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CHAPTER 6.

BANKRUPTCY.

BANKRUPTCY RULES

RULES MADE UNDER SECTION 108.

DIVISION OF RULES

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PART I.

PRELIMINARY.

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

2. 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.

3. In these rules, unless the context or subject matter otherwise requires-

“the Court” means the Court having jurisdiction under the Law;

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

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

“Registrar” means a Registrar of the court, and includes an Assistant Registrar of the court;

“scheme” means a scheme of arrangement under the Law;

“sealed” means sealed with the seal of the court;

“trustee” includes the trustee appointed under a composition or scheme, and includes an Official Receiver when acting as trustee;

the verb “to gazette” means to publish in the Gazette, and the verb “to advertise” means to publish in a local Greek and in a local Turkish paper;

“verified” means verified by affidavit, [*16]

4. The forms in Appendix A, where applicable, and where not applicable forms of the like character with such variations as circumstances may require, shall be used.

PART II.

GENERAL PROCEDURE.

Court and Chambers.

5.-(1) The following matters shall be heard in open Court, namely :-

- (a) the public examination of debtors;
 - (b) applications to approve a composition or scheme;
 - (c) applications for orders of discharge, and applications for certificates under section 27 (4) of the Law;
 - (d) applications to set aside or avoid any settlement, conveyance, transfer, security, or payment, or to declare for or against the title of the trustee to any property adversely claimed;
 - (e) applications for the committal of any person to prison for contempt;
 - (f) applications against the rejection of a proof, or applications to expunge or reduce a proof, where the amount in dispute exceeds one hundred pounds.
- (2) Subject to the provisions of the Law, other matters may be heard in chambers or in open Court as the Court may think fit.

Proceedings.

6. Where the court has more than one registry, the proceedings shall be taken in the registry within the administrative district in which the debtor has resided or carried on business for the longest period during the six months immediately preceding the presentation of the petition.

7.-(1) Every proceeding in court under the Law shall be entitled as follows:-

In the District Court of Registry of No. of 19
In Bankruptcy
Re

(Ex parte the debtor, or X.Y., a creditor, or the trustee, or the Official Receiver.)

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

8. All notices required by the Law or these rules shall be in writing.

9. All documents lodged with the Registrar shall be typed or written neatly in English. The paper to be used shall be uniform in size with the paper used by the court, that is to say, thirteen inches by eight, or thereabouts. But no objections shall be allowed on the ground of non-compliance with this rule, [*17]

10. The record of the proceedings may at all reasonable times be inspected under the supervision of the Registrar by the trustee, the debtor, and any creditor who has proved, or any person authorized by them.

11. All notices and other process issued by the court shall be sealed.

12. Where the Court orders a general meeting of creditors to be summoned under rule 5 of the First Schedule to the Law, it shall be summoned as the Court directs, and in default of any direction by the Court the Registrar shall transmit a sealed copy of the order to the trustee (or, as the case may be, the Official Receiver) ; and the trustee or Official Receiver shall, not less than seven days before such meeting, send by post a copy of the order to each creditor at the address given in his proof, or, when he shall not have proved, at the address given in the list of creditors by the debtor, or such other address as may be known to the trustee or Official Receiver.

13.-(1) When any matter is gazetted or advertised in relation to the proceedings, a copy of the Gazette and of the local papers in which the advertisement was made shall be handed to the Registrar.

(2) The Registrar shall keep the copies with the proceedings, and make and file a memorandum referring to and giving the date of publication.

(3) The Registrar's memorandum shall be prima facie evidence that the publication to which it refers was duly made in the issue of the Gazette or paper mentioned in it.

(4) Where no paper is published in the administrative district in which the proceedings are being held, the Court may direct the advertisement to be inserted in a paper published at Nicosia.

14.-(1) Where any bankruptcy has been commenced in a wrong Court or in a wrong registry of a Court, the Chief Justice may at any time order the proceedings to be transferred to any other Court having jurisdiction under the Law or to any other registry prescribed by these rules.

(2) The Chief Justice may at any time order the whole or any portion of the proceedings in any matter under the Law to be transferred from any Court to any other Court of competent jurisdiction, or from one registry to another registry of the Court.

15. Where proceedings are transferred, the Official Receiver of the Court or registry to which they are transferred shall become the Official Receiver of the debtor's estate in the place of the Official Receiver of the Court or registry from which they were transferred. [*18]

16. Every application to the Court shall set out the law or rules on which it is based, and be supported by affidavit verifying the facts relied upon. Save where other provision is made, an affidavit shall not be necessary in the case of applications by the Official Receiver.

The application shall be indorsed with an address within the town in which the registry of the Court is situated at which notices to the applicant may be left.

17.-(1) Saving the Court's power to dispense with notice, or to order that it shall be given in such other manner as it may think fit, notice of an application shall be given to every party affected thereby by causing a copy of the application showing the day fixed for the hearing and of the affidavit (if any) in support to be delivered to such party, with the qualifications following, namely:-

(a) where it is to be given to the Official Receiver or trustee, the copies shall be served through the Court, and may, in addition to any other mode of service, be delivered to the clerk in charge of his office;

(b) where notice is to be given to a debtor, the copies shall be served on him through the Court;

(c) where it is to be given by the Official Receiver or trustee to the creditors generally, the copies may be sent by post;

(d) where it is to be given to a particular creditor or other person specifically affected by the application, the copies shall be served through the Court.

(2) Where notice of any matter arising out of an application or other proceeding is required to be given by the Registrar, it may be left by one of his officers at the address indorsed (if any) or sent by post to the address known to the Registrar. The officer's or the Registrar's certificate in this behalf shall be prima facie evidence of the delivery or posting.

(3) Other notices may be given in the manner provided by sub-rules (1) and (2) of this rule.

18. Save where other provision is made, any party intending to oppose an application shall, two days before the date fixed for the hearing, file with the Registrar notice of his intention setting out the law or rules on which the opposition is based, with an affidavit verifying the facts relied upon in opposition. Such party shall at the same time leave at the applicant's town address a copy of such notice and of such affidavit.

Security.

19. Save where the Law or 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 sureties to the person to be secured, or, in lieu thereof, by a deposit in Court with a memorandum setting out the conditions. The amount to be inserted in the bond or to be deposited in Court shall include the probable costs. The bond or the memorandum shall be signed in the presence of the Registrar. [*19]

Accounts and Base of Mortgaged Property.

20. Upon application by any person claiming to be a mortgagee of any part of the bankrupt's immovable property, (of which application notice shall be given to the trustee), the Court shall, where necessary, inquire into the circumstances of the mortgage, and, if satisfied that there ought to be a sale, order a sale to be made for the amount found to be due to such mortgagee.

21. The sale shall be made in accordance with the Rules of Sale for the time being in force under the Civil Procedure Law, Cap. 7, and, unless the Court otherwise directs, the net proceeds of the sale shall be applied in the first place to the payment of the trustee's costs occasioned by the application, and in the next place to payment of the amount due to the mortgagee for principal, interest, and costs, and the surplus (if any) shall then be paid to the trustee. But where the proceeds are insufficient to satisfy the amount due to the mortgagee, he shall be entitled to prove as a creditor for the deficiency and receive dividends thereon rateably with the other creditors, but so as not to disturb any dividend then already declared.

Warrants, Arrests, and Commitments.

22. When a debtor is arrested under a warrant issued under section 24 of the Law, he shall be given into the custody of the Governor of the prison 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 Receiver or trustee, as the case may be.

23. When a person is apprehended under a warrant issued under section 26 (2) of the Law, he shall be brought before the Court for examination, and if he cannot immediately be examined he shall be delivered to the Governor of the prison mentioned in the warrant, and such Governor shall keep him in custody and produce him before the Court as it may direct. The officer executing the warrant shall immediately inform the Court of the apprehension of the person named in it, and the Court shall fix the earliest practicable day for his examination. The Registrar shall forthwith give notice of the day appointed to the Official Receiver, trustee, or other person who shall have applied for the examination or warrant.

24.-(1) Every application made to the Court for the committal of any person for contempt of Court shall be supported by affidavit.

(2) Notice of such application shall be served personally on the person sought to be committed. [*20]

Service.

25.-(1) Service (except where the Law or these rules otherwise provide) shall be effected in the same manner as in civil proceedings. But where service in such manner cannot be effected the Court may order service to be made within such time and in such manner as it shall think fit.

(2) Where any document may be sent by post it shall be sent by registered letter.

(3) Where no other time is specified, any document to be served or posted shall be served or posted not less than seven days before the day fixed for the proceeding to which it relates.

Costs and Taxation.

26. Where an action is brought against the Official Receiver or the trustee as representing the debtor's estate, or where either is made a party to a cause or matter on the application of any other party, he shall not be personally liable for costs unless the Court otherwise orders.

27. Where the Court has not fixed the amount of the costs of any proceeding, these shall be taxed by the Registrar pursuant to the Court's direction and in accordance with the scale set forth in Appendix B.

(2) In cases of summary administration ordered under section 103 of the Law, a lower scale of advocates' fees (where certified by the Court) shall be allowed in proceedings under the Law in which costs are payable out of the estate, namely three-fifths of the charges ordinarily allowed, disbursements being added.

28. Before taxing the bill of any person employed by the Official Receiver or trustee, the Registrar shall require a certificate signed by the Official Receiver or

trustee setting forth the terms of remuneration agreed to, if any, and, where necessary, as in the case of the bill of costs of an advocate, a copy of the resolution or other authority sanctioning the employment.

29. Where pursuant to section 45 (1) of the Law the Sheriff is required to deliver goods or money to an Official Receiver or trustee, he shall, if he has not already deducted the costs of execution, hand his bill of costs for payment within fourteen days of delivery.

30. All applications for costs incident to a proceeding before the Court shall be made at the time of the proceeding. If not made at such time, no costs shall be allowed except by special order of the Court to be granted only upon the Court being satisfied that application could not have been made at such time.

31. Any person claiming costs against the estate and requiring his bill to be taxed shall give notice thereof to the Official Receiver and the trustee (if any). [*21]

32. Saving the power of the Court to order otherwise, the assets remaining after payment of the preliminary expenses prescribed by section 36 of the Law, shall, before any payment is made under section 38 of the Law, be liable to the following payments, which shall be made in the following order of priority, namely :-

(a) the deposit or deposits lodged by the petitioning creditor pursuant to these rules

(b) the deposit or deposits lodged on any application for the appointment of an interim receiver;

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

(d) any allowance made to the debtor by the Official Receiver;

(e) the trustee's necessary disbursements other than actual expenses of realization;

(f) the costs of any person properly employed by the trustee with the sanction of the committee of inspection;

(g) any allowance made to the debtor by the trustee with the sanction of the committee of inspection;

(h) the remuneration of the trustee;

(i) the actual out-of-pocket expenses necessarily incurred by the committee of inspection subject to the approval of the Court; and

(j) any other costs of administration or otherwise allowed by the Court.

33. Where more than one bankruptcy petition is presented against a debtor the costs of any petition other than the first shall not be allowed against the estate unless the Court is satisfied that the estate has benefited thereby.

34. 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 Receiver may in his discretion determine.

35.-(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 Receiver 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 Receiver may think fit. The Official Receiver 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 appointment of the trustee for 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 appointment of the trustee which affects any separate estate out of that separate estate. [*22]

(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. The trustee with the said consent may also 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 sub-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 such committee withhold or refuse their consent, without an Order of the Court.

Appeals.

36. No appeal shall be brought without the leave of the Court or of the Supreme Court from any decision of the Court involving an amount of less than twenty-five pounds or relating to property appearing from the proceedings to be less than twenty-five pounds in value.

PART III.

PROCEEDINGS IN BANUPTCY.

Declarations of Inability to pay Debts.

37. A declaration by a debtor of his inability to pay his debts shall be signed by him in the Registrar's presence. The Registrar shall date and witness the declaration.

Bankruptcy Notice

38.-(1) A bankruptcy notice may be issued by the registry of any Court in which a bankruptcy petition might be filed.

(2) A bankruptcy notice shall not be invalid by reason that it is issued by a wrong Court or a wrong registry, but in such a case the Court may, if it thinks fit, order the notice to be set aside on such terms as to costs or otherwise as may be just.

39. A creditor, desirous that a bankruptcy notice may be issued, shall produce to the Registrar an office copy of the judgment or order 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 two copies of the bankruptcy notice to be sealed for service.

40.-(1) Every bankruptcy notice shall be endorsed with the name of the advocate actually suing out the same, or if no advocate is employed with a memorandum that it is sued out by the creditor in person. Such notice shall also be indorsed with an address within the town in which the registry of the Court is situated at which notices to the creditor may be left. [*23]

(2) There shall also be indorsed an intimation to the debtor that if he has a counterclaim, set-off, or cross demand which equals or exceeds the amount of the judgment debt or sum ordered to be paid, and which he could not have set up in the action or proceedings in which the judgment or order was obtained, he must within the time specified in the notice file an affidavit to that effect with the Registrar. Such affidavit shall be indorsed with an address within the town in which the registry of the Court is situated at which notices to the debtor may be left by the Registrar.

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

41. 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 such application, and not less than three days before the day so fixed shall give notice thereof both to the debtor and the creditor at the addresses given by them under rule 40. If the application cannot be heard until after the expiration of the time specified in the bankruptcy notice as the day on which the act of bankruptcy will be complete, the Court 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.

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

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

Bankruptcy Petitions.

44.-(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.

(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, as 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. [*24]

45. Subject to the provisions of section 88 of the Law, where a debtor has for the greater part of six months next preceding the presentation of a bankruptcy petition carried on business within the district of one Court or registry, and

resided within the district of another Court or registry, the petition shall be filed in the registry of the Court within the district of which he has carried on business.

46.-(1) Every bankruptcy petition shall be signed by the person presenting it in the Registrar's presence. The Registrar shall date and witness the petition.

The petition shall be indorsed with an address within the town in which the registry of the Court is situated at which notices to the petitioner may be left by the Registrar.

(2) Where owing to illness the person presenting a petition cannot attend at the office of the Registrar, the Registrar may, on payment of his proper expenses, go to the house of such person for the purpose of attesting the petition.

(3) Where the person desirous of presenting a petition is not in Cyprus, any person duly authorized by him may sign it in the Registrar's presence on his behalf. The authority so to sign shall be filed with the proceedings. Such authority shall, if executed in the United Kingdom, be attested by a solicitor or justice of the peace; in the dominions or colonies or territories in the protection of the Crown, by a Registrar of the High Court; and if executed anywhere else, it shall be attested by a notary public whose signature shall be certified by a British consul, or by such consul himself.

47.-(1) Upon the presentation of a petition the petitioner shall deposit with the Official Receiver the sum of five pounds if a debtor, and if a creditor the sum of seven pounds and ten shillings, to cover the fees and expenses to be incurred by the Official Receiver; and the Registrar shall not accept any petition unless the Official Receiver's receipt for the deposit is produced to him.

(2) The petitioner shall also deposit with the Official Receiver such further sum (if any) as the Court may from time to time direct for the like purposes.

(3) The Official Receiver shall account for the moneys so deposited to the creditor, or, as the case may be, to the debtor's estate, and any deposit made by a petitioning creditor shall be repaid to him (except and so far as it may be required by reason of insufficiency of assets for the payment of the fees of and expenses incurred by the Official Receiver) out of the proceeds of the estate in the priority prescribed by these rules. [*25]

48.-(1) On the filing of a bankruptcy petition by or against a debtor the Registrar shall forthwith send notice thereof to the chief clerk of the Land Registry Office of the district with a request that such petition may be registered in a book to be kept for the purpose. Where it is apparent from the petition that the debtor has resided or carried on business in more than one district, notice shall be sent to the Land Registry Office of each.

