Bankruptcy

Cap. 303.

BANKRUPTCY RULES, 1928

Authority: These rules were made on 13th July, 1928 by the Chief Justice under section 119 of the *Bankruptcy Act.*

Commencement: 1st October, 1928.

PART I

PRELIMINARY

1. These Rules may be cited as the *Bankruptcy Rules, 1928.* Short title.

2. In these rules Interpretation of terms.

"The Act" means the *Bankruptcy Act;* Cap. 303.

"certified copy" means a copy certified as true by the Registrar;

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

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

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

"trustee" includes the trustee appointed under a composition or scheme of arrangement under which a trustee is appointed to administer a debtor's property or manage his business, and also includes the Official Assignee when acting as trustee.

3. The provisions of section 126 of the Act shall apply to these rules. Computation of time.

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FORMS

Forms.

4. The forms in Part I of the Appendix to the *English Bankruptcy Rules, 1915*, where applicable, and where they are not applicable forms of a like character, with the necessary changes and such variations as circumstances may require, shall be used. When such forms are applicable, any costs occasioned by the use of more prolix forms shall be borne by or disallowed to the party using the same unless the Court shall otherwise direct.

PART II

GENERAL PROCEDURE

Court and Chambers

Matters to be heard in Court.

5. The following matters and applications shall be heard and determined in open Court, namely

(a) the public examination of debtors;

(b) applications to approve a composition or scheme of arrangement;

(c) applications for orders of discharge or certificate of removal of disqualifications;

(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 persons to prison for contempt;

(f) appeals against the rejection of a proof, or applications to expunge or reduce a proof, when the amount in dispute exceeds $500;

(g) the trial of any issue of fact with a jury.

Any other matter or application may be heard and determined in Chambers.

Adjournment from Chambers into Court and vice versa.

6. Subject to the provisions of the Act and these rules, any matter or application may at any time if the Judge thinks fit, be

adjourned from Chambers to Court or from Court to Chambers; and if all the contending parties require any matter or application to be adjourned from Chambers into Court it shall be so adjourned.

PROCEEDINGS

Proceedings how entitled.

7. (1) Every proceeding in Court under the Act shall be dated and shall be entitled "In the Court of Common Pleas in Bankruptcy", with the name of the matter to which it relates. Numbers and dates may be denoted by figures.

(2) All applications and orders shall be entitled *ex parte* the applicant.

(3) 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.

Written proceedings.

8. All proceedings in Court shall be written on paper of foolscap size; but no objection shall be allowed to any proofs, affidavit, or proxy on account of its being written on paper of other size.

Records of Court.

9. All proceedings of the Court shall remain on record in the Court so to form a complete record of each matter, and they shall not be removed for any purpose, except for the use of the officers of the Court or by special direction of the Judge, but they may at all reasonable times be inspected by the trustee, the debtor, and any creditor who has proved, or any person on behalf of the trustee, debtor, or any such creditor.

Notices to be in writing.

10. All notices required by the Act or these rules shall be in writing, unless these rules otherwise provide, or the Court shall in any particular case otherwise order.

Process to be sealed.

11. All summonses, petitions, notices, orders, warrants, and other process issued by the Court shall be sealed.

Meetings summoned by Court.

12. Where the Court orders a general meeting of creditors to be summoned under rule 5 of Schedule 1 to the Act, it shall be summoned as the court directs, and in default of any direction by

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the Court the Registrar shall transmit a sealed copy of the order to the trustee or as the case may be the Official Assignee; and the trustee or Official Assignee shall, not less than 7 days before such meeting send a copy of the order to each creditor at the address given in his proof, or when he shall not have proved the address given in the list of creditors by the debtor, or such other address as may be known to the trustee or Official Assignee.

Office copies.

13. All office copies of petitions, proceedings, affidavits, books, papers and writings, or any parts thereof required by any trustee, debtor, creditor, or by the attorney-at-law of any trustee, debtor, or creditor, shall be provided by the Registrar; and shall except as to figures, be fairly written at length and be sealed and delivered out without any unnecessary delay, and in the order in which they shall have bespoken.

Filing, Gazetting, &C.

14. (1) Whenever the *Official Gazette* contains any advertisement relating to any matter under the Act, the Registrar shall file with the proceedings in the matter a memorandum referring to and giving the date of such advertisement.

(2) In the case of an advertisement in a local paper, the Registrar shall file a copy of the paper and a memorandum referring to and giving the date of such advertisement.

(3) For this purpose 1 copy of each local paper in which any advertisement relating to any matter under the Act is inserted, shall be left with the Registrar by the person inserting the advertisement to which it refers was duly inserted in the issue of the *Official Gazette* or paper mentioned in it.

MOTIONS AND PRACTICE

Application to be by motion.

15. Every application to the Court (unless otherwise provided by these rules or the Court shall in any particular case otherwise direct) shall be made by motion supported by affidavit.

Notice of motion and *ex parte* application.

16. Where any party other than the applicant is affected by the motion, no order shall be made unless upon the consent of such party duly shown to the Court, or upon proof of that notice of the intended motion and a copy of the affidavits in support thereof have been duly served on such party: Provided that the Court, is

satisfied that caused by proceedings in the ordinary way might entail serious mischief, may make any order *ex parte* upon such terms as to costs and otherwise, and subject to such undertaking, if any, as the Court may think just; and any party affected by such order may move to set it aside.

Length of notice.

17. Unless the Court gives leave to the contrary, notice of motion shall be served on any party to be affected thereby not less than 8 days before the day named in the notice for hearing the motion. An application for leave to serve short notice of motion shall be made *ex parte*.

Affidavits against motion.

18. Where a respondent intends to use affidavits in opposition to a motion, he shall deliver copies of such affidavits to the applicant not less than 2 days before the day appointed for the hearing.

Notice not served on all proper parties.

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

Adjournment.

20. The hearing of any motion or application may from time to time be adjourned upon such terms (if any) as the Court thinks fit.

Personal service.

21. In cases in which personal service of any notice of motion of any order of the Court is required the same shall be effected, in the case of a notice of motion, by delivering to each party to be served a copy of the notice of motion; and in the case of an order, by delivering to each party to be served a sealed copy of the order.

Filing affidavits on motion.

22. Every affidavit to be used in supporting or opposing any opposed motion shall be filed with the Registrar not later than the day before the day appointed for the hearing.

Endorsement and filing of affidavits.

23. The Registrar, upon any affidavit being left with him to be filed, shall endorse the same with the day of the month and year when the same was so left, and forthwith file the same with the proceedings to which the same relates, and any affidavit left with

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the Registrar to be filed shall on no account be delivered out to any person except by order of the Court.

Notice of motion to be filed.

24. A party intending to move shall, previous to the public sitting of the Court, deliver to the Registrar a copy of his notice of motion. There shall be endorsed on such copy the name of the applicant's attorney-at-law (if any), and also if known the name of the respondent's attorney-at-law (if any).

PREPARATION OF ORDERS

Preparation of Orders.

25. If within 1 week from the making of any order of adjudication, order annulling adjudication, order on application to approve a composition or scheme, order annulling a composition or scheme, or order on application for discharge, such order has not been completed, it shall be the duty of the Registrar to prepare and complete such order: Provided that if in any case the Judge shall be of opinion that the provisions of this rule ought not to apply, he may so order: and provided also that where an order for discharge has been granted subject to the condition that judgment shall be entered against the bankrupt, nothing in this rule shall require the Registrar to prepare and complete the order until the bankrupt has given consent in the prescribed form, to judgment being entered against him.

Notice of appointment to settle order.

26. 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 shall be affected by the order or to their attorneys-at-law.

SECURITY IN COURT

Security by Bond.

27. Except where these rules otherwise provide where a person is required to give security, such security shall be in the form of a bond with one or more surety or sureties to the person proposed to be secured.

Amount of Bond.

28. The bond shall be taken in a penal sum which shall be not less than the sum for which security is to be given and probable costs, unless the opposite party consents to it being taken for a less sum.

Deposit in lieu of Bond.

29. Where a person is required to give security he may in lieu thereof, lodge in Court a sum equal to the sum in question in respect of which security is to be given and lodge with a memorandum to be approved by the Registrar and to be signed by such person or his attorney-at-law or agent, setting forth the conditions on which the money is deposited.

Money lodged in Court.

30. The rules for the time being in force in the High Court relating to payment into and out of Court of money lodged in Court by way of security for costs shall apply to money lodged in Court under these rules.

Security of guarantee Society.

31. The security of a guarantee association or society approved by the Court or the opposite party may be given in lieu of a bond or a deposit.

Notice of surety.

32. In all places where a person proposes to give a bond by way of security, he shall serve by post or otherwise on the opposite party and on the Registrar, notice of the proposed securities and the Registrar shall forthwith give notice to both parties of the time and place at which he proposes that the bond shall be executed, and shall state in the notice that should the proposed oblige have any valid objection to make to the sureties, or either of them, it must be made at that time.

Justification by sureties.

33. The sureties shall make an affidavit of their sufficiency, unless the opposite party shall dispense with such affidavit, and such sureties shall attend to be cross-examined if required.

Execution of bond.

34. The bond shall be executed and attested in the presence of the Registrar or the Official Assignee or before a Justice of the Peace or an Attorney-at-Law.

Notice of deposit.

35. Where a person makes a deposit of money in lieu of giving a bond, the Registrar shall forthwith give notice to the person to whom the security is to be given of such deposit having been made.

STAMPS

Defacement of stamp.

36. Every officer of the Court who receives any document to which an adhesive stamp is affixed, shall immediately upon the

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receipt of such document deface the stamp thereon in the manner for the time being prescribed for the defacement of stamps; and no such document shall be filed or delivered until the stamp thereon shall have been defaced in manner aforesaid, and it shall be the duty of the party presenting or receiving such document to see that such defacement has been duly made.

AFFIDAVITS

Cost of unnecessary matter.

37. The cost of every affidavit which shall unnecessarily set forth matters of hearsay, or argumentative matter or copies of or extracts from documents, shall be paid by the party filing the same.

Form.

38. Every affidavit shall be drawn up in the first person, and shall be divided into paragraphs, and every paragraph shall be numbered consecutively, and as nearly as may be shall be confined to a distinct portion of the subject. No costs shall be allowed for any affidavit or part of an affidavit substantially departing from this rule.

Deponent's description.

39. Every affidavit shall state the description and true place of abode of the deponent.

Names of deponents to be inserted in jurat.

40. In every affidavit made by two or more deponents the names of the several persons making the affidavit shall be inserted in the jurat, except that if the affidavit of all the deponents is taken at one time by the same officer it shall be sufficient to state that it was sworn by both or all of the above-named deponents.

Scandalous matter.

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

Erasurers, &c.

42. No affidavit having in the jurat or body thereof any interlineation or erasure shall without leave of the Court be read or made use of in any matter depending in Court unless the interlineation or alteration (other than by erasure) is authenticated by the initials of the officer or person taking the affidavit, nor in the case of an erasure unless the words or figures appearing at the

time of taking the affidavit to be written on the erasure are re-written and signed or initialed in the margin of the affidavit by the officer or person taking it.

Blind or illiterate persons.

43. Where an affidavit is sworn by any person who appears to the person taking the affidavit to be illiterate or blind, the person taking the affidavit shall certify in the jurat that the affidavit was read in his presence to the deponent, that the deponent seemed perfectly to understand it, and that the deponent made his signature in the presence of such person. No such affidavit shall be used in evidence in the absence of this certificate, unless the Court is otherwise satisfied that the affidavit was read over to and appeared to be perfectly understood by the deponent.

Formal defects.

44. The Court may receive any affidavit sworn for the purpose of being used in any matter notwithstanding any defect by misdescription of parties or otherwise in the title or jurat, or any other irregularity in the form thereof, and may direct a memorandum to be made on the document that it has been so received.

Filing office copies, &c.

45. (1) In cases in which by the present practice an original affidavit is allowed to be used, it shall before it is used be stamped with a proper filing stamp, and shall at the time when it is used be delivered and left in Court or in Chambers with the proper officer, who shall send it to be filed.

(2) An office copy of an affidavit may in all cases be used, the original affidavit having been filed and the copy duly authenticated with the seal of the Court.

Time for filing.

46. Where a special time is limited for filing affidavits, no affidavit filed after that time shall be used unless by leave of the Court.

Affidavit is *ex parte* application.

47. Except by leave of the Court, no order made *ex parte* in Court founded on any affidavit shall be of any force, unless the affidavit on which the application was made was actually made before the order was applied for and produced or filed at the time of making the motion.

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Proof of affidavit.

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

WITNESSES AND DEPOSITIONS

Subpoena.

49. A subpoena for the attendance of a witness shall be issued by the Court at the instance of the Official Assignee, the trustee, a creditor, a debtor, or any applicant or respondent in any matter, with or without a clause requiring the production of books, deeds, papers, documents and writings in his possession or control, and in such subpoena the name of several witnesses may be inserted.

Service of subpoena.

50. A sealed copy of the subpoena shall be served personally on the witness by the person at whose instance the same is issued, or by his attorney-at-law or by an officer of the Court, or by some person in their employ, within a reasonable time before the time of the return thereof.

Proof of service.

51. Service of the subpoena may where required be proved by affidavit.

Limit of witnesses' costs.

52. The Court may in any matter limit the number of witnesses to be allowed on taxation of costs and their allowance for attendance shall in no case exceed the highest rate of the allowances mentioned in the scale of costs.

Costs of witnesses.

53. The costs of witnesses, whether they have been examined or not, may, in the discretion of the Court be allowed.

Depositions, &c.

54. The Court may, in any matter where it appears necessary for the purposes of justice, make an order for the examination upon oath before the Court of any officer of the Court or any other person, and at any place, of any witness or person, and may empower any party to any such matter to give such deposition in evidence therein on such terms (if any) as the Court may direct.

Shorthand notes.

55. If the Court shall in any case, and at any stage of the proceedings, be of opinion that it would be desirable that a person should be appointed to take down the evidence of the debtor, or of any witness examined at any public sitting or private meeting under the Act, in shorthand or otherwise, it shall be competent for

the Court to make such appointment and every person so appointed shall be paid a sum not exceeding $5 a day, and where the Court appoints a shorthand writer, a sum not exceeding 50 cents per folio of 90 words for any transcript of evidence that may be required, and such sums shall be paid by the party at whose instance the appointment was made, or out of the estate, as may be directed by the Court.

Form of Commission.

56. An order for a commission or letter of request to examine witnesses, and the writ of commission or request shall follow the forms for the time being in use in the High Court, with such variations as circumstances may require.

Production of document.

57. The Court may in any matter at any stage of the proceedings order the attendance of any person for the purpose of producing any writings or other documents named in the order which the Court may think fit to be produced.

Disobedience of order.

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

Conduct money.

59. Any witness (other than the debtor) required to attend for the purpose of being examined or of producing any document shall be entitled to the like conduct money and payment for expenses and loss of time as upon attendance at a trial in Court.

DISCOVERY AND EXAMINATION UNDER SECTION 26

Discovery.

60. Any party to any proceedings in Court may, with the leave of the Court, administer interrogatories to or obtain discovery of documents from any other party to such proceedings. Proceedings under this rule shall be regulated as nearly as may be by the practice of the High Court for the time being in force in relation to discovery and inspection. An application for leave under this rule may be made *ex parte*.

Application for discovery.

61. Every application to the Court under section 26 of the Act shall be in writing and shall state shortly the grounds upon which

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the application is made. Where the application is made on behalf of the Official Assignee or trustee it need not be verified by affidavit.

ACCOUNTS AND SALE OF MORTGAGED PROPERTY

Inquiry into mortgage, &c.

62. Upon application by motion of any person claiming to be a mortgagee of any part of the bankrupt's real or leasehold estate, and whether such mortgage shall be by deed or otherwise, and whether the same shall be of a legal or equitable nature, the Court shall proceed to inquire whether such person is such mortgagee and for what consideration and under what circumstances, and if it shall be found that such person is such mortgagee and if no sufficient objection shall appear to the title of such person to the sum claimed by him under such mortgage, the Court shall take or direct such accounts and inquiries to be taken as may be necessary for ascertaining the principal interest and costs due upon such mortgage, and of rents and profits, or dividends interest of other proceeds received by such person by his order or for his use in case he shall have been in possession of the property over which the mortgage shall extend, or any part thereof, and the Court, if satisfied that there ought to be a sale, shall direct notice to be given in such newspapers as the Court shall think fit when and where and in what way the said premises or property, or the interest therein so mortgaged, are to be sold, and that such sale be made accordingly, and that the trustee (unless it be otherwise ordered) shall have the conduct of such sale: but it shall not be imperative on any such mortgagee to make such application. At any such sale the mortgagee may bid and purchase.

Conveyance.

63. All proper parties shall join in the conveyance to the purchaser, as the Court shall direct.

Proceeds of sale.

64. The moneys to arise from such sale shall be applied in the first place, in payment of the costs, charges and expenses of the trustee of and occasioned by the application to the Court, and of such sale and attendance thereat, and in the next place, in payment and satisfaction, so far as the same shall extend, of what shall be found due to such mortgagee, for principal interest and costs and

the surplus of the said moneys (if any) shall be paid to the trustee. But in case the moneys to arise from such sale shall be insufficient to pay and satisfy what shall be found due to such mortgagee, then he shall be entitled to prove as a creditor for such deficiency, and receive dividends thereon rateably with other creditors, but so as not to disturb any dividend then already declared.

Proceedings on inquiry.

65. For the better taking of such inquiries and accounts and making a title to the purchaser, all parties may be examined by the Court upon interrogatories or otherwise as the Court shall think fit, and shall produce before the Court upon oath all deeds, documents, papers, books and writings in their respective custody or power relating to the estate or effects of the bankrupt as the Court shall direct.

Accounts, &c.

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

WARRANTS, ARRESTS AND COMMITMENTS

Custody and production of debtor.

67. Where a debtor is arrested under a warrant issued under section 24 of the Act, he shall be given into custody of the Superintendent of Prisons, mentioned in the warrant, who shall produce such debtor before the Court as it may from time to time direct, and shall safely keep him until such time as the Court shall otherwise order; and any books, papers, moneys, goods and chattels in the possession of the debtor which may be seized shall forthwith be lodged with the Official Assignee or trustee, as the case may be.

Execution of warrant.

68. (1) When a person is apprehended under a warrant issued under section 26(2) of the Act the officer apprehending him shall forthwith bring him before the Court issuing the warrant to the end that he may be examined, and if he cannot immediately be brought up for examination or examined, the officer shall deliver him into custody of the Superintendent of Prisons, mentioned in the warrant, who shall receive him into custody and shall produce him before the Court as it may from time to time direct or order, and subject to such direction or order shall safely keep him.

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(2) The officer executing a warrant issued under section 26(2) of the Act shall forthwith, after apprehending the person named in the warrant and bringing him before the Court as in the last preceding rule mentioned, or after delivering him to the Superintendent of Prisons mentioned in the warrant, as the case may be, report such apprehension or delivery to the Court issuing the warrants and apply to the Court to appoint a day and time for the examination of the person so apprehended, and the Court shall thereupon appoint the earliest practicable day for the examination, and shall issue its direction or order to the said Superintendent of Prisons to produce him for examination at a place and time to be mentioned in such direction or order.

Notice of any such appointment shall forthwith be given by the Registrar to the Official Assignee, trustee or other person who shall have applied for the examination or warrant.

Applications to commit.

69. An application to the Court to commit any person for contempt of Court shall be supported by affidavit and be filed in the Court.

Notice and hearing of application.

70. Subject to the provisions of the Act and rules, upon the filing of an application to commit, the Registrar shall fix a time and place for the Court to hear the application, notice whereof shall be personally served on the person sought to be committed not less than 3 days before the day fixed for the hearing of the application. Provided that in any case in which the Court may think fit, the Court may allow substituted service of the notice by advertisement or otherwise or shorten the length of notice to be given.

Suspension of issue of committal order.

71. Where an order of committal is made against a debtor or other person for disobeying any order of the Court or of the Official Assignee to do some particular act or thing, the Court may direct that the order of committal shall not be issued, provided that such debtor or person as the case may be complies with the previous order within a specified time.

SERVICE AND EXECUTION OF PROCESS

Address of attorney-at-law for service.

72. Every attorney-at-law suing out or serving any petition, notice, summons, order or other document shall endorse thereon his name or firm and place of business, which shall be called his

address for service. All notices, orders, documents and other written communications, which do not require personal service shall be deemed to be sufficiently served on such attorney-at-law if left for him at his address for service.

Hours for service.

73. Service of notice, orders or other proceedings shall be effected before the hour of 3 p.m., except on Saturdays when it shall be effected before 12 noon. Service effected after 3 p.m. on any week day except Saturday shall for the purpose of computing any period of time be deemed to have been effected on the following day. Service effected after 12 noon on Saturday shall for the like purpose be deemed to have been effected on the following Monday.

Personal service.

74. It shall be the duty of the Marshal and of such officer or officers as the Court may direct, to serve such orders, summonses, petitions and notices as the Court may require them to serve: to execute warrants and other process and to do and perform all such things as may be required of them by the Court. But this rule shall not be construed to require any order, summons, petition or notice to be served by the Marshal or officer of the said Court which is not specifically by the Act or the rules required to be so served, unless the Court shall in any particular proceeding by order specially so direct.

Service by post.

75. Where notice of an order or other proceeding in Court may be served by post it shall be sent by registered letter.

Enforcement of Order.

76. Every order of the Court may be enforced as if it were a judgment of the Court to the same effect.

TRIAL BY JURY

Settlement of issues for trial.

77. Where upon application to the Court for a decision on any question, the Court, with or without the application of any person, shall have directed that a question of fact be tried with a jury, such question of fact shall be reduced into writing and submitted to the Court for its approval, and shall when approved be called the record for trial, but the Court shall have power to allow any

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amendment thereof at any time upon such terms as the Court may think fit.

Special or common jury.

78. An order of the Court for trial of a question of fact before a jury shall specify whether it shall be before a special or common jury, but the order may be amended by the substitution of one jury for the other, upon such terms as the Court may think fit.

COSTS AND TAXATION

Awarding costs.

79. (1) The Court in awarding costs may direct that the costs of any matter or application shall be taxed and paid as between party and party or as between attorney-at-law and client, or that full costs, charges and expenses shall be allowed, or the Court may fix a sum to be paid in lieu of taxed costs.

(2) In the absence of any express direction, 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 Assignee or trustee as representing the estate of the debtor, or where an Official Assignee or trustee is made a party to a cause or matter on the application of any other party thereto, he shall not personally be liable for costs, unless the Court otherwise directs.

Orders to be sealed, signed and filed.

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

Scale of costs and charges.

81. (1) The scale of costs set forth in Part II of the Appendix to the *English Bankruptcy Rules, 1915,* and the regulations contained in such scale, shall, subject to these rules and with the necessary changes, apply to the taxation and allowance of costs and charges in all proceedings under the Act and these rules.

Lower scale of costs if estate under $1,200.

(2) Subject to the regulations contained in the scale of costs, when the estimated assets of the debtor do not exceed the sum of $1,200 , a lower scale of attorneys'-at-law costs shall be allowed in all proceedings under the Act in which costs are payable out of the estate, namely, 3/5 of the charges ordinarily allowed, disbursements being added.

Re-taxation of costs where assets realised more or less than certified amounts.

82. (1) Where, in any case, whether summary or not, the Official Assignee or trustee has certified the amount of the assets of a debtor and, after taxation of any costs on the footing of such certificate, the assets are ascertained to be either more or less than the amount at which they have been certified, the Official Assignee or trustee (as the case may be) shall amend his certificate and the taxing officer shall amend his allocatur in accordance with such amended certificate. Where the amount allowed by such amended allocatur is in excess of the sum previously allowed, such 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; but where the amount allowed by such amended allocatur is less than the sum previously allowed, any excess over the amount allowed by the amended allocatur which may have been paid shall be repaid to the trustee by the person to whom it was paid.

(2) A fee shall only be payable on the amended allocatur where the amount thereby allowed exceeds the amount previously allowed, in which case the fee shall be calculated on the whole amount allowed, credit being given for the fee previously paid.

Attorney's-at-law costs in case of petition by debtor.

83. The attorney-at-law in the matter of a bankruptcy petition presented by the debtor against himself shall in his bill of costs give credit for such sum or security (if any) as he may have received from the debtor as a deposit on account of the costs and expenses to be incurred in and about the filing and prosecution of such petition, and the amount of any such deposit shall be noted by the taxing officer on the bill of costs.

Costs paid otherwise than out of estate.

84. When a bill of costs is taxed under any special order of the Court, and if it appears by such order that the costs are to be paid otherwise than out of the estate of the bankrupt, the taxing officer shall state at the foot of the bill by whom or the manner in which such costs are to be paid.

Filing bills of costs.

85. Upon the taxation of any bill of costs, charges or expenses being completed, the Registrar shall forthwith file such bill with the proceedings in the matter.

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Certificate of employment.

86. Before the bill or charges of any attorney-at-law, manager, accountant, auctioneer, broker or other person employed by the Official Assignee or trustee is taxed, there shall be produced a certificate in writing signed by the Official Assignee or trustee, as the case may be, setting forth whether any and if so what special terms of remuneration have been agreed to, and in the case of the bill of costs of an attorney-at-law, a copy of the authority sanctioning the employment.

Costs of Marshal.

87. In any case in which pursuant to section 42(1) of the Act the Marshal is required to deliver goods to the Official Assignee or trustee, such Marshal shall without delay bring in his bill of costs for taxation, which shall be taxed; and unless such bill of costs is brought in for taxation within 1 month from the date when the Marshal makes such delivery, the Official Assignee or trustee may decline to pay the same. The term goods in this rule includes money.

Taxation of Marshal's costs after deduction.

88. If the Official Assignee or trustee shall in writing require any costs which the Marshal has deducted under section 42 (2) of the Act to be taxed, the Marshal shall within 7 days from the date of the request bring in such costs for taxation, which shall be taxed; and any amount disallowed on such taxation shall forthwith be paid over by the Marshal to the Official Assignee or trustee.

Notice of appointment.

89. Every person whose bill or charges is or are to be taxed shall in all cases give not less than 3 days' notice of the appointment to tax the same to the Official Assignee and to the trustee (if any).

Lodgement of Bill.

90. The bill or charges, if incurred prior to the appointment of a trustee, shall be lodged with the Official Assignee, and if incurred after the appointment of a trustee, shall be lodged with the trustee 3 clear days before the application for the appointment to tax the same is made. The Official Assignee or trustee, as the case may be, shall forthwith, on receiving notice of taxation, lodge such bill or charges with the Registrar.

Copy of Bill.

