKRUPT (Rules 201, 212)

Debtor's Name (Surname first)
Address
Description
Court
Number of Matter
Date of Order
Nature of Order made

(11) APPOINTMENT OF TRUSTEE (Rule 301)

Debtor's Name (Surname first)
Address
Description
Court
Number of Matter
Trustee's Name (Surname first)
Address
Description
Date of Certificate of Appointment

(12) NOTICE OF RELEASE OF TRUSTEE (Rule 312)

Debtor's Name (Surname first)
Address
Description

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Court
Number of Matter
Trustee's Name (Surname first)
Address
Description
Date of Release

(13) NOTICE OF INTENDED DIVIDEND (Rule 240)

Debtor's Name (Surname first)
Address
Description
Court
Number of Matter
Last Day for Receiving Proofs
Name of Trustee (Surname first)

(14) NOTICE OF DIVIDEND (Rule 242)

Debtor's Name (Surname first)
Address
Description
Court
Number of Matter
Amount per \$
First, or Final, or otherwise
When payable
Where payable

(15) ORDER ANNULING, REVOKING, OR RESCINDING ORDER
(Rule 327)

Debtor's Name (Surname first)
Address
Description
Court

Number of Matter

Nature and Date of Order Annulled, Revoked or Rescinded

Date of Annulment, Revocation or Rescission

Grounds of Annulment, Revocation or Rescission

(16) NOTICE TO DEBTOR IN LIEU OF PERSONAL SERVICE OF BANKRUPTCY NOTICE AND PETITION, AND OF APPLICATION TO COMMIT FOR CONTEMPT OF COURT (Rules 68, 127)

Debtor's Name (Surname first)

Address

Description

Court

Number of Matter

Nature of Notice of which Substituted Service directed

Date thereof

If a Petition or Application to Commit, date of Hearing

Name and Description of Person serving Bankruptcy Notice, or by whom Petition is presented, or by whom Application to Commit is being made.

(17) NOTICE IN LIEU OF PERSONAL SERVICE OF APPLICATION TO COMMIT A PERSON OTHER THAN DEBTOR FOR CONTEMPT OF COURT (Rule 68)

Name of Person against whom Application made (Surname first)

Address

Description

Name of Debtor in whose case Application made (Surname first)

Address

Description

Court

Number of Matter

Date on which Application will be heard

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No. 189 (Rule 16(3))
MEMORANDUM OF ADVERTISEMENT OR GAZETTING
(Title)

Name of Paper	Date of Issue	Date of Filing	Nature of order, etc.

(Signed)

A.B., Registrar

No. 190
CERTIFICATE TO SPEAKER OF THE HOUSE OF ASSEMBLY [OR THE
RIGHT HONOURABLE PRESIDENT OF THE SENATE*] UNDER SECTION
99(2) OF THE ACT
(Title)

In the Matter of the said A.B., of [blank], a bankrupt.

It is hereby certified by this Court to the Right Honourable the Speaker of the House of Assembly or the Right Honourable President of the Senate* that the said A.B., being a member of the House of Assembly or of the Senate*, was by an order made by this Court on the [blank] day of [blank] 19 [blank] adjudged a bankrupt; And that although six months have expired since the date of the said order of adjudication, the said order of adjudication hath not been annulled, nor have the debts of the creditors who proved debts under the bankruptcy been fully paid or satisfied.

Certified under the seal of the Court this [blank] day of [blank] 19 [blank]

By the Court,

Registrar

* Delete whichever is inapplicable.

SCALE OF BANKRUPTCY COSTS

PART I

Scale of Costs of Petitioning Debtor

Item	\$
1	
(a)	
Instructions for petition, search for prior petition drawing and copy petition and attesting same; attending Official Receiver with deposit, attending presentation of petition and hearing thereof when receiving order made; drawing and copy receiving order; attending Official Receiver giving him all necessary information; attending upon debtor's preliminary examination and upon public examination; drawing bill of costs and copy; attending lodging bill, obtaining appointment to tax and necessary notices thereof; attending taxation, vouching, completing and obtaining Taxing Officer's allocatur; letters messengers and telephone calls; where the assets are certified as not likely to exceed \$1,000...	30.00 per ½ hour
(b)	
Where the assets are certified as likely to exceed \$1,000	30.00 to 50.00 per ½ hour

Note: The allowance for Item 1(a) or 1(b) is to be made in accordance with the certificate of the Official Receiver as to the value which the assets are likely to realise, and the certificate must be produced to the Taxing Officer. Where a composition is accepted and confirmed by the court the value of the assets shall be considered to be the amount required for the purposes of the composition.