(2)-(a) Where a petition is filed by or against a firm in the name of the firm, the debtors or the petitioning creditor shall with such petition file a statement of the names and addresses of the partners as registered under the Partnership Law, Cap.196, at the date of the presentation of the petition. If such names are not so registered the debtors shall state the true names and addresses of all the partners in the firm, and the petitioning creditor shall state the names and addresses of such partners to the best of his information and belief. The Registrar shall in such case send a notice of the petition with request for

registration to the Land Registry Office in the same manner as under sub-rule (1) of this rule.

These provisions shall also apply to any person carrying on business in a name or style other than his own.

(b) The statement mentioned in paragraph (a) hereof shall, where registration has been effected pursuant to the provisions of the Partnership Law, Cap. 196, be accompanied by a copy of the Gazette in which the statement sent to the Registrar of Partnerships was published pursuant to section 55 of the said Law.

Creditor's Petitions.

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

50.-(1) Every creditor's petition shall be verified by affidavit, and when it is filed there shall be lodged with it two or more copies to be sealed for issue.

(2) Any affidavit filed in support of the petition must be made by a person who can swear from his own knowledge to the truth of the facts to which he deposes.

(3) When one person cannot from his own knowledge depose to the truth of all the statements in the petition, two or more persons who can so depose may join in the making of an affidavit in support of the petition.

(4) When two or more persons make a joint affidavit, the statements to the truth of which each one deposes shall be set out separately.

(5) Two or more affidavits may, where this is more convenient, be filed in support of the petition. Where this is done, each affidavit shall set out the statements it verifies. [*26]

Service of Creditor's Petition.

51.-(1) A creditor's petition shall be personally served by delivering to the debtor a sealed copy of the petition.

(2) If personal service cannot be effected by reason of the debtor keeping out of the way to avoid it, or if for any other cause prompt personal service cannot be effected, the Court may order substituted service to be made in any manner it may think fit, and such petition shall then be deemed to have been duly served on the debtor.

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

53. If a debtor against whom a bankruptcy petition has been filed dies before service thereof, the Court may order service to be effected on his executor or on the administrator of his estate, or on such other person as the Court may think fit.

Interim Receiver.

54.-(1) The application for appointment of the Official Receiver to be interim receiver, and the order so appointing him, shall state the locality of the property of which he is to take possession.

(2) A copy of the order shall be delivered by the person on whose application it was made to the Official Receiver to be gazetted and advertised, and another to the chief clerk of the Land Registry Office in like manner as in the case of bankruptcy petitions under rule 48.

55.-(1) Before any such order is issued the person on whose application it was made shall deposit with the Official Receiver five pounds towards his fee, and such further sum as the Court shall direct for the expenses which he may incur.

(2) If the sum so deposited shall prove insufficient the Court may from time to time, on the application of the Official Receiver, direct the depositing of further sums; and if the directions made are not complied with within twenty-four hours the order appointing the interim receiver may be discharged.

(3) If such order is followed by a receiving order, the deposits so made shall be repaid (except and so far as they may be required by reason of insufficiency of assets for the interim receiver's fees and expenses) out of the proceeds of the estate in the order of priority prescribed by these rules.

56. Where the petition is dismissed, any claim to damages arising out of the appointment of an interim receiver shall be made within twenty-one days of the dismissal of the petition; and upon application made within such time the Court shall adjudicate thereon and make such order as may seem just. [*27]

Hearing of Petition.

57.-(1) Where a petition is filed by a debtor the Court shall forthwith make a receiving order thereon and direct the debtor to attend immediately on the Official Receiver at his office.

(2) In the case of a creditor's petition the day to be fixed by the Registrar shall be written on the petition and sealed copies for service.

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

59. Where a debtor intends to show cause against the petition he shall, four days before the day fixed for the hearing, file with the Registrar a notice specifying the statements in the petition which he intends to dispute, and at the same time serve a copy of such notice on the petitioning creditor at his town address.

60.-(1) 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 it may think sufficient.

(2) If the debtor appears to show cause against the petition, the petitioning creditor's debt, and the act of bankruptcy, or the matters notified by the debtor to be disputed, shall be proved; and if further time shall be desired by the petitioning creditor or by the debtor, the Court may, where it is satisfied that the extension will not be prejudicial to the general body of creditors, grant such further time (in each case not exceeding seven days) as it may think fit.

(3) No costs occasioned by an extension shall be allowed out of the estate unless expressly ordered by the Court.

61. 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 to which the previous petition was presented.

62. The personal attendance of the petitioning creditor or of his witnesses may, if the Court thinks fit, be dispensed with.

63. After the expiration of one month from the day fixed for the first hearing of a petition (provided it has been served) no further adjournment shall be made except for the reasons set forth in rule 60 (2), or for some such other sufficient reason to be stated on the record; but in every such case, unless an adjournment is made, the Court shall either make a receiving order or dismiss the petition.
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Receiving Order.

64. When a receiving order is made on a creditor's petition there shall be stated in such order the nature and date, or dates, of the act or acts of bankruptcy upon which the order has been made. Every such order shall contain a notice requiring the debtor to attend on the Official Receiver at his office immediately after the order is served on him.

65.-(1) A copy of every receiving order shall forthwith be delivered to the Official Receiver by the person on whose petition it was made.

(2) Such person shall also deliver a copy of such order to the chief clerk of the Land Registry Office in like manner as in the case of bankruptcy petitions under rule 48.

(3) Such person shall also cause a copy of such order to be served on the debtor.

(4) Where on such order being made on the debtor's own petition the debtor fails to carry out forthwith the provisions of this rule, the Registrar shall proceed to carry out such provisions himself: the costs so incurred shall be paid by the Official Receiver and deemed to be part of the expenses incurred by him under section 36 (1) (a) of the Law.

66. The Official Receiver shall gazette and advertise every receiving order in the manner prescribed by section 13 of the Law.

67. Where a debtor against whom a receiving order has been made is not in Cyprus, the Court may order service on him of such order, or of any other order made against him, or summons issued for his attendance, to be made within such time and in such manner as it shall think fit.

68. A receiving order shall not be made against a debtor on a petition in which the act of bankruptcy alleged is noncompliance with a bankruptcy notice within the appointed time, where such debtor shall have 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 may think fit.

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

70.-(1) The costs of all proceedings down to and including the issuing of a receiving order shall be borne by the party prosecuting the same. If such party be a creditor, his costs, unless disallowed by the Court or the Court otherwise orders, shall be taxed and be payable out of the estate in the order of priority prescribed by the Law. [*29]

(2) When the proceeds of the estate are not sufficient to defray the costs and any expenses necessarily incurred by the Official Receiver (in excess of the deposit) up to the conclusion of the first meeting of creditors, or up to the appointment of a trustee, whichever is later in time, such excess shall be payable by the party prosecuting the proceedings.

71. 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 of service on the Official Receiver of notice thereof. Pending the hearing of the application the Court may make an interim order staying such of the proceedings as it thinks fit.

72.-(1) Where an application is made to the Court to rescind a receiving order or to annul an order of adjudication on the ground that the debts of the debtor have been paid in full, the Official Receiver shall make and file four days before the day of the hearing a report as to the debtor's conduct and affairs (including a report as to his conduct during the proceedings), and on the hearing the Court shall consider the report and bear such further evidence as may be adduced by any party and any objections made by or on behalf of the trustee (if any) or any creditor whom the Court may order to be served with notice of the application or may permit to appear thereon. For the purposes of the application the report shall be prima facie evidence of its contents.

(2) For the purposes of this rule "creditor" includes all creditors mentioned in the debtor's statement of affairs, or who have notified the Official Receiver or trustee that they have, or at the date of the receiving order had, claims against the debtor.

Statement of Affairs.

73. Every debtor shall be furnished by the Official Receiver with instructions for the preparation of his statement of affairs. Such statement shall be made out in duplicate, and one copy shall be verified by the debtor. The Official Receiver shall file in Court the verified statement of affairs submitted to him by the debtor.

74. Where any debtor requires an extension of the time for submitting his statement of affairs, he shall deliver his application to the Official Receiver, who shall forthwith lay it with his observations before the Court for directions.

Public Examination.

75.-(1) When a receiving order has been made the Official Receiver shall apply for a day to be appointed for the public examination of the debtor, and thereupon the Court shall by an order appoint a day and hour and order the debtor to attend the Court on the day and hour appointed, [*30]

(2) The Official Receiver shall cause a copy of the order to be served on the debtor, and shall give notice of the order to every creditor who has tendered a proof. He shall also gazette and advertise the order.

76. If the debtor, without good cause shown, fails to attend the Court at the time appointed for his examination, or at any time to which it is adjourned, it shall be lawful for the Court upon proof of service on him of its order, and without any further notice to him, to issue a warrant for his arrest as provided by section 24 (1) (d) of the Law, or to make such other order as it may think fit.

77.-(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, and 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 it shall think fit.

(2) Where after such adjournment a day is appointed for the examination of the debtor, on the application either of the Official Receiver or of the debtor, the Official Receiver shall cause notice of the day so appointed to be served on the debtor and to be given to each creditor who has tendered a proof, and shall also gazette and advertise such notice.

78.-(1) An application under section 16 (10) of the Law may be made by the Official Receiver, or by any person who appears to the Court to be a proper person to make it.

(2) If made by the Official Receiver, it shall be accompanied by his report, which shall be received as prima facie evidence of its contents.

(3) If made by any other person, it shall be supported by the affidavit of some medical practitioner as to the debtor's physical and mental condition, and notice shall be given to the Official Receiver and trustee (if any). The medical practitioner shall, if required by the Court, attend the hearing and may be examined.

(4) Where the order is made on the application of the Official Receiver, the expense of holding the examination shall be deemed to be an expense incurred by him within the meaning of section 36 (1) (b) of the Law. Where the application is made by any other person, he shall, before any order is made, deposit with the Official Receiver such sum as the Official Receiver shall certify to be necessary for the expenses of the examination.

Composition or Scheme.

79. 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 Receiver for the purpose of the meeting of creditors for consideration of the proposal. [*31]

80.-(1) Where the creditors have accepted a composition or scheme, and the public examination of the debtor has been concluded, the Official Receiver or the debtor may forthwith apply to the Court for the approval of such composition or scheme. The Official Receiver shall not by so applying be deemed necessarily to approve of the composition or scheme.

(2) If not made by him, notice of the application shall be given to the Official Receiver ten days before the hearing.

(3) The Official Receiver shall, not less than four days before the hearing of any such application, send notice thereof to every creditor who has proved his debt.

(4) The Official Receiver shall also, not less than four days before the hearing, file his report in Court.

81. The Official Receiver shall gazette and advertise any order made on an application to approve a composition or scheme.

82. Though duly accepted by the creditors, no composition or scheme shall be approved unless the Official Receiver certifies that provision has been made for the payment of all proper costs, charges, and expenses of and incidental to the proceedings and of all fees and percentages payable to him.

83. The Court may, at the time of approving a composition or scheme, correct or supply any accidental or formal slip, error, or omission, but no alteration in the substance shall be made.

84. When a composition or scheme is approved, the Official Receiver shall, on the payments prescribed by rule 82 being made, put the debtor (or, as the case may be, the trustee under the composition or scheme, or the 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.

85. 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 Receiver 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.

86. Every trustee appointed under a composition or scheme shall, after it is approved, give security to the satisfaction of the Court in like manner as if he were a trustee in bankruptcy. Such trustee shall not act under his appointment until he has given such security, and if he fail to do so within the time required, he may be removed by the Court, [*32]

87. No action shall lie for the enforcement of any payment under an approved composition or scheme, but the remedy shall be by application to the Court.

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

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

90. 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 so thinks fit, direct that the amount which would be payable upon such claim, if established, shall be secured in such manner as it may direct until the determination of such claim, and on the determination thereof the sum so secured shall be paid as the Court may direct.

91. 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, or, if there is none, with the Official Receiver, who shall admit or reject the same. And no creditor shall be entitled to enforce payment of any sum payable under a composition or scheme unless and until his proof has been admitted.

92. All rules relating to compositions or schemes shall apply to compositions or schemes under section 17 of the Law, and, so far as practicable, also to compositions or schemes under section 22 of the Law.

Adjudication.

93. 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 bankrupt. Such application may be made orally and without notice.

94. On the application of a creditor, or of the Official Receiver, the Court may, in any one of the cases mentioned in the Law, or if satisfied that the debtor has absconded, or that he does not intend to propose a composition or scheme, or that his proposal has not been accepted by the creditors, forthwith adjudge him bankrupt.

Where the application is made by a creditor, he shall give notice thereof to the Official Receiver.

95. 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. [*33]

96. When a debtor is adjudged bankrupt, the Registrar shall forthwith give notice to the Official Receiver, who shall gazette and advertise the adjudication.

97.-(1) When an adjudication is annulled, the Registrar shall forthwith give notice to the Official Receiver, who shall gazette and advertise the order of annulment.

(2) The order annulling an adjudication shall not relieve a trustee from the liability imposed on him by the Law and these rules to account for all his transactions in connection with the estate.

Discharge.

98.-(1) A bankrupt intending to apply for his discharge shall produce to the Registrar a certificate from the Official Receiver specifying his creditors of whom the Official Receiver has notice (whether they have proved or not).

(2) The Registrar shall, not less than twenty-eight days before the day fixed for the hearing, give notice of the application to the Official Receiver and trustee, and the Official Receiver shall forthwith gazette and advertise the same, and also send notice to each creditor who has proved not less than fourteen days before the day of the hearing.

(3) The Official Receiver shall file his report not less than seven days before the day of the hearing.

99.-(1) Where a bankrupt intends to dispute any statement in the Official Receiver's report, he shall, not less than four days before the day of the hearing

of the application for discharge, give notice in writing to the Official Receiver specifying such statement.

(2) Any creditor who intends to oppose the discharge on grounds other than those in the Official Receiver's report, shall give notice of the intended opposition, stating the grounds thereof, to the Official Receiver and to the bankrupt not less than four days before the day of the hearing.

100.-(1) Where the Court grants an order of discharge conditionally upon the bankrupt consenting to judgment being entered against him by the Official Receiver or trustee for any balance or part of any 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 in the Court having jurisdiction in the bankruptcy in which the order of discharge is granted.

(2) If the bankrupt does not give the required consent within seven days of the making of the conditional order the Court may, on the application of the Official Receiver or trustee, revoke the order or make such other order as it may think fit, [*34]

101.-(1) The order of the Court made on an application for discharge shall be dated of 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 and advertised, until after the expiration of the time allowed for appeal, or, if an appeal be entered, until after the decision of the Supreme Court thereon.

(2) When the time for appeal has expired, or, as the case may be, when the appeal has been decided, the Registrar shall forthwith send notice of the order to the Official Receiver, who shall gazette and advertise the same.

102. Where the Official Receiver or trustee applies for leave to issue execution on a judgment entered pursuant to a conditional order of discharge, he shall give notice of the application to the debtor.

103.-(1) Where a bankrupt is discharged subject to judgment being entered against him, or subject to any other condition as to his future earnings or after-acquired property, it shall be his duty whenever called upon to give the Official Receiver such information as he may require with respect to such earnings and property and income, and not less than once a year to file in Court a verified statement showing the particulars of any property or income he may have acquired after his discharge.