91. Every person whose bill or charges is or are to be taxed, shall on application of the Official Assignee or trustee furnish a copy of his bill or charges to be so taxed, on payment at the rate of

$0.25 per folio which payment may be charged to the estate. The Official Assignee 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.

92. Where any party to or person affected by any proceeding desires to make an application for an order that he be allowed his costs or any part of them incident to such proceeding, and such application is not made at the time of the proceeding .

(1) Such party or person shall serve notice of his intended application on the Official Assignee, and if a trustee has been appointed, on the trustee;

(2) The Official Assignee or trustee may appear on such application and object thereto;

(3) No costs of or incident to such 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.

Priority of costs and charges payable out of estate.

93. The assets in every matter remaining after payment of the actual expenses incurred in realizing 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, namely:

First- The actual expenses incurred by the Official Assignee 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;

Next- The fees, percentages and charges payable to or costs, charges and expenses incurred or authorised by the Official Assignee;

The deposit or deposits lodged on any petitioning creditor pursuant to these rules;

The deposit or deposits lodged on any application for the appointment of an Interim Receiver;

The remuneration of the special manager (if any);

The taxed costs of the petitioner;

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Next- The remuneration and charges of the person (if any) appointed to assist the debtor in the preparation of his statement of affairs;

Any allowance made to the debtor by the Official Assignee;

The taxed charges of any shorthand writer appointed by the Court;

The Trustee's necessary disbursements other than actual expenses of realization heretofore provided for;

The costs of any person properly employed by the trustees with the sanction of the committee of inspection;

Any allowance made by the debtor by the trustee with the sanction of the committee of inspection;

The remuneration of the trustee;

The actual out-of-pocket expenses necessarily incurred by the committee of inspection subject to the approval of the Court.

Disallowance of costs of unnecessary petition.

94. In any case in which after bankruptcy petition has been presented by a creditor against a debtor, and before the hearing of such petition, the debtor files a petition, and a receiving order is made on the petition of the debtor, unless in the opinion of the Court the estate has benefited thereby or there are special circumstances which make it just that such costs should be allowed, no costs shall be allowed to the debtor or his attorney-at-law out of the estate.

Apportionment of costs in case of partnership.

95. In the case of a bankruptcy petition against a partnership the costs payable out of the estates incurred up to and inclusive of the receiving order shall be apportioned between the joint and separate estates in such proportions as the Official Assignee may in his discretion determine.

Costs out of joint or separate estates.

96. (1) Where the joint estate of any co-debtors is insufficient to defray any costs or charges properly incurred prior to the appointment of the trustee, the Official Assignee may pay or direct the trustee to pay such costs or charges out of the separate estates of such co-debtors or one or more of them in such

proportions as in his discretion the Official Assignee may think fit. The Official Assignee may also, as in his discretion he may think fit, pay or direct the trustee to pay any costs or charges properly incurred prior to the vesting in him of any separate estate out of the joint estate or out of any other separate estate, and any part of the costs or charges of the joint estate incurred prior to the adjudication which affects any separate estate, out of that separate estate.

(2) Where the joint estate of any co-debtors is insufficient to defray any costs or charges properly incurred after the appointment of the trustee, the trustee with such consent as is hereinafter mentioned, may pay such costs or charges out of the separate estates of such co-debtors or one or more of them. He may also with the said consent pay any costs or charges properly incurred for any separate estate after his appointment out of the joint estate, and any part of the costs or charges of the joint estate incurred after his appointment which affects any separate estate, out of that separate estate. No payment under this rule shall be made out of a separate estate or joint estate by a trustee 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.

APPEALS

Restrictions on appeal.

97. (1) Except by leave of the Court or the Court of Appeal there shall be no appeal from any order made by consent or as to costs only.

(2) Except by leave of the Court, or of the Court of Appeal, no appeal shall be brought from any order relating to property when it is apparent from the proceedings that the money's worth involved does not exceed $250.

(3) No appeal shall be brought in respect of the omission by the Court to exercise any discretionary power, unless the Court shall in its judgment, or on application made at the hearing, have expressly refused to exercise such power, in which case the refusal may be a ground of appeal.

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Time for appeal.

98. Subject to the powers of the Court of Appeal to extend the time under special circumstances, no appeal from any order of the Court shall be brought after the expiration of 21 days. The period shall be calculated from the time at which the order is signed, entered, or otherwise perfected, or in case of the refusal of an application, from the date of such refusal.

Security for costs.

99. At or before the time of entering an appeal, the party intending to appeal shall lodge in Court the sum of $100 to satisfy, in so far as the same may extend, any costs that the appellant may be ordered to pay. Provided that the Court or the Court of Appeal may in any special case increase or diminish the amount of such security or dispense therewith. The Official Assignee shall not be required to make any deposit as a security for costs.

Appeal not to operate as stay of proceedings.

100. No appeal shall operate as a stay of proceedings under the judgment or order appealed from unless the Court otherwise orders.

Procedure on appeals.

101. Subject to the foregoing rules, appeals shall be regulated by the Rules of the Supreme Court relating to Appeals for the time being in force.

Part 3. - Proceedings in Bankruptcy

DECLARATION OF INABILITY TO PAY DEBTS

Form of declaration.

102. A declaration by a debtor of his inability to pay his debts shall be dated, signed and witnessed. The witness shall be an attorney-at- law or the Registrar.

BANKRUPTCY NOTICE

Issue of notice.

103. A creditor desirous that a bankruptcy notice may be issued shall produce to the Registrar an office copy of the judgment on which the notice is founded and file the notice together with a request for issue. The creditor shall at the same time lodge with the Registrar 2 copies of the bankruptcy notice to be sealed and issued for service.

Endorsement of address, &c.

104. (1) Every bankruptcy notice shall be endorsed with the name and place of business of the attorney-at-law actually suing out the same, or if no attorney-at-law be employed, with a memorandum that it is sued out by the creditor in person.

(2) There shall be endorsed on every bankruptcy notice an intimation to the debtor that if he has a counter-claim, 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 was obtained, he must within the time specified in the notice file an affidavit to that effect with the Registrar.

(3) In the case of a notice served in Bridgetown the time shall be 3 days. In the case of a notice served elsewhere the Registrar when issuing the notice shall fix the time.

Application to set aside.

105. The filing of such affidavit shall operate as an application to set aside the bankruptcy notice, and thereupon the Registrar shall fix a day for hearing the application, and not less than 3 days before the day so fixed shall give notice thereof both to the debtor and the creditor and their respective attorneys-at-law, if known. If the application cannot be heard until after the expiration of the day specified in the notice as the day on which the act of bankruptcy will be completed, 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 notice.

106. Subject to the power of the Court to extend the time, a bankruptcy notice to be served in Barbados shall be served within 1 month from the issue thereof.

Service of notice.

107. A bankruptcy notice shall be served and service thereof shall be proved in the like manner as is by these rules prescribed for the service of a creditor's petition.

Setting aside notice.

108. When the Court makes an order setting aside the bankruptcy notice, it may at the same time declare that no act of bankruptcy has been committed by the debtor under such notice.

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BANKRUPTCY PETITION

Form of petition.

109. Every petition shall be fairly written without alterations, interlineations, or erasures unless initialed by the attesting witness.

Description and address of debtor.

110. (1) Where a petition is presented by a debtor, he shall besides inserting therein his name and description and his address at the date when the petition is presented, further describe himself as lately residing or carrying on business at the address or several addresses as the case may be, at which he has incurred debts and liabilities which at the date of the petition remain unpaid or unsatisfied.

Attestation.

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

Attestation to be witnessed.

111. Every bankruptcy petition shall be attested. If it be attested in Barbados, the witness must be an attorney-at-law or the Registrar. If it be attested out of Barbados, the witness must be a Judge or Magistrate or a British Consul or Vice-Consul or a Notary Public.

Deposit by petitioner.

112. (1) Upon the presentation of a petition either by the debtor or by a creditor, the petitioner shall deposit with the Registrar the sum of $25, and such further sum (if any) as the Court may from time to time direct, to cover the fees and expenses to be incurred by the Official Assignee; and no petition shall be received unless the receipt of the Registrar for the deposit payable on the presentation of the petition is produced.

(2) The Registrar shall account for the moneys so deposited to the creditor or as the case may be to the debtor's estate, and any sum so paid by a petitioning creditor shall be repaid to such creditor (except and so far as such deposit may be required by

reason of insufficiency of assets for the payment of the fees of and expenses incurred by the Official Assignee) out of the proceeds of the estate in the priority prescribed by these rules.

CREDITOR'S PETITION

Security for costs.

113. A petitioning creditor who is resident abroad, or whose estate is vested in a trustee or an assignee 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.

Verification and copies.

114. Every creditor's petition shall be verified by affidavit, and when it is filed there shall be lodged with it 2 or more copies to be sealed and issued to the petitioner.

Who to verify.

115. When the petitioning creditor cannot himself verify all the statements contained in his petition he shall file in support of the petition the affidavit of some person who can depose to them.

Joint petitioners.

116. Where a petition is presented by 2 or more creditors jointly, it shall not be necessary that each creditor shall depose to the truth of all the statements which are within his own knowledge; but it shall be sufficient that each statement in the petition is deposed to by someone within whose knowledge it is.

Investigation of petition.

117. After the presentation of a creditor's petition and before sealing the copies of the petition for service the statements in the petition shall be investigated by the Registrar, and where some of the statements in the petition cannot be verified by affidavit witnesses may be summoned to prove the same.

SERVICE OF CREDITOR'S PETITION

Personal service.

118. A creditor's petition shall be personally served by the delivering to the debtor a sealed copy of the filed petition.

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Substituted service

119. A petition shall be served upon the debtor by an officer of the Court, or by the creditor or his attorney-at-law, or by some person in their employ; provided that if personal service cannot be effected, the Court may extend the time for hearing the petition, or if the Court is satisfied by affidavit or other evidence on oath that the debtor is keeping out of the way to avoid such service, or service of any other legal process, or that for any other cause prompt personal service cannot be effected, it may order substituted service to be made by delivery of the petition to some adult inmate at his usual or last known residence or place of business or by registered letters or in such other manner as the Court may direct, and that such petition shall then be deemed to have been duly served on the debtor.

Proof of service

120. Service of the petition shall be proved by affidavit with a sealed copy of the petition attached, which shall be filed in Court forthwith after the service.

Service out of jurisdiction

121. Where a debtor petitioned against is not in Barbados, the Court may order service to be made within such time and in such manner and form as it shall think fit.

Service after death of debtor

122. If a debtor against whom a bankruptcy petition has been filed dies before service thereof, the Court may order service thereof to be effected on the personal representative of the debtor, or on such other persons as the Court may think fit.

INTERIM RECEIVER

Appointment of Interim Receiver

123. After the presentation of a petition, upon the application of a creditor or of the debtor himself and upon proof by affidavit of sufficient grounds for the appointment of an Interim Receiver of the property of the debtor or any part thereof the Court may, if it thinks fit, and upon such terms as may be just, make such appointment.

Form and contents of order

124. Where an order is made appointing an Interim Receiver of the property of the debtor, such order shall bear the number of the petition in respect of which it is made and shall state the locality of the property of which the Interim Receiver is ordered to take possession, and may direct him to take immediate possession of all books of accounts and other papers and documents belonging to the debtor and relating to his business.

Deposit

125. Before any such order is issued the person who has made the application therefor shall deposit with the Registrar such sum as the Court may direct for the purpose of defraying expenses which may be incurred in consequence of such order; and if such sum should prove to be insufficient, the Court on the application of the Interim Receiver may from time to time order the deposit of such additional sum as it shall think fit. Such additional sum shall be deposited within 24 hours after the making of the order therefor; and if the same shall not be so deposited, the order appointing the Interim Receiver may be discharged by the Court.

Repayment of deposit

126. If an order appointing an Interim Receiver is followed by a receiving order, the deposits, made by the creditor on whose application such Interim Receiver was appointed shall be repaid to him (except and so far as such deposits may be required by reason of insufficiency of assets for the payment of the fees chargeable and the expenses incurred by the Interim Receiver) out of the proceeds of the estate in the order of priority prescribed by these rules.

Damages if petition dismissed

127. Where, after an order has been made appointing an Interim Receiver, the petition is dismissed, the Court shall upon application to be made within 21 days from the date of the dismissal thereof, adjudicate with respect to any damage or claim thereto arising out of the appointment, and shall make such orders as the Court thinks fit; and such decision or order shall be final and conclusive between the parties unless the order be appealed from.

HEARING OF PETITION

Proceedings on petition

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

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(2) A creditor's petition shall not be heard until the expiration of 8 days from the service thereof: Provided that where the act of bankruptcy alleged is that the debtor has filed a declaration of inability to pay his debts, or where it is proved to the satisfaction of the Court that the debtor has absconded, or in any other case for good cause shown, the Court may on such terms if any as the Court may think fit to impose, hear the petition at such earlier date as the Court may deem expedient.

Time of hearing.

129. The Registrar shall appoint the time and place at which the petition will be heard, and notice thereof shall be written on the petition and sealed copies, and where the petition has not been served the Registrar may from time to time alter the first day so appointed and appoint another day and hour.

Several respondents.

130. Where there are more respondents than one to a petition, the rules as to service shall be observed with respect to each respondent, but where all the respondents have not been served, the petition may be heard separately or collectively as to the respondent or such of the respondents as has or have been served, and separately or collectively as to the respondents not then served, according as service upon them is effected.

Debtor intending to show cause.

131. Where a debtor intends to show cause against a petition he shall file a notice with the Registrar, specifying the statements in the petition which he intends to deny or dispute, and transmit by post or otherwise to the petitioning creditor and his attorney-at-law, if known, a copy of the notice 3 days before the day on which the petition is to be heard.

Non-appearance of debtor.

132. If the debtor does not appear at the hearing, the Court may make a receiving order on such proof of the statements in the petition as the Court thinks sufficient.

Appearance of debtor to show cause.

133. On the appearance of the debtor to show cause against the petition, the petitioning creditor's debt and the act of bankruptcy, or such of those matters as the debtor shall have given notice that he intends to dispute, shall be proved, and if any new evidence of those matters or any of them be given, or any witness or witnesses to such matters be not present for cross-examination, and further time be desired to show cause, the Court shall, if the application

appears to the Court to be reasonable, grant such further time as the Court thinks fit.

Non-appearance of creditor.

134. If any 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 in respect of the same act of bankruptcy without the leave of the Court.

Personal attendance of creditor when dispensed with.

135. The personal attendance of the petitioning creditor and of the witnesses to prove the debt and act of bankruptcy or other material statements upon the hearing of the petition may if the Court shall think fit be dispensed with.

Proceedings after trial of disputed question.

136. Where proceedings on a petition have been stayed for trial of the question of the validity of the petitioning creditor's debt, and such question has been decided in favour of the validity of the debt, the petitioning creditor may apply to the Registrar to fix a day on which further proceedings on the petition may be had, and the Registrar on production of the judgment or certified copy thereof, shall give notice to the petitioner by post or otherwise of the time and place fixed for the hearing of the petition, and a like notice to the debtor at the address given in his notice to dispute, and also to their respective attorneys-at-law, if known.

Application to dismiss.

137. Where proceedings on a petition have been stayed for the trial of the question of the validity of the petitioning creditor's debt and such question has been decided against the validity of the debt, the debtor may apply to the Registrar to fix a day on which he may apply to the Court for the dismissal of the petition with costs, and the Registrar on the production of the judgment or certified copy thereof, shall give notice to both the petitioner and the debtor (and to their respective attorneys-at-law, if known) by post or otherwise of the time and place fixed for the hearing of the application.

Application for extension of time.

138. An application for an extension of time for hearing a petition shall be in writing, but need not be supported by affidavit unless in any case the Court shall otherwise require.

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Order for extension of time.

139. On an application for an extension of time for the hearing of a petition, no order shall be made for an extension beyond 14 days from the day fixed for the hearing of the petition, unless the Court is satisfied that such extension of time will not be prejudicial to the general body of creditors. Any costs occasioned by such application shall not be allowed out of the estate unless so ordered by the Court.

Adjournments of hearing.

140. After the expiration of 1 month from the day appointed for the first hearing of a petition (provided such petition has been duly served) no further adjournment of the hearing merely by consent of the parties shall be allowed, except for the reasons set forth in rule 133 or for such other sufficient reason to be stated in the order for adjournment as the Court thinks fit; but in every such case unless an order for adjournment is made the Court shall either make a receiving order or dismiss the petition.

RECEIVING ORDER

Form and contents.

141. When the receiving order is made on a creditor's petition there shall be stated in the receiving order the nature and the date or dates of the act or acts of bankruptcy upon which the order has been made. Every order shall contain at the foot thereof a notice requiring the debtor to attend on the Official Assignee forthwith on the service thereof at the place mentioned therein.

Preparation.

142. Every receiving order and order for the appointment of an Interim Receiver of a debtor's property shall be prepared by the Registrar. Where the petitioner is represented by an attorney-at-law the receiving order shall be endorsed with the name and address of that attorney-at-law.

Transmission of copy to Official Assignee.

143. A copy of every receiving order, and order for the appointment of an Interim Receiver of the debtor's property sealed with the seal of the Court, shall forthwith be sent by post or otherwise by the Registrar to the Official Assignee.

Service of receiving order.

144. The Official Assignee shall cause a copy of the receiving order sealed with the seal of the Court to be served on the debtor.

Service where debtor abroad.

145. Where a debtor against whom a receiving order has been made is not in Barbados, the Court may order service on the debtor of the receiving order, order of adjudication or to attend the public examination or any adjournment thereof, or of any other order made against, or summons issued for the attendance of the debtor, to be made within such time and in such manner and form as it shall think fit.

Receiving order on bankruptcy notice.

146. A receiving order shall not be made against the debtor on a petition in which the act of bankruptcy alleged is non-compliance with a bankruptcy notice within the appointed time, where such debtor has applied to set aside such notice until after the hearing of the application, or where the notice has been set aside, or during a stay of the proceedings thereon; but in such case the petition shall be adjourned or dismissed as the Court thinks fit.

Stay of proceedings.

147. There may be included in a receiving order an order staying any action or proceeding against the debtor or staying proceedings generally.

Advertisement.

148. Where a receiving order is made the Official Assignee shall forthwith send notice thereof for insertion in the *Official Gazette,* and one of the local papers.

Costs of petition, &c.

149. (1) The costs of all proceedings under the Act, down to and including the making of a receiving order, shall be at the cost of the party prosecuting the same, unless the Court shall order that the debtor shall pay the whole or any part of them, or, in the case of a receiving order being made on a debtor's petition while a creditor's petition against such debtor is pending, that they shall be paid out of the estate. When a receiving order is made on a creditor's petition the costs of the petitioning creditor (including the costs of the bankruptcy notice (if any) sued out by him) shall be taxed and be payable out of the estate.

(2) When the proceeds of the estate are not sufficient for the payment of any costs necessarily incurred by the Official Assignee (in excess of the deposit) between the making of a receiving order and the conclusion of the first meeting of creditors, the Court may order such costs to be paid by the party prosecuting the proceedings.

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Notice of application to rescind receiving order, &c.

150. An application to the Court to rescind a receiving order or to stay proceedings thereunder, or to annul an adjudication, shall not be heard except upon proof that notice of the intended application, and a copy of the affidavits in support thereof, have been duly served upon the Official Assignee. Unless the Court gives leave to the contrary, notice of any such application shall be served on the Official Assignee not less than 7 days before the day named in the notice for hearing the application. Pending the hearing of the application, the Court may make an interim order staying such of the proceedings as it thinks fit.

Order annulling adjudication.

When an adjudication is annulled the Registrar shall forthwith cause the annulment to be gazetted.

STATEMENT OF AFFAIRS

How made out.

151. Every debtor shall be furnished by the Official Assignee with instructions for the preparation of his statement of affairs. The statement of affairs shall be made out in duplicate and 1 copy shall be verified. The Official Assignee shall file in Court the verified statement of affairs submitted to him by the debtor.

Extension of time.

152. Where any debtor requires any extension of the time for the filing by him of his statement of affairs, he shall apply to the Official Assignee, who may if he thinks fit give a written certificate extending such time, which certificate shall be filed and shall render an application to the Court under section 15 of the Act unnecessary.

PUBLIC EXAMINATION

Time for holding public examination.

153. When a receiving order has been made against a debtor, it shall be the duty of the Official Assignee to make an application to the Court to appoint a day and hour for holding the public examination of the debtor, and upon such application being made, the Court shall, by an order, appoint the day and hour for such public examination, and shall order the debtor to attend the Court upon such day and at such hour.

Default by debtor in attending.

154. If the debtor fails to attend the public examination at the time and place appointed by any order for holding or proceeding with the same, and no good cause is shown by him for such

failure, it shall be lawful for the Court, upon its being proved to the satisfaction of the Court that the order requiring the debtor to attend the public examination was duly served, and without any further notice to the debtor, to issue a warrant for his arrest as provided by section 24(1)(*d*) of the Act, or to make such other order as the Court thinks just.

Notice to creditors.

155. Where any order is made appointing the time and place for holding the public examination of a debtor, the Official Assignee shall serve a copy thereof on the debtor, and shall give to creditors notice of such order, and of the time and place appointed thereby. The Official Assignee shall also send a notice of such order to one of the local papers and shall forward notice of such order to be gazetted.

General proxy holders may question debtor.

156. The holder of a general proxy or general power of attorney from a creditor who has tendered a proof may question the debtor at his public examination concerning his affairs and the causes of his failure.

Adjournments *sine die*.

157. (1) Where the Court is of opinion that a debtor is failing to disclose his affairs, or where the debtor has failed to attend the public examination or any adjournment thereof, or where the debtor has not complied with any order of the Court in relation to his accounts, conduct, dealings or property, and no good cause is shown by him for such failure, the Court may adjourn the public examination *sine die*, and may make such further or other order as the Court thinks fit.

(2) The Court may on application either of the Official Assignee or of the debtor appoint a day for proceeding with a public examination which has been adjourned *sine die*.

Proceedings after adjournment *sine die*.

158. Where an examination has been adjourned *sine die*, and the debtor desires to have a day appointed for proceeding with his public examination, the expense of gazetting, advertising, and giving notice to creditors of the day to be appointed for proceeding with such examination shall unless the Official Assignee or trustee, as the case may be, consents to the costs being paid out of the estate, be at the cost of the debtor, who shall, before any day is appointed for proceeding with the public examination, deposit with the Official Assignee such sum as the

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Official Assignee shall think sufficient to defray the expense aforesaid. The balance of the deposit, after defraying the expense aforesaid, shall be returned to the debtor.

Notice of proceedings after adjournment *sine die*.

159. In any case in which a public examination has been adjourned *sine die,* and the Court afterwards makes an order for proceeding with such public examination, notice to creditors of the time and place appointed for proceeding with such public examination shall be sent by the Official Assignee and notice shall also be inserted, in the *Official Gazette* and the local paper in which the notice of the first holding of the public examination was inserted, 7 days before the day appointed.

Application for order dispensing with public examination.

160. (1) An application for an order dispensing with the public examination of a debtor, or directing that the debtor be examined in some manner or at some place other than is usual, on the ground that the debtor is a lunatic, or suffers from mental or physical affliction or disability rendering him unfit to attend a public examination, may be made by the Official Assignee, or by any person who has been appointed by any Court having jurisdiction so to do to manage the affairs of or represent the debtor, or by any relative or friend of the debtor who may appear to the Court to be a proper person to make the application.

(2) Where the application is made by the Official Assignee it may be *ex-parte,* and the evidence in support of the application may be given by a report of the Official Assignee to the Court, the contents of which report shall be received as *prima facie* evidence of the matter therein stated.

(3) Where the application is made by some person other than the Official Assignee, it shall be made by motion, of which notice shall be given to the Official Assignee and trustee (if any), and shall, except in the case of a lunatic so found by inquisition, be supported by an affidavit of a duly registered medical practitioner as to the physical and mental condition of the debtor.

(4) Where the order is made on the application of the Official Assignee the expense of holding the examination shall be deemed to be an expense incurred by the Official Assignee within the meaning of rule 93. When the application is made by any other person, he shall, before any order is made on the application, deposit with the Official Assignee such sums as the Official

Assignee shall certify to be necessary for the expenses of the examination.

COMPOSITION OR SCHEME

Forms where proposal submitted by the debtor.

161. Where a debtor intends to submit a proposal for a composition or scheme, the prescribed forms of proposal, notice and report, shall be used by the Official Assignee for the purpose of the meeting of creditors for consideration of the proposal.

Application for approval of the Court.

162. Where the creditors have accepted a composition or scheme, and the public examination of the debtor has been concluded, the Official Assignee or the debtor may forthwith apply to the Court to fix a day for the hearing of an application for the approval of such composition or scheme. The Official Assignee shall not by making such application be deemed necessarily to approve of the composition or scheme.

Notice to Official Assignee.

163. Any person other than the Official Assignee, who applies to the Court to approve of a composition or scheme shall, not less than 10 days before the day appointed for hearing the application, send notice of the application to the Official Assignee.

Notice to creditors.

164. Where application is made to the Court to approve of a composition or scheme, the Official Assignee shall, not less than 3 days before the day appointed for hearing the application, send notice of the application to every creditor who has proved his debt.

Official Assignee's report to be filed.

165. In every case of an application to the Court to approve a composition or scheme, the report of the Official Assignee shall be filed not less than 4 days before the time fixed for hearing the application.

Hearing and appeal.

166. On the hearing of any application to the Court to approve of a composition or scheme, the Court shall in addition to considering the report of the Official Assignee, hear the Official Assignee and the trustee (if any) thereon, and an appeal shall lie at the instance of the Official Assignee or of the trustee (if any), from any order of the Court made upon such an application.

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Costs of application by debtor.

167. No costs incurred by a debtor, of or incidental to an application to approve of a composition or scheme, shall be allowed out of the estate, if the Court refuses to approve the composition or scheme.

Evidence and order.

168. (1) The Court before approving of a composition or scheme shall, in addition to investigating the other matters as required by the Act, require proof that the provisions of subsections (1) and (2) of section 17 of the Act have been complied with.

(2) The Registrar shall forthwith cause a notice of every order made on an application to approve of a composition or scheme, to be gazetted.

Provision in composition or scheme for costs and charges.

169. Where a composition or scheme has been duly accepted by the creditors, such composition or scheme shall not be approved by the Court unless the Court is satisfied, on the report of the Official Assignee, that provision is made for payment of all proper costs, charges and expenses of and incidental to the proceedings, and all fees and percentages payable to the Official Assignee under the scale of fees and percentages in force for the time being.

Fees on application.