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- 2 Drawing and copy order of adjudication upon application by debtor under Rule 187 per foolscap page..... 50.00

General note to Part I

No charges other than those included in Part I of this Scale may be allowed unless the Taxing Officer considers that by reason of special circumstances additional items should be allowed.

PART II

Debtor's costs where Bankruptcy Notice set aside and on dismissal of Petition

- 3 Instructions for application to set aside bankruptcy notice and for affidavit of counterclaim, including perusal and consideration of the bankruptcy notice; drawing affidavit, copy and attending to file; drawing application for appointment to hear (when requisite) and attending obtaining directions thereon 30.00 to 50.00 per ½ hour
- 4 (a) Attending Court on hearing of application when order made setting aside bankruptcy notice; drawing and copy order and attending to pass 30.00 to 50.00 per ½ hour
- (b) Attending Court when hearing of application adjourned..... 30.00 to 50.00 per ½ hour
- (c) Drawing and copy order and attending to pass per foolscap page..... 50.00

5	Instructions to show cause on hearing of petition including perusing and considering petition, and attending upon the debtor obtaining information; drawing and copy notice to show cause and attending to file; two fair copies notice and service thereof	30.00 to 50.00 per ½ hour
6	(a) Attending Court on hearing of petition when petition dismissed	30.00 to 50.00 per ½ hour
	(b) Attending court when hearing of petition adjourned	30.00 to 50.00 per ½ hour
7	Drawing and copy order and attending to pass per foolscap page.....	50.00
8	Letters and telephone calls not otherwise provided for	15.00 to 30.00 each
9	In any special case, costs may, at the discretion of the Taxing Officer, be allowed in relation to items not mentioned in this scale.	

General note to Part II

The debtor shall be allowed reasonable travelling expenses and compensation for loss of time in accordance with the provisions of paragraph 14 of Part V of this Scale

Item	Part III	\$
	Scale of Costs of Petitioning Creditor	
10	Instructions for bankruptcy notice, drawing same, engrossing and two fair copies; preparing request to issue; filing, sealing and issuing notice.....	30.00 to 50.00 per ½ hour

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11	Drawing and engrossing affidavit of service of bankruptcy notice, marking exhibit, attending swearing and filing same	25.00
12	Instructions for bankruptcy petition including, where necessary, examining particulars of petitioning creditor's account	30.00 to 50.00 per ½ hour
13	Drawing bankruptcy petition, engrossing same, two copies and attesting signature of the petitioning creditor per foolscap page.....	45.00
14	Drawing and engrossing affidavit verifying petition, marking exhibit and attending petitioner to be sworn.....	25.00
15	Attending to search for prior petition and for compliance with bankruptcy notice; affidavit of search, including drawing, engrossing and attending swearing.....	50.00
16	Attending to search for prior petition and for compliance with bankruptcy notice; affidavit of search, including drawing, engrossing and attending swearing.....	50.00
	Note: The deposit is to be charged in the petitioning creditor's bill of costs.	
17	Drawing and engrossing affidavit of service of petition, marking exhibit, attending swearing and filing same.....	25.00
18	Drawing and engrossing affidavit of petitioning creditor's debt and attending swearing and filing same per foolscap page.....	45.00
19	Attending hearing of petition when receiving order made; drawing receiving order, copy and attending to pass	30.00 to 50.00 per ½ hour

20	Attending Official Receiver upon making of receiving order giving him all necessary information	30.00 to 50.00 per ½ hour
21	Attending hearing of petition when adjournment ordered; drawing order of adjournment and copy to file	30.00 to 50.00 per ½ hour
22	(a) Preparing bill of costs including service and filing of bill of costs per folio.....	20.00
	(b) Attending taxation of disputed bill of costs	30.00 to 50.00 per ½ hour
23	For service of a bankruptcy notice or petition.....	30.00 per ½ hour
24	Letters and telephone calls not otherwise provided for	15.00 to 30.00 each

General notes to Part III

The petitioning creditor's barrister and attorney may be allowed all proper charges at the rate specified in the scale—

- (a) for work necessarily and usefully done between the presentation of the petition and the date of the receiving order in the interest of the creditors generally and for the protection or benefit of the estate; and
- (b) in exceptional cases for special services rendered prior to the presentation of the petition in the interests of the creditors generally where the services have been of substantial advantage to the estate;

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if the Official Receiver certifies that the work was necessary or useful, or, as the case may be, that the special services were of substantial advantage. The Official Receiver's certificate may be endorsed at the foot of the bill of costs.