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

(3) Where a bankrupt neglects to file such statement, or to attend the Court for examination, or properly to answer all questions put to him or allowed by the Court, the Court may, on the application of the Official Receiver or trustee, rescind the order of discharge.

Meetings of Creditors.

104.-(1) The Official Receiver shall give four days' notice to the debtor of the time and place appointed for the first meeting of creditors. The notice may be given to

him personally, or sent to him by registered letter. It shall nevertheless be his duty to attend such meeting whether notified or not.

(2) The Official Receiver shall also give the like notice to the creditors, and gazette and advertise the same as provided by rule 2 in the First Schedule to the Law.

105. The notices of subsequent meetings shall be issued to the creditors by the Official Receiver or trustee. Where no special time is prescribed, the notices shall be sent off not less than four days before the day of the meeting. [*35]

106.-(1) The proceedings had and resolutions passed at creditors' meetings called by notice, shall, unless the Court otherwise orders, be valid notwithstanding that some creditors shall not have received the notice sent to them.

(2) A certificate by the Official Receiver or his clerk, or an affidavit by the trustee or his clerk or his advocate, that notice of any meeting of creditors or sitting of the Court has been duly posted, shall be sufficient evidence of such notice having been so posted to the persons named therein.

107. Where on the request of creditors the Official Receiver or trustee calls a meeting of creditors, the costs of summoning such meeting, including all expenses incidental thereto, shall be calculated at the rate of one shilling and four and a half piastres for each creditor to whom notice is required to be sent.

108. 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 for adjournment another place is specified.

Proof of Debts.

109. An affidavit of proof of debt may be sworn before the Registrar or before the Official Receiver.

110. In cases of workmen and others employed by the debtor who are entitled to wages, it shall be sufficient if one proof is made by them collectively with a schedule annexed thereto setting forth their names and the amounts due to them.

111. 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, note, instrument or security must, subject to any special order of the Court made to the contrary, be produced to the Official Receiver, chairman of a meeting, or trustee, as the case may be, before the proof can be admitted either for voting or for dividend.

112. A proof intended to be used at the first meeting of creditors or any adjournment thereof must be lodged with the Official Receiver not earlier than two days and not later than twelve o'clock on the day before the meeting.

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

114. The Official Receiver, where no other trustee is appointed, shall, forthwith after the final payment has been made in a composition or scheme duly approved by the Court, and in a bankruptcy after a final dividend has been declared, send to the Registrar 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, [*36]

115. Every trustee in bankruptcy, other than the Official Receiver, shall, on the first day of every month, send to the Registrar a certified list of all proofs, if any, received by him from the Official Receiver, or otherwise tendered during the month next preceding, distinguishing in such lists the proofs admitted, those rejected, and such as stand over for further consideration; and in the base of proofs admitted or rejected, he shall transmit the proofs themselves for the purpose of being filed.

116.-(1) Upon the declaration of a dividend the trustee shall forthwith transmit to the Official Receiver a list of proofs filed with the proceedings under the last preceding rule.

(2) The list shall be sent in duplicate, and shall distinguish between proofs on which dividend is payable, rejected proofs in respect of which application has been made to the Court, and proofs excluded from participation in the dividend. The list shall also show the claim in respect of each, and the amount of dividend allocated.

(3) The Official Receiver shall examine the list and certify it if found correct, and return one certified copy to the trustee.

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

118.-(1) Subject to the power of the Court to extend the time, all proofs lodged shall be admitted or rejected wholly or in part, or further evidence in support thereof required, within fourteen days of their being lodged. Whatever the decision, it shall be communicated by letter to the creditor affected thereby. Such letter shall be sent off within the fourteen days herein mentioned.

(2) Subject to the power of the Court to extend the time, no application to reverse or vary a decision in respect of a proof shall be entertained by the Court unless made within fourteen days of the date of the letter communicating the decision.

(3) Notice of the application shall be given to the Official Receiver, or, as the case may be, to the trustee whose decision is affected by the application.

Proxies and Voting Letters.

119.-(1) A proxy shall be lodged with the Official Receiver or trustee not later than twelve o'clock on the day preceding the meeting at which it is to be used.

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

120. No person shall be appointed a general or special proxy who is a minor, [*37]

Dividends.

121.-(1) Not more than two months before declaring a dividend, the trustee shall give notice of his intention to do so to the Official Receiver (who shall forthwith gazette the same) and 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 not be less than fourteen days from the date of such notice.

(2) Where application is made against a decision in respect of a proof, and notice thereof is given to the trustee, the trustee shall make provision for the dividend upon such proof and the probable costs of the application in the event of the proof being admitted. Where no such application is made within the prescribed time, the trustee shall exclude all proofs which have been rejected from participation in the dividend.

(3) Immediately after the expiration of the time for applying against his decision the trustee shall proceed to declare a dividend, and shall give notice to the Official Receiver (who shall gazette the same) and send 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 two months, the trustee shall give a fresh notice to the Official Receiver, who shall gazette the same forthwith; but it shall not be necessary for the trustee 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 one.

122. Subject to the provisions of section 70 of the Bills of Exchange Law, Cap. 189, and subject to the power of the Court in any other case on special grounds to order 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 indorsed on the instrument.

Appropriation of Pay, Salary, Pensions, etc.

123.-(1) Notice of every application made by the trustee under section 52 of the Law shall be given to the bankrupt.

(2) When the application is under section 52 (1) of the Law, a copy of the proceedings on the application and of the proposed order shall be sent by the Registrar to the chief officer of the department under which the pay or salary is enjoyed, and the application shall stand adjourned until his written reply is obtained. [*38]

(3) When the application is under section 52 (2) of the Law, the trustee shall also give notice thereof to the chief of the department or other person under whom the salary, income, half-pay, pension or compensation is enjoyed, and the order made on the application shall be binding on such chief of department or other person as if he were a party to the proceedings.

124.-(1) Where since the making of any order under section 52 of the Law the salary or other income of the bankrupt shall have increased, the trustee may apply to the Court to raise the amount ordered to be paid; and where it shall have decreased, the bankrupt may apply to the Court to rescind the order or to reduce the amount.

(2) The provisions of rule 123 shall apply to applications under this rule.

Disclaimer of Lease.

125.-(1) A lease may be disclaimed without the leave of the Court in any of the following cases, namely :-

(a) where the bankrupt has not sub-let the demised premises or any part thereof or created a mortgage or charge upon the lease; and

(i) the rent reserved and real value of the property leased, as ascertained by the property tax assessment, are less than twenty pounds per annum; or

(ii) the estate is administered under the provisions of section 103 of the Law; or

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

(b) where the bankrupt has sub-let the demised premises or created a mortgage or charge upon the lease, and the trustee serves the lessor and the sub-lessee or the mortgagees with notice of his intention to disclaim, and neither the lessor nor the sub-lessee or the mortgagees, or any of them, within fourteen days after the receipt of 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 the 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 the disclaimer has been given. Until the disclaimer is filed by the trustee it shall be inoperative. [*39]

(4) A disclaimer made without the 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 demised property.

(5) 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 Receiver or trustee, furnish a statement of the interest so claimed by him.

Proceedings by Company or Co-partnership.

126.-(1) 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.

(2) A bankruptcy petition against or bankruptcy notice to any debtor to a limited company, or other corporation may be presented or sued out by any officer thereof duly authorized in that behalf on his filing an affidavit stating that he is such officer, and that he is duly authorized to present the petition or 'sue out the notice.

Proceedings by or against Firm.

127.-(1) Where any notice, declaration, petition, or other document requiring attestation is signed by a firm of creditors or debtors in the firm name, the partner signing for the firm shall add also his own signature, e.g., "Brown and Co., by James Green, a general partner in the said firm."

(2) Such notice, declaration, petition, or other document shall be accompanied by a statement of the names and addresses of the partners as 'registered' under the Partnership Law, Cap. 196, at the date of the presentation 'of such notice, declaration, petition, or other -document, and by a copy of the Gazette in which the statement sent to the Registrar of Partnerships was published 'pursuant to section 55 of the said Law. If such names are not so registered, the true names and addresses of all the partners in the firm shall be stated to-the best of the information and belief of the person filing the notice, declaration, petition, or other document.

(3) The provisions of this rule shall also apply, so far as practicable, to any person carrying on business in a name or style other than his own.

128. 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 Cyprus on any person having at the time of service the control or management of the partnership business there, or Upon any one or more of the general partners. [*40]

129. The provisions of the last preceding rule 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.

130. A declaration or petition signed in the firm name shall be accompanied by an affidavit made by the partner who signs the declaration or petition showing that all the general partners concur in the filing of the same.

131. 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 general partner in the firm. Where such an order is made the general partners shall submit a statement of their partnership affairs, and each one of such partners shall submit a statement of his separate affairs.

132. No order of adjudication shall be made against a firm in the firm name, but it shall be made against the general partners individually.

133. The foregoing rules numbered 127 to 132 shall apply equally to limited partnerships registered as such under the Partnership Law, Cap. 196:

Provided that any act to be done or suffered by a partner under the said rules shall be done or suffered by a general partner of the limited partnership. With this

proviso the rules hereafter numbered 136 to 141 shall also apply to such limited partnerships.

134. 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 debt 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.

135. The assets of a limited partnership which, by section 105 of the Law, 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 application in the bankruptcy, but subject to the regulations following :-

(a) 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; [*41]

(b) 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;

(c) 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 without contributions from past partners the partnership assets 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.

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

137. The joint creditors, and each set of separate creditors, may severally accept compositions or schemes. So far as circumstances will allow, a proposal accepted by joint creditors may be 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.

138. 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 by 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 accepted the composition or scheme.

139. On the adjudication in bankruptcy of a partnership the trustee appointed by the joint creditors, or by the Court, under section 20 (5) or section. 73 (3) of the Law, as the case may be, shall be the trustee of the separate estates. Each set of separate creditors may appoint its own committee of inspection; but if any set of separate 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. [*42]

140. If any two or more of the members of a 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 therein.

141. Where joint and separate estates are being administered, the remuneration of the trustee in respect to the administration of the joint estate may be fixed by the creditors, or (if duly authorized) 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 authorized) by the committee of inspection of such separate estate.

Lunatics.

142.-(1) Where it appears to the Court that any debtor or creditor or other person who may be affected by any proceeding under the Law or these rules is a lunatic (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 for the purpose of any particular proceeding, or the exercise of any particular rights or powers which under the Law and these rules the lunatic might have exercised if he had been of sound mind.

(2) The appointment may be made either on an application by the Official Receiver or by some other person who appears to the Court to be a proper person to make it, or without any previous application if the Court so thinks fit.

(3) Where the application is made by the Official Receiver his report shall be received as prima facie evidence of its contents; where it is made by any other person it shall be supported by the affidavit of a registered medical practitioner, and notice shall be given to the Official Receiver and trustee (if any), and if the Court so directs to the person alleged to be a lunatic. The medical practitioner shall, if required by the Court, attend the hearing of the application and may be examined.

(4) When a person has been appointed under this rule, any notice under the Law and these 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.

143. Where an estate is ordered to be administered in a summary manner under section 103 of the Law, the provisions of the Law and these rules shall, subject to any special direction of the Court, be modified as follows, namely :-

(a) there shall be no advertisement of any proceeding in local papers unless the Court otherwise directs; [*43]

(b) 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";

(c) if no proposal for a composition or scheme is lodged with the Official Receiver within the time specified for that purpose in section. 17 of the Law, or within such time thereafter as the Official Receiver may fix, or if the Court is satisfied that the debtor has absconded, or that he does not intend to propose a composition or scheme, or that his proposal is not reasonable or calculated to benefit the general body of creditors, or has not been accepted by them, the Court may forthwith adjudge the debtor bankrupt. A report by the Official Receiver under this paragraph shall be prima facie evidence of its contents;

(d) 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;

(e) 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 Receiver. If a quorum of creditors be not present, it shall not be necessary to adjourn the meeting;

(f) meetings of creditors shall, unless the Official Receiver for special reasons otherwise determines, be held in the town or place in which the Court usually holds its sittings, or in which the Official Receiver has his office;

(g) on an application by a bankrupt for his discharge the certificate of the Official Receiver shall not include, nor shall notices be sent to, creditors whose debts do not exceed two pounds;

(h) 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 two pounds;

(i) the time mentioned in section 58 (2) of the Law may, at the discretion V of the Official Receiver, be extended to six months;

(j) the estate shall be realized with all reasonable despatch, and where practicable distributed in a single dividend when realized;

(k) the costs or charges, payable out of the estate; of any person other than of an advocate may be paid and allowed without taxation by the Official Receiver if he so thinks fit. [*44]

Administration of Estates of Deceased Insolvents.

144. Where an administration order under section 107 of the Law is made, such order shall be gazetted and advertised in the same manner as an order of adjudication.

145.-(1) A petition presented under section 107 of the Law 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. If there is no executor or administrator the Court may order the petition to be served on any other person whom it thinks fit.

(2) Service shall be proved in 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.

146. When an administration order under section 107 of the Law has been made, it shall be the duty of the executor or administrator to lodge with the Official Receiver forthwith in duplicate an account of the dealings with, and administration of (if any), the deceased's estate by such executor or administrator, and such executor or administrator shall also furnish forthwith in duplicate a list of the creditors, and a statement of the assets and liabilities, and such other particulars of the affairs of the deceased as may be required by the Official Receiver. Every account, list, and statement to be made under this rule shall be verified by affidavit.

The expenses incident to submitting any account, list, and statement under this rule shall be allowed out of the estate, unless the Court otherwise directs.

147. In any case in which an administration order under section 107 of the Law has been made, and it appears to the Court on the report of the Official Receiver that no executor or administrator exists, the account, list, and statement mentioned in the last preceding rule shall be made, verified, and lodged by such person as in the Court's opinion, 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.

PART IV.

OFFICIAL RECEIVERS, TRUSTEES, GAZETTING, REGISTRARS' BOOKS AND RETURNS, ACCOUNTS AND AUDIT.

Official Receivers.

148. Any person appointed under section 67 (3) of the Law to discharge the duties of the Official Receiver during his absence shall, during his tenure of office, have all the status, rights, and powers, and be subject to all the liabilities of an Official Receiver.

149. When an Official Receiver is removed, dies, or retires, all estates, rights, and powers vested in him shall, without any conveyance or transfer, vest in such Official Receiver as may be appointed in his place. [*45]

150.-(1) As soon as the Official Receiver receives a copy of a receiving order made against a debtor, he shall furnish the debtor with a copy or instructions for the preparation of his statement of affairs.

(2) The Official Receiver 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 103 of the Law.

(3) It shall be the duty of the debtor to attend on the Official Receiver at his office or at such other place, and at such time or times as the Official Receiver may appoint.

151. Subject to any general or special directions which the Court may give, the Official Receiver, while in the possession of a debtor's property, 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.

152. Whenever, under the powers given by section 70 of the Law, the Official Receiver employs any person to assist the debtor in the preparation of his statement of affairs, he shall forthwith report the matter by letter to the Court, justifying his action therein and specifying the remuneration to be allowed to such person.

153. Where an Official Receiver who holds any proxies cannot conveniently attend any meeting of creditors at which such proxies might be used, he may depute some person in his employment or under his official control, or some officer of the Court, or some other fit and proper person, by writing under his hand, to attend such meeting and use such proxies on his behalf, and in such manner as he may direct.

154. In any case of sudden emergency, where there is no Official Receiver capable of acting, any act or thing required or authorized to be done by an Official Receiver may be done by the Registrar.