170. The fee subscribed to be charged for and in respect of an application to the Court to approve a composition or scheme may be allowed and paid out of the estate of the debtor in any case in which there are sufficient funds in the hands of the Official Assignee or trustee, as the case may be, available for the purpose.

Correction of formal slips, &c.

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

Proceedings if scheme approved.

172. When a composition or scheme is approved, the Official Assignee shall, on payment of all costs, charges and expenses of and incidental to the proceedings, forthwith put the debtor (or as the case may be, the trustee under the composition or scheme, 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. The Court shall also discharge the receiving order.

Cases in which Official Assignee to be trustee.

173. In every case of a composition or scheme in which a trustee is not appointed or, if appointed, declines to act or becomes incapable of acting, or is removed, the Official Assignee shall, unless and until another trustee is appointed by the creditors, be the trustee for the purpose of receiving and distributing the composition, or for the purpose of administering the debtor's property, and carrying out the terms of the composition or scheme, as the case may be.

Security by trustee under scheme.

174. Where under a composition or scheme of arrangement a trustee is appointed, he shall, after the composition or scheme has been approved by the Court, give security to the satisfaction of the Court as if he were a trustee in bankruptcy. If the trustee fails to give such security within the time required, he shall be deemed to have declined to act, and the Registrar shall forthwith give notice of such failure to the Official Assignee.

Non-payment of composition.

175. Where a composition or scheme has been approved, and default is made in any payment thereunder by the debtor or the trustee (if any), no action to enforce such payment shall lie, but the remedy of any person aggrieved shall be by application to the Court.

Vesting of property on annulment of composition.

176. Where a composition or scheme is annulled, the property of the debtor shall unless the Court otherwise directs, forthwith vest in the Official Assignee without any special order being made or necessary.

Annulment of composition.

177. Where a composition or scheme is annulled, the trustee under the composition or scheme shall pay over and account to the trustee under the bankruptcy for any money or property of the debtor which has come to his hands; and pay or deliver over to the said trustee any money or property which has not been duly administered.

Dividends under composition or scheme.

178. Where under any composition or scheme provision is made for the payment of any moneys to creditors entitled thereto, 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 upon such claim, if established, shall be secured in such manner as the Court directs, until the

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determination of the claim so disputed; and on the determination thereof, the sum so secured shall be paid as the Court may direct.

Proof of debts in compositions.

179. Every person claiming to be a creditor under any composition or scheme, who has not proved his debt before the approval of such composition or scheme, shall lodge his proof with the trustee thereunder, if any, or if there is no such trustee with the Official Assignee, who shall admit or reject the same. And no creditor shall be entitled to enforce payment of any part of the sums payable under a composition or scheme unless and until he has proved his debt and his proof has been admitted.

Compositions and schemes.

180. All rules relating to compositions or schemes shall so far as applicable apply to compositions or schemes under section 17 or section 22 of the Act.

ADJUDICATION

Adjudication on application of debtor.

181. At the time of making a receiving order, or at any time thereafter, the Court may, on the application of the debtor himself, adjudge him a bankrupt. Such application may be made orally and without notice.

Adjudication on application of other parties.

182. When a receiving order has been made, and a quorum of creditors do not attend at the time and place appointed for the first meeting, or one adjournment thereof, or where a composition or scheme is not accepted by the creditors at the first meeting or 1 adjournment thereof, or where the Official Assignee satisfies the Court that the debtor has absconded, or that the debtor does not intend to propose a composition or scheme, or in any of the other cases mentioned in the Act, the Court may, either on the application of a creditor, or the Official Assignee, forthwith adjudge the debtor bankrupt.

Adjudication on failure of composition or scheme.

183. Where a composition or scheme is not accepted by the creditors at the first meeting or at 1 adjournment thereof, the Court may, on the application of the Official Assignee or of any person interested, adjudge the debtor bankrupt.

184. Where the public examination of a debtor is adjourned *sine die* and the debtor has not previously been adjudged bankrupt, the Court may forthwith, and without any notice to the debtor, adjudge him bankrupt. Adjudication where public examination adjourned *sine die*.

185. When a debtor is adjudged bankrupt, notice thereof shall be advertised and gazetted, in the like manner as is provided in the case of a receiving order. Notice of order of adjudication.

DISCHARGE

186. A bankrupt intending to apply for his discharge shall produce to the Registrar a certificate from the Official Assignee specifying the number of his creditors of whom the Official Assignee has notice (whether they have proved or not). The Registrar shall not less than 28 days before the day appointed for hearing the application, give notice of the time and place of the hearing of the application to the Official Assignee and trustee. The Registrar shall forthwith cause a copy of such notice to be gazetted, and the Official Assignee shall send a copy of such notice to each creditor not less than 14 days before the day so appointed. Application.

187. An appeal shall lie at the instance of the trustee (if any) from any order of the Court made upon such an application. Appeals.

188. In every case of an application by a bankrupt for his discharge, the report of the Official Assignee shall be filed not less than 7 days before the time fixed for hearing the application. Report of Official Assignee.

189. (1) Where a bankrupt intends to dispute any statement with regard to his conduct and affairs contained in the Official Assignee's report, he shall, not less than 2 days before the hearing of the application for discharge, give notice in writing to the Official Assignee specifying the statements in the report, if any, which he proposes at the hearing to dispute. Evidence in answer to report.

(2) Any creditor who intends to oppose the discharge of a bankrupt on grounds other than those mentioned in the Official Assignee's report, shall give notice of the intended opposition,

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stating the grounds thereof, to the Official Assignee not less than 2 days before the hearing of the application.

Costs of application.

190. A bankrupt shall not be entitled to have any of the costs of or incidental to his application for his discharge allowed to him out of his estate. This rule shall not apply to costs of a successful appeal from a refusal to grant a discharge.

Conditional orders.

191. (1) Where the Court grants an order of discharge conditionally upon the bankrupt consenting to judgment being entered against him by the Official Assignee or trustee for any balance or 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. The judgment shall be entered.

(2) If the bankrupt does not give the required consent within 1 month of the making of the conditional order, the Court may, on the application of the Official Assignee or trustee, revoke the order or make such other order as the Court may think fit.

Order, delivery.

192. The order of the Court made on application for discharge shall be dated on the day on which it is made, and shall take effect from the day on which the order is drawn up and signed; but such order shall not be delivered out or gazetted until after the expiration of the time allowed for appeal, or, if an appeal be entered, until after the decision of the Court of Appeal thereon.

Gazetting order.

193. When the time for appeal has expired, or, as the case may be, when the appeal has been decided by the Court of Appeal, the Registrar shall forthwith cause a notice of the order to be gazetted.

Execution on judgment in case of conditional discharge.

194. (1) An application by the Official Assignee or trustee for leave to issue execution on a judgment under subsection (2) of section 27 shall be in writing and shall state shortly the grounds on which the application is made. When the application is lodged the Registrar shall fix a day for the hearing.

(2) The Official Assignee or trustee shall give notice of the application to the debtor not less than 8 days before the day

appointed for the hearing, and shall at the same time furnish him with a copy of the application.

Notice of after-acquired property to Official Assignee.

195. When a bankrupt is discharged subject to the condition that judgment shall be entered against him, or subject to any other condition as to his future earnings or after-acquired property, it shall be his duty until such judgment or condition is satisfied, from time to time to give the Official Assignee such information as he requires with respect to his after-acquired property and income, and not less than once a year to file in Court a statement showing the particulars of any property or income he may have acquired subsequent to his discharge.

Enquiry as to after-acquired property.

196. Any statement of after-acquired property or income filed by a bankrupt whose discharge has been granted subject to conditions, shall be verified by affidavit, and the Official Assignee or trustee may require the bankrupt to attend the Court to be examined on oath with reference to the statements contained in such affidavit, or as to his earnings, income, after-acquired property, or dealings. Where a bankrupt neglects to file such affidavit or to attend the Court for examination when required so to do, or properly to answer all such questions as the Court may put or allow to be put to him, the Court may, on the application of the Official Assignee or trustee, rescind the order of discharge.

Application for modification of order.

197. Where after the expiration of 2 years from the date of any order made upon a bankrupt's application for discharge, the bankrupt applies to the Court 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 the terms of such order, he shall give 14 days' notice of the day fixed for hearing the application to the Official Assignee and to all his creditors.

MEETINGS OF CREDITORS

Notice to debtor of first meeting.

198. (1) The Official Assignee shall give 3 days' notice to the debtor of the time and place appointed for the first meeting of creditors. The notice may be either delivered to him personally or sent to him by prepaid post letter as may be convenient. It shall, nevertheless, be the duty of the debtor to attend such first meeting although the notice is not sent to or does not reach him.

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(2) A notice to attend subsequent meetings shall be in the like form with such variations as circumstances may require.

Notice to creditors of first meeting.

199. The Official Assignee shall fix the day for the first meeting and shall forthwith cause the same to be gazetted, and shall also give notice to the creditors.

Notice of other meetings.

200. The notices of subsequent meetings shall be issued to creditors by the Official Assignee or trustee. Where no special time is prescribed the notices shall be sent off not less than 3 days before the day appointed for the meeting.

Non-reception of notice by creditors.

201. Where a meeting of creditors is called by notice, the proceedings had and resolutions passed at such meeting shall unless the Court otherwise orders be valid notwithstanding that some creditors shall not have received the notice sent them.

Notice to Official Assignee.

202. Where a trustee summons a meeting of creditors he shall send the Official Assignee a copy of the notice convening the meeting.

Proof of notice.

203. A certificate by the Official Assignee or other officer of the Court or an affidavit by the trustee or his attorney-at-law or by the clerk of any such persons, that a notice has been duly posted, shall be sufficient evidence of such notice having been duly sent to the person to whom the same was addressed.

Copy of resolution for Registrar.

204. The Official Assignee, 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.

Adjournment.

205. Where a meeting of creditors is adjourned, the adjourned meeting shall be held at the same place as the original place of meeting, unless in the resolution of adjournment another place is specified.

Quorum.

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

PROOF OF DEBTS

Workmen's wages.

207. In any case in which it shall appear from the debtor's statement of affairs that there are numerous claims for wages by labourers, workmen and others employed by the debtor, it shall be sufficient if one proof for all such claims is made either by the debtor, or his foreman, or some other person on behalf of all such creditors. Such proof shall have annexed thereto as forming part thereof, a schedule setting forth the names of the labourers, workmen and others, and the amounts severally due to them. Any proof made in compliance with this rule shall have the same effect as if separate proofs had been made by each of the said labourers, workmen and others.

Production of bills of exchange and promissory notes.

208. Where a creditor seeks to prove in respect of a bill of exchange, promissory note, or other negotiable instrument or security on which the debtor is liable, such bill of exchange, note, instrument or security must, subject to any special order of the Court made to the contrary, be produced to the Official Assignee before the proof can be admitted either for voting or for dividend.

Time for lodging proofs.

209. A proof intended to be used at the first meeting of creditors shall be lodged with the Official Assignee not later than the time mentioned for that purpose in the notice convening the meeting, which time shall not be earlier than 12 noon of the day appointed for such meeting. A proof intended to be used at an adjournment of the first meeting (i.e., not lodged in time for the first meeting), must be lodged not less than 24 hours before the time fixed for holding the adjourned meeting.

Transmission of proofs to trustee.

210. Where a trustee is appointed in any matter, all proofs of debts that have been received by the Official Assignee shall be handed over to the trustee, but the Official Assignee shall first make a list of such proofs, and take a receipt thereon from the trustee for such proofs.

Proofs to be sent by Official Assignee to Registrar.

211. The Official Assignee, where no other trustee is appointed, shall, forthwith after the final payment has been made in a composition or scheme of arrangement duly approved by the Court, and in a bankruptcy after a final dividend has been declared, cause to be filed all proofs tendered in the proceeding with a list thereof certified to be correct, distinguishing in such list the proofs which were wholly or partly admitted, and the proofs which were wholly or partly rejected.

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Proof sent by trustee to Registrar.

212. Every trustee in bankruptcy, other than the Official Assignee, shall on the first day in every month, send to the Registrar a certified list of all proofs, if any, received by him from the Official Assignee, or otherwise tendered during the month next preceding, distinguishing in such list the proofs admitted, those rejected, and as such as stand over for further consideration, and in case of proofs which have stood over for further consideration, he shall forward them together with an explanatory note, on the first day of the month next after they have been admitted or rejected; and in the case of proofs admitted or rejected, he shall transmit the proofs themselves for the purpose of being filed.

Procedure where creditor appeals.

213. The Official Assignee, or as the case may be, the trustee shall, within 3 days after receiving notice from a creditor of his intention to appeal against a decision rejecting a proof file such proof with the Registrar, with a memorandum thereon of his disallowance thereof. After the appeal has been heard by the Court, the proof, unless wholly disallowed, shall be given back to the Official Assignee or trustee, as the case may be.

Time for admission or rejection of proofs by Official Assignee.

214. Subject to the power of the Court to extend the time, the Official Assignee, as trustee, not later than 14 days from the latest date specified in the notice of his intention to declare a dividend, as the time within which such proofs must be lodged, shall, 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.

215. Subject to the power of the Court to extend the time the trustee, other than the Official Assignee, within 28 days after receiving a proof, which has not been previously dealt with by the Official Assignee, shall, in writing either admit or reject it wholly or in part or require further evidence in support thereof. Provided that where the trustee has given notice of his intention to declare a dividend, he shall within 7 days after the date mentioned in such notice as the latest date up to which proofs must be lodged, examine and in writing admit or reject every proof which has not been already admitted or rejected, and give notice of his decision rejecting a proof wholly or in part to the creditor affected thereby.

216. Where a creditor's proof has been admitted, the notice of dividend shall be sufficient notification to such creditor of such admission. Notice of admission of proof.

217. Subject to the power of the Court to extend the time, no application to reverse or vary the decision of the Official Assignee or trustee in rejecting a proof shall be entertained after the expiration of 21 days from the date of the decision complained of. Appeal from rejection of proof.

218. The Official Assignee shall in no case be personally liable for costs in relation to an appeal from his decision rejecting any proof wholly or in part. Costs of appeal from decision as to proofs.

PROXIES AND VOTING LETTERS

219. (1) A proxy shall be lodged with the Official Assignee or trustee not later than 4 p.m. on the day before the meeting or adjourned meeting at which it is to be used. Form and filing of proxies.

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

220. A proxy given by a creditor shall be deemed to be sufficiently executed if it is signed by any person in the employ of the creditor having a general authority to sign for such creditor, or by the authorized agent for such creditor if resident abroad; such authority shall be in writing, and shall be produced to the Official Assignee if required, unless such authority be duly registered. Signature of proxies.

221. The proxy of a creditor blind or incapable of writing may be accepted if such creditor has attached his signature or mark thereto in the presence of a witness who shall add to his signature his description and residence; and provided that all insertions in the proxy are in the handwriting of the witness and such witness shall have certified at the foot of the proxy that all such insertions have been made by him at the request of the creditor and in his presence before he attached his signature or mark. Filling in when creditor blind, &c.

222. No person shall be appointed a general or special proxy who is a minor. Minors not to be proxies.

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DIVIDENDS

Notice of intention to declare dividend.

223. (1) Not more than 2 months before declaring a dividend, the trustee shall give notice of his intention to do so to such of the creditors mentioned in the bankrupt's statement of affairs as have not proved their debts. Such notice shall specify the latest date up to which proofs must be lodged, which shall be not less than 14 days from the date of such notice. The trustee shall also cause such notice to be gazetted.

(2) Where any creditor, after the date mentioned in the notice of intention to declare a dividend as the latest date upon which proof may be lodged, appeals against the decision of the Official Assignee or trustee rejecting a proof, such appeal shall, subject to the power of the Court to extend the time in special cases, be commenced, and notice thereof given to the Official Assignee or trustee within 7 days from the date of the notice of the decision against which the appeal is made, and the Official Assignee or trustee shall in such case make provision for the dividend upon such proof, and the probable costs of such appeal in the event of the proof being admitted. Where no appeal has been commenced within the time specified in this rule the trustee shall exclude all proofs which have been rejected from participation in the dividend.

(3) Immediately after the expiration of the time fixed by this rule for appeal against the decision of the trustee, he shall proceed to declare a dividend, and shall cause the same to be gazetted, and shall also send a notice of dividend to each creditor whose proof has been admitted accompanied by a statement showing the position of the estate.

(4) 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 2 months, the trustee shall cause a fresh notice of his intention to declare a dividend to be forthwith gazetted, but it shall not be necessary to give a fresh notice to such of the creditors mentioned in the bankrupt's statement of affairs as have not proved their debts. In all other respects the same procedure shall follow the fresh notice as would have followed the original notice.

Production of bills, notes, & c. Cap. 304.

224. Subject to the provisions of section 70 of the *Bills of Exchange Act,* and subject to the power of the Court in any other case on special grounds to allow production to be dispensed with, every bill of exchange, promissory note, or other negotiable instrument or security, upon which proof has been made, shall be exhibited to the trustee before payment of dividend thereon and the amount of dividend paid shall be endorsed on the instrument.

Dividend may be sent by post.

225. The amount of the dividend may, at the request and risk of the creditor, be transmitted to him by post.

Payment of dividends to a nominee.

226. 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 which shall be a sufficient authority for payment of the dividend to the person therein named.

APPROPRIATION OF PAY, SALARY, PENSIONS, &c

Notice to bankrupt of application.

227. When a trustee intends to apply to the Court for an appropriation order under section 51 of the Act, he shall give to the bankrupt notice of his intention so to do. Such 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 such order being made.

Notice to Governor General.

228. When the application is made under subsection (1) of section 51 of the Act, a copy of the proposed order shall be sent by the Registrar to the Governor General and the application shall stand adjourned until the written consent of the Governor General under the hand of the Governor General is obtained as required by the Act.

229. Note no longer applicable.

Review of order.

230. Where an order has been made for the payment by a bankrupt, or by his employer for the time being of a portion of his income or salary, the bankrupt may, upon his ceasing to receive a salary or income of the amount he received when the order was made, apply to the Court to rescind the order or to reduce the amount ordered to be paid by him to the trustee.

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DISCLAIMER OF LEASE

Disclaimer of lease without leave.

231. (1) A lease may be disclaimed without the leave of the Court in any of the following cases,

(i) Where the bankrupt has not sub-let the demised premises or any part thereof or created any mortgage or charge thereon; and

(a) The rent reserved and real value of the property leased, are less than $100 per annum; or

(b) The estate is administered under the provisions of section 118 of the Act; or

(c) The trustee serves the lessor with notice of his intention to disclaim, and the lessor does not within 7 days after the receipt of such notice give notice to the trustee requiring the matter to be brought before the Court.

(ii) Where the bankrupt has sub-let demised premises or created a mortgage or charge upon the lease, and the trustee serves the lessor and the sub-lessee or the mortgagees with a notice of his intention to disclaim, and neither the lessor or the sub-lessee or the mortgagees or any of them within 14 days after the receipt of such notice, require or requires the matter to be brought before the Court.

(2) Except as provided by this rule, the disclaimer of a lease without leave of the Court, shall be void.

(3) Where the trustee disclaims a leasehold interest, he shall forthwith file the disclaimer with the proceedings in the Court, and the disclaimer shall contain particulars of the interest disclaimed, and a statement of the persons to whom notice of disclaimer has been given. Until the disclaimer is filed by the trustee, the disclaimer shall be inoperative.

(4) Where, in pursuance of notice by the trustee of his intention to disclaim a leasehold interest, the lessor, or 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 except in cases in

which the Court is satisfied that such application was necessary in order to do justice between the parties.

(5) A disclaimer made without leave of the Court under this rule shall not be void or otherwise affected on the ground only that the notice required by this rule has not been given to some person who claims to be interested in the property leased.

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

Public officer or agent of company, &c.

232. A bankruptcy petition against, or bankruptcy notice to, any debtor to any company or co-partnership duly authorized to sue and be sued in the name of a public officer or agent of such company or co-partnership, may be presented by or sued out by such public officer or agent as the nominal petitioner for and on behalf of such company or co-partnership, on such public officer or agent filing an affidavit stating that he is such public officer or agent and that he is authorized to present or sue out such petition or bankruptcy notice.

PROCEEDINGS BY OR AGAINST FIRM

Attestation of signature of firm.

233. 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 also his own signature, e.g., "Brown & Co. by James Green, a partner in the said firm."

Service on firm.

234. Any notice or petition for which personal service is necessary shall be deemed to be duly served on all the members of a firm if it is served at the principal place of business of the firm in Barbados, on any one of the partners, or upon any person having at the time of service the control or management of the partnership business there.

Individual trading as firm.

235. The provisions of the rule 34 shall so far as the nature of the case will admit apply in the case of any person carrying on business within the jurisdiction in a name or style other than his own.

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Debtor's petition by firm.

236. Where a firm of debtors file a declaration of inability to pay their debts of a bankruptcy petition the same shall contain the names in full of the individual partners, and if such declaration or petition signed in the firm's name, the declaration or petition 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 of the same.

Service of creditor's petition in limited partnership. Cap. 312.

237. A creditor's petition against a firm registered under the *Limited Partnerships Act,* shall be served at the principal place of business of the limited partnership, as registered, by delivering a sealed copy of the filed petition to one of the general partners there, or to some person having, at the time of service, the control or management of the partnership business there, unless the Court shall otherwise order.

Petition by limited partnership. Cap. 312.

238. A limited partnership registered under the *Limited Partnerships Act,* may present a petition in bankruptcy as debtors in the name of the firm. The petition shall be signed by a general partner and shall contain in full the names of the general partners, and if the petition is signed in the firm's name the petition shall be accompanied by an affidavit made by the partner who signs the petition showing that all the general partners concur in filing the same.

Receiving order against firm.

239. 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.

Statement of affairs.

240. In cases of partnership the debtors shall submit a statement of their partnership affairs and each debtor shall submit a statement of his separate affairs.

Receiving order against limited partnership. Cap. 312.

241. A receiving order made against a firm registered under the *Limited Partnerships Act,* 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.

Adjudication against partners.

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

Rights of limited partners.

243. Where a receiving order is made against a limited partnership any past or present limited partner shall have the same rights as a creditor who has proved his debts would have to inspect the file, to attend meetings of creditors, and to 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.

244. 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 the liability (if any) of the limited partners, and past general partners, to contribute to the assets of the limited partnership, and such liability may be enforced by the trustee by motion in the bankruptcy, but subject to the regulations following:

(1) No present or past limited partner shall be liable to contribute as such, to the assets of the limited partnership to any greater amount than the amount 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 whilst he remained, a limited partner, except in the case of a present limited partner who is a past general partner, and in the case of a past limited partner who has become a present general partner.

(2) No past general partner shall be liable to contribute, as such, to the assets of the limited partnership except in respect of partnership debts and obligations incurred whilst he continued to be a general partner; but every past general partner who has become a limited partner shall in addition to any amount which he may be liable to contribute in respect of partnership debts and obligations incurred whilst he continued to be a general partner, be liable to contribute to the assets of the limited partnership to an amount equal to the amount 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 whilst he remained, a limited partner.

(3) No past partner, general or limited, shall be liable to contribute, as such to the assets of the limited partnership unless it appears to the Court that the partnership assets otherwise available

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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.

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

Composition &c.

246. The joint creditors and each set of separate creditors, may severally accept compositions or schemes of arrangement. So far as circumstances will allow, a proposal entertained by joint creditors may be confirmed and approved in the prescribed manner, notwithstanding that the proposals or proposal of some or one of the debtors made to their or his separate creditors may not be accepted.

Voting on composition.

247. 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 every set of separate creditors; and the proposal made to each separate set of creditors shall be considered and voted upon such separate set of creditors apart from all other creditors. Such proposals may vary in character and amount. Where a composition or scheme is approved the receiving order shall be discharged only so far as it relates to the estate, the creditors of which have confirmed the composition or scheme.

Adjudication: Trustee.

248. On the adjudication in bankruptcy of partnership, the trustee appointed by the joint creditors, or by the Court under section 20(7) or section 80(3) of the Act as the case may be, shall be the trustee of the separate estates. Each set of creditors may appoint its own committee of inspection, but if any set of creditors do not appoint a separate committee, the committee (if any) appointed by the joint creditors shall be deemed to have been appointed also by such separate creditors.

Separate firm.

249. If any 2 of the members of partnership constitute a separate and independent firm, the creditors of such last-mentioned firm shall be deemed to be a separate set of creditors and to be on the same footing as the separate creditors of any individual member of the firm. And where any surplus shall arise

upon the administration of the assets of such separate or independent firm the same shall be carried over to the separate estates of the partners in such separate and independent firm according to their respective rights herein.

Appointment of trustees' remuneration.

250. When 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 such 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 such separate estate.

LUNATICS

Lunatics.

251. (1) Where it appears to the Court that any debtor or creditor or other person who may be affected by any proceeding under the Act or rules, is a lunatic not so found by inquisition (hereinafter called the lunatic), the Court may appoint such person as it may think fit, to appear for, represent, or act for, and in the name of the lunatic, either generally, or in and for the purpose of any particular application or proceeding, or the exercise of any particular rights or powers which under the Act and rules the lunatic might have exercised if he had been of sound mind. The appointment may be made as herinafter mentioned, or if the Court thinks fit to do so, without any previous application.

(2) An application to the Court to make an appointment under this rule may be made by any person who has been appointed by any Court having jurisdiction so to do to manage the affairs or property of or to represent the lunatic, or by any relative or friend of the lunatic who may appear to the Court to be a proper person to make the application, or by the Official Assignee.

(3) The application may be made *ex parte* and without notice but in any case in which the Court shall think it desirable, the Court may require such notice of the application as it shall think necessary to be given to the Official Assignee or trustee (if any) or to the petitioning creditor, or to the person alleged to be a lunatic, or to any other person, and for that purpose may adjourn the hearing of the application.

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(4) The application shall be supported by the affidavit of a duly registered medical practitioner as to the physical and mental condition of the lunatic.

(5) Where a person has been appointed under this rule, any notice under the Act and Rules served on or given to such person, shall have the same effect as if the notice had been served on or given to the lunatic.

SMALL BANKRUPTCIES

Summary administration.

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

(1) There shall be no advertisement of any proceedings in a local paper unless the Court otherwise directs.

(2) The title of every document in the proceedings subsequent to the making of the order for summary administration shall have inserted thereon the words "Summary Case".

(3) All questions of law and fact shall be determined by the Court and no application for a jury shall be entertained.

(4) If no proposal for a composition or scheme is lodged with the Official Assignee within the time specified for that purpose in section 17 of the Act, or within such time thereafter as the Official Assignee may fix, or if the Official Assignee 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 calculated to benefit the general body of creditors, the Court may forthwith adjudge the debtor bankrupt. A report by the Official Assignee under this paragraph shall be *prima facie* evidence of the facts stated therein.