Part IV

Miscellaneous and General Costs
Instructions

- 25 (a) For application for appointment of special manager and drawing same per foolscap page..... 45.00
- (b) Obtaining assents of creditors 30.00 to 50.00 per ½ hour
- (c) Attending Official Receiver to lodge papers and to make application 25.00

Note: No costs shall be allowed in respect of an unsuccessful application unless the Official Receiver certifies that such costs should be allowed.

- 26 (a) For application for appointment of interim receiver and drawing same including affidavit in support and attending to file per foolscap page..... 45.00
- (b) Attending hearing of application when order made 30.00 to 50.00 per ½ hour
- (c) Drawing order per foolscap page..... 45.00
- (d) Attending Official Receiver with order, paying deposit and giving him all necessary information 30.00 to 50.00 per ½ hour

Note 1: The costs of further affidavits in support may be allowed at the discretion of the Taxing Officer.

Note 2: The deposit is to be charged in the bill of costs.

27	(a)	For application for substituted service and drawing same including affidavit in support per foolscap page.....	45.00
	(b)	Attending making application when order made	30.00 to 50.00 per ½ hour
	(c)	Drawing up order per foolscap page.....	45.00
28	(a)	For application to extend or abridge time and drawing same per foolscap page.....	45.00
	(b)	Attending making application when order made	30.00 to 50.00 per ½ hour
	(c)	Drawing up order per foolscap page.....	45.00
29	(a)	For application to dispense with petitioning creditor's attendance on hearing and drawing same per foolscap page.....	45.00
	(b)	Attending making application when order made	30.00 to 50.00 per ½ hour
	(c)	Drawing up order per foolscap page.....	45.00
30		For preparing and hearing of any matter not otherwise provided for	30.00 to 50.00 per ½ hour
		Note: This item is intended to cover the doing of any work, not otherwise provided for, necessarily or properly done in preparing for the hearing of any matter.	
31		For preparing an opinion by barrister and attorney.....	30.00 to 50.00 per ½ hour

Attendances

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32	Of petitioning creditor's barrister and attorney at public examination, where the Court certifies that the attendance is necessary	30.00 to 50.00 per ½ hour
33	Of petitioning creditor's barrister and attorney at first meeting of creditors	30.00 to 50.00 per ½ hour
	Note: This item may only be allowed if the Official Receiver certifies in writing that the attendance was necessary in the interest of the estate.	
34	At meeting of creditors (other than first meeting) when duly authorised and necessary	30.00 to 50.00 per ½ hour
35	At meeting of committee of inspection when duly authorised and necessary	30.00 to 50.00 per ½ hour
36	In chambers on hearing of application where not otherwise provided for	30.00 to 50.00 per ½ hour (excluding waiting time)
37	(a) In Court on hearing of any matter for each day on which matter is included in list of matters to be heard but on which hearing is not begun.....	30.00
	(b) In Court on hearing of any matter	30.00 to 50.00 per ½ hour
38	(a) Preparing application per foolscap page.....	45.00
	(b) Lodging application	15.00

	(c)	Making application in chambers, where not otherwise provided for	30.00 to 50.00 per ½ hour
39	(a)	Preparing application for warrant, warrant of seizure or search warrant per foolscap page.....	45.00
	(b)	Lodging application	15.00
	(c)	Making application for warrant, warrant of seizure or search warrant	30.00 to 50.00 per ½ hour
40		To instruct officer as to execution of warrant or warrant of seizure	30.00
41		On a deponent swearing or barrister and attorney or clerk deposing to any affidavit not otherwise provided for	15.00
42		To file affidavit or other document, where not otherwise provided for	15.00
43		Any other attendance not otherwise provided for	30.00 to 50.00 per ½ hour
Drawing documents			
44		Commission or order for examination of witnesses abroad per foolscap page.....	45.00
45		Application to a Judge or Registrar, including copy per foolscap page.....	45.00
46		Order made in Court or other special order per foolscap page.....	45.00
47		Order not otherwise provided for, including copy to file and attending to enter	45.00