155. When the Official Receiver appoints a special manager he 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.

156. Save where the Law or these rules otherwise provide, applications by the Official Receiver to the Court may be made personally and without notice or other formality; but the Court may direct notice to be given to any person likely to be affected by the application.

157. In any case of doubt or difficulty or in any matter not provided for by the Law or these rules relating to any proceeding in Court the Official Receiver may apply to the Court for directions, [*46]

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

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

(2) Where a debtor is adjudged bankrupt, and a trustee is appointed, the Official Receiver 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 auditor who shall take such action (if any) thereon as he may deem expedient. The debtor or

trustee complaining shall file a copy of his complaint in Court, and the auditor shall send a copy of his report on the matter to the Court.

160. The provisions of this part of these rules as to trustees and their accounts shall not apply to the Official Receiver when acting as trustee, but he shall account in such manner as the treasurer and the auditor may from time to time direct.

161. The debtor shall, on the request of the Official Receiver, furnish him with trading and profit and loss accounts, and a cash and goods account for such period not exceeding two years prior to the date of the receiving order as the Official Receiver 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 Receiver shall report such failure to the Court, and the Court shall take such action on such report as the Court shall think just.

162. The following provisions shall apply to every case in which proceedings are taken either by action, application, or in any other manner, against any Official Receiver 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 Law or in execution of the powers given to Official Receivers by the Law:-

(a) subject to the provisions of the next following paragraph, the costs, damages, and expenses which the Official Receiver may have to pay, or to which he may be put under such proceedings, shall be paid out of the estate of the debtor;

(b) as soon as any such proceedings are commenced it shall be the duty of the Official Receiver to report the same to the Attorney-General, who shall determine whether or not such proceedings shall be resisted or defended; [*47]

(e) the Official Receiver shall not, unless the Court shall otherwise order, be entitled to be paid out of the estate any costs or expenses which he may have to pay or bear in consequence of resisting or defending any such proceedings, unless the Attorney-General has determined that such proceedings shall be resisted or defended;

(d) 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 Receiver may, before putting the trustee appointed by the creditors, or in the case of a composition or scheme the debtor or the trustee thereunder, into possession of the debtor's property, retain the whole or some part of the debtor's estate according as the Attorney-General shall in each case direct, to meet the damages, costs, or expenses which the Official Receiver may have to pay or bear in consequence of the said proceedings. If such proceedings are commenced after the appointment of a trustee by the creditors, or after the approval of a composition or scheme, the Official Receiver 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.

163. When the appointment of a trustee is certified notice of his appointment shall forthwith be gazetted and advertised by the Official Receiver.

164. Where the debtor or a creditor objects to the appointment of a trustee, the Registrar shall fix a time for the hearing of the matter. At the hearing the person objected to, and every creditor shall be entitled to be heard.

165. It shall be a sufficient reason for refusing to certify the appointment of a person as trustee that in any other proceeding under the Law such person has either been removed under section 86 (2) of the Law from the office of trustee, or has failed or neglected, without good cause shown by him, to render his accounts for audit for one month after the date by which the same should have been rendered.

166. Where a trustee is removed, notice shall forthwith be given to the Registrar and to the Official Receiver, who shall gazette and advertise the same.

167. 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 seven days' notice of the meeting to the Official Receiver, [*48]

168. In any case in which, under the provisions of section 20 (5) or section 73 (3) of the Law, the Court appoints a trustee, the trustee shall receive out of the estate such remuneration as the Court shall determine.

169. The order granting a trustee his release shall be gazetted and advertised by the Official Receiver. But such order shall not be signed or delivered out unless and until the trustee has delivered over to the Official Receiver all the books, papers, documents, and accounts.

170. Where one-sixth in value of the creditors desire that a general meeting of the 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 Receiver on the deposit of a sum sufficient to defray the expenses of the meeting.

171. The trustee shall not make any payments out of the estate except with the concurrence of the Official Receiver. Every cheque or other authority for such payment shall be made out by the trustee and signed by him, and be submitted to the Official Receiver for approval and countersignature; and no payment shall be made on any such cheque or other authority unless it bears the countersignature of the Official Receiver. A memorandum of all payments authorized to be made shall forthwith be prepared by the trustee and signed by him, and when countersigned by the Official Receiver shall be filed by the latter in Court.

172. 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 Receiver or any creditor.

173.-(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.

(2) No member of a committee of inspection of an estate shall, except with the sanction of the Court, directly or indirectly, by himself or any 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 Official [*49] Receiver that any profit or payment has been made contrary to the provisions of this rule he may disallow such payment or recover such profit, as the case may be, on the audit of the trustee's account.

(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 estate is obtained, the order of the Court shall specify the nature of the services, and shall only be given where the service performed is of 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 the duties attaching to his office as a member of such committee.

(4) The costs of obtaining such sanction as aforesaid shall be borne by the person in whose interest it is obtained and shall not be payable out of the debtor's estate.

174.-(1) Where a debtor is adjudged bankrupt, and a trustee is appointed, the Official Receiver shall forthwith put the trustee into possession of all property of the bankrupt of which the Official Receiver may be possessed; provided that such trustee shall have, before the estate is handed over to him by the Official Receiver, discharged any balance due to the Official Receiver on account of fees, costs, and charges properly incurred by him and payable under the Law, and on account of all advances properly made by him in respect of the estate, together with interest on such advances at the rate of nine pounds per cent. per annum, and shall have discharged or undertaken to discharge all guarantees which have been properly given by the Official Receiver for the benefit of the estate; and the trustee shall pay all fees, costs, and charges of the Official Receiver 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 Receiver shall be deemed to have a lien upon the estate until such balance shall have been paid, and such guarantees and other liabilities shall have been discharged.

(3) It shall be the duty of the Official Receiver, 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.

175. Where the Official Receiver is of opinion that any act done by a 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 Receiver 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. [*50]

Gazetting and Advertising.

176. Where any matter which has been gazetted, or gazetted and advertised, has been amended or altered, the Official Receiver shall re-gazette, or re-gazette and re-advertise, such matter with the necessary amendments and alterations at the expense of the estate.

Registrar's Books and Returns.

177. The Registrar shall keep books in manner directed by the Chief Justice, and the particulars given under the different heads in such books shall be entered forthwith after the proceedings shall be had. Such books shall on payment of the prescribed fee be open for public information and searches on the Registrar being satisfied as to the propriety of the object for which such search is required. The Registrar's refusal shall be subject to appeal to the Court, whose decision in the matter shall be final.

178. The Registrar shall make such returns in bankruptcy as the Chief Justice may direct.

Accounts and Audit.

179. The Official Receiver, 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 such matters as may be 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 counsel 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.

180. The Official Receiver, until a trustee is appointed, and thereafter the trustee, shall keep a book to be called the "Cash Book" in which he shall enter from day to day the receipts and payments made by him.

181. The trustee shall forward his accounts to the Official Receiver in duplicate. If found correct, the Official Receiver shall pass them, and one copy of the accounts as passed by him shall be sent to the Registrar to file with the proceedings in the bankruptcy.

182. Upon a trustee resigning, or being released or removed from his office, he shall deliver over to the Official Receiver, 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, [*51]

183. 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, and 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 and advertised.

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

PART V.

MISCELLANEOUS.

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

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

187. The Court, under special circumstances and for good cause shown, may 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. Where any direction is made under this rule, it shall not be necessary, unless the Court directs the contrary, that such direction should be drawn up in the form of an order, but it shall be sufficient if the Registrar marks any document or process affected thereby in red ink accordingly.

188. Where no provision is made in these rules in regard to any matter arising out of bankruptcy proceedings, the Rules of Court governing civil proceedings shall, in so far as they are not repugnant to these rules, apply to such matter.

189. Any order in bankruptcy not disposing of the bankruptcy on its merits may be made by one judge of the Court.

190. Any Judge of the Court sitting alone shall have all the powers of the Court to hear and determine any proceeding in bankruptcy involving or relating to an amount or property not exceeding one hundred pounds in value. [*52]

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[*54]

APPENDIX A.

BANKRUPTCY FORM No. 1.

General Title (r. 7).

In the District Court of

Registry of No of 19.....

In Bankruptcy

Re (James Brown)

(Ex pane-here insert "the debtor," or "X.Y., a creditor," or "the Official Receiver," or "A.B., the Trustee.").

BANKRUPTCY FORM No. 2.

Declaration of Inability to Pay (r. 37).-(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.

(Sign.) A.B.

Signed in my presence and filed on,

(Sign.)

Registrar.

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

BANKRUPTCY FORM No. 3.

Request for Issue of Bankruptcy Notice (r. 39).-(Title).

1. I,, of....., hereby request that a bankruptcy notice may be issued against the above-named debtor

2. The said debtor(s) has/have for the greater part of the past six months atin the District of.....

3. I produce an office copy of a final judgment or order against the said debtor obtained by.....in the.....Court of....., Registry of....., on the.....,day of,19.....

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

5. Payment by the debtor should be made to (or to of....., my (or our) agent duly authorized).

(Sign.)

Advocate for Judgment Creditor.

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

[*55]

BANKRUPTCY FORM No. 4.

Bankruptcy Notice (r. 40).-(Title.)

To the above-named debtor of.....

Take notice that within (seven) days after service of this notice on you, you must pay to..... of.....(or to.....of.....his (or their) agent duly authorized) the sum of £..... claimed by the said..... as being the amount due on a final judgment or order obtained by him or them against you in the

.....Court of....., Registry of....., dated....., whereon execution has not been stayed, or you must secure or compound for the said sum to his or their satisfaction (or to the satisfaction of his or their said agent) or to the satisfaction of this Court; or you must satisfy this Court that you have a counterclaim, set-off, or cross-demand against him or them which equals or exceeds the sum claimed by him or them and which you could not set up in the action or other proceedings in which the judgment or order was obtained.

Dated this.....day of.....,19.....,

By the Court,

(Sign.)

Registrar.

Indorsement on Notice.

You are specially to note:

1. 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.
2. If however you have a counterclaim, set-off, or cross-demand which equals or exceeds the amount claimed by 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.
3. This notice was sued out by..... of..... His address within the town in which the Court is situated is.....

BANKRUPTCY FORM No. 5

Affidavit on Application to set aside Bankruptcy Notice (r. 40 (2).)-(Title.) Form No. 5

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

1. That I was, on the..... day of....., 19....., served with the notice hereunto annexed (or, describe the notice).

That I have satisfied the debt claimed by C.D. by (state nature of satisfaction).

or

2. That I have a counterclaim (or set-off or cross-demand) for£....., being a sum equal to (or exceeding) the claim of the said C.D., in respect of (here state grounds of counterclaim). [*56]

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

(Sign.)

Sworn, etc., and filed on.....

Registrar.

Indorsement.

My address within the town in which the Court is situated is.....

BANKRUPTCY FORM No. 6.

Debtor's Petition (r. 44, r. 45, r. 46).-(Title.)

I lately residing at..... (and carrying on business at)
having for the greater part of the past six months resided at..... (and carried on
business at.....) in the district of..... (or, as the case may be, following the
terms of section 88 of the Law, and rules 6 and 45) and being unable to pay my debts,
hereby petition the Court that a receiving order may be made in respect of my estate
(and that I may be adjudged bankrupt).

(Sign.)

Signed in my presence and filed on.....

.....

Registrar.

Note.-Where the debtor resides at a place other than his place of business both
addresses should be inserted. (Also indorse with address in town.)

BANKRUPTCY FORM No. 7.

Creditor's Petition (rr. 44-46).-(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..... of..... and lately carrying on business at (or residing
at).....and say :-

1 That the said A.B. has for the greater part of six months next preceding the
presentation of this petition resided (or carried on business) at..... in the
district of..... (or, as the case may be, following the terms of section 88 of
the Law, and rules 6 and 45).

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 or debts, and the consideration).

3. That I (or We) do not, nor does any person on my (or our) behalf hold any
security on the said debtor's estate, or on any part thereof, for the payment of the
said sum. [*57]

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, etc.

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

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

(Sign.)

Signed in my presence and filed on.....

.....

Registrar.

Note.-All the creditors joining in a petition should sign it. If 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 presented by a firm, see r. 127 for partner's signature. If debtor resides at any place other than the place where he carries on business both addresses should be inserted.

Indorsement.

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

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 serve a copy of such notice on the petitioner (four) days before the date fixed for the hearing.

The petitioner's address in the town in which the registry of the Court is situated is.....

Note.-The petition should be accompanied by one or more simple affidavits verifying the several statements in the petition, sworn by the petitioner or other person having personal knowledge of their truth.

BANKRUPTCY FORM No. 7A.

Affidavit of Truth of Statements in Petition (r. 5o).-(Title.)

I, C. D., the petitioner named in the petition hereunto annexed, make oath and say :-

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

Sworn, etc.

(Sign.) C.D.

Note.-If the petitioner cannot from his own knowledge depose to the truth of all the statements in the petition, the affidavit should be made by some person who can do so. See also r. 50 (3), (4) and (5). [*58]

BANKRUPTCY FORM No. 7B.

Affidavit of Truth of Statements in Joint Petition (r.5o).-(Title.)

We, C.D. and E.F., etc., the petitioners named in the petition hereunto annexed, severally make oath and say :-

And first I, the said C.D., for myself say from my own knowledge-

1. That A.B. is justly and truly indebted to me in the sum of..... pounds as stated in the said petition.

2. That A.B. committed the act (or acts) of bankruptcy stated to have been committed by him in the said 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 from my own knowledge-

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

(Sign.) C.D.,

Sworn by the deponents, etc.

E.F.

Note.-See note to Bankruptcy Form No. 7A.

BANKRUPTCY FORM No. 8.

Notice by Debtor of Intention to oppose Petition (r. 59).-(Title.)

In the matter of bankruptcy petition presented against me on the..... day of....., 19....., by C.D. of..... (or and E.F. of....., G.H. of....., etc.).

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

(Sign.) A.B.

Filed on.....

(Sign.) Registrar.

Copy to be served on.....at (town address)

(four) days before.....

BANKRUPTCY FORM No. 9.

Statement of Partners or of Person carrying on Business under a Business

Name (r. 48 (2)).-(Title.)

The names, descriptions, and addresses of the partners in the above firm as registered under the Partnership Law, and published in the Gazette of..... (of which a copy accompanies this statement) are as follows :-

or

The name, description, and address of the individual carrying on business under the above business name as registered under the Partnership Law, and published in the Gazette of..... (of which a copy accompanies this statement) is as follows :-

or

I, A.B., a general partner of (or the petitioning creditor against) the above firm state that to the best of my information and belief the names, descriptions, and addresses of the partners in the firm are as follows :- [*59]

or

I, A.B., the debtor (or the petitioning creditor) state that to the best of my information and belief the name, description, and address of the individual carrying on business under the above business name is as follows :-

Date..... (Sign.)

BANKRUPTCY FORM No. 10.

Notice to Land Registry Office (r. 48).-(Title.)

To the Chief Clerk, Land Registry Office,

Please take notice and register in your books that a bankruptcy petition has this day been filed by or against the following :- (Names, descriptions, and addresses of debtors.)

Date..... (Sign.)

Registrar.

BANKRUPTCY FORM No. 11.

Bond on Stay of Proceedings, Security, etc. (s. 6 (6), and r. 19).-(Title.)

Know all men by these presents, that we, A.B., of etc., and C.D., of etc., and E.F., of etc., are jointly and severally liable to L.M., of etc., in..... pounds to be paid to the said L.M. or his certain attorney, executors, administrators, or assigns. For which payment to be made we bind ourselves and each and every of us, our and each of our heirs, executors, and administrators, jointly and severally, 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 at the hearing of the said petition and deny that he was indebted to the petitioner (or to one or more of the petitioners), (or allege that he was indebted to the petitioner in the sum of..... pounds only, or as the case may be).