(5) 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.

(6) All payments shall, unless the Court otherwise orders, be made into and out of such Bank as may be directed by the Court.

(7) The first meeting of creditors may, where it is expedient, be held on the day appointed for the public examination, or on any

other day fixed by the Official Assignee. If a quorum of creditors be not present, it shall not be necessary to adjourn the meeting.

(8) Meetings of creditors shall unless the Official Assignee for special reasons otherwise determines, be held in the office of the Official Assignee.

(9) On an application by a bankrupt for his discharge the certificate of the Official Assignee shall not include, nor shall notices be sent to, creditors whose debts do not exceed $10.

(10) In lieu of the copy of the account to be filed with the Court as prescribed by section 91(4) of the Act, a statement showing the position of the estate, analogous as nearly as may be, to that prescribed by Form No.169 of the Forms referred to in rule 4 shall be filed.

(11) Notices of meetings, other than of first meetings, or of sittings of the Court, shall only be sent to creditors whose debts or claims exceed the sum of $10.

(12) The time mentioned in section 66(2) of the Act shall be extended to 6 months.

(13) The estate shall be realised with all reasonable despatch, and, where practicable, distributed in a single dividend when realised.

(14) The costs or charges payable out of the debtor's estate of any person other than of an attorney-at-law may be paid and allowed without taxation where such costs or charges are within the prescribed scale; provided that the Official Assignee may require such costs or charges to be taxed.

(15) The Official Assignee shall open but 1 account in respect of all estates administered by him under section 118 of the Act. Such account shall be in the official name of the Official Assignee with the words "Small Bankruptcies Account" added.

ADMINISTRATION OF ESTATE OF DECEASED INSOLVENTS

Form of petition.

253. A creditor's petition and a petition by the legal personal representative of the deceased under section 119 of the Act shall be verified by affidavit.

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Gazetting.

254. Where an administration order under section 118 is made, such order shall be gazetted and advertised in the same manner in all respects as an order of adjudication is gazetted and advertised.

Service.

255. (1) The petition shall, unless the Court otherwise directs, be served on each executor who has proved the will, or as the case may be on each person who has taken out letters of administration. The Court may also, if the Court thinks fit, order the petition to be served on any other person.

(2) Service shall be proved the same way as is provided in the case of an ordinary creditor's petition, and the petition shall be heard in the like manner.

Duties of Executor & c.

256. When an administration order under section 118 has been made, it shall be the duty of the legal representative of the deceased debtor to lodge with the Official Assignee forthwith (in duplicate) an account of the dealings with, and administration of (if any) the deceased's estate by such legal representative, and such legal representative shall also furnish forthwith in duplicate a list of the assets and liabilities, and such other particulars of the affairs of the deceased as may be required by the Official Assignee. Every account, list, and statement to be made under this rule shall be made and verified as nearly as may be in accordance with the practice for the time being of the High Court in suits for the administration of the estates of deceased persons.

The expense of preparing, making, verifying and lodging any account, list, and statement under this rule shall, after being taxed, be allowed out of the estate upon production of a certified copy of the taxed bill.

Executor *de son tort.*

257. In any case in which an administration order under section 118 has been made, and it appears to the Court, on the report of the Official Assignee, that no legal representative exists, the account, list, and statement mentioned in rule 256 shall be made, verified and lodged by such person as in the opinion of the Court upon such report, may have taken upon himself the administration of, or may otherwise have intermeddled with the property of the deceased, or any part thereof.

Meetings of creditors, &c.

258. In proceedings under an order for the administration of the estate of a person dying insolvent, where a meeting of creditors is summoned for the appointment of a trustee

(1) The provisions of *Schedule I* of the Act relating to the mode of summoning a meeting of creditors, and to the persons entitled to a vote at a meeting;

(2) The provisions of the *Bankruptcy Rules,* which refer to creditors, meetings of creditors, trustees and committees of inspection shall, so far as applicable, apply as if the proceedings were under a receiving order and order of adjudication.

Modification where summary order made.

259. Where under an administration order under section 118 of the Act the estate is ordered to be administered in a summary way the modifications imposed by that section and rule 252 shall not apply, but in lieu thereof the modification following shall apply

(1) The Official Assignee shall be trustee under the order unless the creditors at any time by special resolution resolve that some person other than the Official Assignee shall be appointed trustee, in which case the administration shall proceed as if an order for summary administration had not been made.

(2) There shall be no committee of inspection, but the Court shall exercise the powers of a committee of inspection.

(3) There shall be no advertisement of any proceedings in a local paper unless the Court otherwise directs.

(4) The title of every document in the proceedings subsequent to the making of the order for summary administration shall have inserted thereon the words "Summary Case."

(5) All questions of law and fact shall be determined by the Court, and no application for a jury shall be entertained.

(6) All payments shall, unless the Court otherwise orders, be made into and out of such Bank as may be directed by the Court.

(7) Meetings of creditors shall, unless the Official Assignee for special reasons otherwise determines, be held in the office of the Official Assignee.

(8) In lieu of the copy of the account to be filed with the Court, as prescribed by section 91(4) of the Act, a statement

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showing the position of the estate, analogous as nearly as may be to that prescribed by Form No. 169 of the Forms referred to in rule 4, shall be filed.

(9) Notices of meetings, other than of first meeting of sittings of the Court, shall only be given to creditors whose debts or claims exceed the sum of $10.

(10) The time mentioned in section 66(2) of the Act shall be extended to 6 months.

(11) The estate shall be realised with all reasonable despatch and where practicable distribute in a single dividend when realised.

(12) The costs or charges, payable out of the debtor's estate, of any person other than of an attorney-at-law may be paid and allowed without taxation where such costs or charges are within the prescribed scale; provided that the Official Assignee may require such costs or charges to be taxed by the taxing officer.

PART 4 – OFFICIAL ASSIGNEE, TRUSTEES, SPECIAL MANAGERS, SECURITY BY TRUSTEE OR SPECIAL MANAGER, ACCOUNTS AND AUDIT, UNCLAIMED FUNDS

OFFICIAL ASSIGNEE

Duties as to debtor's statement of affairs.

260. (1) As soon as the Official Assignee receives notice that he has been appointed to the Receivership of an estate, he shall furnish the debtor with a copy of instructions for the preparation of his statement of affairs.

(2) The Official Assignee or some person deputed by him shall also furnish the debtor with all such explanations as he may require for the preparation of the said statement.

(3) The Official Assignee or some person deputed by him shall also forthwith hold a personal interview with the debtor for the purpose of investigating his affairs and determining whether the estate should be administered under section 117 of the Act.

(4) It shall be the duty of the debtor to attend at such time and place as the Official Assignee may appoint.

Subsistence allowance to debtor.

261. Subject to any general or special directions of a Judge, the Official Assignee while in the possession of the property of a debtor, may make him such allowance out of his property for the support of himself and his family as may be just. In fixing the amount of such allowance the assistance rendered by the debtor in the management of his business or affairs may be taken into account.

Special report as to person employed to assist debtor.

262. Whenever, under the powers given by section 77 of the Act, the Official Assignee employs any person to assist the debtor in the preparation of his statement of affairs, he shall forthwith report the matter to a Judge in writing, justifying his action therein, and specifying the remuneration (if any) to be allowed to such person.

Use of proxies by deputy.

263. Where the Official Assignee holds any proxies and cannot conveniently attend any meeting of creditors, at which such proxy or proxies might be used, he may depute some person in his employment or under his official control, or some Government officer by writing under his hand, to attend such meeting and use such proxies on his behalf and in such manner as he may direct.

Personal performance of duties.

264. The Chief Justice may, by general or special directions, determine what acts or duties shall be performed by the Official Assignee in person, and in what cases he may discharge his functions through the agency of his clerks or other persons in his regular employ or under his official control.

Registrar to act in sudden emergency.

265. In any case of sudden emergency where there is no Official Assignee capable of acting, any act or thing required or authorised to be done by the Official Assignee may be done by the Registrar.

Removal of special manager.

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

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Mode of application to Court.

267. Applications by the Official Assignee to the Court may be made personally, and without notice, filing of motion paper or other formality; but the Court may in any case order that an application be renewed in a formal manner, and that such notice thereof be given to any person likely to be affected thereby as the Court may direct.

Evidence on application by Receiver.

268. Where for the purposes of any application to the Court by the Official Assignee for directions, or to adjudge a debtor bankrupt, or for leave to disclaim a lease, or for an extension of time to apply for leave to disclaim a lease, or for an order to take criminal proceedings against a bankrupt, or to commit a bankrupt, it is necessary that evidence be given by him in support of such application, such evidence may be given by a report of the Official Assignee to the Court, and need not be given by affidavit, and any such report of the Official Assignee to the Court shall be received by the Court as *prima facie* evidence of the matters reported upon.

Application for directions.

269. In any case of doubt or difficulty, or in any matter not provided for by the Act or these Rules relating to any proceedings in Court, the Official Assignee may apply to the Court for directions.

Duties where no assets.

270. Where a debtor against whom a receiving order has been made has no available assets, the Official Assignee shall not be required to incur any expense in relation to his estate without the express directions of the Court.

Accounting by Official Receiver.

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

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

(3) If the debtor, or, as the case may be, the trustee, is dissatisfied with the account or any part thereof, he may report the matter to the Court, and the Court may thereupon take such action or give such directions or make such order as it may deem expedient.

(4) The provisions of this Part of these rules as to trustees and their accounts shall not apply to the Official Assignee when acting as trustee, but he shall account in such manner as the Court may from time to time direct.

Trading account of debtor.

272. The debtor shall, on the request of the Official Assignee, furnish him with trading and profit and loss accounts, and a cash and goods account for such period not exceeding 2 years prior to the date of the receiving order as the Official Assignee shall specify. Provided that the debtor shall, if ordered by the Court so to do, furnish such accounts as the Court may order for any longer period. If the debtor fails to comply with the requirements of this rule the Official Assignee shall report such failure to the Court and the Court shall take such action on such report as the Court shall think just.

Liability for costs, expenses and damages.

273. The following provisions shall apply to every case in which proceedings are taken, either by action, motion, or in any other manner, against the Official Assignee in respect of anything done or default made by him, when acting, or in the *bona fide* and reasonable belief that he is acting, in pursuance of the Act or in execution of the powers given to an Official Assignee by the Act.

(1) Subject to the provisions of sub-section (2), the costs, damages and expenses which the Official Assignee may have to pay, or to which he may be put under such proceedings, shall be paid out of the estate of the debtor.

(2) As soon as any such proceedings are commenced it shall be the duty of the Official Assignee to report the same to the Governor General, who shall determine whether or not such proceedings shall be resisted or defended.

(3) The Official Assignee shall, if necessary, apply to the Court for any reasonable adjournment of any motion, or other summary proceedings before it, pending the determination of the Governor General upon the question whether such motion or proceedings should be resisted or defended. And the Court may grant an adjournment upon such terms as it shall think fit.

(4) If such proceedings are commenced before the appointment of a trustee by the creditors, or before the approval of a composition or scheme, the Official Assignee may, before putting the trustee, or in the case of a composition the debtor

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himself into possession of the debtor's property, retain the whole or some part of the debtor's estate according as the Governor General shall in each case direct, to meet the damages, costs, or expenses which the Official Assignee may have to pay or bear in consequence of the said proceedings. If such proceedings are commenced after the appointment of a trustee or after the approval of a composition or scheme, the Official Assignee shall forthwith give notice of such proceedings to the trustee or other person in whom the estate of the debtor may be vested (including where necessary the debtor himself), and the estate of the debtor shall, as from the date of such notice, be deemed to be charged with the payment of the said damages, costs and expenses.

TRUSTEES

Notice of appointment.

274. Where the appointment of a trustee is certified, the trustee shall forthwith insert notice of his appointment in a local paper. The expense of such notice shall be borne by the trustee, and may be charged by him to the estate.

Notice of objection.

275. (1) On receipt of a notice objecting to the appointment of a trustee, the Registrar shall fix a time for the hearing of the matter.

(2) Notice of the time fixed for hearing the matter shall be given to the Official Assignee, to the person objected to and the person objecting.

(3) At the hearing the person objected to, the Official Assignee and every creditor shall be entitled to be heard.

Trustee not accounting under section 83.

276. It shall be sufficient objection to the appointment of a trustee that he has not complied with the requirements of section 83 of the Act, or of any order of the Court made thereunder.

Removal of trustee.

277. It shall be a sufficient reason for refusing to certify the appointment of a person as trustee that in any other proceeding under the Act such person has either been removed under section 94(2) of the Act from the office of trustee, or has failed or neglected, without good cause shown by him, to render his accounts for audit for 2 months after the date by which the same should have been rendered.

Failing to keep up security.

278. Where a trustee or special manager has given security in the prescribed manner, but fails to keep up such security, the Court may, if it thinks fit, remove him from his office.

Notice of resignation.

279. A trustee intending to resign his office shall call a meeting of creditors to consider whether his resignation shall be accepted or not, and shall give not less than 7 days' notice of the meeting to the Official Assignee.

Remuneration of trustee.

280. The creditors, or, as the case may be, the committee of inspection, in voting the remuneration of the trustee, shall have regard to the amount realised exclusive of any sums paid to secured creditors out of the proceeds of their securities, and the amount distributed in dividend.

Remuneration of trustee appointed by the Court.

281. In any case in which, under the provisions of section 20(7) or section 80(3) of the Act, the Court appoints a trustee, the trustee shall receive out of the estate such remuneration as the Court shall determine.

Trustee carrying on business.

282. (1) Where a 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 such trading account.

(2) The trading account shall from time to time and not less than once every month, be verified by affidavit, and the trustee shall thereupon submit such account to the committee of inspection (if any) or such member thereof as may be appointed by the committee for that purpose, who shall examine and certify the same.

Application for release.

283. A trustee before making application to the Court for his release, shall give notice of his intention so to do to all the creditors of the debtor who have proved for debts exceeding $25 in amount, and to the debtor, and shall send with such notice a summary of his receipts and payments: Provided that where such application is made upon the trustee ceasing to act by reason of a composition having been approved under section 22 of the Act such notice and summary shall be sent to the debtor only.

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Delivery of books, &c., on release of trustee.

284. The release of a trustee shall not take effect unless and until he has delivered over to the Official Assignee all the books, papers, documents, and accounts which by the rules he is required to deliver over on his release.

Meeting to consider the conduct of trustee.

285. Where one-fourth in value of the creditors desire that a general meeting of creditors may be summoned to consider the propriety of removing the trustee, such meeting may be summoned by a member of the committee of inspection, or by the Official Assignee, on the deposit of a sum sufficient to defray the expenses of summoning such meeting.

Payments into and out of a Bank.

286. (1) The trustee shall forthwith pay into the Bank selected by the creditors to the credit of the estate all monies received by him. Provided that where no bank has been selected, or where an estate is being administered under section 118 of the Act, the trustee shall pay such monies into such bank as he shall think fit.

(2) All payments out shall be made by cheque payable to order, and subject to rule 252(15) every cheque shall have marked or written on the face of it the name of the estate, and shall be signed by the trustee, and countersigned by at least 1 member of the committee of inspection or by such other person (if any) as the creditors or committee of inspection may appoint and where there is no committee by such person (if any) as the Official Assignee may direct.

Application for directions.

287. Where a trustee desires to apply to the Court for directions in any matter, he may file an application, and the Court shall then hear the application or fix a day for hearing it and direct the trustee to apply by motion.

Copy of trustee's accounts.

288. Any creditor who has proved his debt may apply to the trustee for a copy of the accounts (or any part thereof) relating to the estate, as shown by the Cash Book up to date, and on paying for the same at the rate of 25 cents per folio he shall be entitled to have such copy accordingly.

Statement of accounts to be furnished to creditors.

289. Where in pursuance of section 86 of the Act the Official Assignee or trustee is required to transmit to creditors a statement of accounts, the cost of furnishing and transmitting such statement shall be calculated at the rate of 25 cents per folio for each statement when the creditors do not exceed 10, and when the creditors exceed 10, 50 cents per folio, for the preparation of the statement and the actual cost of printing.

Dealings with estates.

290. Neither the trustee nor any member of the committee of inspection of an estate shall, while acting as trustee or member of such committee, except by leave of the Court, either directly or indirectly, by himself or any partner, clerk, agent or servant, become purchaser of any part of the estate. Any such purchase made contrary to the provisions of this rule may be set aside by the Court on the application of the Official Assignee or any creditor.

Trustee not to purchase from his employer or partner without the Court's sanction.

291. (1) Where the trustee carries on the business of the debtor, he shall not, without the express sanction of the Court, purchase goods for the carrying on of such business from his employer (if any) or from any person whose connection with the trustee is of such a nature as would result in the trustee obtaining any portion of the profit (if any) arising out of the transaction.

Committee of inspection.

(2) No member of a committee of inspection of an estate shall, except under and with the sanction of the Court, directly or indirectly by himself or an 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 connection with the administration of the estate, or for any goods supplied by him to the trustee for or on account of the estate. If it appears to the Court that any profit or payment has been made contrary to the provisions of this rule, the Court may direct the Official Assignee to disallow such payment or recover such profit, as the case may be, on the audit of the trustee's account.

Sanction of payments to members of committee of inspection.

(3) Where the sanction of the Court under this rule to a payment to a member of a committee of inspection for services rendered by him in connection with the administration of the estates is obtained, the order shall specify the nature of the services, and shall only be given where the service performed is of

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a special nature. No payment shall, under any circumstances, be allowed to a member of a committee for services rendered by him in the discharge of his duties attaching to his office as a member of such committee.

(4) In any case in which the sanction of the Court is obtained under this rule or under rule 290, the cost of obtaining such sanction shall be borne by the person in whose interest such sanction is obtained, and shall not be payable out of the debtor's estate.

Discharge of costs, &c., before estate handed over to trustee.

292. (1) Where a debtor is adjudged bankrupt, and a trustee is appointed, the Official Assignee shall forthwith put the trustee in possession of all the property of the bankrupt of which the Official Assignee may be possessed: Provided that such trustee shall have before the estate is handed over to him by the Official Assignee discharged any balance due to the Official Assignee on account of fees, costs, and charges properly incurred by him and payable under the Act, and on account of all advances made by him in respect of the estate, together with interest on such advances at the rate of 6 per cent per annum, and shall have discharged or undertaken to discharge all guarantees which have been properly given by the Official Assignee for the benefit of the estate; and the trustee shall pay all fees, costs and charges of the Official Assignee which may not have been discharged by the trustee before being put into possession of the property of the bankrupt, and whether incurred before or after he has been put into such possession.

(2) The Official Assignee shall be deemed to have a lien on the estate until such balance shall have been paid, and such guarantees and other liabilities have been discharged.

(3) It shall be the duty of the Official Assignee, if so requested by the trustee, to communicate to the trustee 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 the conduct of trustee.

293. Where the Official Assignee is of opinion that any act done by the trustee or any resolution passed by a committee of inspection should be brought to the notice of the creditors, for the purpose of being reviewed or otherwise, the Official Assignee, may summon a meeting of creditors accordingly to consider the

same and the expense of summoning such meeting shall be paid by the trustee out of any available assets under his control.

SPECIAL MANAGER

Remuneration of special manager.

294. Where a special manager is appointed, and his remuneration is not fixed by the creditors, he shall be paid such remuneration as the Court shall think fit.

Accounts.

295. Every special manager shall account to the Official Assignee, and the special manager's account shall be verified by affidavit in the prescribed form, and, when approved by the Official Assignee, the totals of the receipts and payments shall be added to the Official Assignee's accounts.

SECURITY BY TRUSTEE OR SPECIAL MANAGER

Standing security.

296. In the case of a trustee or special manager, the following rules as to security shall be observed

(1) The security shall be given to such officers or persons and in such manner as the Court may from time to time direct.

(2) It shall not be necessary that security shall be given in each separate matter; but security 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, either as trustee or special manager.

(3) The Court shall fix the amount and nature of such security, and may from time to time, as it thinks fit, either increase or diminish the amount of special or general security which any person has given.

ACCOUNTS AND AUDIT

Record Book.

297. The Official Assignee until a trustee is appointed, and thereafter the trustee shall keep a book to be called the "Record Book", in which he shall record all minutes, all proceedings had, and resolutions passed at any meeting of creditors, or of the committee of inspection, and all of such matters as may be

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necessary to give a correct view of his administration of the estate, but he shall not be bound to insert in the record any document of a confidential nature (such as the opinion of an attorney-at-law on any matter affecting the interest of the creditors), nor need he exhibit such document to any person other than a member of the committee of inspection.

Cash Book.

298. The Official Assignee, until a trustee is appointed and thereafter the trustee, shall keep a book to be called the "Cash Book", in which he shall (subject to the provisions of these rules as to trading accounts) enter from day to day the receipts and payments made by him.

Books to be submitted to committee of inspection.

299. The trustee shall submit the Record Book and Cash Book, together with any other requisite books and vouchers, to the inspection of the committee of inspection (if any) when required, and not less than once every 3 months.

Audit of Cash Book.

300. The Committee of inspection shall, not less than once every 3 months, audit the Cash Book and certify therein under their hands the day on which the said book was audited.

Audit of trustee's accounts.

301. (1) Every trustee shall, at the expiration of 6 months from the date of the receiving order, and at the expiration of every succeeding 6 months thereafter until his release, transmit to the Registrar or to such person (if any) as the Court shall direct, a duplicate copy of the Cash Book for such period, together with the necessary vouchers and copies of the certificate of audit by the committee of inspection. He shall also forward with the first accounts a summary of the debtor's statement of affairs showing thereon in red ink the amounts realised, and explaining the cause of non-realization of such assets as may be unrealised.

(2) 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 Registrar or to such person (if any) as the Court shall direct, although the 6 months may not have expired.

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

Copy of accounts to be filed.

302. When a trustee's account has been audited, the Registrar or other person making the audit shall certify that the account has been duly passed, and thereupon the duplicate copy, bearing a like certificate, shall be filed with the proceedings in the Bankruptcy.

Affidavit of no receipt.

303. Where a trustee has not, since the day of his appointment or since the last audit of his accounts, as the case may be, received or paid any sum of money on account of the debtor's estate, he shall, at the period when he is required to transmit his Cash Book, forward an affidavit of no receipts or payments.

Proceedings on resignation, &c., of trustee.

304. Upon a trustee resigning, or being released or removed from his office, he shall deliver over to the Official Assignee, or as the case may be, to the new trustee, all books kept by him, and all other books, documents, papers, and accounts in his possession relating to the office of trustee.

Joint and separate estates accounts.

305. 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, or no transfer of a surplus from a separate estate to the joint estate, on the ground that there are no creditors under such separate estate, shall be made until notice of the intention to make such transfer has been gazetted.

Expenses of sales.

306. Where 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 such auctioneer or agent, and the charges and expenses connected with the sale shall afterwards be paid to such auctioneer or agent or the production of his taxed bill of charges. Every trustee, by whom such auctioneer or agent is employed, shall be accountable for the proceeds of such sale.

Allowances to debtor.

307. In any case in which, under the provisions of section 58 of the Act the trustee makes an allowance to a bankrupt out of his property, such allowance, unless the creditors by special resolution determine otherwise, shall be in money and the amount shall be duly entered in the trustee's accounts.

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UNCLAIMED FUNDS &c., UNDER SECTION 131

Mode of payment into Court.

308. Any person whose duty it is pursuant to section 131 of the Act, to pay into Court any unclaimed funds or dividends, shall first apply to the Registrar for a paying-in-order.

Application for payment out by party.

309. An application under section 131 of the Act, for payment of any sum to which any person claims to be entitled, shall be made in such form and manner as the Chief Justice may from time to time direct, and shall (unless the Court dispenses therewith) be supported by the affidavit of the claimant and such further evidence as the Court may require.

Accounts by trustees of unclaimed funds.

310. For the purposes of subsection (1) of section 131 of the Act, the Court may at any time order the trustee under any bankruptcy, composition or scheme, to submit to the Court an account verified by affidavit of the sums received and paid by him under or in pursuance of any such bankruptcy, composition or scheme, and may direct and enforce an audit of the account, and payment of any unclaimed or undistributed moneys arising from the property of the debtor in the hands or under the control of such trustee into Court in accordance with the terms of the said subsection.

PART 5 – JUDGMENT DEBTORS

Fee on Receiving Order.

311. (1) When a receiving order is made under section 99 of the Act, the creditor shall pay the like fee and deposit as are prescribed in the case of a bankruptcy petition.

(2) Where the Court is of opinion that a receiving order ought to be made in lieu of committal, and the judgment creditor does not consent 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.

Summary administration.

312. When a receiving order is made under section 99 of the Act, the Court may, if satisfied, by affidavit or otherwise, or by the report of the Official Assignee, that the property of the debtor (after deduction of any property in the hands of secured creditors,

debts enforceable by distraint, the costs of execution under section 42(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 $1 200, make an order that the debtor's estate be administered in a summary manner pursuant to section 117 of the Act and these Rules.

PART 6 – MISCELLANEOUS

Falsification of documents.

313. (1) Any person who knowingly falsifies or fraudulently alters any document in or incidental to any proceeding under the Act or these Rules shall be deemed to be guilty of contempt of court and shall be liable to be punished accordingly.

(2) The penalty imposed by this rule shall be in addition to, and not in substitution for, any other penalty, punishment, or proceeding to which such person may be liable.

No lien on debtor's books.

314. No person shall, as against the Official Assignee or trustee, be entitled to withhold possession of the books of accounts belonging to the debtor, or set up a lien thereon.

Debtor's books.

315. The Court may, on the application of the Official Assignee, direct that the debtor's books of account and other documents given up by him may be sold, destroyed or otherwise dealt with.

Effect of non-compliance with rules.

316. Non-compliance with any of these rules, or with any rule of practice for the time being in force, shall not render any proceeding void unless the Court shall so direct, but such proceeding may be set aside, either wholly or in part, as irregular, or amended or otherwise dealt with in such manner and upon such terms as the Court may think fit.

Abridgement or enlargement of time.

317. The Court may, under special circumstances and for good cause shown, extend or abridge the time appointed by these rules or fixed by any order of the Court for doing any act or taking any proceeding.

Saving of existing law.

318. Where no other provision is made by the Act or these rules, the present law, procedure and practice in bankruptcy shall,

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in so far as applicable remain in force. Save as provided by these rules or rules amending them, the rules of the Supreme Court shall not apply to any proceeding in bankruptcy.

PART 7 – FEES AND PERCENTAGES

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319. The fees and percentages set forth in the Appendix shall be the fees and percentages to be charged for in respect of proceedings under the Act.