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48	Proposal for scheme of arrangement or composition per foolscap page.....	45.00
49	Consent to receiving order and attending obtaining the debtor's signature	45.00
50	Warrant, warrant of seizure or search warrant	45.00
51	Any affidavit, notice of motion, report, or other document not otherwise provided for per foolscap page.....	45.00
52	Any notice not otherwise provided for	45.00
53	Brief or case for opinion of barrister and attorney.....	45.00
Perusal		
54	Of any document not provided for or allowed under any other item per foolscap page.....	10.00
Copies		
55	Copy of document not otherwise provided for per sheet.....	.25
56	Photographic, printed and carbon copies per sheet.....	.25
Service		
57	Of bankruptcy notice or petition, or other document— (a) if required to be served personally, for each service	30.00 to 50.00 per ½ hour
	(b) if service by post authorized, for each service	30.00
Letters		
58	Letters—	

<i>Laws of Bermuda</i>	Title 8 Item 49(a)
Out	15.00 to 30.00
In.....	10.00
59 Letters and telephone calls not provided for or allowed under any other item	15.00 to 30.00 each

PART V

General

1 Except as in this Scale provided all costs properly incurred under the provisions of the Act or these Rules shall be allowed under the Schedule to Order 62 of the Rules of the Supreme Court 1985.

2 Where, in the course of a bankruptcy administration, business is transacted in a court other than the Court exercising its jurisdiction in bankruptcy, the remuneration of the barrister and attorney therefore shall be in accordance with the scale in force for the time being in relation to business of the kind transacted in the court exercising its jurisdiction.

3 In respect of business connected with sales, purchases, leases, mortgages and other business remuneration of a barrister and attorney shall be fixed by the Taxing Officer except that in respect of the sale of mortgaged property the remuneration of the trustee's barrister and attorney shall be fixed by the Court and shall be payable only out of the proceeds of the sale unless the committee of inspection, by resolution setting out special reasons, authorises the remuneration to be paid out of the general estate.

4 Where the proceedings are opposed and in other proper cases, the costs of the employment of a barrister and attorney may, at the discretion of the Taxing Officer, be allowed.

5 Court fees and other proper disbursements shall be allowed in addition to the remuneration provided in this Scale.

6 Where the Court so orders and certifies, an extra allowance for length of sitting or other special reasons may be allowed.

7 On taxation, no payment shall be allowed unless the requisite vouchers are produced.

8 Bills of costs shall be written lengthwise distinguishing in separate columns out-of-pocket expenses from charges for work done; dates shall be given for each item, but they shall not be written in the margin which is to be left clear for use on taxation and for filing.

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9 The charge allowed for drawing any affidavit or other document shall include any copy made for the use of the barrister and attorney or agent or for barrister and attorney to settle.

10 Where the same barrister and attorney is employed for two or more persons having the same interest, and separate papers are delivered to barrister and attorney or proceedings are taken by or for two or more such persons separately, the Taxing Officer shall consider on the taxation, whether between party and party or on the common fund basis, whether such separate papers or proceedings were necessary or proper, and if he is of opinion that any part of the costs occasioned thereby has been unnecessarily or improperly incurred, that part shall be disallowed.

11 (1) where in Parts I to IV (inclusive) of this Appendix there is entered in the 3rd column against any item specified in the 2nd column an upper or a lower sum of money, the amount of costs to be allowed in respect of that item shall (subject to any order of the court fixing the costs to be allowed) be in the discretion of the Taxing Officer, within the limits of the sums so entered, if any.

(2) All fees, costs and allowances which are discretionary shall, unless otherwise provided, be allowed at the discretion of the Taxing Officer, who in the exercise of his discretion in relation to such fees, costs and allowances, or in the exercise of his discretion under subparagraph (1) in relation to any item, shall have regard to all relevant circumstances, and in particular to—

- (a) the complexity of the item or of the cause or matter in which it arises and the difficulty or novelty of the questions involved;
- (b) the skill, specialized knowledge and responsibility required of, and the time and labour expended by the barrister and attorney;
- (c) the number and importance of the documents (however brief) prepared or perused;
- (d) the place and circumstances in which the business involved is transacted;
- (e) the importance of the cause or matter to the client;
- (f) where money or property is involved, its amount or value;
- (g) any other fees and allowances payable to the barrister and attorney in respect of other items in the same cause or matter, but only where work done in relation to those items has reduced the work which would otherwise have been necessary in relation to the item in question.