Now, therefore, the condition of this obligation is such that if the above-bound A.B., or the said C.D. or E.F. shall on demand 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 it shall remain in full force.

Signed, sealed, and delivered	A.B. (L.S.)
in my presence	C.D. (L.S.)
	E.F. (L.S.)

(Sign.)

Registrar.

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. [*60]

BANKRUPTCY FORM No. 12.

General Form of Application (r. 16).-(Title.)

Ex parte (the debtor, or" X.Y. a creditor," or as the case may be).

Applicant.

The above applicant applies for

The application is based on

The facts relied upon (as verified by the accompanying affidavit) are

Dated..... (Sign)

Advocate for Applicant.

The applicant's address in the town in which the registry of the court is situated is.....

A notice of (seven) days is to be given to.....

The application is fixed for hearing on..... at..... o'clock in the..... noon.

BANKRUPTCY FORM No. 13.

Notice of Intention to oppose Application (r. 18).-(Title.)

In re the application of..... dated..... and fixed for hearing on.....

Notice is hereby given that X.Y. (the debtor, or a creditor, or as the case may be) intends to oppose the above application.

The opposition is based on

The facts relied upon in opposition (as verified by the accompanying affidavit) are

Dated..... (Sign.).....

Note.-This notice and the affidavit in support should be filed with the registrar, and copies left at the applicant's town address, two days before the day fixed for the hearing of the application.

BANKRUPTCY FORM No. 14.

Receiving Order on Debtor's Petition (r. 57 (1)).-(Title.)

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

Given.....

Drawn up.....

Note.-The above-named debtor is directed to attend immediately the Official Receiver at his office.

BANKRUPTCY FORM No. 15.

Receiving Order on Creditor's Petition (r. 64).-(Title.)

On the petition of J.S., of....., a creditor, filed the....., 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.) [*61]

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

Given.....

Drawn up.....

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

BANKRUPTCY FORM No. 16.

Statement of Affairs (r. 73).-(Title.)

To the Debtor,

You are required to fill up in duplicate, carefully and accurately, this sheet, and such of the several sheets, A, B, C, D, E, F, G, H, I, J, and K, as are applicable 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 your Statement of Affairs, and must be verified by affidavit.

(Sign.)

Dated..... Official Receiver.

Note.-The sheets should be filled up and submitted to me by the.....

(1) Gross Liabilities			(2) Liabilities (as stated and estimated by-debtor).			
£	s.	p.		£	s.	p.
			Unsecured creditors as per list (A)			
			Creditors fully secured as per list (B).			
			Estimated value of securities			
			Surplus			
			Less amount thereof carried to sheet (C)			
			Balance thereof to contra			
			Creditors partly secured as per list (C)			
			Less estimated value of securities			
			Liabilities on bills discounted other than debtor's own acceptances for value, as per list (D), viz. :- On accommodation bills as drawer, acceptor or indorser	£.....		

		On other bills as drawer or indorser	£.....		
			£.....		
		Of which it is expected will rank against the estate for Dividend			
		Contingent or other liabilities as per list (E)	£.....		
		Of which it is expected will rank against the estate for Dividend	£	s.	p.
		Creditors for rent, as per list (F)			
		Creditors for rates, taxes, wages, etc., payable in full as per list (G)			
		Sheriff's charges payable under section 5 of the Law, estimated at			
		Deducted contra			
		Surplus explained in statement (K)			

(3) Expects to Rank			(4) Assets (as stated and estimated by debtor)			(5) Estimated to produce		
£	s.	p.				£	s.	p.
			Property as per list (H), viz :-					
			(a) Cash at bankers					
			(b) Cash in hand					
			(c) Cash deposited with advocate for costs of petition					
			(d) Stock-in-trade (cost £)					
			(e) Machinery					
			(f) Trade fixtures, fittings, utensils, etc.					
			(g) Farming stock					
			(h) Growing crops and tenant right					
			(i) Furniture					
			(j) Life policies					
			(k) Stocks and shares					
			(l) Reversionary or other interests under wills					
			(m) Other property, viz.:-					
			Total as per list (H)					
			Book Debts as per list (I), viz.:-					
			Good					
			Doubtful	£	s.	p.		
			Bad					
				£				
			Estimated to produce					
			Bills of exchange or other similar securities on hand, as per list (J)			£.....		
			Surplus from securities in the hands of creditors fully secured (per contra)					

		Deduct creditors for rent and for preferential rates, taxes, wages, sheriff's charges, etc. (per contra)			
		Deficiency explained in statement (K)			

I,, of....., in the District of....., make oath and say that the above statement and several lists hereunto annexed marked..... are, to the best of my knowledge and belief, a full, true and complete statement of my affairs on the date of the above-mentioned receiving order made against me.

Sworn at..... in the District of..... this..... day of....., 19....., before me

..... Signature, [*63]

A.- Unsecured Creditors.

The names to be arranged in alphabetical order and numbered consecutively, creditors for £10 and upwards being placed first.

No	Name	Address and occupation	Amount of debt	Date when Contracted		Consideration
				Month	Year	

Dated....., 19..... Signature,

Note.-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 of " Amount of Debt ", thus:

	£	s.	P.
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 be inserted immediately below the name and address by a creditor should of such creditor.

B.-Creditors fully secured.

(1)	(2)	(3)	(4)	(5)	
No	Name of Creditor	Address and Occupation	Amount of debt	Date when contracted	
				Month	Year

(6)	(7)	(8)	(9)	(10)
Consideration	Particulars of security	Date when given	Estimated value of Security	Estimated Surplus form Security

Dated....., 19..... Signature, [*64]

C.-Creditors partly secured.

(1)	(2)	(3)	(4)	(5)		(6)
No	Name	Address and occupation	Amount of debt	Date when Contracted		Consideration
				Month	Year	

(7)	(8)	(9)			(10)		
Particulars of Security	Month and Year when given	Estimated value of Security			Balance of Debt unsecured		

Dated....., 19..... Signature.

D.-Liabilities of Debtor on Bills discounted other than his own acceptances for Value.

(1)	(2)	(3)	(4)	(5)		
No	Acceptor's Name, Address and Occupation	Whether liable as Drawer or Indorser	Date when due	Amount		
				Accommodation Bills		

(6)			(7)	(8)		
Amount			Holder's Name, Address and Occupation (if known)	Amount expected to rank against Estate for Dividend		
Other Bills						

Dated....., 19..... Signature, [*65]

E.
Contingent or Other Liabilities.

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

(1) No	(2) Name of Creditor or Claimant	(3) Address and Occupation	(4) Amount of Liability or Claim		

(5) Amount expected to rank for Dividend			(6) Date when Liability incurred		(7) Nature of Liability
£	s.	p.	Month	Year	

Dated....., 19.....

.....Signature.

F.

Creditors for Rent.

No	Name of Creditor	Address and Occupation	Nature of Claim	Period during which Claim is accrued due	Date when due	Amount of Claim

Dated....., 19.....

.....Signature, [*66]

G.

Preferential Creditors for Rates, Taxes, Wages, Compensation under the
Workmen's Compensation Law, Cap. 216.

(1) No	(2) Name of Creditor	(3) Address and Occupation	(4) Nature of Claim	(5) Period during which Claim accrued due

(6) Date when Due	(7) Amount of Claim	(8) Amount payable in full			(9) Difference ranking for Dividend (to be carried to List A)		

Dated....., 19.....

.....Signature.

H.

Full particulars of every description of property in possession and in reversion as defined by section 2 of the Law, not included in any other list, are to be set forth in this list.

Full Statement of Nature of Property	Estimated to produce		
	£	s	P
(a) Cash at bankers			
(b) Cash in hand			
(c) Cash deposited with advocate for costs of petition			
(d) Stock in trade at cost £			
(e) Machinery at			
(f) Trade fixtures, fittings, utensils, etc., at			
(g) Farming stock at			
(h) Growing crops and tenant right at			
(i) Household furniture and effects at			
(j) Life policies			
(k) Stocks and shares			
(l) Reversionary or other interests under wills, etc.			
(m) Other property- (state particulars), viz.			

Dated....., 19..... Signature, [*67]

I.

Debts due to the Estate.

(1) No	(2) Name of Debtor and Address	(3) Amount of Debt								
		Good			Doubtful			Bad		

(4) Folio of Ledger or other Book where particulars to be found	(5) When contracted		(6) Estimated to produce	(7) Particulars of any Securities held for Debt
	Month	Year		

Dated....., 19..... Signature.

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 second column, and the balance only be inserted under the heading "Amount of Debt" thus :-

£ s. P.

Due to estate

Less contra account

No such claim should be included in sheet "A".

J.

Bills of Exchange, Promissory Notes, etc., available as Assets.

(1) No	(2) Name of Acceptor of Bill or Note	(3) Address, etc.	(4) Amount of Bill or Note		

(5) Date when due	(6) Estimated to Produce	(7) Particulars of any property held as Security for payment of Bill or Note

Dated....., 19.....

.....Signature. [*68]

K.

Deficiency (or Surplus Account).

(1)	(2)			(3)		
	£	s.	p.	£	s.	p.
Excess of assets over liabilities on the..... day of....., 19..... (if any)						
Net profit (if any) arising from carrying business from the day of....., 19....., to date of receiving order, after deducting usual trade expenses						
Income or profit from other sources (if any) since the day of....., 19.....						
Gifts from relations and others						
Deficiency as per Statement of Affairs.						
Total amount to be accounted for..... £						

(4)	(5)			(6)		
	£	s.	p.	£	s.	p.
Net loss (if any) arising from carrying on business from the..... day of.....						

19....., to date of receiving order, after charging against profits the usual trade expenses					
Bad debts (if any) as per schedule "I"					
Depreciation of stock in trade					
Depreciation of machinery					
Depreciation of trade fixtures, fittings, etc.					
Expenses incurred since the..... day of....., 19....., other than usual trade expenses, viz., household and personal expenses of self and.....					
Other losses and expenses (if any)					
Surplus as per Statement of Affairs					
Total amount to be accounted for..... £					

[*69]

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	
G.	Preferential creditors for rates, taxes, wages, compensation under the Workmen's Compensation Law, Cap. 216	
H.	Property	
I.	Debts due to the estate	
J.	Bills of Exchange, Promissory Notes, etc., available as assets	

Dated....., 19..... Signature.

BANKRUPTCY FORM No. 17.

Notice to Creditors of First Meeting where no Order for Summary

Administration has been made, and the Debtor has not submitted a Proposal for a

Composition or Scheme (r. 104 (2)).

(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 twelve o'clock on the..... day of....., 19.....

A form of proof and forms of general and special proxy are enclosed herewith. Proxies to be used at the meeting must be lodged with me not later than twelve 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 authorized in writing, or the holder of a general proxy or general power of attorney from a creditor, may question the debtor on his public examination concerning his affairs and the causes of his failure.

(Sign.)

Official Receiver.

Dated.....

Address.....[*70]

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

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

- (1) By ordinary resolution resolve that the debtor be adjudged bankrupt, and in that case they may also, by ordinary resolution, appoint a trustee.
- (2) By ordinary resolution fix the remuneration of the trustee, or resolve that the same be left to the committee of inspection.
- (3) By ordinary resolution appoint a committee of inspection from among the creditors or the holders or intended holders of general proxies or general powers of attorney for the creditors.

BANKRUPTCY FORM No. 18.

Notice to Creditors of First Meeting in Summary Case where Debtor has not submitted an offer of Composition (r. 104 (2)).

(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 Official Receiver upon the position of the estate.

The debtor has been adjudged bankrupt, and an order for summary administration has been made by the Court. Under section 103 (1) (a) of the Bankruptcy Law, Cap. 6, the Official Receiver is the trustee in the bankruptcy.

An order for summary administration has been made by the Court. If the creditors resolve that the debtor shall be adjudged bankrupt the Official Receiver will become the trustee in the bankruptcy.

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

A form of proof and forms of general and special proxy are enclosed herewith. Proxies to be used at the meeting must be lodged with me not later than twelve 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 authorized in writing, or the holder of a general proxy or general power of attorney from a creditor, may question the debtor on his public examination concerning his affairs and the causes of his failure

(Sign.)

Official Receiver.

Dated.....

Address.....

The debtor's statement of affairs [*71]

BANKRUPTCY FORM No. 19.

Notice of First or other Meeting where Debtor submits an Offer of Composition or Scheme (rr. 104 and 105).

(Title.)

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

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

Creditors qualified to vote at such meeting may, by a resolution passed by a majority in number, and three-fourths in value, of all the creditors who have proved their debts, accept the proposal made by the debtor for a composition (or scheme), the terms of which are set forth in the accompanying report, or any amendment of such proposal which in the opinion of the Official Receiver is calculated to benefit the general body of creditors.

Proofs of debts intended to be used at the meeting must be lodged with the Official Receiver not later than 12 o'clock on the..... day of....., 19.....

Proxies and voting letters to be used at the meeting must be lodged not later than twelve 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 authorized in writing, or
the holder of a general proxy or a general power of attorney from a creditor, may
question the debtor on his public examination concerning his affairs and the causes of
his failure.

(Sign.)

Official Receiver.

Dated.....

Address.....

Notes.

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

2. If the proposal be not accepted the meeting may, if the debtor has not already
been adjudged bankrupt, resolve on his adjudication, and in that case they may
also by ordinary resolutions appoint a trustee and a committee of inspection, and
fix the remuneration of the trustee or resolve that it be left to the committee of
inspection.

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

(In summary cases the notice should be marked with the words "Summary Case"
under the title and the following substituted for Note 2:-

2. If the proposal be not accepted the meeting may, if the debtor has not already
been adjudged bankrupt, resolve on his adjudication, when the Official Receiver
will become the trustee.) [*72]

BANKRUPTCY FORM No. 20.

Notice to Creditors of Adjourned Meeting (First Schedule, r. 22).

(Title.)

Taken notice that the meeting of creditors in the above matter held on the.....
day of....., 19....., at..... was adjourned to the..... day
of....., 19....., 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.]

(Sign.)

Official Receiver.

Date.....

Address.....

BANKRUPTCY RULE No. 21.

Affidavit or Certificate of Postage of Notices (r. 106 (2)).

(Title.)

I,, the Official Receiver (or trustee, or as the case may be) certify (or make oath and say) as follows:-

1. That I did on the..... day of.....,19....., send to each creditor mentioned in the debtor's statement of affairs (or who has proved in this matter, or as the case may be) and to the above-named debtor, a notice of the time and the place of..... in the form hereunto annexed marked "A", accompanied by a summary of the debtor's statement of affairs in the form hereunto annexed marked "B" (or as the case may be).
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 debtor (or in their respective proofs), and also to the said debtor at.....
3. That I sent the said notices by registered letter by putting the same into the post office at..... before the hour of..... o'clock in the..... noon on the said day.

Dated..... (Sign.)

Sworn, etc. Registrar.

BANKRUPTCY RULE No. 22.

Notice to Debtor to attend First Meeting of Creditors (r. 104 (i)).

(Title.)

Take notice that the first meeting of your creditors will be held on the..... day of..... 19....., at..... o'clock, at....., and that you are required to attend thereat, and submit to such examination and give such information as the meeting may require. And further, take notice that if you fail to comply with the requirements of this notice, you will be guilty of a contempt of Court, and may be punished accordingly.

Dated..... (Sign.)

Official Receiver.