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APPENDIX

PART I

No. 1

GENERAL TITLE

In the Supreme Court of Barbados

In Bankruptcy No. of 19

Re [James Browne]

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

No. 2

DECLARATION OF INABILITY TO PAY

Title

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

Dated this day of 19

(Signature)
A.B.

Signed by the debtor in my presence
Signature of witness
Address
Description

Filed the day of 19

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

No. 3

DEBTOR'S PETITION

(Title)

(a) Insert name address, and description of debtor.
(b) Insert the other address or addresses at which unsatisfied debts or liabilities may have been incurred.

I (a) lately residing at [and carrying on business at (b)] having for the greater part of the past six months resided at [and carried on business at] within the jurisdiction of the Court 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 bankrupt].

Dated the day of 19

(Signature)

Signed by the debtor in my presence
Signature of witness
Address
Description
Filed the day of 19

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

No. 4

REQUEST FOR ISSUE OF BANKRUPTCY NOTICE

In the Supreme Court of Barbados

In Bankruptcy

1. I, C.D., of , hereby request that a bankruptcy notice be issued by this Court against [here insert name, description, and address of judgment debtor].

2. The said A.B. has for the greater part of the past six months resided at [or carried on business at] within the jurisdiction of this Court.

3. I produce an office copy of a final judgment against the said A.B. obtained by [me] in the Court on the day of

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4. Execution on the said judgment has not been stayed.

Dated this day of 19

C.D., judgment creditor

or,

[E.F., Attorney for the judgment creditor]

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

No. 5

BANKRUPTCY NOTICE

(Title)

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

(a) Strike out if no agent authorised.

(b) Insert name of creditor.

(c) "him" or "them."

(d) "his" or "their."

TAKE NOTICE that within [seven] days after service of this Notice on you excluding the day of such service, you must pay to of [or to of his (or their) agent duly authorised] (a) the sum of $ claimed by (b) as being the amount due on a Final Judgment or Order obtained by (c) against you in the Court, dated , whereon execution has not been stayed, or you must secure or compound for the said sum to (d) satisfaction [or the satisfaction of his (or their) said agent] (a) or to the satisfaction of the Court: or you must satisfy the Court that you have a counterclaim, set-off, or cross-demand against (c) which equals or exceeds the sum claimed by (c) and which you could not set up in the action or other proceedings in which the Judgment or Order was obtained.

Dated this day of 19

By the Court

Registrar.

ENDORSEMENT ON NOTICE

(e) Name of creditor. (f) Name and address of solicitor suing out the notice, or "This notice is sued out by in person."

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 counter-claim, set-off, or cross-demand which equals or exceeds the amount claimed by (e) 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 days apply to the Court to set aside this notice by filing with the Registrar an affidavit to the above effect.

No. 6

AFFIDAVIT OF SERVICE OF BANKRUPTCY NOTICE

(Title)

In the matter of a bankruptcy notice issued

I, L.M., of make oath and say:-

1. That I did on the day of 19 , serve the above-mentioned A.B. [or the partners in the above-mentioned firm of] 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 of in the noon.

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

Sworn at, &c. 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 ".

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No. 7

AFFIDAVIT ON AN APPLICATION TO SET ASIDE BANKRUPTCY NOTICE

(Title)

I, A.B. of make oath and say:-

1. That I was, on the day of , served with the notice hereunto annexed [or describe the notice].

That I have satisfied the judgment debt claimed by C.D. by [state nature of of satisfaction].

Or

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

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

Sworn, &c

No. 8

ORDER 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 and hearing and upon the said A.B. having entered in 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 $], as security for the amount claimed by the notice, the condition of the bond [or deposit] being [here insert condition], it is ordered, &c.

Dated this day of 19

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 the affidavit of A.B. [and upon hearing C.D. (if present)], it is ordered that this notice be set aside, and that C.D. [or as the case may be] pay to A.B. the sum of $ [or the costs of this matter].

Dated this day of 19

By the Court,
Registrar.

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No. 9

CREDITORS' PETITION

(Title)

I, C.D., of [or we, C.D., of , and E.F., of hereby petition the Court that a receiving order may be made in respect of the estate of (a) of (b) and lately carrying on business at [or residing at] (c), and say:

(a) Insert name of debtor.
(b) Insert present address and description of debtor.
(c) Insert address or addresses at which the debtor has lately resided, or carried on business.
Note – 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 119)

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 within the jurisdiction of this Court.

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

Or

That I, C.D., one of your petitioners, hold security for the payment of, &c.

Or

That I, E.F., another of your petitioners, hold security for the payment of, &c.

4. That A.B. within three months before the date of the presentation of this petition has committed the following [act or acts] of bankruptcy namely [here set out the nature and date or dates of the act or acts of bankruptcy relied on.]

Dated this day of 19

(Signed) C.D.

Signed by the petitioner in my presence E.F.

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 is signed by a firm, the partner signing should add also his own signature, e.g., "A.S. & Co. F.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.

Endorsement

This petition having been presented to the Court on the day of 19 , it is ordered that this petition shall be heard at (a) [Insert the place at which the debtor is to attend on the Receiver] on the

day of 19 , at o'clock in the noon.

And you the said A.B. are to take notice that if you intend to dispute the truth of any of the statements contained in the petition you must file with the Registrar of this Court a notice showing the grounds upon which you intend to dispute the same, and send by post a copy of the notice to the petitioner [three] days before the date fixed for the hearing.

No. 10

CREDITOR'S PETITION FOR ADMINISTRATION OF ESTATE OF DECEASED DEBTOR UNDER SECTION 116

(Title)

I, C.D., of , [or we, C.D., of and E.F., of] 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 day of 19 , and say:

1. That the said A.B. for the greater part of the six months next preceding his decease resided [or carried on business] at within the jurisdiction of this Court.

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 $ [set out the amount of debt or debts and the consideration].

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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, &c. [or as in Form No. 9, Creditor's Petition].

4. That A.B. within three months next before the said datae of his decease committed the following act [or acts] of bankruptcy, namely [here set out the nature and date or dates of the act or acts of bankruptcy relied on.]

Or

That the will of the said A.B. [or as the case my be] ws on the day of 19 , proved by J.S. of , and G.H., of , who consent to this petition.

Or

That letters of administration [or as the case may be] were on the day of 19 , granted to J.S of , and G.H. of , and that the estate of the said A.B. is [according to my information and belief] insufficient to pay his debts.

Dated this day of 19 .

(Signed) C.D.
E.F.

Signed by the petitioner in my presence
Signature of witness
Address
Description

Indorsement

This petition having been presented to the Court on the day of 19 , it is orderd that this petition shall be heard at noon.

If you, the said J.S. or G.H., intend to dispute the matter of any of the statements contained in the petition, you must file with the Registrar of this court a notice showing the grounds upon which you intend to dispute the same.

No. 11

AFFIDAVIT OF TRUTH OF STATEMENTS IN PETITION

(Title)

I, the petitioner named in the petition hereunto annexed, make oath [if the petitioner declare or affirm, alter the form accordingly] and say:

1. That the several statements in the said petition are within my own knowledge true.

Sworn at, &c. C.D.

Note – If the petitioner canot depose that the truth of all the several statements in the petition is within his own knowledge he must set forth the statement 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. 12

AFFIDAVIT OF TRUTH OF STATEMENTS IN JOINT PETITION

(Title)

We, C.D., E.F., G.H., &c., 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 $ as stated in the said before-mentioned petition.

2. That the said A.B. committed to 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

And I, the said E.F., for myself say:

4. That A.B. is justly and truly indebted to me in the sum of $ as stated in the said before-mentioned petition.

And I, the said G.H., for myself say:

5. That A.B. is, &c.

C.D.
E.F.
G.H.

Sworn by the deponents C.D., E.F., and G.H., &c.
[See note to last Form]

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No. 13

APPLICATION FOR INTERIM RECEIVER

(Title)

I, C.D., of , do, on the grounds set forth in the annexed affidavit, apply to the Court to appoint some fit and proper person 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 this day of 19 .

(Signed) C.D.

Order thereon

Upon reading this application and the affidavit therein referred to, and hearing it is ordered that upon a deposit of $ being lodged by the applicant, X.Y., of be thereupon constituted Interim Receiver of the property of the said A.B. and [here insert directions, if any].

Dated this day of 19 .

By the Court,
Registrar.

No. 14

AFFIDAVIT OF SERVICE OF PETITION

(Title)

In the matter of a petition dated

I, L.M. of , make oath and say:

1. That I did, on the day of 19 , serve the above-mentioned A.B. with a copy of the above-mentioned petition, duly sealed with the seal of the Court, by delivering the same personally to the said A.B. at [place] before the hour of in the noon.

2. A sealed copy of the said petition is hereunto annexed.

Sworn at, &c.

L.M. Marshal, Creditor,
Attorney or his Clerk

Note – If the service is effected on one partner on behalf of his firm the affidavit must, after the word "at," contain the words "being the principal place of business of the said

---

No. 15

SUBSTITUTED SERVICE OF PETITION. NOTICE IN GAZETTE

In the

In Bankruptcy.

In the matter of a bankruptcy petition filed the day of 19

TO A.B. of

Take notice, that a bankruptcy petition has been presented against you to this Court by C.D. of and the Court has ordered that the publication of this notice in the Official Gazette and in the newspapers [following the terms of the order for substituted service] shall be deemed to be service of the petition upon you; and further take notice that the said petition will be heard at this Court on the day of , at o'clock in the 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 can be inspected by you on application to the Registrar.

Dated this day of 19 .

Registrar

No.16

ORDER FOR SUBSTITUTED SERVICE OF A PETITION

(Title)

In the matter of a bankruptcy petition filed the day of 19 , upon the application of , and upon reading the

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affidavit of , of , in the parish of

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

Given under the seal of the Court this day of 19 .

By the court,
Registrar.

No. 17

NOTICE BY DEBTOR OF INTENTION TO OPPOSE PETITION

(Title)

In the matter of a bankruptcy petition presented against me A.B. of on the day of 19 by C.D. of [or and E.F. of , G. H. of , &c.]

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 as the case may be].

Dated this day of 19 .

To C.D., of , and to A.B. and to the Registrar of the said Court.

No. 18

ORDER TO STAY PROCEEDINGS ON PETITION

(Title)

In the matter of a bankruptcy petition against A.B., of

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 that he is indebted to the petitioner in a sum of a less amount than $], [or 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 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 $ 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 proceeding taken or continued by him against the said A.B., together with such costs as shall be given by the Court.

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 day of 19 .

By the Court,
Registrar.

No. 19

BOND ON STAY OF PROCEEDINGS, SECURITY, &C.

(Title)

Know all men by these presents, that we, A.B. of, &c., and C.D. of, &c., and E.F. of, &c., are jointly and severally held and firmly bound to L.M. of,

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&C., in $ 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 one 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 day of 19

Whereas a bankruptcy petition against the said A.B. having been presented to the Court he did appear to the hearing of the said petition and deny tht he was indebted to the petitioner [or to one or more of the petitioners], or alleged that he was indebted to the petitioner in the sum of $ 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, otherwise 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 in in the presence of

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.

No. 20

NOTICE OF SURETIES

(Title)

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

Take notice that the sureties whom I propose as my security in the above matter [here state the proceedings which have rendered the sureties necessary] are [here state the full names and descriptions of the sureties, and their residence, therein mentioning the parish, places, streets, and numbers, if any].

Dated this day of 19 .

To the Registrar of the Court A.B.
and to L.M. of

No. 21

AFFIDAVIT OF JUSTIFICATION

(Title)

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

I, E.F., of , one of the sureties for make oath and say:

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

2. That I am worth property to the amount of $ [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 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 of in the sum of $; for G.H., at the suit of I.K., in the Court of in the sum of $ [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 $ [and if security in any other action, &c., 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 carried on by me at of the value of $ of good books debts owing to me to the amount of $, of furniture in my house at of the value of $

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of a freehold [or leasehold] farm of the value of $ situate at , occupied by , or of a dwelling house of the value of $ situate at occupied by , or of other property, particularising each description of property, with the value thereof.]

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

Sworn at, &c. E.F.

No. 22

ADJOURNMENT OF PETITION

(Title)

Upon the hearing of the petition this day, it is ordered that the further hearing of this petition be adjourned until the day of 19 , at o'clock in the noon.

Dated this day of 19

By the Court

Registrar

No. 23

DISMISSAL OF PETITION

(Title)

In the matter of a bankruptcy petition filed the [date .]

Upon the hearing of this petition this day, and upon reading and hearing it is ordered that this petition be dismissed [and that the petitioner do pay to the said A.B. the taxed costs thereof].

Dated this day of 19

By the Court

Registrar

No. 24

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 , it is ordered that the bankruptcy petition against the said A.B., presented to this Court by C.D. of , the proceedings on which were stayed by order of Court on the day of 19 be dismissed [add terms if any].

Dated this day of 19

By the Court

Registrar

No. 25

ORDER RESTRAINING ACTION, &C., BEFORE RECEIVING ORDER

(Title)

Upon the application of and upon reading it is ordered that L.M. of 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 terms fixed by the Court].

Dated this day of 19

By the Court

Registrar

No. 26

RECEIVING ORDER ON DEBTOR'S PETITION

(Title)

On the petition of the debtor himself, filed the day of 19 , and numbered of 19 , a receiving order is hereby made against A.B. [insert name,

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addresses and descriptions of debtor as set out in the petition], and Mr. C.D. is hereby constituted receiver of the estate of the said debtor.

Dated this day of 19

By the Court

Registrar

(a) Insert the place at which the debtor is to attend on the Receiver.

Note – The above-named debtor is required immediately after the service of this order upon him to attend the Receiver appointed by the Court at his office at (a)

The Receiver's offices are open (except on holidays) every week-day from 10 a.m. to 4 p.m., except Saturdays when they close at 1 p.m.

Endorsement on Order

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

No. 27

RECEIVING ORDER ON CREDITOR'S PETITION

(Title)

On the petition (dated the day of 19 , and numbered of 19) of F.S., of , a creditor, filed the [insert date] and on reading and hearing 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 Mr. C.D. is hereby constituted Receiver of the estate of the said debtor.

Dated this day of 19

By the Court

Registrar

(a) Insert the place at which the debtor is to attend on the Receiver.

Note – The above-named debtor is required, immediately after the service of this order upon him, to attend the Receiver appointed by the Court at his offices at (a).

The Receiver's Offices are open every week-day from 10 a.m. to 4 p.m., except Saturdays when they close at 1 p.m.

Endorsement on Order

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

No. 28

RECEIVING ORDER UNDER SECTION 98(4)

In the matter of , a debtor

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

And whereas the debtor has made default in payment of payable in pursuance of the said order.

Now upon reading the consent of the judgment creditor that a receiving order should 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 of this Court is hereby constituted Receiver of the estate of the said debtor.

Dated this day of 19

By the Court
Registrar

Note – The above-named debtor is required immediately after the service of this order upon him to attend the Receiver at his office at

The Receiver's office is open (except on holidays) every week-day from 10 a.m. to 4 p.m., except Saturdays, when they close at 1 p.m.

Endorsement

The name and address of the attorney to the judgement creditor are [Insert name and address]

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No. 29

NOTICE OF RECEIVING ORDER, &C. (FOR LOCAL PAPER)

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.

Receiver

(Address)

Dated 19 .

No. 30

NOTICE OF RECEIVING ORDER, &C., 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 when Court held, and No. of proceedings].

Receiving order made
Date of order for summary administration
Date of adjudication (if any)
Date and place of first meeting
Date of public examination

(Signed)
Receiver

(Address)

Dated 19 .

No. 31

(Title)

STATEMENT OF AFFAIRS

(1) Sheet L should be substituted for any one or more of such of the sheets named as will have to be returned.

To the debtor – you are required to fill up, carefully and accurately, this sheet, and the several sheets, A, B, C, D, E, F, G, H, I, J and K (1), showing the state of your affairs on the day on which the Receiving Order was made against you, viz., the day of 19
Such sheets when filled up, will constitute a full, true and complete statement of my affairs on that date.

When completed such statement must be verified by oath or declaration.

Gross Liabilities		Liabilities(as stated and estimated by Debtor)			Expected to rank		Assets(as stated and estimated by Debtor)			Estimated to produce	
$	c.				$	c.		$	c.	$	c.
		Unsecured creditors as per list (A)..					Cash at Bankers Cash in hand ..				
			$	c.				Estimated cost			
		Creditors fully secured as per list (B)						$	c.		
		Estimated value of securities					Property as per list (H) viz.:				
							(a) Stock in trade in Barbados.				
		Surplus to contra ..$									
			$	c.							
		Creditors partly secured, as per list (C).					Stock in trade out of Barbados.				

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Gross Liabilities		Liabilities(as stated and estimated by Debtor)			Expected to rank		Assets(as stated and estimated by Debtor)		Estimated to produce	
$	c.		$	c.	$	c.	$	c.	$	c.
		Less estimated value of securities.					Stock in trade of Goods in transit from or to Barbados.			
		Other liabilities as per list (D)..$ of which it is expected will rank against the estate for dividend					(b) Machinery, trade fixtures fittings utensils &c.			
		Liabilities on bills other than debtor's own acceptances, as per list (F) $ of which it is expected will rank against the estate for dividend					(c) Farming, stock, growing crops.			
			$	c.			(d) Furniture.			
		Preferential creditors for rates, taxes, wages &c., as per list (E)					(e) Other property viz:			
		Preferential creditors for rent payable as per list (G)					Book debts as per list (I) viz: Good			

Gross Liabilities		Liabilities(as stated and estimated by Debtor)			Expected to rank		Assets(as stated and estimated by Debtor)		Estimated to produce	
$	c.		$	c.	$	c.	$	c.	$	c.
		Perferential claim for Marshal's charges under s. 45 estimated $					Doubtful Bad ..			
		Deducted contra $					Estimated to produce			
							Bills of exchange or other similar securities, as per list (J) $ ...			
							Estimated to produce			
							Surplus from securities in the hands of creditors fully secured (per contra)			
							Deduct preferential creditors for rent rates, taxes, wages, &c. (per contra) $			
							Deficiency explained in statement (K) $			

I, of make oath and say that the above statement and the several lists hereunto annexed marked are to the best of my knowledge and belief a full, true and complete statement

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of my affairs on the date of the above-mentioned Receiving Order made against me.

Sworn at

this day of 19 before me

(Signature) _____

A.

Unsecured Creditors

The names to be arranged in alphabetical order and numbered consecutively, Creditors for $50 and upwards being place first.

No.	Name	Address and Occupation	Amount of Debt	Date when Contracted	Consideration
			$ c.		

Signature _____

Dated _____

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:–

	$	c.
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 immedi ately below the name and address of such creditor.

B.

Creditors fully secured

No.	Name of Creditor	Address and Occupation	Amount of Debt	Date when Contracted		Consideration	Particulars of Security	Date when given	Estimated value of security	Estimated surplus from security
				Month	Yr.					

Signature _____

Dated _____

C.

Creditors partly secured

No.	Name of Creditor	Address and Occupation	Amount of Debt	Date when Contracted		Consideration	Particulars of Security	Date when given	Estimated value of security	Balance of Debt unsecured
				Month	Yr.					

Signature _____

Dated _____

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D.

Contingent or other Liabilities

Full particulars of all liabilities not otherwise scheduled to be given here.

No.	Name of Creditor or Claimant	Address and Occupation	Amount of Liability or Claim	Date when Liability incurred Month Year	Nature of Liability

Signature _____

Dated _____

E.

Preferential Creditors for Rates, Taxes and Wages

No.	Name of Cred-itor	Address and Occupa-tion	Nature of Claim	Period during which claim accrued due	Date when due	Amount of Claim	Amount payable in full	Difference ranking for Divi-dend

Signature _____

Dated _____

F.

Liabilities of Debtor on Bills other than his own Acceptances

No.	Acceptor's Name, Address and Occupation	Whether liable as drawer or indorser	Date when due	Amount				Holder's Name, Address and Occupation (if known)	Amount expected to rank against Estate for Dividend
				Accommodation bills		Other bills			
				$	c.	$	c.		

Signature _____

Dated _____

G.

Creditors for Rent, &c., Recoverable by Distress

No.	Name of Creditor	Address and 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 _____

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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	
		$	c.
(a)	Cash at Bankers (including the Government Savings Bank)		
(b)	Cash in hand		
(c)	Cash deposited with Attorney for Costs of Petition		
(d)	Stock in trade in Barbados (cost $)		
(e)	Stock in trade out of Barbados (cost $)		
(f)	Stock in trade and Goods in transit (cost $)		
(g)	Machinery, trade fixtures, fittings, utensils, &c.		
(h)	Farming stock		
(i)	Growing crops (where not owner of the land) at		
(j)	Household Furniture and Effects at		
(k)	Life Policies		
(l)	Other Property (state particulars) viz.		

Signature _____

Dated _____

I.

Debts due to the Estate

No.	Name of Debtor	Residence and Occupation	Amount of Debt Good	Doubtful	Bad	Folio of Ledger or other Book where particulars to be found	When contracted Month Year	Estimated to produce	Particulars of any Securities held for debt

Signature _____

Dated _____

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:–

	$	c.
Due to estate		
Less contra account		

No such claim should be included in sheet "A"

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J.

Bills of Exchange, Promissory Notes, &c., available as Assets

No.	Name of Acceptor of Bill of Note	Address &c.	Amount of Bill of Note	Date when due	Estimated to produce	Particulars of any Property held as Security for payment ment of Bill of Note

Signature _____

Dated _____

K.

Deficiency Account

	$	c.	$	c.		$	c.	$	c.
Excess of Assets over liabilities on the (a) day of 19 , (if any)					Excess of liabilities over asets on the (a) day of 19 (if any)				
Net profit (if any) arising from carrying on business from the (a) day of 19 , to date of receiving order, after deducting usual trade expenses					Net loss (if any) arising from carrying on business from the (a) day of 19 , to date of receiving order, after deducting from profits the usual trade expenses ..				
Income or profit from other sources (if any) since the (a) day of 19					Bad debts (if any) as per Schedule "I" (b)				
Deficiency as per statement of affairs					Expenses incurred since the (a) day of 19 , other than usual trade expenses, viz.: household expenses of self and (c)				
					(d) Other losses and expenses (if any)				
					Surplus as per Statement of affairs (if any)				
Total amount to be accounted for	(e) $				Total amount accounted for	(e) $			

Signature _____

Dated _____

Note – (a) The date should be twelve months before date of receiving order, or such other time as the Receiver may have fixed.

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(b) This Schedule must show when the debts were contracted.
(c) Add "Wife and Children" (if any) stating the number of the latter.
(d) Here add particulars of other losses or expenses (if any) including depreciation in the value of stock and effects or other property as estimated for realization, and liabilities (if any), for which no consideration received.
(e) These figures should agree.

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 value	
E	Contingent or other liabilities	
F	Creditors for rent, &c., 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, &c., available as assets	

Signature _____

Dated _____

No. 32

APPLICATION FOR SUMMARY ADMINISTRATION UNDER SECTION 118

(Title)

I, , the Receiver, hereby report to the Court that the property of the debtor is not likely to exceed in value $1 500 and I apply that the Court may order the estate to be administered in a summary manner pursuant to Section 118 of the Act.

Dated this day of 19

Receiver

No. 33

ORDER FOR SUMMARY ADMINISTRATION

(Title)

Upon the application of and reading it is ordered that the estate of the above-named debtor be administered in a summary manner pursuant to Section 118 of the Act.

Dated this day of 19

By the Court,

Registrar

No. 34

APPLICATION FOR EXTENSION OF TIME FOR HOLDING FIRST MEETING, AND ORDER THEREON

Title

Ex parte the Receiver

(a) Strike out such of the grounds as are not applicable.

I, A.B., the Receiver in the above matter, apply to the Court for an extension of time to the day of 19 , for holding the first meeting of creditors on the ground following (a):–

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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 Cap. 303.*"

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 day of 19 .

Or

That the prescribed notice in the *Official Gazette* of the first meeting of creditors in the above matter required by Rule 2 of the *First Schedule* to the Act cannot be given in time for holding the meeting within 14 days from the date of the receiving order.

Or

That there may not 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, pursuant to Rule 3 of the *First Schedule* to the Act.

Dated this day of 19

Receiver

Order thereon

Upon the application of the Receiver it is ordered that the time for holding the first meeting of creditors in the above matter be extended to the day of 19

Dated this day of 19

By the Court

Registrar

No. 35

NOTICE TO CREDITORS OF FIRST MEETING WHEN NO ORDER FOR SUMMARY ADMINISTRATION HAS BEEN MADE AND THE DEBTOR HAS NOT SUBMITTED A PROPOSAL FOR COMPOSITION OR SCHEME

(Title)

(Under receiving order dated the day'of , 19

Notice is hereby given, that the first meeting of creditors in the above matter will be held at on the day of , 19 , at o'clock in the noon.

To entitle you to vote thereat your proof must be lodged with me not later than o'clock on the day of , 19 .

Forms of proof and of general and special proxy are enclosed herewith. Proxies to be used at the meeting must be lodged with me not later than o'clock on the day of 19 .

The public examination of the debtor is fixed for the day of 19 , at o'clock in the noon, at

Any creditor who has tendered a proof, or his representative, authorised in writing may question the debtor on his public examination concerning his affairs and the causes of his failure.

Receiver

Address

(a) Here insert "has not been lodged" or "has been lodged, and summary is enclosed."

(The debtor's statement of affairs (a) .)

At the first meeting the creditors may amongst other things:-

1. By ordinary resolution agree the debtor be adjudged bankrupt, and in that case they may also, by resolution, appoint a trustee.

No. 36

NOTICE TO CREDITORS OF FIRST MEETING IN SUMMARY CASE WHERE DEBTOR HAS NOT SUBMITTED AN ORDER OF COMPOSITION

(Title)

SUMMARY CASE

(Under receiving order dated the day of , 19 .)

Notice is hereby given that the first meeting of the creditors in the above matter will be held at on the day of , 19 , at o'clock in the noon, for the purpose of receiving a report by the Receiver upon the position of the estate.

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The debtor has been adjudged bankrupt, an order for summary administration has been made by the Court, and the Receiver is the trustee in bankruptcy.

To entitle you to vote thereat your proof must be lodged with me not later than o'clock on the day of , 19 .

Forms of proof and of general and special proxy are enclosed herewith. Proxies to be used at the meeting must be lodged with me not later than o'clock on the day of 19 .

The public examination of the debtor is fixed for the day , of 19 , at o'clock in the noon, at

Any creditor who has tendered a proof, or his representative, authorised in writing, may question the debtor on his public examination concerning his affairs and the causes of his failure.

Dated this day of 19 .