12 (1) Any person who is dissatisfied with the allowance or disallowance by the Taxing Officer of the whole or any part of any items, may, at any time within fourteen days after such allowance or disallowance has been made, or within such shorter period as the Taxing Officer may direct, bring before the Taxing Officer objections in writing to the allowance or disallowance, setting out in a concise form a list of the items or part thereof objected to, and the grounds for the objections, and may thereupon apply to the Taxing Officer to review the taxation; a copy of such objections shall be served upon such persons as the Taxing Officer may direct.

(2) Any person to whom a copy of the objections is delivered in accordance with the Taxing Officer's directions may within fourteen days after delivery of the copy to him or such shorter period as may be fixed by the Taxing Officer, deliver to the Taxing Officer answers in writing to the objections stating concisely the grounds on which he will oppose them. A copy of such answers shall be served upon such persons as the Taxing Officer shall direct. On the hearing of a review under this paragraph, any person to whom a copy of the objections was delivered is entitled to be heard in respect of any item to which the objections relate notwithstanding that he did not deliver written answers to such objections.

(3) Upon the application the Taxing Officer shall reconsider any allowances or disallowances objected to, and may, if he thinks fit, receive further evidence in respect thereof, and if so required by any person interested he shall state either in his certificate of taxation or allocatur or by reference to the objection, the grounds for his decision and any special facts or circumstances relating thereto. A request under this paragraph must be made within fourteen days after the review or such shorter period as may be fixed by the Taxing Officer.

13 (1) Any person who is dissatisfied with the certificate or allocatur of the Taxing Officer as to any item or part of an item, or with the amount allowed in respect of any item which has been reconsidered may, within fourteen days after the date of the certificate or allocatur or such longer time as the Court or Judge, or Taxing Officer at the time he signs his certificate or allocatur, may allow, apply to the Judge for an order to review the taxation of [sic] as he thinks just. An application to the Judge under this paragraph may be made only if any person interested in the proceedings before the Taxing Officer requested such Taxing Officer to state the grounds for his decision in accordance with paragraph 12(3).

(2) The application shall be heard and determined by the Judge upon the evidence brought before the Taxing Officer and no further evidence shall be received unless the Judge otherwise directs.

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(3) The certificate or allocatur of the Taxing Officer shall be final and conclusive as to all matters which have not been objected to in manner aforesaid.

14 The allowances to witnesses in bankruptcy proceedings shall be in accordance with those ordinarily made in proceedings in the Supreme Court; however, the petitioning creditor shall not be regarded as a witness on the hearing of the petition; he shall not be paid for loss of time, but may be allowed his reasonable expenses of travelling and subsistence.

APPENDIX III

Rule 82

Scale of Allowances to Auctioneers and Valuers

1 The following charges shall be subject to reduction by agreement with the Official Receiver or the trustee, or to increase with the sanction of the committee of inspection and the Court.

Item		\$
Chattels	For inventory only	75.00 per ½ hour
	For inventory and valuation —	
	On the first \$10,000	5.00 per cent Minimum fee \$75.00
	On the next \$10,500	2.50 per cent
	Above \$20,500	1.75 per cent
	For sales by private contract based on the valuation, half the above charges for inventory and valuation.	
	For sales by auction, in addition to such out-of-pocket expenses as may be authorised at the time by the Official Receiver or the trustee	15.00 per cent
Land	For valuation of property and reporting thereon.....	0.250 per cent
	For sales by auction, excluding prior valuations, but including determining amount of reserve bids	5.00 per cent

Costs of surveys, dilapidations and specifications in discretion of Taxing Officer \$75.00 per ½ hour

The foregoing charges are to be in addition to such out-of-pocket expenses as may be authorised at the time by the Official Receiver or the trustee.

General Fees for services not provided for in this Scale may be fixed by agreement with the trustee, with the consent of the committee of inspection and the Court.