To the above-named debtor. [*73]

BANKRUPTCY RULE No. 23.

Authority to Deputy to act on the Official Receiver's behalf at Meeting of Creditors (r. 153).

(Title.)

In regard to the first meeting of creditors in the above matter to be held at..... on the..... day of....., 19....., I,, the Official Receiver in bankruptcy of the above Court, hereby nominate Mr. of....., to be the chairman thereat and I depute Mr. of..... (or "him") to attend such meeting and use on my behalf any proxy or proxies held by me in this matter.

Dated..... (Sign.)

Official Receiver.

BANKRUPTCY FORM No. 24

Resolutions where Adjudication resolved on (First Schedule, r. 23).

(Title.)

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

Resolved as follows (unanimously):-

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

That G.H. of (residence and occupation) shall be the trustee of the property of the bankrupt at (here state remuneration) (or that the appointment of a trustee in this bankruptcy be made by the committee of inspection).

That I.J., L.M., N.O., P.Q. and R.S. be appointed the committee of inspection in this bankruptcy for the purpose of superintending the administration of the property of the bankrupt by the trustee.

(Here add any other resolutions that may be come to as to the manner of the administration of the property by the trustee, etc.).

(Sign.)

Official Receiver,
or F.K., Chairman.

No.	Assenting Creditors' Signatures	Amount of Proof			No.	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 signature must be attached at the meeting.

Resolutions should be put separately. [*74]

BANKRUPTCY FORM No. 25.

Notice of Meeting (General Form) (r. 105).

(Title.)

The 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.

(Forms of general and special proxy are inclosed herewith.)

Agenda.

Dated.....

(Sign.)

To X.Y.

Address.....

BANKRUPTCY FORM No. 26.

Notice to Creditors of Meeting to remove Trustee and to appoint a Person
to fill the Vacancy (r. 170).

(Title.)

At the request of one-sixth 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.....

L.M.,

A member of the Committee of Inspection,
(or Official Receiver).

To X.Y.

BANKRUPTCY FORM No. 27.

Minutes of Meeting (General Form) (First Schedule, r.23).

(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).

Dated.....

E.F., Chairman of this meeting.

BANKRUPTCY FORM No. 28.

List of Creditors assembled to be used at every Meeting.

(Except a meeting at which a scheme or composition has been considered.)

(Title.)

Meeting held at..... this..... day of....., 19.....

Number	Names of Creditors present or represented	Amount of Proof		
1				
2				
3				
4				
4	Total number of creditors present or represented.			

[*75]

BANKRUPTCY FORM No. 29.

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	Here state as to each creditor whether he voted, and if so, how, whether personally, by proxy, or voting letter	Amount of Assets			Amount of admitted Proof		
		Total ...						

Required number for majority.....

Required value £ : :

BANKRUPTCY FORM No. 30.

Proof of Debt (General Form) (Second Schedule, rr. 2-5).

(Title.)

I....., of....., in the district of....., make oath and say:-

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 deposed 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.

That I am duly authorized under the seal of the company hereinafter named to make the proof of debt on its behalf.

That the said....., was (or were) at the date of the receiving order, viz., the..... day of, 19....., and still is (or are) justly and truly indebted to..... in the sum of..... pounds..... shillings and..... piastres for.....

Debt £ : :

Contra £ : :

£ : :

as shown by the* { account endorsed hereon account hereto annexed marked "A" for which sum or any part thereof I say that I have not nor hath..... or [*76] any person by..... order to my knowledge or belief for..... use had or received any manner of satisfaction or security whatsoever, save and except the following

.....
Signature of Deponent.

Sworn before me on.....

.....
Registrar or Official Receiver.

Admitted to vote for £.....

(Sign.)

Official Receiver.

Dated.....

Admitted to rank for dividend for £.....

(Sign.)

Dated.....

Trustee.

Bills of exchange should be described as follows:-

Date	Drawer	Acceptor	Amount			Due date

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

PARTICULARS OF ACCOUNT referred to on other side.

(Credit should be given for contra accounts.)

If space is not sufficient let the particulars be annexed but where the particulars are on a separate sheet of paper the same must be marked by the person before whom the affidavit is sworn thus:-

In Bankruptcy-" This is the account marked with the letter 'A' referred to in the annexed proof of the debt made by..... in re..... sworn before me this..... day of.....,19....."

(Sign.)

Registrar or Official Receiver.

Date	Consideration	Amount			Remarks The vouchers (if any) by which the Account can be substantiated should be set out below

.....
.....

Signature of Deponent. [*77]

Proof of Debt of Workmen or others entitled to Wages (r. 110).

(Title.)

We, the undersigned, whose several names, addresses, and descriptions appear in the schedule endorsed hereon, make oath and say :-

That the above-named debtor (or debtors) was (or were) at the date of the receiving order, viz., the..... day of....., 19....., and still is (or are) justly and truly indebted to us in the sums severally set against our names in the sixth column of such schedule for wages due to us respectively as workmen or others in the employ of the above-named debtor (or debtors) in respect of services rendered by us respectively to the above-named debtor (or debtors) during such periods before the date of the receiving order and at such rates as are set out against our respective names in the fifth column of such schedule, for which said sums, or any part thereof, we say respectively that we have not received any manner of satisfaction or security whatsoever.

.....

Signatures of deponents.

Sworn before me on.....

(Sign.)

Registrar or Official Receiver.

SCHEDULE referred to on the other side.

(1) No	(2) Full Name of Workman	(3) Address	(4) Description	(5) Period over which wages due and rate	(6) Amount due		
					£	s.	p.

BANKRUPTCY FORM No. 32.

Notice of Decision on Proof of Debt where not rejected (r. 118 (1)).

(Title.)

Take notice that as Official Receiver (or trustee) of the above estate I have this day admitted your claim against such estate lodged on.....

or

Take notice that as Official Receiver (or trustee) of the above estate I require further evidence in support of your claim against such estate lodged on.....

You are requested to call at my office at..... in this connection on the..... day of....., 19....., between the hours of.....

Dated.....

(Sign.)

Official Receiver
 or Trustee, [*78]

BANKRUPTCY FORM No. 33.

Notice of Rejection of Proof of Debt (r. 118 (1)).

(Title.)

Take notice that as Official Receiver (or trustee) of the above estate I have this day rejected your claim against such estate to the extent of £..... on the following grounds:-

And further take notice that if you are dissatisfied with my decision in respect of your proof, you may apply to the Court to reverse or vary the same, but, subject to the power of the Court to extend the time, no application to reverse or vary my decision in rejecting your proof will be entertained by the Court unless made within fourteen days of the date of this notice.

Dated.....

(Sign.)

Official Receiver
or Trustee.

TO X.Y.

BANKRUPTCY FORM No. 34.

General Proxy (First Schedule, r. 16).

(Title.)

I, of....., a creditor, hereby appoint..... to be..... general proxy in the above matter (excepting as to the receipt of dividend).

Dated this..... day of....., 19.....

(Sign.)

Signature of Witness

Notes.

1. When the creditor desires that his general proxy should receive dividends he should strike out the words, "excepting as to the receipt of dividend," putting his initials thereto. It is not however intended that the Official Receiver shall in any case receive dividends on behalf of a creditor.

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

For the..... Company

J.S. (duly authorized under the seal of the Company).

3. A proxy given by a creditor may be filled up and signed by any person in the employ of the creditor having a general authority in writing to sign for such creditor. Such person shall sign as follows :-

J.S. (duly authorized by a general authority in writing to sign on behalf of (name of creditor). [*79]

Certificate to be signed by person other than creditor filling up the above proxy

I....., of....., being (here state whether clerk or manager in the regular employment of the creditor or a commissioner of oaths) 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.....

(Sign.)

The proxy must be lodged with the Official Receiver or trustee not later than twelve o'clock on the day preceding the meeting at which it is to be used.

BANKRUPTCY FORM No. 35.

Special Proxy (First Schedule, r. 16 (3))

(Title.)

I,, of....., a creditor, hereby appoint as proxy at the meeting of creditors to be held on the..... day of....., 19....., or at any adjournment thereof, to vote.....

Dated this..... day of....., 19.....

(Sign.)

Signature of Witness

Notes.

1. A creditor may give a special proxy to any person to vote at any specified meeting or adjournment thereof on all or any of the following matters :-

(a) For or against any specific proposal for a composition or scheme of arrangement.

(b) For or against the appointment of any specified person as trustee at a specified rate of remuneration, or as a member of the committee of inspection, or for or against the continuance in office of any specified person as trustee or member of a committee of inspection.

(c) On all questions relating to any matter, other than those above referred to, arising at any specified meeting or adjournment thereof.

2. The authorized agent of a corporation may fill up blanks and sign for the corporation thus :-

“For the..... Company

J.S. (duly authorized under the seal of the Company).” [*80]

3. A proxy given by a creditor may be filled up and signed by any person in the employ of the creditor having a general authority in writing to sign for such creditor. Such person shall sign as follows:-

J.S. (duly authorized by a general authority in writing to sign on behalf of (name of creditor)

Certificate to be signed by person other than creditor filling up the above proxy.

I, of....., being (here state whether clerk or manager in the regular employment of the creditor or a commissioner of oaths), 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.....

(Sign.)

The proxy must be lodged with the Official Receiver or trustee not later than twelve o'clock on the day preceding the meeting at which it is to be used.

BANKRUPTCY FORM No. 36.

Order appointing a time for the Public Examination of the Debtor (r. 75).

(Title.)

Upon the application of the Official Receiver in the above matter, it is ordered that the public examination of the above-named debtor be held at on the..... day of....., 19....., at..... o'clock In the..... noon.

And it is ordered that the above-named debtor do attend at the place and time above-mentioned.

Dated this..... day of....., 19.....

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.

BANKRUPTCY FORM No. 37

Notice of Day for proceeding with Public Examination (r. 77 (2)).

(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.....

(Sign.)

Official Receiver, [*81]

BANKRUPTCY FORM No. 38.

Proposal for a Composition (r. 79).

(Title.)

I,....., the above-named debtor, hereby submit the following proposal for a composition in satisfaction of my debts :-

1. That payment of all the proper costs, charges, and expenses of and incidental to the proceedings, and all fees and percentages payable to the Official Receiver shall be provided for as follows:-

(Set out proposal for provision for fees, charges, etc.)

2. That payment in priority to all other of my debts of all debts directed to be so paid in the distribution of the property of a bankrupt shall be provided for as follows :-

(Set out proposal for provision for preferential debts.)

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

(Set out terms of composition.)

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

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

Dated.....

(Sign.)

BANKRUPTCY FORM No. 39.

Proposal for a Scheme of Arrangement (r. 79).

(Title.)

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

1. That-

(Set out terms of scheme.)

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

(Set out or indicate by reference to the scheme how it is proposed to provide for fees, costs, charges, etc.)

3. That payment in priority to all other of my debts of all debts directed to be so paid in the distribution of the property of a bankrupt is provided for as follows :-

(Set out or indicate by reference to the scheme how it is proposed to satisfy preferential claims.)

4. (Set out any other terms.)

Dated.....

(Sign.) [*82]

BANKRUPTCY FORM No. 40.

Report of Official Receiver to Creditors on Proposal for Composition or Scheme and Voting Letter (r. 79).

(Title.)

The Official Receiver of the above estate hereby reports:-

That the debtor has lodged with him a proposal for a composition (or scheme) to be submitted to the creditors, of which the following is a copy :-

(Here set out fully the terms of proposal.)

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 signature must be attached at the meeting. Resolutions should be put separately.

BANKRUPTCY FORM No. 42.

Certificate of Approval of Composition or Scheme (s. 17 (14)).

(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.....

(Sign.)

Official Receiver.

BANKRUPTCY FORM No. 43.

Order of Adjudication (rr. 93-95).

(Title.)

Ex parte..... the Debtor..... Applicant.

Whereas pursuant to a petition dated..... against (here insert name, address and description of debtor) a receiving order was made on the (date):

On the application of the debtor himself, and upon reading..... and hearing.....

It is ordered that the debtor be and the said debtor is hereby adjudged bankrupt.

Given this.....

or

Ex parte J.S., a creditor, or the Official Receiver, Applicant.

Whereas pursuant to a petition dated..... against (here insert name, address and description of debtor) a receiving order was made on the (date):

On the application of J.S., a creditor (or the Official Receiver), and upon reading..... and hearing.....

It appearing to the Court that (here set out the grounds of making the order.)

It is ordered that the debtor be and the said debtor is hereby adjudged bankrupt.

Given this..... [*84]

BANKRUPTCY FORM No. 44.

Certificate of Creditors of whom the Official Receiver has Notice (r. 98 (1)).

(Title.)

I certify that the following are the creditors in the above matter of whom I have notice:-

List A.-Creditors who have proved.

List B.-Other creditors.

Dated.....

(Sign.)

Official Receiver.

BANKRUPTCY FORM No. 45.

Consent of Bankrupt to Judgment being entered for Balance or part of Balance of provable Debts (r. 100).

(Title.)

I, A.B., of....., the above-named bankrupt, do hereby consent to judgment being entered against me in the above Court by the Official Receiver (or trustee) 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 the provision contained in the Bankruptcy Law, Cap.6, with regard to the issue of execution on such judgment.

Dated this..... day of....., 19.....

(Sign.) A.B.....

BANKRUPTCY FORM No. 46.

Affidavit by Debtor whose discharge has been granted conditionally as to after-acquired Property or Income (r. 103 (1)).

(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 of all property and income acquired or received by me since the date of my discharge, namely, the..... day of,19....., (or, since the date when last I filed a statement of after-acquired property and income in Court, namely, the..... day of....., 19.....).

.....

Signature of Debtor.

Sworn before me on.....

..... (Registrar.) [*85]

BANKRUPTCY FORM No. 47.

Certificate for Removal of Disqualification (s. 27 (4)).

(Title.)

Whereas an order of discharge was, on the..... day of....., 19..... granted to A.B., 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.....

(Sign.)

Judge of the Court.

BANKRUPTCY FORM No. 48.

Objection to Appointment of Trustee (r. 164).

(Title.)

To the Registrar,

I, A.B., the above-named debtor in the above matter, (or J.S., a creditor) request you to fix a day for the hearing of my objection to the appointment of C.D., as trustee of my property, (or, of the property of the above-named debtor).

The grounds of my objection (as verified by the accompanying affidavit) are:-

(Sign.)

Filed on.....

.....

Registrar.

The above objection will be heard on the..... day of....., 19....., at the hour of..... in the..... noon.

BANKRUPTCY FORM No. 49.

Certificate of Appointment of Trustee (s. 20 (s)).

(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.....

Dated this..... day of....., 19.....

(Sign.).....

Judge of the Court.

BANKRUPTCY FORM No. 50.

Notice to Landlord of Intention to disclaim Leasehold Property not sub-let or mortgaged (r. 125)

(Title.)

Take notice that I intend to disclaim the..... dated..... whereby..... was let to the above named bankrupt 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 seven days of the receipt by you of this notice.

Dated this..... day of....., 19.....

(Sign.)Trustee.

.....Address.

To.....

The landlord of the above-mentioned property. [*86]

BANKRUPTCY FORM No. 51.

Notice of Intention to disclaim Leasehold Property sub-let or mortgaged

(r. 125).

(Title.)

Take notice that I intend to disclaim the lease dated..... whereby..... was let to..... 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 fourteen days of the receipt by you of this notice.

Dated this.....day of....., 19.....

(Sign.) Trustee.

.....Address.

To Mr., the landlord of the above-mentioned premises and

To Mr., the mortgagee or sub-tenant.