Receiver

Address

(The debtor's statement of affairs (a))

(a) Here insert "has not been lodged" or "has been lodged, and summary is enclosed."

No. 37

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 day of 19)

Notice is hereby given that a general meeting of creditors of the above-named debtor will be held at on the day of 19 at o'clock in the noon precisely.

Creditors required to vote at such meeting may, by a resolution passed by majority in number and 3/4 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 Receiver is calculated to benefit the general body of creditors.

Proof of debts intended to be used at the meeting must be lodged with the Receiver not later than o'clock on the day of 19 .

Proxies and voting letters to be used at the meeting must be lodged not later than o'clock on the day of 19

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 on the day of 19 , at o'clock in the noon.

Any creditor who has tendered a proof, or his representative authorised in writing, may question the debtor on his public examination concerning his affairs and the causes of his failure.

Dated this day of 19 .

Receiver

Address

Notes

1. Creditors who have proved may vote for or against the acceptance of the debtor's proposals by means of the voting letter attached to the Receiver's report.

2. If the proposal is not accepted the meeting may, if the debtor has not already been adjudged bankrupt, resolve on his adjudication, and in that case they may 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. 38

NOTICE OF MEETING IN SUMMARY CASE WHERE DEBTOR SUBMITS AN OFFER OF COMPOSITION, &C.

(Title)

SUMMARY CASE

(Under receiving order dated)

Notice is hereby given that a general meeting of the creditors of the above-

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named debtor will be held at on day of 19 ,at o'clock in the noon precisely.

An order for summary administration under Section 118 of the Act has been made by the Court.

Creditors qualified to vote at such meeting may, by a resolution passed by a majority in number, and 3/4 in value, of those 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 Receiver, is calculated to benefit the general body of creditors.

Proofs of debts intended to be used at the meeting must be lodged with the Receiver not later than o'clock on the day of 19 .

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.

The public examination of the debtor will be held at on the day of 19 , at o'clock in the noon.

Any creditor who has tendered a proof, or his representative, authorised in writing, may question the debtor on his public examination concerning his affairs and the causes of his failure.

Dated this day of 19 .

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 Receiver's report.

2. If the proposal be not accepted the Courts shall, if the debtor has not already been adjudged bankrupt, adjudge him bankrupt.

3. Forms of proof and of general and special proxy and a summary of the statement of affairs are sent herewith.

No. 39

NOTICE TO CREDITORS OF ADJOURNED MEETING

Take notice that the meeting of creditors in the above matter held on the day of at was adjourned to the day of and will accordingly be held at on the said day at o'clock in the noon.

Agenda

[Insert here nature of business to be transacted.]

Dated the day of 19 .

(Signed)
Receiver

Address

No. 40

AFFIDAVIT AND CERTIFICATE OF POSTAGE OF NOTICES. FIRST MEETING

(Title)

I, , a clerk in the office of the Receiver in the above matter (a) make oath and say as follows: (b)

1. That I did on the day of 19 ,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 (c) first meeting of creditors, accompanied by summary of the debtor's statement of affairs in the form[s] hereunto annexed marked "A" and "B" respectively (d.)

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

3. That I sent the said notice by putting the same into the Post Office before the hour of o'clock in the noon on the said day.

Sworn, &c. [e]

(a) Or as the case may be.
(b) Or hereby certify.
(c) Insert here if necessary "adjourned" or "new" or "adjourned new."
(d) Strike out the words underlined if summary not sent.
(e) or signed this day of

No. 41

NOTICE TO DEBTOR TO ATTEND FIRST MEETING OF CREDITORS

(Title)

Take notice that the first meeting of your creditors will be held

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on the day of 19 ,at o'clock at (a) 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.

(a) Here insert place where meeting will be held.

Dated this day of 19 .

Receiver

To the above-named debtor.

No. 42

AUTHORITY TO DEPUTY TO ACT AS CHAIRMAN OF MEETING AND USE PROXIES

(Title)

I, , the Receiver in Bankruptcy in the above matter, do hereby nominate Mr. , of to be the chairman of the first meeting of creditors in the above matter, appointed to be held at on the day of 19 , and I depute him (a) , to attend such meeting and use, on my behalf, any proxy or proxies held by me in this matter.

(a) being a person in my employment or under my official control.

Dated this day of , 19 .

Receiver

No. 43

RESOLUTIONS WHERE ADJUDICATION RESOLVED ON

(Title)

Minutes of resolutions come to and proceedings had at the first meeting of creditors held at this day of , 19 , Chairman, the Receiver [or the Receiver being absent, F.K., of , Chairman].

Resolved as follows [unanimously]:-

That A.B., shall be adjudged bankrupt, and that the Receiver do apply to the Court to make the adjudication.

That G.H. of shall be the trustee of the property of the bankrupt at [here state remuneration] [or that the appointment of a trustee be made by the committee of inspection].

That I.K., L.M., N.O., &c., be appointed the committee of inspection in this bankruptcy.

[Add any other resolution if any.]

F.K., Chairman

Number	Assenting Creditors' Signatures	Amount of Proof	Number	Dissenting Creditors' 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.

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No. 44

MEMORANDUM OF PROCEEDINGS AT FIRST MEETING IN SUMMARY CASES

SUMMARY CASE

(Title)

Before at on the day of , 19 , at o'clock.

Memorandum – 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. 45

MEMORANDUM OF ADJOURNMENT OF FIRST OR OTHER MEETING

(Title)

Before at on the day of 19 , at o'clock.

(a) "First" or as the case may be.
(b) Here state reason for adjournment.

Memorandum – The (a) 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 (b) the meeting was adjourned until the day of , 19 , at o'clock in the noon, then to be held at the same place.

Chairman

No. 46

MEMORANDUM OF PROCEEDINGS AT ADJOURNED FIRST MEETING

No Quorum

(Title)

Before at on the day of 19 , at o'clock.

Memorandum – The adjourned first 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. 47

ORDER OF COURT FOR GENERAL MEETING OF CREDITORS

(Title)

Upon the application of C.D., of , it is ordered that the trustee of the property of the bankrupt [or the Receiver in this matter] do summon a meeting of the creditors of the bankrupt to be held at on the day of , 19 , at o'clock in the noon [here state the purpose for which meeting called.]

Dated this day of 19

By the Court
Registrar

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No. 48

NOTICE OF MEETING (GENERAL FORM)

(Title)

Take notice that a meeting of creditors in the above matter will be held at on the day of , 19 , at o'clock in the noon.

Agenda (a)

(a) Here insert purpose for which meeting called.

Dated the day of 19

(Signed)
Receiver or Trustee

Address

N.B. – Forms of general and special proxy can be obtained on application to the Receiver or trustee at

Early application is necessary, as proxies must be lodged with the person summoning the meeting not later than the day before the meeting.

No. 49

AFFIDAVIT AND CERTIFICATE OF POSTAGE OF NOTICES (GENERAL)

(Title)

I, , a clerk in the office of C.D., Receiver or trustee (a) make oath and say as follows: (b)

(a) or as the case may be.
(b) or "hereby certify".

1. That I did on the day of 19 , send to each creditor who has proved in this matter, and also to all creditors mentioned in the debtor's statement of affairs, a notice of the time and the place of (c) , in the form hereunto annexed marked "A".

(c) insert here "general," or "adjourned general," as the case may be.

2. That such notices were addressed to such of the said creditors who have proved their debts according to the addresses in their respective proofs, and to such as have not proved, 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 , before the hour of o'clock in the noon on the said day.

(d) or signed.

Sworn, &c. (d)

No. 50

NOTICE TO CREDITORS OF MEETING TO REMOVE TRUSTEE AND TO APPOINT A PERSON TO FILL THE VACANCY

(Title)

At the request of one-fourth in value of the creditors of the bankrupt a general meeting of the creditors is hereby summoned to be held at on the day of , 19 , at o'clock in the 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 day of 19

L.M.,
A Member of the Committee of Inspection
[or Receiver]

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No. 51

NOTICE OF MEETING TO BE HELD TO APPOINT NEW TRUSTEE

(Title)

I, C.D., the Receiver in the above matter, hereby give you notice that a meeting of creditors will be held at on the day of , 19 , at o'clock in the noon, for the purpose of appointing a trustee in the place of the late trustee, who has resigned his office [or who has died, or has become bankrupt].

Dated this day of 19

C.D.,
Receiver

To X.Y.

No. 52

MINUTES OF MEETING FOR RECEIVING RESIGNATION OF TRUSTEE &C

(Title)

Minutes of proceedings had at a meeting of creditors of the said bankrupt held at on the day of , 19 .

Chairman of the meeting, E.F. of
Resolved (here should follow resolutions).

E.F., Chairman of this meeting

No. 53

LIST OF CREDITORS ASSEMBLED TO BE USED AT EVERY MEETING
(Except a second meeting where scheme or composition has been considered)

(Title)

Meeting held at this day of , 19 .

Number	Names of Creditors present or assembled	Amount of Proof	
		$	c.
1			
2			
3			
4			
6			
7			
7	Total number of Creditors present or assembled		

No. 54

LIST OF CREDITORS FOR USE AT MEETING HELD FOR CONSIDERATION OF COMPOSITION OR SCHEME

(Title)

Meeting held at this day of 19 .

No.	Names of all Creditors whose proofs have been admitted	Present in person or by Proxy or by voting Letter	Amount of Assets	Amount of Proof admitted	
			$ c.	$	c.
	Total Number	Total amount			

Required number for majority .. .. ..
Required value .. ..$

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No. 55

PROOF OF DEBT. GENERAL FORM

(Title)

Re (a) No. (a) of 19

I (b)

of in the Parish of , make oath and say:-

(c) That I am in the employ of the under-mentioned creditor, and that I am duly authorized by to make this affidavit, and that it is within my own knowledge that the debt hereinafter 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.

1. That the said was, at the date of the receiving order, viz.: the day of , 19 , and still justly and truly indebted to (e) in the sum of for (f) as shown by the account endorsed hereon, or by the following account endorsed hereon, or by the following account, viz:-

for which sum or any part thereof I say that I have not nor hath (g) or any person by (h) order to my knowledge or belief for (h) use had or received any manner of satisfaction or security whatsoever, save and except the following (i)

*Note – 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 strike out (d). If by agent of company strike out (c)
(e) Insert me and to C.D. and E.F. my co-partners in trade if any, or, if by clerk insert name, address and description of principal.

Date	Drawer	Acceptor	Amount	Due date

Admitted to vote for the day of 19 .
Receiver or Trustee

Admitted to rank for dividend for $ .. ..
this day of 19 ,
Receiver or Trustee

Sworn at)
this day of) (g) Deponent's signature
19 ,)
) (g) _____

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]. (See back.)
(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.

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The proof cannot be admitted for voting at the first meeting unless it is properly completed and lodged with the Receiver for the time named in the notice convening such meeting.

A.

PARTICULARS OF ACCOUNT referred to on other side

The Voucher (if any) by which the account can be substantiated should be set out here.

(Credit should be given for contra accounts)

If space 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.

Date	Consideration	Amount	Remarks

Acceptances of the debtor held as collateral security must be specified.

No. 56

PROOF BY TRUSTEE IN PRIOR BANKRUPTCY

(Title)

I, , of , make oath and say:-

1. The said was adjudicated a bankrupt in the Court on 19 , and I am the trustee under such bankruptcy.

2. There was at the date of the receiving order herein, namely, the day of , 19 , and still is an unsatisfied balance of the debts provable in the aforesaid bankruptcy, of which I am trustee, amounting to $ as shown in the statement endorsed hereon [or annexed hereto and marked A].

3. I claim to prove in the present bankruptcy for the said amount.

Sworn, &c.,
Before me
Admitted to vote for $
the day of
19 .

Receiver
or Trustee

Admitted to rank for dividend
for $ this
day of 19 .

Receiver
or Trustee

No. 57

PROOF OF DEBT TO WORKMEN

(Title)

Re (a) No. (a) of 19 .

I (b) of , 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:

1. That I [or the said] was at the date of the receiving order, viz.: the day of , 19 , and still is justly and truly indebted to the several persons whose names, addresses, and descriptions appear in the schedule hereunder written [or hereunto annexed], in the sums severally set against their names in the sixth column of such 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

(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.

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rendered by them respectively to me [or to 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 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.

SCHEDULE above referred to

1 No.	2 Full Name of Workman	3 Address	4 Description	5 Period over which wages due	6 Amount due $ c.

Sworn at this day of) Deponent's signature.
)

No. 58

NOTICE OF REJECTION OF PROOF OF DEBT

(Title)

(a)If proof wholly rejected strike out words underlined.

(b) 21 days or 7 days as the case may be. See Rules 200 and 204.

Take notice, that, as Receiver of the above estate I have this day rejected your claim against such estate (a) [to the extent of $] on the following grounds:

And further take notice that 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 (b) days from this date.

Dated this day of , 19 .

Address

To Receiver

No. 59

GENERAL PROXY

(Title)

I (a) C.D., of , creditor, hereby appoint the Receiver in the above matter [or Mr. A.B., of , a clerk in my regular employ] to be my (or our) general proxy in the above matter [excepting as to the receipt of dividend].

Dated this day of , 19 .

(Signed) (b)
C.D.

Signature of witness
Address

(a) If a firm write "we" and set out the full name of the firm.

(b) If a firm, sign the firm's trading title, and add "by X.Y. a partner in the said firm."

Notes

(1) When the creditor desires that this general proxy should receive dividends he should strike out the words "excepting as to the receipt of dividend," putting his initials thereto.

(2) The authorised agent of a corporation may fill up blanks, and sign for the corporation, thus –

"for the Company."

F.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 having a general authority in writing to sign for such firm or person. Such person shall sign:–

F.S. [duly authorised by a general authority in writing to sign on behalf of [name of firm or person] (c).

(c) The receiver or trustee may require the authority to sign to be produced for his inspection.

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Certificate to be signed by witness of creditor blind or incapable of filling up the above proxy.

I, , of , 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 , and in his presence before he attached his signature [or mark] thereto.

Dated this day of , 19 .

(Signature)

The proxy must be lodged with the Receiver or trustee not later than the day before the meeting at which it is to be used.

No. 60

SPECIAL PROXY

(Title)

(a) C.D., of , a creditor, hereby appoint the (b) as my (or our) proxy at the meeting of creditors to be held on the day of , 19 or at any adjournment thereof, to vote (c)

Dated this day of , 19 .

(Signed) (d)
C.D.

Signature of witness
Address

Notes

The authorised agent of a corporation may fill up blanks and sign for the corporation, thus:-

(a) If a firm write "we" instead of "C.D." and set out the full name of the firm.
(b) Here insert either Mr. of or "the Receiver in the above matter."
(c) Here insert the word "for" or "against" as the case may require, and specify the particular resolution, name of proposed trustee, &c.
(d) If a firm, sign the firm's trading title, and add "A.B. partner in the said Firm."

"For the Company."

F.S. (duly authorised under the seal of the company).

A proxy given by a creditor may be filled up and signed by any person having a general authority in writing to sign for such creditor. Such person shall sign

F.S. (duly authorised by a general authority in writing to sign on behalf of [name of creditor]) (e)]

(e) The Receiver may require the authority to sign to be produced for his inspection.

Certificate to be signed by witness of creditor blind or incapable of filling up the above proxy.

I, , of , 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 , and in his presence before he attached his signature [or mark] thereto.

Dated this day of , 19

(Signature)

The proxy must be lodged with the Receiver or trustee not later than the day before the meeting at which it is to be used.

No. 61

APPLICATION BY THE 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 Receiver for an order appointing the day of at 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 day of 19 .

Receiver

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No. 62

ORDER APPOINTING A TIME FOR PUBLIC EXAMINATION OF THE DEBTOR

(Title)

Upon the application of the Receiver in the above matter it is ordered that the public examination of the above-named debtor be held at (a) on the day of at o'clock in the . And it is ordered that the above-named debtor do attend at the place and time above-mentioned.

(a) Insert the place for the examination.

Dated this day of 19 .

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. 63

REPORT OF RECEIVER WHERE DEBTOR OR WITNESS REFUSE TO ANSWER TO HIS SATISFACTION

(Title)

At the [public] examination of (a) held before me this day of 19 , the following question was allowed by me to be put to the said].

Q.(b)

The (c) refused to answer the said question (or) The (c) answered the said question as follows:

A. (d)

I thereupon named the day of , 19 , at as the time and place for such [refusal to] answer to be reported to Mr. Justice

Dated this day of , 19 .

Receiver

(a) The above-named debtor, or, A.B., a witness in the above matter.
(b) Here state question.
(c) Debtor or witness.
(d) Here insert answer (if any).

No. 64

NOTICE OF DAY FOR PROCEEDING WITH PUBLIC EXAMINATION (FOR LOCAL PAPER)

(Title)

Notice is hereby given that the above-named Court has appointed day, the day of 19 , at o'clock in the noon, for proceeding with the public examination of the above-named debtor, which, on the day of 19 , was adjourned *sine die*.

Dated this day of 19 .

(Signed)
Receiver

No. 65

APPOINTMENT OF SHORTHAND WRITER TO TAKE EXAMINATION OF DEBTOR

(Title)

Before Mr. Justice

Upon the application of the Receiver the Court hereby appoints of to take the examination of the said at his public examination this day, pursuant to *Bankruptcy Rule 55*.

Dated this day of , 19 .

By the Court,
Registrar

No. 66

DECLARATION BY SHORTHAND WRITER

(Title)

I, of , the shorthand writer appointed by this Court to take down the examination of the said , do solemnly and sincerely declare that I will truly and faithfully take down the questions and answers put and given by the said in this matter and will deliver true and faithful transcripts thereof as the Court may direct.

Dated this day of , 19 .

Declare before me at the time and place above-mentioned.

Registrar

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No. 67

NOTES OF PUBLIC EXAMINATION OF DEBTOR WHERE A SHORTHAND WRITER IS APPOINTED

(Title)

Public Examination of the Debtor.

Before Mr. Justice at the Court House this day of 19 .

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 , taken the day of 19 .

Shorthand Writer

No. 68

NOTES OF PUBLIC EXAMINATION OF DEBTOR WHERE SHORTHAND WRITER IS NOT APPOINTED

(Title)

Public Examination of the Debtor.

Before Mr. Justice at the Court, this day of 19 .

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 , taken the day of 19 .

Clerk of the Judges or Receiver

No. 69

ORDER OF ADJOURNMENT OF PUBLIC EXAMINATION

(Title)

(a) Insert here word "further" if necessary.

This being the day appointed for the (a) public examination of the above-named , and the said having submitted himself for such examination now upon hearing Mr. , the Receiver in the above matter, and upon hearing and it appearing that it is ordered that the said public examination be adjourned to the day of , 19 , at in the noon at . And it is further ordered that the said do attend at the said Court on the said day of 19 , 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 the day of 19

By the Court
Registrar.

No. 70

ORDER DISPENSING WITH PUBLIC EXAMINATION OF DEBTOR

(Title)

(a) Insert name and address of applicant, and capacity in which he makes the application.
(b) State what the disability is.

Upon the application of the Receiver (or, of (a) of) in the above matter, and upon reading and upon hearing , and it appearing to the Court that the debtor is (b) , it is ordered that the public examination of the debtor be dispensed with.

Dated this day of 19

By the Court
Registrar.

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No. 71

ORDER AS TO EXAMINATION OF DEBTOR WHO IS SUFFERING FROM MENTAL OR PHYSICAL AFFLICTION OR DISABILITY

(Title)

Upon application of the Receiver [or, of (a) of] in the above matter, and upon reading and upon hearing , 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 (b) , the debtor be examined on oath at (c) before on the day of 19 , at o'clock or such other time as having regard to the condition of the debtor may be convenient, and that the Receiver and trustee and (d) be at liberty to attend such examination and take part therein.

(a) Insert name and address of applicant, and the capacity in which he makes the application.
(b) This part of the order to be adapted to circumstances of the case.
(c) Insert place of examination.
(d) Insert name of any other person authorised by the Court to attend.

Dated this day of 19

By the Court
Registrar.

No. 72

MEMORANDUM OF PUBLIC EXAMINATION OF DEBTOR

(Title)

Memorandum – That I, , 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 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.]

(Signature)

Sworn before me this day of 19 .

No. 73

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 the opinion that the affairs of the said A.B. is concluded.

Dated day of 19 .

By the Court
C.D. Registrar.

No. 74

PROPOSAL FOR A COMPOSITION

(Title)

I, , 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 relates to preferential claims.]

2. That provision for payment of all proper costs, charges, expenses of and incidental to the proceedings, and all fees and percentages payable shall be made in the following manner:

[Set out proposal for provisions for fees, charges, costs, &c.]

3. That the following composition shall be paid as hereinafter mentioned on all provable debts:

[Set out terms of Composition.]

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4. That the payment of the Composition be secured in the following manner:

[Set out full names and address of sureties (if any) and complete particulars of all securities intended to be given.]

Dated this day of 19

Signed (a)

(a) 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 Receiver shall require.

No. 75

PROPOSAL FOR A SCHEME

(Title)

I, , the above-named debtor, hereby submit the following proposal for a scheme or arrangement of my affairs in satisfaction of my debts.

1. That

[Set out terms of Scheme.]

2. That payment in priority of 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 the payment of all proper costs, charges and expenses of and incidental to the proceedings and all fees and percentages payable is provided for as follows:

[Set out or indicate by reference to the scheme, how it is proposed to provide for fees, costs, charges, &c.]

[Set out any other terms.]

Dated this day of 19

Signed (a)

(a) To be signed by the debtor: or in case of joint debtors to be signed in the firm name by such of the debtors as the Receiver shall require.

No. 76

REPORT OF THE RECEIVER ON PROPOSAL FOR COMPOSITION OR SCHEME AND VOTING LETTER

(Title)

The 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, shown by the debtor's statement of affairs, amount to the sum of $ and the assets are estimated by the debtor at the sum of $ 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 report as to proposal and the debtor's conduct.]

Dated this day of 19

Receiver

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VOTING LETTER

(Title)

I, of , a creditor in the above matter for the sum of $ hereby request the Receiver of the said estate to record my vote (a) the acceptance of the above proposal and/or (b) any amendment thereof which shall in the opinion of the Receiver be calculated to benefit the general body of the creditors.

Dated this day of 19

Signature

Witness

Address

(a) Insert here the word "for" or the word "against" as the case may require.

(b) Creditors may authorise the Receiver to vote "against" the proposal now submitted, but "for" such amendment thereof as may be satisfactory to the Receiver.

No. 77

RESOLUTION ACCEPTING COMPOSITION

(Title)

Minutes of resolutions come to and proceedings had at the first meeting of creditors held at this day of , 19 , ,

Chairman.

Resolved as follows [unanimously]: –

That the debtor's proposal for a composition as set forth in the annexed paper writing, mark "A" be accepted.

[If the Receiver is not to be the trustee for the purpose of receiving and distributing the composition, add here resolutions appointing a trustee, fixing his remuneration, and stating the security (if any) he is to give.]

F.K., Chairman

Number	Assenting Creditors' Signatures	Amount of Proof	Number	Dissenting Creditors' 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.

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No. 78

RESOLUTION ACCEPTING A SCHEME OF ARRANGEMENT

(Title)

Minutes of resolutions come to and proceedings had at the first meeting of creditors held at this day of 19 , ,

Chairman.

(a) Insert "unanimously where the resolution is so carried.

Resolved as follows: (a)

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 Creditors' 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. 79

APPLICATION TO EXTEND TIME FOR ACCEPTING OR APPROVING A COMPOSITION OF SCHEME, AND ORDER THEREON

(Title)

Ex parte the Receiver.

The Receiver in the above matter reports to the Court:–

That a (a) was on the day of , 19 , duly entertained by the statutory majority of the creditors in the above matter.

That the public examination of the debtor was concluded on the day of , 19 .

That (b) in time to allow of the acceptance or approval of the said (a) within 14 days after the conclusion of the examination of the debtor as required by section 20 of the Act.

Under these circumstances, an application is made for an extension of time to the day of , 19 , for obtaining such acceptance or approval.

Dated this day of , 19 .

Receiver

(a) Composition or scheme of arrangement.
(b) The prescribed notices cannot be given: or the moneys or securities required for the said (a) have not been lodged; or as the case may be.

Order

Before

Upon reading the above report of the Receiver, and hearing , it is ordered that the time for obtaining the acceptance or approval of the said (a) in the above matter be extended to the day of , 19 .

Dated this day of , 19 .

By the Court,

Registrar

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No. 80

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 on the day of , 19 , a resolution to entertain (a) was duly passed by a majority in number representing 3/4 in value of all the creditors who have proved their debts.

(a) A composition or scheme of arrangement.

And whereas the public examination of the said debtor was concluded on the day of ,

Now the (b) applies to the Court to fix a day for the consideration of the above-mentioned (a)

(b) "Debtor" or Receiver.

The gross amount of the (c) on which the ad valorem fee will be payable is $

(c) Estimated assets (but not exceeding the gross amount of the unsecured liabilities), or "composition."

Dated this day of 19 .

Debtor [or Receiver]

Order

Before

Upon reading the above application, and hearing , it is ordered that the application for the consideration by the Court of the above-mentioned (a), shall be heard at on the day of , 19 .

Dated this day of , 19

By the Court,

Registrar

No. 81

APPLICATION TO COURT TO APPOINT DAY FOR APPROVING COMPOSITION OR SCHEME IN A SUMMARY CASE

(Title)

SUMMARY CASE

(a) A composition or scheme of arrangement.
(b) "Debtor" or "Receiver".
(c) Estimated assets (but not exceeding the gross amount of the unsecured liabilities), or "composition.

Whereas an order for the summary administration of the estate of the above-named was made by the Court on the day of , 19 .

And whereas at a meeting of creditors of the above-named debtor, held at on the day of , 19 , a resolution to accept (a) was duly passed by a majority in number representing 3/4 in value of all the creditors who have proved their debts.

And whereas the public examination of the said debtor was concluded on the day of , 19 .

Now the (b) applies to the Court to fix a day for the consideration of the above-mentioned (a)

The gross amount of the (c) on which the ad valorem fee will be payable is

Dated this day of , 19 .

Debtor [or Receiver].

Order

Before

Upon reading the above application, and hearing , it is ordered that the application for the consideration by the Court of the above-mentioned (a) shall be heard at on the day of , 19 , at o'clock in the noon.

By the Court,

Registrar

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No. 82

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 ,on the day of ,19 , at o'clock in the 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 the day of ,19 .

Receiver

No. 83

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 on the day of , 19 , at o'clock in the 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 the day of , 19 .

Receiver

No. 84

NOTICE TO 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 day of , at o'clock in the noon, to sanction the composition [or scheme] approved on the day of 19 , by the statutory majority of creditors.