BANKRUPTCY FORM No. 52

Disclaimer without Notice (r. 125).

(Title.)

I,, the trustee of the property of the above-named bankrupt, hereby disclaim the..... of the premises..... which were let to the above-named bankrupt..... at a rent of £..... per.....

Notice of this disclaimer has been given to (here insert names, descriptions, e.g., landlord, or as the case may be, and addresses of persons to whom notice, given).

Dated this..... day of....., 19.....

(Sign.)..... Trustee.

.....Address.

Filed on.....

(Sign.)

Registrar.

BANKRUPTCY FORM No. 53.

Disclaimer of Leasehold Property after Notice to Landlord, Mortgagees,

etc. (r. 125).

(Title.)

Pursuant to notice dated the..... day of....., 19....., addressed to (here insert names, descriptions, e.g., landlord, etc., and addresses of persons to whom notice of intention to disclaim has been given), I,, the trustee of the property of the above-named bankrupt, hereby disclaim the lease dated the..... day of....., 19....., whereby..... were let to..... at a rent of £..... for a term of..... [*87]

Notice of this disclaimer has been given to (here insert names, descriptions, e.g., landlord, etc., and addresses of persons to whom notice of disclaimer has been given).

Dated this..... day of....., 19.....

(Sign.)Trustee.

.....Address.

Filed on.....

(Sign.)Registrar.

BANKRUPTCY FORM No. 54.

Disclaimer of Lease with Leave of Court (s. 53 (3)).

(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..... were demised to..... at a rent of £..... per annum for a term of.....

Notice of this disclaimer has been given to.....

Dated this..... day of....., 19.....

(Sign.).....Trustee.

.....Address.

BANKRUPTCY FORM No. 55.

Notice of Disclaimer without Leave of Court (r. 125).

(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..... of the premises known as..... which were let to..... on a tenancy (or for a term of years, or as the case may be) at a rent of £..... per..... (c).

The above-mentioned disclaimer has been filed in Court with the proceedings in the bankruptcy on.....

Your attention is directed to the provisions of the Bankruptcy Law printed on the back hereof.

Dated this..... day of....., 19.....

(Sign.).....Trustee.

.....Address.

(Note.-On the back of this notice the provisions of section 53 (2) and (6) of the Bankruptcy Law, Cap. 6, should be printed.) [*88]

BANKRUPTCY FORM No. 56.

Notice of Disclaimer of Lease with Leave of Court (s. 53 (s)).

(Title.)

Take notice that pursuant to an order of the 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....., 19....., 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 on.....

Dated this..... day of....., 19.....

(Sign.).....Trustee
.....Address.

To.....

BANKRUPTCY FORM No. 57.

Form of Notice by Landlord or other Person requiring trustee to bring matter of Intended Disclaimer of Property burdened with onerous Covenants before the Court (r. 125).

(Title.)

To Mr.

Trustee of the property of the above-named bankrupt.

I hereby give you notice that the bankrupt was, at the date of the receiving order, interested as lessee (or, as the case may be) in the property described in the schedule to this notice, and that as such lessee (or, as the case may be) the bankrupt was liable in respect of (set out nature of the bankrupt's liability) which liability has devolved on you as trustee in bankruptcy of his property, and I hereby require you to bring the matter of your intended disclaimer of the bankrupt's interest in the said property before the Court.

Dated the..... day of....., 19.....

(Sign.) A.B.....

(State how interested in property.)

Schedule to Notice when given by Lessor.

Date of lease.....

Names, addresses, and descriptions of parties to lease.....

Full description of property leased.....

Term and Rent.....

Date of assignment to bankrupt (if any).....

Names and addresses of parties to assignment (if any).....

Particulars of any notices of mortgage of lease by bankrupt.....

Schedule to Notice when given by Mortgagee or Assignee.

- Date of lease.....
- Names and addresses of parties to lease.....
- Description of property leased.....
- Term and Rent.....
- Date of mortgage.....
- Names and addresses of parties to mortgage.....
- Term conveyed by mortgage.....
- Amount secured by mortgage.....
- Particulars of any transfer of mortgage, with dates and names and descriptions of parties thereto..... [*89]

BANKRUPTCY FORM No. 58.

Creditor's Petition for Administration of Estate of Deceased Debtor under section 107

(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..... in the district of..... (or, as the case may be, following the terms of section 88 of the Law, and rules 6 and 45).
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 amount of debt or debts and the consideration).
3. That I (or We) do not nor does any person on my (or our) behalf hold any security on the said deceased debtor's estate, or on any part thereof, etc. (or as in Bankruptcy Form No. 7, Creditor's Petition).
4. That the estate of the said A.B. is according to my information and belief insufficient to pay his debts.
5. That the will of the said A.B. dated..... was on the..... day of....., 19....., proved by J.S., of....., and G.H., of.....,

or

That letters of administration were on the..... day of....., 19..... granted to J.S., of....., and G.H., of.....

(Sign.).....

Signed in my presence and filed on.....

(Sign.).....

Registrar.

Indorsement.

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

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, and serve a copy of such notice on the petitioner (two) days before the date fixed for the hearing.

The petitioner's address in the town in which the registry of the Court is situated is.....

(See note to indorsement in Bankruptcy Form No. 7.)

BANKRUPTCY FORM No. 59

Order for Administration in Bankruptcy of Estate of deceased Debtor upon

Petition (s. 107 (s))

(Title.)

Upon the petition of C.D., dated....., and upon reading..... and nearing..... ;

It is ordered that the estate of A.B., of....., who died insolvent, be administered in bankruptcy, and that the Official Receiver of this Court be the trustee, and that the costs of this petition be.....

Given this..... [*90]

BANKRUPTCY FORM No. 60.

Statement to accompany Notice of Dividend (r. 121 (3)), and Application

for Release (s. 82 (2)).

(Title.)

In the matter of....., (here state address and description of debtor), under Receiving Order dated.....

Statement showing position of estate at date of declaring..... dividend, (or at date of application for release, as the case may be).

Dr.

Estimated to produce per debtor's Statement	Receipts					
	£	s.	p.	£	s.	p.
To total receipts from date of receiving order, viz. :- (State particulars under the several headings specified in the debtor's Statement of affairs)						
Receipts for trading account						
Other receipts						

Total						
Less:						
Deposit returned to petitioner						
Payments to redeem securities						
Costs of execution payments per trading Account						
				£		
Net realizations				£		
				£		

[*91]

Cr.

				Payments		
By Court and other fees (including stamp of..... on petition)				£	s.	p.
	£	s.	p.			
Law costs of petition						
Other Law costs						
Trustee's remuneration as fixed by the viz:-	£	s.	p.			
per cent on £						
assets realized						
per cent on £						
assets distributed in. dividend						
Special manager's charges						
Persons appointed to assist debtor under section 70 of the Law						
Auctioneer's charges as taxed						
Other taxed costs						
Costs of possession						
Cost of notices in Gazette and local papers						
Incidental outlay						
Total cost of realization				£		
Allowance to debtor						
Creditors, viz :-	£	s.	p.			
preferential						
unsecured (c) dividend now declared of s. d. in the on £						
Dividends previously declared						
The debtor's estimate of amount expected to rank for dividend was £						
Balance						

	£			
--	---	--	--	--

[*92]

By section 77 (2) of the Bankruptcy Law, Cap. 6, it is provided that “if one-fourth in number or value of the creditors dissent from the resolution, or the bankrupt satisfies the Court that the remuneration is unnecessarily large, the Court shall fix the amount of remuneration.”

Assets not yet realized estimated to produce £..... (Add here any special remarks trustee thinks desirable).

Creditors can obtain any further information by inquiring at the office of trustee.

Dated this..... day of....., 19.....

(Signature of trustee).....

(Address).....

Note.-When this statement accompanies a declaration of a second or subsequent dividend, it shall incorporate the figures of the preceding statement or statements under their respective headings.

BANKRUPTCY FORM No. 61.

List of Proofs sent to the Registrar by the Official Receiver under Rule 114.

(Title.)

A.-PROOFS ADMITTED.

No.	Creditor	Amount of Proof			Admitted for			Remarks
		£	s.	p.	£	s.	p.	
1								Wholly Partly: see B, No.
2								
2	Total							

B.-PROOFS REJECTED.

No.	Claimant	Amount			Rejected to extent of			Remarks
		£	s.	p.	£	s.	p.	
1								Wholly Partly: see A, No.
2								
2	Total							

I certify that the above is a true list of all proofs tendered to me in the above proceeding. The proofs themselves are attached hereto for the purpose of being filed.

Dated.....

(Sign.).....

Official Receiver. [*93]

BANKRUPTCY FORM No. 62.

Monthly List of Proofs received by Trustee (r. 115).

(Title.)

For the month of....., 19.....

A.-PROOFS ADMITTED.

No	Creditor	Amount of Proof			Admitted for			Remarks
		£	s.	p.	£	s.	p.	
1								Wholly Partly : see B, No. Notified on
2								
2	Total							

B.-PROOFS REJECTED.

No	Claimant	Amount			Rejected to extent of			Remarks
		£	s.	p.	£	s.	p.	
1								Wholly: notified on.... Partly : see A, No.
2								
2	Total							

C.-PROOFS FOR FURTHER COSIDERATION.

No	Claimant	Amount			Remarks
		£	s.	p.	
1					Notified on..... to adduce further evidence, or as the case may be.
2	Total				

I certify that the above is a true list of all proofs received by me during the month of....., 19..... The proofs shown under A and B above the attached hereto for the purpose of being filed.

1st of....., 19.....

(sign.)

Trustee.

(Note.-A Nil return to the Registrar should be made where no proofs have been received.) [*94]

BANKRUPTCY FORM No. 63.

List of Proofs upon Declaration of Dividend (r. 116).

(Title.)

A.-PROOFS ON WHICH DIVIDEND IS PAYABLE AT THE RATE OF.....

No.	Payee	Admitted for			Amount allocated			Remarks
		£	s.	p.	£	s.	p.	
1								
2								
2	Total							

B.-REJECTED PROOFS PENDING BEFORE THE COURT.

No.	Claimant	Provisions under r. 121 (2)						Amount claimed		
		For dividend			Probable costs					
		£	s.	p.	£	s.	p.	£	s.	p.
1										
2										
2	Total									

Notes.-No 1 rejected on..... ; applied to Court on..... ; notice of application received on..... ; fixed for hearing on.....

No. 2 (similar details).

C.-PROOFS EXCLUDED FROM PARTICIPATION IN THE DIVIDEND.

No.	Claimant	Amount			Grounds of exclusion
		£	s.	p.	
1					
2					
2	Total				

To the Official Receiver,

I certify that the sum of £..... has been received by me and stands to the credit of the above estate at the bank appointed for the purpose, namely, the....., at.....

The sum of £..... is required to meet the dividends on the proofs included in list A above, and the sum of £..... is required as provision on the proofs included in list B above, making a total of £..... [*95]

The dividend is payable on the..... day of.....,19....., and notice of declaration was given to you for gazetting on the..... day 63. of.....,19.....

I have to request that this list may be examined and certified by you if found correct, and that one certified copy may be returned to me with a view to my preparing orders for the payment of the amounts allocated as dividend in list A.

Dated.....

(Sign.).....

Trustee.

Found correct.....

Dated.....

(Sign.).....

Official Receiver.

(Note.-In declaring a dividend due regard should be had to the provisions of section 60 of the Law).

BANKRUPTCY FORM No. 64.

Notice to Creditors of Intention to declare Dividend (r. 121 (1)).

(Title.)

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.....,

(Sign.).....

Trustee.

To X.Y.

.....Address.

BANKRUPTCY FORM No. 65.

Notice to Persons claiming to be Creditors of Intention to declare Final

Dividend (s. 63 (1)).

(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 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.....

(Sign.).....

Trustee.

To X.Y.

.....Address.

BANKRUPTCY FORM No. 66.

Notice to Creditors 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.....

.....Trustee under the Composition. [*96]

BANKRUPTCY FORM No. 67.

Notice of Dividend (r. 121 (3)).

(Title.)

(Please bring this Dividend Notice with you.)

Dividend of..... in the £.....

Dated..... Address.

Notice is hereby given that a dividend of..... in the £ has been declared in this matter and that the same may be received at my office, as above, on the..... day of....., 19....., or on any subsequent..... between the hours of..... and.....

Upon applying for payment, this Notice must be produced entire, together with any Bills of exchange, Promissory Notes, or other negotiable securities held by you. If you desire the dividend to be paid to some other person you can sign and lodge with the trustee an authority in the prescribed Bankruptcy Form No. 68, otherwise, if you do not attend personally you must fill up and sign the subjoined forms of receipt and authority when a Dividend Payable Order in your favour will be delivered in accordance with the authority.

(Sign.) G.H. Trustee.

Note.-On application for the dividend this notice must be produced entire, and the bills or other negotiable securities held by you must be produced.

Dividend Payable Orders are cancelled at the expiration of three months from date of issue, but will be re-issued free of charge on application within six months from date of issue.

A fee of 2s. 4½p. is chargeable on the re-issue of each Dividend Payable Order after six months from the date of issue, the fee being payable in stamps.

Receipt.

Received of..... the sum of..... pounds..... shillings and..... piasteres, being the amount payable to me/us in respect of the..... dividend of..... in the £ on my/our claim against this estate.

£.....

Creditor's Signature.

Authority.

Sir,

Please deliver to me/us by post at my/our risk..... the bearer, Mr., the Dividend Order for the dividend payable to me/us in this matter.

Dated.....

Creditor's Signature.

To..... Witness to above signature. [*97]

BANKRUPTCY FORM No. 68.

Authority to Trustee to pay Dividends to another Person (see Bankruptcy
Form No. 67).
(Title.)

To.....

The Trustee,

I/We hereby authorize and request you to pay to Mr. of....., all dividends as they are declared in the above-named matter, and which may become due and payable to me/us in respect of the proof of debt for the sum of £....., against the above estate made by me/us (or by....., on my/our behalf).

And I/We further request that the Dividend Payable Orders issued in respect of such dividends may be made payable to the said Mr. whose receipt shall be sufficient authority to you for the issue of such Orders in his name.

It is understood that this authority is to remain in force until revoked by me/us in writing.

Dated..... Signature.

Witness.....

BANKRUPTCY FORM No. 69.

Certificate of Taxation (rr. 27 and 28).

(Title.)

I hereby certify that I have taxed the bill of costs (or charges, or expenses of Mr. C.D. (here state capacity in which employed or engaged) (where necessary add " pursuant to a direction of the Court made on the..... day of....., 19....."), and have allowed the same (in the case of advocates' costs state whether on higher or lower scale) at the sum of..... pounds..... shillings and..... piastres (where necessary add "which sum is to be paid to the said C.D. out of the estate "or" by..... as directed by the Court").

Dated this..... day of....., 19.....

£.... : : Registrar.

BANKRUPTCY FORM No. 70.

Trustee's Monthly Account (s. 81 (1)).

(Title.)

For the month of....., 19.....

Dr.		Receipts.			Payments.			Cr.		
Date		£	s.	p.	Date		£	s.	p.	
	1. Form					1. To				
	2. Form					2. To				
	3. Form					3. To				

- 1. Debt due to estate
- 2. Proceeds of sale of

- 1. Taxed bill of costs
- 2. Dividend declared on

3. And so on, as case may be

3. And so on, as case may be.

Dated.....

.....Trustee. [*98]

We have examined the trustee's accounts for the month of..... 19....., with the vouchers and books and find the same correct and we are of opinion that the payments made were proper.