Dated this day of , 19 .

G.H.

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No. 85

ORDER ON APPLICATION TO APPROVE COMPOSITION

(Title)

On the application of , and on reading the report of the Receiver, filed on the day of , 19 , and hearing the Receiver and , and the Court being satisfied that the creditors in the above matter have duly accepted and approved 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 being satisfied that the case is one in which the Court would not 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 $ on all unsecured debts provable against the debtor's estate,
the said composition [or scheme] is hereby approved.
*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/or, 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.

(b) That facts have been proved which would under the *Bankruptcy 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 day of 19 .

No. 86

APPLICATION FOR ENFORCEMENT OF PROVISION IN A COMPOSITION

(Title)

In the matter of a composition made by A.B. of

I, F.M., of , do apply to this Court for an order for the enforcement of the provisions of the said composition against , on the grounds set forth in the annexed affidavit.

F.M.

Dated this day of 19 .

No. 87

AFFIDAVIT IN SUPPORT OF APPLICATION FOR ENFORCEMENT OF PROVISIONS OF A COMPOSITION

(Title)

In the matter of a composition made by A.B., of

I, F.M., of , make oath and say

1. That I am interested in the said composition, 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 is [or are] [here set it or them out].

3. That has failed to comply with the said provisions [or as the case may be].

Sworn at, &c.

F.M.

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No. 88

ORDER FOR ENFORCEMENT OF PROVISIONS IN A COMPOSITION

(Title)

In the matter of a composition made by A.B., of

Upon the application of F.M., of , and reading [here insert evidence], and upon hearing the Court being of opinion that the provisions of the said composition mentioned in the said affidavit should be enforced, it is ordered that [here insert order].

Dated this day of , 19 .

By the Court,

Registrar

To

Take notice that unless you obey the direction contained in this order, you will be deemed to have committed a contempt of Court.

No. 89

CERTIFICATE OF APPROVAL OF COMPOSITION OR SCHEME

(Title)

I hereby certify that a composition [or scheme of arrangement] between A.B., of , the above-named debtor, and his creditors was duly approved by the Court on the day of 19 .

Dated this day of , 19 .

M.N., Receiver

No. 90

NOTICE TO DEBTOR OF INTENDED APPLICATION FOR ADJUDICATION

(Title)

Take notice that, on behalf of the Receiver application will be made to the Court , at on day, the day of , 19 at o'clock in the noon for an order adjudging you, the above-named A.B. bankrupt.*

And further take notice, that leave has been obtained to serve you with short notice of this application.

Dated this day of 19

To the above-named

* Here state the grounds on which the application will be made.

No. 91

APPLICATION FOR ADJUDICATION UNDER SECTION 15

(Title)

The Receiver in the above matter reports to the Court: –

That a receiving order was made against the above-named debtor on the day of 19 .

That a copy of the Form hereunto annexed was to the said debtor, on the day of 19 .

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 Receiver with any reasonable excuse for his failure to do so.

The Receiver accordingly, in pursuance of section 15 of the Act makes application to the Court to adjudge the said debtor bankrupt.

Dated this day of 19 .

Receiver

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No. 92

APPLICATION FOR ADJUDICATION UNDER SECTION 15 AND RULE 180

(Title)

The Receiver in the above matter reports to the Court: –

That a receiving order was made against the above-named debtor on the day of 19 .

That the act of bankruptcy on which the petition was founded was the allegation that the debtor had within 3 months before the date of presentation of the petition.

That from enquiries made since the receiving order, the statement that the debtor had appears to have been well founded, and the present place and residence of the debtor has not been ascertained.

That the debtor has failed to attend at the office of the Receiver to be examined in respect to 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

That the debtor has not submitted a statement of and in relation to his affairs in pursuance of section 15 of the Act.

The Receiver accordingly, in pursuance of the provisions of section 15 of the Act and Rule 180 of the Bankruptcy Rules makes application to the Court to adjudge the said debtor bankrupt.

Dated this day of 19 .

Receiver

No. 93

APPLICATION FOR ADJUDICATION AFTER RESOLUTION FOR BANKRUPTCY

(Title)

The 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 , held at , on the day of 19 , the following resolution was passed: –

"That , the above-named debtor, shall be adjudged bankrupt, and that the Receiver do apply to the Court to make the adjudication."

(a) "The debtor has in writing, consented to the Court adjudging him bankrupt."

(a)

And the Receiver, accordingly, in pursuance of the provisions of section 19 of the Act makes application to the Court to adjudge the said debtor bankrupt.

Dated this day of 19 .

No. 94

APPLICATION FOR ADJUDICATION. NO QUORUM. SUMMARY ADMINISTRATION

(Title)

SUMMARY CASE

The Receiver reports to the Court: –

That a receiving order was made against the above-named debtor on the day of 19 .

That an order for the summary administration of the estate of the debtor was made on the day of 19 .

That the first meeting of creditors was duly summoned to be held at , on the day of 19 .

That creditors qualified to vote not being present or represented thereat to form a quorum, no resolution was passed [or the meeting was adjourned to the day of].

No good purpose would have been served by adjourning the said meeting [or that at such adjourned meeting creditors qualified to vote not being present or represented to form a quorum no resolution was passed].

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(a) "That the debtor has in writing, consented to be adjudged bankrupt."

That (a)

The Receiver accordingly, in pursuance of the provisions of section 19 of the Act makes application to the Court to adjudge the said debtor bankrupt.

Dated this day of 19 .

Receiver

No. 95

APPLICATION FOR ADJUDICATION WHERE NO QUORUM AT ADJOURNED MEETING

(Title)

The Receiver reports to the Court: –

That a receiving order was made against the above-named debtor on the day of 19 .

That the first meeting of creditors was duly summoned to be held at on the day of ,19 .

That creditors qualified to vote not being present or represented thereat to form a quorum, the said meeting was adjourned to the day of ,19 .

That at such adjourned meeting creditors qualified to vote not being present or represented to form a quorum no resolution was passed.

(a) Notice of this application was on the day of , 19 , sent by post addressed to the debtor, or the debtor has consented, in writing, to the Court adjudging him bankrupt.

That (a)

The Receiver accordingly, in pursuance of section 19 of the Act makes application to the Court to adjudge the said debtor bankrupt.

Dated this day of 19 .

Receiver

No. 96

ORDER OF ADJUDICATION

(Title)

Pursuant to a petition, dated 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 Receiver" or "the debtor himself" or "A.B. of , a creditor"], and on reading and hearing it is ordered that the debtor be and the debtor is hereby adjudged bankrupt.

Dated this day of 19 .

By the Court,

Registrar

Or

Whereas pursuant to a petition dated 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 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 day of 19 .

By the Court,

Registrar

No. 97

ORDER OF ADJUDICATION AFTER RECEIVING ORDER UNDER SECTION 98 OF THE ACT

(Title)

Whereas a receiving order was made against the above-named debtor on the day of upon the hearing of an application for his

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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 day of 19 .

By the Court,
Registrar

No. 98

APPLICATION TO ANNUL ADJUDICATION UNDER SECTION 30

(Title)

I, R.S., of , 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 day of 19 .

R.S.

No. 99

ORDER ANNULLING ADJUDICATION UNDER SECTION 30

(Title)

On the application of R.S., of , and on reading and hearing ,it is ordered that the order of adjudication dated against A.B. of , be and the same is hereby annulled.

Dated this day of 19 .

By the Court,
Registrar

No. 100

APPLICATION FOR ORDER OF DISCHARGE

(Title)

I, A.B., of , having been adjudged bankrupt on the day of 19 , and being desirous of obtaining my discharge, hereby apply to the Court to a fix a day for hearing my application.

My public examination was concluded on the day of

Annexed hereto is the certificate of the Receiver certifying the number of my creditors.

Dated this day of 19 .

(Signed) A.B.

To the Registrar of the Supreme Court.

No. 101

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 in number.

Dated this day of 19 .

G.H.

No. 102

NOTICE TO RECEIVER AND TRUSTEE OF APPLICATION FOR DISCHARGE

(Title)

The bankrupt having applied to the Court for his discharge, the Court has fixed the day of , 19 , at o'clock in the noon, at for hearing the application.

Dated the day of 19 .

Registrar,

To the Receiver and trustee

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No. 103

NOTICE TO CREDITORS OF APPLICATION FOR DISCHARGE

(Title)

Take notice that the bankrupt A.B., of has applied to the Court for his discharge, and that the Court has fixed the day of , 19 , at o'clock, for hearing the application.

Dated this day of , 19 .

G.H., Receiver

To X.Y.

Note – On the back of this notice the provisions of sections 27 and 28 of the Act should be printed.

No. 104

ORDER GRANTING OR REFUSING DISCHARGE

On the application of A.B., of , &c., adjudged bankrupt on the day of , 19 , and upon taking into consideration the report of the Receiver as to the bankrupt's conduct and affairs and upon hearing the Receiver and C.D., E.F., &c., creditors, and G.H., the trustee [as the case may be].

And whereas it has not been proved that the bankrupt has committed any misdemeanour under the Act, or any misdemeanour or felony connected with this bankruptcy, and proof has not been made of any of the "facts" mentioned in subsection 3 of section 27 or in section 28 of the Act 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.

Or

And whereas the bankrupt has committed the following misdemeanours or felonies [here state particulars]:

It is ordered that this discharge be and it is hereby refused.

Or

And whereas it has not been proved that the bankrupt has committed any misdemeanours or felonies mentioned in the Act; but proof has been made of the following facts under subsection 3 of section 27 (or/and section 28) of the Act, viz. [here state particulars]:

And/or that he has been guilty of misconduct in relation to his property and affairs, viz. [here state particulars]:

It is ordered that his discharge be and it is hereby refused.

Dated this day of 19 .

By the Court,

Registrar

No. 105

ORDER SUSPENDING DISCHARGE

(Title)

On the application of (as in Form).

And whereas it has not been proved that the bankrupt has committed any of the misdemeanours or felonies mentioned in section 27 of the *Bankruptcy Act* [or it has been proved that the bankrupt has committed the following misdemeanours (and/or felonies), namely [set them out], but the Court has for the following special reasons [state them] determined that this discharge shall not on that ground be absolutely refused;] but proof has been made of the following facts under subsection 3 of section 27 of the *Bankruptcy Act* (or /and, section 28 of the *Bankruptcy Act*), [here state particulars]: or/and, that he has been guilty of misconduct in relation to his property and affairs viz. [here state particulars]:

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It is ordered that the bankrupt's discharge be suspended until a dividend of not less than $ has been paid to the creditors, with liberty to the bankrupt at any time after the expiration of 2 years from the date of this order to apply for a modification thereof, pursuant to section 27 of the *Bankruptcy Act*.

Or

It is ordered that the bankrupt's discharge be suspended for years and that he be discharged as from the day of , 19 .

By the Court,

Registrar

No. 106

ORDER OF DISCHARGE WHERE ONLY FACT PROVED THAT ASSETS NOT EQUAL TO $

(Title)

On the application of

[Commencement as in Form 104]

And whereas it has not been proved that the bankrupt has committed any of the misdemeanours or felonies mentioned in section 27 of the *Bankruptcy Act*, Cap 303 and whereas the only fact under subsection 3 of that section and section 28 of which proof has been made is the fact that the bankrupt's assets are not of a value equal to $ on the amount of his unsecured liabilities.

It is ordered that the bankrupt's discharge be suspended for and that he be discharged as from the day of 19 .

Dated this day of 19 .

By the Court,

Registrar

No. 107

ORDER OF DISCHARGE SUBJECT TO CONDITIONS AS TO EARNINGS, AFTER-ACQUIRED PROPERTY, AND INCOME

(Title)

On the application of , adjudged bankrupt on the day of , 19 , and upon taking into consideration the report of the Receiver as to the bankrupt's conduct and affairs, and (a)

(a) Further recitals to be inserted.

And whereas it has not been proved (b)

(b) This recital is to follow the other forms, with necessary variations.

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 $ for the support of himself and 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 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 14 days thereafter, be filed in these proceedings by the bankrupt, setting forth a statement of his receipts and 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 Receiver [or trustee] within 14 days of the filing of the said account.

Dated this day of , 19 .

By the Court,

Registrar

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No. 108

ORDER OF DISCHARGE SUBJECT TO A CONDITION REQUIRING THE BANKRUPT TO CONSENT TO JUDGMENT BEING ENTERED UP AGAINST HIM

(Title)

(a) Formal parts and recitals as in the last preceding form.

On the application (a)

It is ordered that the bankrupt be discharged subject to the following condition to be fulfilled before the discharge takes effect, namely, he shall, before the signing of the order, consent to judgment being entered against him in the Supreme Court, jurisdiction, by the Receiver [or trustee] for the sum of $, 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 $ or costs of the 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 $ be paid out of the future earnings and 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 $ for the support of himself and his family, the bankrupt shall pay the surplus, if any, [or such portion of the surplus as the Court may determine], to the Receiver [or trustee] for distribution among the creditors in the bankruptcy. An account shall, on the 1st of January in each year, or within 14 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 Receiver [or trustee] within 14 days of the filing of the said account.

And it is further ordered that upon the required consent being given, judgment may be entered up against the bankrupt in the Supreme Court, jurisdiction, for the said sum of $ together with $ for costs of judgment.

Dated this day of , 19 .

By the Court,
Registrar

No. 109

CONSENT OF BANKRUPT TO JUDGMENT BEING ENTERED UNDER SECTION 27

Re

I, A.B., of the above-named bankrupt, do hereby consent to judgment being entered against me by the Receiver for the sum of $, 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 provision contained in section 27 of the Act in regard to the issue of execution on such judgment.

Dated this day of , 19 .

No. 110

JUDGMENT TO BE ENTERED PURSUANT TO CONSENT (IN THE SUPREME COURT)

In the Supreme Court of Barbados

19 No.

Between Plaintiff

and

A.B., Defendant

And in the matter of the bankruptcy of the said A.B.

The day of 19 .

Pursuant to the order of the Supreme Court in bankruptcy dated the day of , 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 plaintiff recover against the said defendant , together with for costs of judgment.

Dated this day of , 19 .

G.H.,

Attorney-at-law for Plaintiff

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No. 111

AFFIDAVIT BY BANKRUPT, WHOSE DISCHARGE HAS BEEN GRANTED CONDITIONALLY AS TO AFTER-ACQUIRED PROPERTY OR INCOME

(Title)

I, 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 , and I now reside and carry on business at

2. The statement hereto annexed is a full, true and complete account of all moneys earned by me and all property and income acquired as received by me since the date of my discharge [or, since the date when I last filed a statement of after-acquired property and income in Court, namely, the day of 19].

Sworn at, &c.

(Signature of Debtor)

No. 112

CERTIFICATE FOR REMOVAL OF DISQUALIFICATION

(Title)

Whereas an order of discharge was, on the day of , 19 granted to A.B., of the above-named bankrupt, it is hereby certified that the bankruptcy of the said A.B. was caused by misfortune without any misconduct on his part.

Dated this day of 19 .

By the Court,
Registrar

No. 113

CERTIFICATE OF APPOINTMENT OF TRUSTEE

(Title)

This is to certify that G.H. of , has been duly appointed and approved as trustee of the property of , who was adjudged bankrupt on the day of 19 .

Judge

No. 114

REPORT OF APPOINTMENT OF TRUSTEE TO FILL A VACANCY CAUSED BY RESIGNATION, &C.

(Title)

It is reported to the Court as follows:–

1. That a meeting of creditors in this bankruptcy was held on the day of , 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 by resolution at such meeting N.O. of , was appointed to fill the office of trustee of the property of the bankrupt.

Dated this day of 19.

F.K., Chairman

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No. 115

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.,], on the ground set forth in the annexed affidavit.

Dated this day of , 19 .

G.H., Trustee

No. 116

AFFIDAVIT OF PERSON INTERESTED IN A COMPOSITION FOR COMMITTAL

(Title)

In the matter of a composition made by A.B., of, I, F.M. of make oath and say:

1. That of was by an order of this Court made on the day of 19 , 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 has failed to obey such order.

F.M.

Sworn at, &c.

No. 117

AFFIDAVIT IN SUPPORT OF APPLICATION OF COMMITTAL OF DEBTOR FOR CONTEMPT UNDER SECTION 23

(Title)

I, G.H., the Receiver of the estate of the said debtor [the trustee of the property of the said bankrupt] make oath and say:

Where the debtor does not submit to examination.

[1. That the debtor did attend at the first meeting of his creditors held on the day of , 19 , at , and wilfully refused to submit to be examined at such meeting in respect of his property [or his creditors], contrary to the provisions of the Act.]

Where the 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 day of , 19 ,at [or to wait on me at my office on the day of , 19], contrary to the provisions of the Act.]

Where debtor fails to execute a deed.

[or 1. That the said [debtor] bankrupt has wilfully failed to execute [here describe the deed, &c., that he has failed to execute], contrary to the provisions of the Act.]

When debtor fails to attend a meeting other than the first, or to execute a deed.

2. [That the said (debtor) bankrupt was on the day of 19 , 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, &c.]

When the debtor fails to obey any special orders of the Court.

[or 1. That the said (debtor) bankrupt has wilfully failed to perform the duty imposed on him by section 24 of the Act. [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 day of 19 .]

When the debtor fails to deliver up property.

[or 1. 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 among his creditors under the 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 hereto annexed, and which notice was duly served upon him on the day of 19 , at]

Sworn at, &c.

G.H.

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No. 118

AFFIDAVIT OF TRUSTEE UNDER SECTION 52 (5)

(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 , 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 day of , 19 , 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 day of , posted a letter to the said L.M. addressed to him at , calling upon him to, &c.] and that on the day of , 19 , I posted another letter, by which I again called upon him to, &c., 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, &c.

G.H., Trustee

No. 119

NOTICE OF APPLICATION FOR COMMITTAL UNDER SECTION 17 OR 22

(Title)

To

Take notice that C.D., of will on the day of , 19 at o'clock in the 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 day of 19 [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 day of , 19 .

Registrar

No. 120

NOTICE OF APPLICATION FOR COMMITTAL UNDER SECTION 23

(Title)

To the said A.B., bankrupt.

Take notice that the trustee (or Receiver) of the property of the said bankrupt will on the day of 19 , at o'clock in the 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 section 24 of the Act [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 day of 19 .

Registrar

No. 121

NOTICE OF APPLICATION FOR COMMITAL UNDER SECTION 52 (5)

(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 Receiver) of the property of the said bankrupt will on the day of 19 , at o'clock in the 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, & c.] 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 day of 19 .

Registrar

No. 122

ORDER OF COMMITTAL UNDER SECTION 17 OR 22

(Title)

Whereas by an order of this Court made on the day of , 19 , [here recite the order]: Now upon the application of C.D., of , and

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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 contempt of this Court by his disobedience of the said order, it is ordered that the said A.B. do stand committed to [here insert prison] for his said contempt.

Dated this day of , 19 .

By the Court
Registrar

No. 123

ORDER FOR COMMITTAL UNDER SECTION 23

(Title)

Upon application of the trustee [or 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 has been guilty of a contempt of this Court by having failed to [here follow the notice], it is ordered that the said bankrupt do stand committed to the prison for the said contempt.

Dated this day of 19 .

By the Court,
Registrar

No. 124

ORDER OF COMMITTAL UNDER SECTION 52(5)

(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], and that the said L.M. do stand committed to prison for the said contempt.

Dated this day of 19 .

By the Court,
Registrar

No. 125

AFFIDAVIT OF NON-COMPLIANCE WITH ORDER UNDER SECTION 97(3)

(Title)

I, F.M., of , make oath and say:-

1. That G.H., of , was by an order of the made on the day of 19 , 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, &c.

No. 126

WARRANT OF COMMITTAL FOR CONTEMPT

(Title)

To X.Y., officer of this Court and to the Superintendent of Prisons.

Whereas by an order of this Court bearing date the day of 19 , it was ordered that the said debtor [or L.M., of] should stand committed for contempt of this Court.

These are therefore to require you the said X.Y. to take the said A.B. [or L.M.] and to deliver him to the Superintendent of Prisons, and you the said Superintendent to receive the said A.B. and him safely to keep in the said prison and in your custody until such time as this Court shall order; and you the said Superintendent shall, while the said A.B. is in your custody, at all times when the Court shall so direct, produce the said A.B. before the Court.

Dated this day of , 19 .

By the Court

Registrar

No. 127

ORDER FOR DISCHARGE FROM CUSTODY ON CONTEMPT

(Title)

Upon application made this day of for A.B. who was committed to prison for contempt by order of this Court, dated the day of 19 and upon reading his affidavit showing that he has cleared [or is

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desirous of clearing] his contempt and has paid the costs occasioned thereby, and upon hearing the trustee (or Receiver) [C.D. of], it is ordered that the Superintendent of the Prisons do discharge the said A.B. out of his custody, as to the said contempt.

Dated this day of , 19

By the Court
Registrar

No. 128

ORDER FOR PRODUCTION OF PERSON IN PRISON FOR EXAMINATION BEFORE THE COURT

(Title)

Upon application made this day of by [applicant] for an order for the production of A.B., who was committed to prison for contempt by order of this Court dated the day of , for examination before this Court; it is ordered that the Superintendent of the Prisons do cause the said A.B. to be brought in custody before the Court at on the day of for examination before the Court, and afterwards to be taken back to the said prison, to be there safely kept pursuant to the said order.

Dated this day of 19 .

By the Court,
Registrar

No. 129

SEARCH WARRANT

(Title)

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 [or other place describing it as the case may be] of one X.M., of such house [or place] not belonging to the said debtor.

These are therefore to require you to enter in the day time into the house [or other place, describing it] of the said X.M., situate at aforesaid, and diligently to search for the said property and if any property of the said debtor shall be there found by you on such search, that you seize the same, to be disposed of and dealt with according to the provisions of the Act.

Dated this day of 19

Registrar

To the X.Y. officer of this Court and his assistants [or Marshal and others, the Bailiffs of this Court.]

No. 130

WARRANT OF SEIZURE

(Title)

Whereas on the day of 19 , 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 money 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, except his necessary wearing apparel, bedding and tools as excepted by the Act.

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; 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 day of 19 .

Registrar

To the X.Y. officer of this Court, and to his assistants [or to the and others the Bailiffs of this Court].

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No. 131

WARRANT AGAINST DEBTOR ABOUT TO QUIT THE ISLAND, &C.

(Title)

To the X.Y. officer of this Court and all peace officers within the jurisdiction of the said Court, and to the Superintendent of Prisons.

Whereas by evidence taken upon oath, it has been made to appear to the satisfaction of the Court, that there is probable reason to suspect and believe that the said A.B., of , 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 other wise 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 A.B. is about to remove his goods or chattels with a view of preventing or delaying such goods or chattels being taken possession of by the trustee of the property of the bankrupt or that the said A.B. 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 books, documents, or writings, or some or one of them, may be of use to the creditors in the course of the bankruptcy of the said A.B.]

[Or whereas, by evidence taken upon oath, it hath been made to appear to the satisfaction of this Court that the said A.B. has removed certain of his goods and chattels in his possession, above the value of $, without the leave of the trustees, that is to say.]

[here describe the goods or chattels.]

[Or that the said A.B. did without good cause fail to attend at this Court on the day of 19 , for the purpose of being examined according to the requirements of an order of this Court made on the day of 19 , directing him so to attend.]

These are therefore to require you the said and others, to take the said A.B. and to deliver him to the Superintendent of Prisons, and you the said Superintendent to receive the said A.B., and him safely to keep in the said prison until such time as this Court may order.

Dated this day of 19 .

By the Court,
Registrar

No. 132

ORDER TO POSTMASTER-GENERAL UNDER SECTION 25

(Title)

Upon the application of G.H., of , the Receiver (or trustee) of the property of the above debtor, it is ordered that for a period of 3 months from [here insert the date] all post letters 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 Receiver (or trustee) at [or otherwise, as the Court may direct], and that a sealed duplicate of this order be forthwith transmitted by the Receiver (or trustee) to the Postmaster-General, or officers acting under him.

Dated this day of 19 .

Registrar

No. 133

SUBPOENA

(Title)

ELIZABETH, by the grace of God, &c., to [the names of three witnesses may be inserted] greeting: We command you to attend before at on day the day of 19 , at the hour of in the noon, and so from day to day until the above matter is heard, to give evidence on behalf of [insert name].

Dated this day of 19 .

Registrar

No.134

SUBPOENA DUCES TECUM

(Title)

ELIZABETH, by the grace of God, &c., to [the names of three witnesses may be inserted] greeting: We command you to attend before at on day the day of 19 , at the hour of in the noon and so from day to day until the above matter is heard, to give evidence on behalf of and also to bring with you and produce at the time and place aforesaid [specify documents to be produced].

Dated this day of 19 .

Registrar

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No. 135

SUMMONS UNDER SECTION 26

(Title)

To ,of

You are hereby required to attend at the Court of holden at on the day of 19 , at o'clock in the noon, to give evidence in the above matter, and then and there to have and produce* 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.

*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 dealing 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 $

Dated this day of , 19 .

Registrar

Note – This summons is issued on the application of the Receiver and trustee and take notice, that if the sum of $, stated to be due by you to this estate, be paid to , Receiver, at on or before the day of , this summons will be discharged.

No. 136

ADMISSION OF DEBT BY DEBTOR OF BANKRUPT

(Title)

In the matter of A.B., of , a bankrupt.

I, the undersigned J.K., of , do hereby admit that I am indebted to the said bankrupt in the sum of $ upon the balance of accounts between myself and the said bankrupt.

Dated this day of 19 .

J.K.,

Witness,
C.D., Registrar
[or as the case may be]

No. 137

ORDER TO PAY ADMITTED DEBT

(Title)

Whereas J.K., of , in his examination taken this day and signed and subscribed by him, has admitted that he is indebted to the said debtor in the sum of $, 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 $ forthwith [or if otherwise, state the time and manner of payment], and do further pay to the said trustee the sum of $ for costs.

Dated this day of 19 .

By the Court,
Registrar.

No. 138

WARRANT TO APPREHEND A PERSON SUMMONED UNDER SECTION 26

(Title)

To X.Y. and his assistants of this Court and to the Superintendent of Prisons.

Whereas by summons dated the day of , and directed to A.B., of [or F.M., of], the said A.B., [or F.M.] was required personally to be and appear on the day of at o'clock in the noon at this Court to be examined [and/or produce such document as hereinafter mentioned] which said summons was afterwards on the day of as hath been proved upon oath duly served upon the said and a reasonable sum was tendered him for his expenses, and whereas the said 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. [or F.M.], 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 Superintendent of Prisons, and forthwith, after such taking and delivery, to

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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. [or F.M.], and you the said Superintendent to receive the said A.B. [or F.M.], and him safely keep in the said 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 day of , 19 .

By the Court,
Registrar

No. 139

ORDER FOR PRODUCTION OF PERSON APPREHENDED UNDER WARRANT UNDER SECTION 26 FOR EXAMINATION BEFORE THE COURT

(Title)

Upon report made to the Court the day of that A.B. has been apprehended under a Warrant issued by this Court on the day of , it is ordered that the Superintendent of Prisons do cause the said A.B. to be brought in custody before the Court sitting at on the day of at o'clock in the 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 day of 19 .

By the Court,
Registrar

No. 140

NOTICE TO BANKRUPT UNDER SECTION 54

(Title)

To A.B.

Take notice that I intend to apply to this Court on the day of , 19 , at o'clock in the noon, for an order under Section 51 of the

Act, for the payment of a part of your salary [or income] to me as trustee for the benefit of the creditors under your bankruptcy.

Dated this day of , 19 .

G.H. Trustee

No. 141

NOTICE OF APPLICATION TO SET ASIDE INCOME OF SEPARATE PROPERTY OF BANKRUPT MARRIED WOMAN

(Title)

Take notice that I intend to apply to this Court on the day of , 19 , at o'clock in the noon for an order pursuant to section 55 of the *Bankruptcy Act Cap. 303* that the whole, or such part as the Court may determine, of the income of the separate property of the said A.B. arising under an indenture of Settlement dated the day of and made between and [or as the case may be], notwithstanding the restraint on anticipation to which such income is subject, may be paid to me as trustee for distribution among the creditors.

Dated this day of , 19 .

Trustee

To

No. 142

ORDER SETTING ASIDE PAY, SALARY, &C., UNDER SECTION 54(1)

(Title)

Whereas it appears to the Court that the said bankrupt is [or, here state what the bankrupt is], and as such is in the enjoyment of the annual pay [or salary] of $; and whereas upon the application of G.H. of trustee of the property of the bankrupt, it appears to the Court just and reasonable that the annual sum of $, 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 said bankrupt, and that such payment ought to be made out of the first moneys which shall be due after the day of 19 , 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

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salary is enjoyed], that such portion of the [here insert pay or salary] shall be paid to the trustee accordingly.

Dated this day of , 19 .

By the Court,
Registrar

I consent to the above order.

Dated this day of , 19 .

No. 143

ORDER SETTING ASIDE SALARY OR INCOME, &C., UNDER SECTION 54(2)

(Title)

Whereas it having been made to appear to this Court that the bankrupt is in the receipt of [or entitled to] a salary [or income, half-pay, pension, or compensation granted by the Treasury, as the case may be] of , 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 $, portion of the said salary [or income, &c.] ought to be paid by the bankrupt by monthly [or quarterly] payment [according as the bankrupt receives his salary or income, &c.] 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 day of 19 , 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 in the manner aforesaid out of the bankrupt's said salary [or income, &c.]

Dated this day of 19 .

By the Court,
Registrar

No. 144

ORDER FOR PAYMENT TO TRUSTEE OF INCOME OF SEPARATE PROPERTY OF MARRIED WOMAN NOTWITHSTANDING RESTRAINT ON ANTICIPATION

(Title)

Whereas it has been made to appear to this Court that the bankruptcy under an indenture of Settlement dated the day of and made between and [as the case may be] is entitled to separate property, the income whereof is subject to a restraint on anticipation and whereas upon the application of the trustee in the bankruptcy and having regard to the means of subsistence available for the bankrupt and her children it appears to the Court just and reasonable that the whole [or the annual sum of $]part of such income should be paid to the trustee in the bankruptcy during the bankruptcy for distribution among the creditors by equal monthly [or quarterly or half-yearly] payments of $, and that the first of such payments ought to be made on the day of ,19 , and be continued monthly [or quarterly or half-yearly] until this Court shall make order to the contrary. It is ordered that the said income [or part of income] shall be paid by to the trustee in the bankruptcy in manner aforesaid.

Dated this

By the Court,
Registrar

No. 145

NOTICE OF INTENTION TO DISCLAIM LEASE

(Title)

Take notice that I intend to disclaim the lease dated whereby [here specify property let] was let to the above-named debtor at a rent of $

If you do not within 7 days after service of this notice upon you require me by notice in writing to bring the matter before the Court, I hereby disclaim the said lease as from the expiration of the said 7 days.

Dated

To Mr. X.Y.

G.H., Trustee

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No. 146

NOTICE TO LANDLORD OF INTENTION TO DISCLAIM LEASEHOLD PROPERTY NOT SUB-LET OR MORTGAGED

(Title)

(a) Lease or tenancy as the case

Take notice that I intend to disclaim the (a) dated whereby (b) was let to the above-named debtor at a rent of $

(b) Here specify the property let.

If you require the matter to be brought before the Court, you must give notice thereof to me in writing within 7 days of the receipt by you of this notice.

Dated this day of , 19 .

Trustee

Address

To the landlord of the above-mentioned property.

No. 147

NOTICE OF INTENTION TO DISCLAIM LEASEHOLD PROPERTY SUB-LET OR MORTGAGED

(Title)

(a) Here insert particulars of demised property.

(b) The above-named bankrupt, or as the case may be.

Take notice that I intend to disclaim the lease dated whereby (a) was let to (b) at a rent of $

If you require the matter to be brought before the Court, you must give notice thereof to me in writing within 14 days of the receipt by you of this notice.

Dated this day of , 19 .

Trustee

Address

To Mr.

The landlord of the abovementioned premises; and

To Mr.

The Mortgagee or Sub-tenant

No. 148

DISCLAIMER WITHOUT NOTICE

(Title)

I, , the trustee of the property of the above-named bankrupt, hereby disclaim the (a) of the premises (b) which were let to the above-named bankrupt (c) at a rent of $ per

Notice of this disclaimer has been given to (d).

Dated this day of , 19 .

Trustee

Address

(a) Lease dated the , or as the case be.
(b) Description of the property.
(c) On a tenancy or for a term of years or as the case may be.
(d) Names and addresses of persons to whom notice given.

No. 149

DISCLAIMER OR LEASEHOLD PROPERTY AFTER NOTICE TO LANDLORD, MORTGAGEES, & C.

(Title)

Pursuant to notice dated the day of addressed to (a) , I, , the trustee of the property of the above-named bankrupt, hereby disclaim the lease dated the day of , 19 , whereby (b) were let to (c) at a rent of $ for a term of .

Notice of this disclaimer has been given to (d).

(a) Names and addresses of persons to whom notice of intention to disclaim has been given.
(b) Particulars of demised property.
(c) The above-named bankrupt, or as the case may be.
(d) Names and addresses of persons to whom notice given.

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No. 150

DISCLAIMER OR LEASE WITH LEAVE OF THE COURT

(Title)

Pursuant to an order of the Court dated the day of , 19 , I , the trustee of the property of the above-named bankrupt, hereby disclaim all interest in the lease dated the day of , 19 , whereby the premises (a) were demised to at a rent of per annum, for a term of

(a) Description of property disclaimed.

Notice of this disclaimer has been given to

Dated this day of , 19 .

Trustee.

No. 151

NOTICE OF DISCLAIMER WITHOUT LEAVE OF THE COURT

(Title)

Take notice that by writing under my hand, bearing date the day of , 19 , I the trustee of the property of the above-named bankrupt, disclaimed (a) of the premises known as (b) which were let to (c) at a rent of $ per (d)

(a) The lease dated the day of or as the case may be.
(b) Description of property disclaimed.
(c) On a tenancy or for a term or as the case may be.
(d) Add where necessary "pursuant to notice dated the day of 19 .

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* printed at the back hereof.

Dated this day of , 19 .

Trustee

Address

Note – On the back of this notice the provisions of sub-sections (2) and (6) of section 57 should be printed.

No. 152

NOTICE OF DISCLAIMER OF LEASE WITH LEAVE OF COURT

(Title)

Take notice that pursuant to an order of Court dated the day of , 19 , I, , the trustee of the property of the above-named bankrupt, by writing under my hand bearing date the day of disclaimed all interest in the lease dated the day of 19 , whereby the premises were demised to at a rent of $ per annum, for a term of

The above-mentioned disclaimer has been filed in Court with the proceedings in the bankruptcy.

Dated this day of , 19 .

Trustee

Address

To

No 153

FORM OF NOTICE BY LANDLORD OR OTHER PERSON REQUIRING TRUSTEE TO BRING MATTER OF INTENDED DISCLAIMER OR PROPERTY BURDENED WITH ONEROUS COVENANTS BEFORE THE COURT

(Title)

To Mr.

Trustee of the property of the above-named bankrupt

Sir,

I hereby give you notice that the said 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 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, & c.,

(Signed) A.B.

[State how interested in the property.]

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Schedule to Notice 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	Description of Property Leased	Term and Rent	Date of Mortgage	Name and addresses of parties to Mortgage	Term conveyed by Mortgage	Amount secured by Mortgage	Particulars of any transfer of Mortgage, with date and names, and description of parties thereto

No. 154

APPLICATION FOR DIRECTIONS BY TRUSTEE

(Title)

I desire to make application to the Court for its directions [here state the particular matter.]

Trustee

Let this application be heard on the day of , at o'clock in the noon, and let the trustee give notice to [here insert the persons to whom Notice is to be given].

Dated this day of 19 .

Registrar

No. 155

ORDER ON APPLICATION OF TRUSTEE FOR DIRECTIONS

(Title)

Whereas on the day of , 19 , the trustee of the property of the bankrupt applied to the Court for its directions [here state the particular matter in relat on to which they are sought]. Now upon hearing of C.D. of , on the matter, it is ordered [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 $ the costs of this order, and the sum of $ to C.D. for his costs [or that C.D. do pay the sum of $ the costs of this order, and also the sum of $ to E.F. for his costs].

Dated this day of , 19 .

By the Court,
Registrar

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No. 156

ORDER FOR ADMINISTRATION IN BANKRUPTCY OF ESTATE OF DECEASED DEBTOR UPON PETITION

(Title)

Upon the Petition of C.D., dated , and numbered of 19 , and upon reading and hearing , it is ordered that the estate of A.B. of , who died insolvent, be administered in bankruptcy and that be the trustee and that the costs of this application be

Dated this day of 19 .

By the Court,
Registrar

No. 157

ORDER FOR ADMINISTRATION OF ESTATE OF DECEASED DEBTOR ON TRANSFER OF PROCEEDINGS UNDER SECTION 116(3)

(Title)

Whereas proceedings for the administration of the estate of A.B., late of , deceased, were commenced in the [here set out Court in which proceedings commenced] on the day of 19 .

And whereas that Court did on the day of 19 , 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 116 of the Act, and that G.H. be the trustee of the property of the said A.B. deceased.

Dated this day of 19 .

By the Court,
Registrar

No. 158

STATEMENT TO ACCOMPANY NOTICE OF DIVIDEND AND APPLICATION FOR RELEASE

(Title)

In the matter of , of , under receiving order dated the day of 19 .

Statement showing position of estate at date of declaring dividend or at date of application for release, as the case may be.

DR CR

		Estimated to produce per debtor's statement		Receipts			Payments	
		$	c.	$	c.		$	c.
(a) Creditor or Committee of inspection or as the case may be.	To total receipts from date of receiving order, viz: [State particulars under the several headings specified in the debtor's Statement of Affairs]					By Court fees (including stamp on petition)		
						Law costs of petition ..		
						Other law costs		
	Receipts per trading account					Trustee's remuneration as fixed by (a) viz:		
	Other receipts					Assets realised		
	Total ..							
	Less:–					Assets distributed in dividend ..		
	Deposit returned to petitioner							
	Payments to redeem securities					Special manager's charges		
	Costs of execution					Auctioneer's charges as taxed		
	Payments per trading account					Other taxed costs		

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DR CR

		Estimated to produce per debtor's statement	Receipts			Payments	
			$	c.		$	c.
					Costs of notices in Gazette and local papers ..		
					Incidental outlay		
					Total cost of realization .. $		
		$			Allowance to debtor		
(b) Insert number of creditors. (c) First or as the case may be.	Net realizations .. $				Creditors, viz:– Preferential (b) Unsecured (c) dividend now declared of in the on Dividends previously declared The debtor's estimate of amount expected to rank for dividend was $		
					Balance		
					$		

Section 83 (2) of the Act provides that "if one-fourth in number of value of the creditors dissent from this 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 $
[Add here any special remarks the trustee think desirable.]

Creditors can obtain any further information by inquiry at the office of the trustee.

Dated this day of 19 .

(Signature)
(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.

No. 159

NOTICE TO CREDITORS OF INTENTION TO DECLARE DIVIDEND

(Title)

(a) Insert here "first" or second" "final," or as the case may be.

A (a) 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 day of 19 , you will be excluded from this dividend.

Dated this day of 19

To X.Y.

G.H., Trustee

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No. 160

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 day of 19 , or such later day as the Court [section 60] may fix, your claim will be expunged and I shall proceed to make a final dividend without regard to such claim.

Dated this day of 19

G.H., Trustee

No. 161

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 day of 19 .

Dated this day of 19

Receiver

No. 162

NOTICE OF DIVIDEND

(Title)

[Please bring this Dividend Notice with you.]

Dividend of in the

[Address.]

Dated 19

Notice is hereby given that a dividend of in the dollar has been declared in this matter, and that the same may be received at the office, as above, on the of or on any subsequent between the hours of

Upon applying for payment this notice must be produced entire, together with any bills of exchange or other securities held by you; and if you do not attend personally you must fill up and sign the subjoined forms of Receipt and Authority when a cheque payable to your order will be delivered to the bearer.

(Signed)

G.H., Trustee

To

Note – On application for the dividend, this notice must be produced entire and the bills or other securities held by you must be produced.

RECEIPT

19 .

Received of the sum of $ being the amount payable to in respect of the dividend of in the dollar on claim against this estate.

Creditor's Signature

$ _____

_____

AUTHORITY

Sir,

PLEASE deliver to the cheque

_____

(Insert the name of the person who is to receive the cheque, or the words "me by post" if you wish the cheque sent to you in that way.)

for the dividend payable to in this matter.

Creditor's Signature

_____

No. 163

AUTHORITY TO TRUSTEE TO PAY DIVIDENDS TO ANOTHER PERSON

(Title)

To

The Trustee

Sir,

I/WE hereby authorise and request you to pay to M of , all dividends as they are declared in the above-

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named matter, and which may become due and payable to me/us in respect of the proof of debt for the sum of $, against the above Estate made by me/us (or by , on my/our behalf). (a)

(a) Strike out words inapplicable.

And I/we further request that the cheque or cheques drawn in respect of such dividends may be made payable to the order of the said M whose receipt shall be sufficient authority to you for the issue of such cheque or cheques 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 Signature

of Date

No. 164

APPLICATION BY CREDITOR FOR ORDER FOR TRUSTEE TO PAY DIVIDEND WITHHELD AND ORDER THEREON

(Title)

I, F.K., of , 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 day of 19 , 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 day of 19 .

F.K.

ORDER

Upon reading of this application, and upon hearing it is ordered that the trustee do forthwith pay to the said F.K. the sum of $ 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 $, for interest on such dividend, being at the rate of

per cent per annum for the time that its payment has been withheld, together with a further sum of $ for the costs of this application.

Dated this day of 19 .

By the Court
Registrar

(If the Court does not order payment, then after the words "it is ordered" insert the order made).

No. 165

CERTIFICATE BY COMMITTEE OF INSPECTION AS TO AUDIT OF TRUSTEE'S ACCOUNTS

We, the undersigned, members of the committee of inspection in the matter of , a bankrupt, hereby certify that we have examined the foregoing accounts 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 day of 19

A.B.)
C.D.) Committee of Inspection
E.F.)

No. 166

AFFIDAVIT VERIFYING TRUSTEE'S ACCOUNT

(Title)

I., G.H., of , the trustee of the property of the above-named bankrupt, make oath and say: That *the account hereunto annexed and 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 day of to the day of inclusive, *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 estate *other than and except the items mentioned and specified in the said accounts.

Sworn at, &c.)
)
)

*Note – If no receipt or payment strike out the words in italics.

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No. 167

TRUSTEE'S TRADING ACCOUNT

(Title)

G.H., , the trustee of the property of the bankrupt in account with the estate.

RECEIPTS PAYMENTS

DR CR

Date					Date				

G.H., Trustee

(Date)

We have examined this account with the vouchers, and find the same correct, and we are of opinion the expenditure has been proper.

Dated this day of 19 .

Committee of Inspection
[or Member of the Committee of Inspection.]

No. 168

PROFIT AND LOSS ACCOUNT (TRADING ACCOUNT)

(Title)

Profit and Loss Account

DR				CR			
Stock on hand on day of 19				Sales			
Purchases				Other receipts (if any)			
				Stock on hand on day of 19			
Trade expenses, viz.:							
Rent and taxes							
Wages							
Miscellaneous							
Balance being profit							

G.H., Trustee

(Date)

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. 169

AFFIDAVIT VERIFYING TRUSTEE'S TRADING ACCOUNT

(Title)

I, G.H., of , 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.

Sworn, &c.

G.H., Trustee

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No. 170

STATEMENTS OF ACCOUNTS UNDER SECTION 86(2) OF THE ACT

(Title)

RECEIPTS				PAYMENTS			
Date	Of whom received	Nature of Receipts	Amount	Date	To whom paid	Nature of Payments	Amount

(Signature)

Dated the day of 19 .

No. 171

AFFIDAVIT BY SPECIAL MANAGER

(Title)

I, of , make oath and say as follows:-

1. The account hereunto 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, &c.

No. 172

NOTICE TO CREDITORS OF INTENTION TO APPLY FOR RELEASE

(Title)

Take notice that I, the undersigned, trustee (or late 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 Registrar within 21 days of the date hereof.

A summary of my receipts and payments as trustee is hereto annexed.

Dated this day of , 19

G.H. Trustee

To K.L., Creditor

Note – Section 91(3) of the Act enacts that "An order of the Court releasing the trustee shall discharge him from all liability in respect of any act 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."

No. 173

APPLICATION FOR RELEASE BY TRUSTEE

(Title)

I, 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 to the amount of in the dollar has been paid, as shown by the statement hereunto 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 $ has been paid];

[or That a composition [or scheme] under section 22 of the Act has been duly approved by the Court].

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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 day of 19 .

G.H. Trustee

No. 174

REGISTER OF BANKRUPTCY NOTICES TO BE KEPT BY THE REGISTRAR

No.	Debtor	Creditor	Where filed	Attorney-at-law	Result of Notice

---

No. 175

REGISTER OF PETITIONS TO BE KEPT BY REGISTRAR

No. of Petition	Registrar	Name of Debtor	Residence	Description	Date of Petition	Petitioning Creditor	Attorneys-at-law	Act of Bankruptcy alleged	Date of Receiving Order

---

No. 176

REGISTER OF RECEIVING ORDERS TO BE KEPT BY REGISTRAR

No. of Receiving Order	No. of Petition	Date of Petition	Date of Receiving Order	Date of Public Examination	Date of Approval of Composition or Scheme	Date of Adjudication	Trustee	Date of Hearing Application for Discharge

No. 176 cont'd

Date of Order of Discharge	Result of Application and Conditions (if any)	Date of Trustee's Release	Date of Annulling Adjudication	Proceedings consolidated or transferred	Date of Order for Summary Administration (under Section 103)	Date of Order for Administration of deceased Estate (Section 105)

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No. 177

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 $ 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 days from the appearance of this notice in the Gazette, to transfer such surplus to the credit of the joint estate in the said bankruptcy.

Dated this day of , 19 .

(Signed)

Trustee

No. 178

NOTICES FOR OFFICIAL GAZETTE

"THE BANKRUPTCY ACT, CAP. 303"

(1) Receiving Orders

Debtor's Name	Address	Description	Court	Number of Matter	Date of Order	Date of Petition	Act or Acts of Bankruptcy

(2) First Meetings and Public Examinations

Debtor's Name	Address	Description	Court	Number	Date of first Meeting	Hour	Place	Date of Public Examination	Hour	Place	Date of Order (if any) for Summary Administration

(3) Notice of Day appointed for proceeding with Public Examinations adjourned sine die

Debtor's Name	Address	Description	Court	Number of Matter	Dated fixed for Proceeding with Examination	Hour	Place

(4) Adjudications

Debtor's Name	Address	Description	Court	Number	Date of Order	Date of Petition

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(5) Order on Application to sanction Composition or Scheme

Debtor's Name	Address	Description	Court	Number	Date of Order	Nature of Scheme or Composition sanctioned or Order made

(6) Notice of Intended Dividend

Debtor's Name	Address	Description	Court	Number	Last day for receiving proofs	Name of Trustee	Address

(7) Notice of Dividend

Debtor's Name	Address	Description	Court	Number	Amount per $	First or final or otherwise	When payable	Where payable

(11) Appointment of Trustees

Debtor's Name	Address	Court	Number	Trustee's Name	Address	Date of Certificate of appointment

(12) Notice of Release of Trustee

Debtor's Name	Debtor's Address	Debtor's Description	Court	No. of Matter	Trustee's Name	Trustee's Address	Trustee's Description	Date of Release

(13) Administration Orders in the Case of Deceased Debtors under Section 116

Name of Deceased	Address	Description	Date of Death	Court	No. of Matter	Date of Order	Date of Petition or Application for Transfer	Act or acts of Bankruptcy (if any) committed by deceased within 3 months before the date of his decease	Whether Will or other Testamentary Disposition (with date thereof), or Letters Administration	Date when proved or granted

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(14) Order annulling Composition or Scheme

Debtor's Name	Address	Description	Court	No.	Date of Approval	Date of Annulment	Grounds of Annulment

(15) Notices to Debtors in lieu of Personal Service of Bankruptcy Notices and Petitions, and of Applications to commit for Contempt of Court

Debtor's Name	Debtor's Address	Debtor's description	Cost	No. of proceedings	Nature of notice of which substituted service is directed	Date thereof	If a petition or application to commit, date of hearing	Name and description of person giving Bankruptcy notice or by whom petition is presented or by whom application to commit is being made

(16) Notices, in lieu of Personal Service, of Applications to commit Persons, other than Debtors, for Contempt of Court

Name of Person against whom applica-tion is made	Address	Descrip-tion	In what matter application made					Date on which applica-tion will be heard
			Name of Debtor	Address	Descrip-tion	Court	Number of pro-ceedings	

(17) Memorandum of Advertisement or Gazetting (Title)

Name of Paper	Date of Issue	Date of Filing	Nature of Order, &c.

(Signed) A.B., Receiver

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APPENDIX

Rule 319

FEES PAYABLE TO THE REGISTRAR

	$ c
On filing every declaration by a debtor of inability to pay his debts	1.20
On issuing every bankruptcy notice	1.20
On every bond with sureties	2.40
On every affidavit filed other than proof of debts	48
On every subpoena	.48
On filing every application for an order of discharge including expenses of gazetting	7.20
On every other application to the Court	1.20
On filing any other document	.48
On every record of trial	14.40
On issuing a judgment or other summons	1.20
On public examination of the debtor	4.80
On hearing every application to the Court, verbal or otherwise	2.40
On giving any notice, in addition to actual cost of printing, if same is advertised	.96
On searching records	.48
On every office copy, each folio of 72 words	.08
On every certificate for any costs, charges or disbursements	
Where the amount shall not exceed $19.20	.48
Where the amount exceeds $19.20, for every $9.60 allowed or a fraction thereof	.24

For any other act not herein provided for the same fee as in cases of actions under the Rules of the Supreme Court.

In respect of the services of the Marshall, the same fees as in cases of actions under the Rules of the Supreme Court.

FEES PAYABLE TO THE RECEIVER

For inspecting books kept by him, provided such inspection does not exceed half an hour	.48

For every additional half hour or part thereof ..... .24
For copies of documents and accounts, each folio of 72 words ..... .08
For receiving and filing each claim with the documents and vouchers in support thereof ..... .48
For administering oath to affidavit of claimant, if not previously sworn to before a Commissioner of Affidavits ..... .48
For searching the records ..... .48
For every insolvency petition 24.00
exceptional cases where the petitioning creditor's solicitor has from the presentation of the petition rendered special services in the interests of the creditors generally, and such services shall have assisted to preserve or increase the assets, or otherwise been of substantial advantage to the estate, all proper charges for such services at the rate specified in the scale may be allowed upon a certificate signed by the Receiver or trustee to that effect which may be given by a memorandum containing such certificate at the foot of the Bill of Costs.

When the Receiver employs the petitioning creditor's attorney or the debtor's or other attorney to take any steps for the protection or benefit of the estate or in other matters not included in the foregoing scale, the costs of the work done under such employment in the absence of any special agreement with the Receiver, may be allowed.

Where the petition is opposed costs may be allowed in addition for necessary matters, such allowance shall be made in conformity with the scale as nearly as may be of costs in the Supreme Court.

DEBTORS' SOLICITORS' COSTS

WHERE THE COURT ALLOWS COSTS TO THE DEBTOR ON A BANKRUPTCY NOTICE BEING SET ASIDE

Instructions to apply set aside bankruptcy notice 1.60
Perusing and considering notice 1.20

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Instructions for affidavit of counterclaim	1.60
Drawing same and fair copy	1.60
Attending to file, and drawing application for appointment to hear and notice	1.60
Costs of further affidavits or of procuring *vivo voce* evidence, and of other incidental charges properly incurred, including where necessary usual charges for brief and fees to Counsel may be allowed	
Attending Court on application	3.20
Drawing order and copy and attending to pass where the Court allows cost to the debtor on dismissal or petition	1.60
Attending debtor served with copy of petition and taking instructions to show cause	1.60
Drawing notice to show cause	1.20
Two fair copies for service	.48
Attending filing	1.60
Service on creditor	.60
Service on creditor's attorney	.60
Perusing and considering petition	1.60
Special attendances may be allowed to examine witnesses as to the facts they can prove, and also for summoning witnesses, and where it is necessary to instruct Counsel, the usual charges for brief and Counsel's fees may be allowed	
Attending Court on petition	3.20
Drawing order and copy and attending to pass	1.60

MISCELLANEOUS COSTS

INSTRUCTIONS

For statement of facts of special case for the opinion of the Court or a Judge	3.20
For motion	1.60
For motion on appeal	3.20
For any proceeding or application not otherwise provided for	1.60
For application for directions	1.60
For application for substituted service	1.60

For brief on hearing, trial or determination of any petition, issue of fact, special case or motion other than an interlocutory motion before the Court or a Judge 4.80

PERUSALS

Perusals of any document 1.60

ATTENDANCES

In Court 3.20
General attendances, each 1.60

THE LAWS OF BARBADOS
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