Dated.....

Committee of Inspection {

(Note.-The above form may also be used where the trustee carries on the business of the bankrupt under section 55(1) of the Law, being marked "Trading Account." In such a case the trustee should also furnish the committee of inspection wherever such committee so requires and, in any event, at the end of the trading business, with a Profit and Loss Account in the following Bankruptcy Form No. 71).

BANKRUPTCY FORM No. 71.

Profit and Loss Account (Trading Account) (s. 55 (1) (a)).

(Title.)

Dr.				Profit and Loss Account.			Cr.		
				£	s.	p.			
				£	s.	p.	£	s.	p.
Stock in hand on.....							Sales		
Purchases							Other receipts, if any		
Trade expenses, viz :-							Stock in hand on.....		
Rent and Taxes									
Wages									
Miscellaneous									
Balance being profit									

Dated.....

G.H., Trustee.

(Note.-This account to be submitted when the committee of inspection so require, and in any case at the end of the trading business carried on by the trustee).

BANKRUPTCY FORM No. 72.

Notice of Transfer of Separate Estate to Joint Estate for Gazette (s. 38 (4)

and r. 183).

(Title.)

Notice is hereby given that there being in the hands of Mr. 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.....

(Sign).....

Official Receiver. [*99]

BANKRUPTCY FORM No. 73.

Notices for Publication.

(Note.-These notices are to be published in the Gazette and, except in two cases, also in a local Greek and a local Turkish paper or, where no paper is published locally, the Court may direct the notice to be inserted in a paper published at Nicosia, (see r. 13 (4)). The two exceptions are the Notice of Intended Dividend and the Notice of Dividend.

The foregoing observations do not apply to cases of summary administration under section 103 of the Law. In such cases the notices are to be published in the Gazette only, unless the Court otherwise orders (see r. 143 (a)).

(1) General Heading of all Notices.

THE BANKRUPTCY LAW, Cap. 6.

(2) Appointment of Interim Receiver.

(Title.)

Debtor's Name.....

Address.....

Description.....

Date of filing Petition.....

Date of Order appointing Interim Receiver.....

Whether Debtor's or Creditor's Petition.....

.....Official Receiver.

(3) Receiving Order.

Debtor's Name.....

Address.....

Description.....

Date of filing Petition.....

Date of Receiving Order.....

Whether Debtor's or Creditor's Petition.....

Act or Acts of Bankruptcy proved in Creditor's Petition.....

.....Official Receiver.

(4) Administration Order in case of Deceased Debtor.

(Title.)

Name of Deceased.....

Address.....

Description.....

Date of Death.....
Probate of will dated... granted to X.Y. on.....
Letters of administration granted to X.Y. on.....
Date of filing petition.....
Date of Order for Administration in Bankruptcy.....
.....Official Receiver.

(5) First Meeting of Creditors and Public Examination of Debtor.
(Title.)

Debtor's Name.....
Address.....
Description.....
Date of First Meeting and Hour.....
Place.....
Date of Public Examination and Hour.....
Place.....
Date of Order (if any) for Summary Administration.....
.....Official Receiver, [*100]

(6) Notice of Day appointed for proceeding with Public Examination
adjourned sine die.
(Title.)

Debtor's Name.....
Address.....
Description.....
Date fixed for proceeding with Public Examination and Hour.....
Place.....
.....Official Receiver.

(7) Order on Application to approve Composition or Scheme.
(Title.)

Debtor's Name.....
Address.....
Description.....
Date of Order.....
Nature of Scheme or Composition sanctioned or Order made.....
.....Official Receiver.

(8) Adjudication.

(Title.)

Debtor's Name.....

Address.....

Description.....

Date of filing Petition.....

Date of Order of Adjudication.....

.....Official Receiver.

(9) Adjudication annulled.

(Title.)

Debtor's Name.....

Address.....

Description.....

Date of Adjudication.....

Date of Annulment.....

Grounds of Annulment.....

.....Official Receiver.

(10) Application for Discharge.

(Title.)

Debtor's Name.....

Address.....

Description.....

Day fixed for Hearing and Hour.....

Place.....

.....Official Receiver.

(11) Order made on Application for Discharge.

(Title.)

Debtor's Name.....

Address.....

Description.....

Date of Order.....

Nature of Order made.....

Grounds named in Order for refusing an absolute Order of Discharge.....

.....Official Receiver, [*101]

(12) Appointment of trustee

(Title.)

Debtor's Name.....

Address.....

Description.....

Name.....

Trustee Address.....

Description.....

Date of Certificate of Appointment.....

.....Official Receiver.

(13) Notice of Removal of Trustee.

(Title.)

Debtor's Name.....

Address.....

Description.....

Name.....

Trustee Address.....

Description.....

Date of Removal.....

By Resolution of the Creditors.....

By Order of the Court on the ground that.....

.....Official Receiver.

(14) Notice of Release of Trustee.

(Title.)

Debtor's Name.....

Address.....

Description.....

Name.....

Trustee Address.....

Description.....

Date of Release.....

.....Official Receiver.

(15) Notice of Intended Dividend.

(Title.)

Debtor's Name.....
Address.....
Description.....
Last Day for receiving Proofs.....
Trustee Name.....
Address.....
.....Official Receiver.

(16) Notice of Dividend.

(Title.)

Debtor's Name.....
Address.....
Description.....
Amount per £.....
First or Final or otherwise.....
When payable.....
Where payable.....
.....Official Receiver. [*102]

(17) Order amending or altering Order.

(Title.)

Debtor's Name.....
Address.....
Description.....
Nature and Date of Order amended or altered.....
Date of amending or altering Order and Effect.....
Grounds of Amendment or Alteration.....
.....Official Receiver.

BANKRUPTCY FORM No. 74.

Memorandum of Gazetting or Advertisement (r. 13 (2)).

(Title.)

Name of Paper.....
Place of Publication.....
Date of Issue.....
Date of Receipt of Paper.....
Nature of Order, etc.....

Date.....

A.B., Registrar.

APPENDIX B.

SCHEDULE OF FEES, PERCENTAGES, AND COSTS.

The fees and percentages to be charged for and in respect of proceedings in bankruptcy shall be the fees and percentages set out in tables A and B, and the manner in which such fees and percentages shall be taken shall be the manner provided in table C in this schedule.

Where costs are allowed, these shall be taxed as prescribed in tables D and E in this Appendix.

With the exception of the fees prescribed for proceedings in Court or before the Registrar, which fees shall begin to be chargeable upon publication, all other fees, percentages, and costs prescribed in this Appendix shall apply to every proceeding in bankruptcy instituted under the Law.

TABLE A.

No.	Fees and Percentages. Description of Proceeding.	Amount		
		£	s.	p.
1.	On filing a declaration by a debtor of inability to pay his Debts	-	5	0
2.	On issuing a bankruptcy notice	-	7	4½
3	On presenting a bankruptcy petition-			
	(i) If presented by the debtor	1	10	0
	(ii) If presented by a creditor	2	0	0
4.	On filing a petition under section 107 of the Law	2	0	0
5.	On an application for annulment of adjudication or rescission of receiving order One fee only shall be charged when annulment and Rescission are the subject of one application.	-	5	0
6.	On an application for an order of discharge	-	5	0
7.	On an application for search under rule 10 or rule 177 other Than by petitioner, trustee, bankrupt, or any officer of the court	-	1	0
8	On entering any judgment or order of the Court	-	7	4½
9.	On entering any judgment or order of the Supreme Court	-	10	0
10.	On filing any notice of appeal in bankruptcy	1	0	0
11.	On issuing a summons to a witness	-	1	4½
12.	For the service of any document through any Court	At the rates chargeable in civil proceedings.		
13.	(i) On swearing any affidavit other than an affidavit of service	-	2	0
	(ii) On marking any exhibit to an affidavit	-	1	0
	(iii) On filing any affidavit other than an affidavit of service	-	2	0
14.	On an application to the Registrar to tax a bill of costs or			

	expenses, except by the Official Receiver when applying in his capacity of Official Receiver only-For every £2 or part thereof claimed	-	1	4½
15.	On filing notice of review of taxation	-	7	4½
16.	On taxation of costs by the Court or by the Supreme Court In the first instance-For every £1 or part thereof allowed The stamps in payment of this fee shall be affixed to the book in which judgments or orders are entered, and no judgment or order containing a direction as to the amount of costs allowed shall be entered unless this fee is paid.	-	-	4½
17.	For furnishing office copies	At the rates chargeable in civil proceedings.		
18.	For certifying a copy supplied by a party to be a true copy	do		
19.	On a proof of debt	-	2	0
20.	On sealing a writ of execution	At the rates chargeable in civil proceedings.		

TABLE B.

Fees and Percentages.				
1.	On an application by a trustee to the Court or to the Official Receiver acting as committee of inspection	-	5	0
2.	On an application to the Registrar under section 115 of the Law for payment of money out of the Bankruptcy Estates Accounts	-	2	4½
3.	On an application after six months from the date of issue for the re-issue of a lapsed payable order	-	2	4½
4.	On the insertion of a notice in the Gazette	-	5	0
5.	On the insertion of a notice in a local paper in addition to the amount actually paid	-	1	4½
6.	On application being made for the approval of a composition, a fee computed at the following rates on the gross amount of the composition- On the first £1,000 or fraction thereof, per cent On the next £1,500 or fraction thereof, per cent On all further sums, per cent Provided that where a fee has been taken on the occasion of a previous application for the approval of a composition, only two-fifths of the fee chargeable under this item shall be taken in respect of a subsequent application for approval of a composition.	10 7 5	0 10 0	0 0 0
7.	On application being made for the approval of a scheme of arrangement, a fee computed at the following rates on the gross amount of the estimated assets (but not exceeding the gross amount of the unsecured liabilities), viz:-			

	On the first £1,000 or fraction thereof, per cent	10	0	0
	On the next £1,500 or fraction thereof, per cent	7	10	0
	On all further sums, per cent	5	0	0
	Provided that where a fee has been taken on the occasion of a previous application for the approval of a scheme, only two-fifths of the fee chargeable under this item shall be taken in respect of a subsequent application for the approval of a scheme.			
7A.	On application being made for rescission of the receiving order or annulment of the adjudication, where the creditors' claims have been paid either wholly or in part or otherwise settled or arranged, the same fee, and subject to the same provisos, as in No. 6 or No. 7 of this table, as the Official Receiver may decide according to the nature of the case. This fee shall be in addition to that in No. 5 of table A.			
8.	On the net assets realized or brought to credit after deducting any sums paid to secured creditors in respect of their securities-			
	On the first £1,000 or fraction thereof, per cent	10	0	0
	On the next £1,500 or fraction thereof, per cent	7	10	0
	On all further sums, per cent	5	0	0
	Provided that where a fee has already been taken in respect of a composition or scheme, only two-fifths of the percentage payable under this item shall be charged.			
9.	On the net assets realized or brought to credit by the Official Receiver (whether acting as interim receiver, receiver, or trustee in bankruptcy or under a composition or scheme), after deducting any sums paid to secured creditors in respect of their securities, and not being assets realized by a special manager or moneys received and spent in carrying on the business of the debtor, in addition to the percentage chargeable under item 8-On every £100 or fraction thereof, per cent	2	10	0
10.	On the amount distributed to creditors by the Official Receiver whether in bankruptcy or under a composition or scheme, not being moneys paid in respect of securities other than securities given pursuant to a composition or scheme-On every £100 or fraction thereof, per cent	2	10	0
11.	For each week or fraction thereof that the Official Receiver acts as interim receiver of a debtor's property, in addition to the percentages chargeable on realizations	1	0	0
12.	For each notice by the Official Receiver to a creditor	-	1	4½
13.	For the Official Receiver supervising a special manager or the carrying on of a debtor's business, where the estimated assets exceed £100, a fee according to the following scale :-			
	If the gross assets are estimated by the Official Receiver not to exceed £200, per week	1	0	0
	If to exceed £200 but not to exceed £1,000, per week	2	0	0
	If to exceed £1,000, per week	4	0	0

14.	For a room for meeting of creditors summoned by the Official Receiver	Actual costs.			
15.	For travelling, keeping possession, and other reasonable expenses of the Official Receiver	Actual costs.			
16.	On audit of the trustee's account by the court or by the Official Receiver when acting as a committee of inspection, a fee to be computed on the gross amount of the assets realized and brought to credit-On every 100 or fraction thereof Provided that where a fee or fees has or have been taken on a previous audit or audits, the amount or amounts of such fee or fees shall be deducted from the fee payable on audit of the trustee's account.	1	0	0	
17.	For appearances of the Official Receiver in Court or in chambers-For each day or part of a day To be fixed by the Court before which he appears on each occasion.	From To	1 4	0 0	0 0
18.	On every payment under section 115 of the Law of money out of the Bankruptcy Estates Accounts-On each £1 or fraction thereof	-	-	4½	
19.	On the issue of a search warrant, or a warrant of seizure, apprehension, or committal, or an order of commitment	-	7	4½	
20.	For keeping possession under a warrant	Actual costs.			

TABLE C.

Provisions regarding Fees and Percentages.

1. The fees payable for proceedings in Court or before the Registrar shall be paid in stamps in the same manner as- in civil proceedings.

2. The fee payable on a proof of debt (table A, No. 19) shall be paid in stamps affixed to the proof.

3. The fees described in table B, Nos. 1 to 3 inclusive, shall be paid in stamps affixed to the application, the application in table B, No. 3, being filed with the Official Receiver.

4. The fees and percentages described in table B, Nos. 4 to 17 inclusive, and No. 20, shall be paid to the Official Receiver in such manner as the Accountant-General may direct.

4A. The Official Receiver shall have power to decide under which of the items-No. 6 or No. 7 in table B-an application for the approval of a proposal shall be charged, and may, upon security being given and with the sanction of the Court, allow payment of the fee to be deferred. The fees chargeable under these two items shall be regarded as interchangeable, and when an application for the approval of a composition (or scheme) is [*106] followed by one for the approval of a scheme (or composition), the Official Receiver shall have power to decide the fee payable on the second application as may seem to him just having regard to the fee already paid on the first. These provisions shall also apply to applications for rescission of a receiving order or annulment of an adjudication as if they were applications for the approval of a composition or scheme.

5. The Registrar's order for payment under section 115 of the Law of money out of the Bankruptcy Estates Accounts shall be entered in the book in which orders or judgments in bankruptcy are entered, and the fee chargeable for the Registrar's order (table B, No. 18) shall be paid in stamps to be affixed to such book.

6. No fees shall be paid by the Official Receiver in respect of any proceeding taken by him as Official Receiver only.

TABLE D.

Advocates' Fees.

Subject to the provisions of the Law and the rules regarding the employment of advocates and the allowance to them of costs in bankruptcy, their costs shall, subject to the provisions of rule 27 (2), be taxed at the following rates as well between party and party and as against the estate as also between advocate and client where there is no special order or agreement.

			£	s.	p.
1.	Instructions to sue out a bankruptcy notice or to present a bankruptcy petition, or to oppose such a notice or petition	from to	- 1	10 0	0 0
2.	Preparing a bankruptcy notice or petition and copies, including necessary affidavit		-	12	0
3.	Preparing an affidavit of opposition to a bankruptcy notice, or a notice of opposition to a bankruptcy petition		-	10	0
4.	Every necessary letter		-	3	0
5.	Obtaining proofs of evidence for each witness whose costs are allowed	from to	- -	3 10	0 0
6.	Preparing summons to witness whose costs are allowed		-	2	0
7.	Preparing application or notice of opposition to application, including necessary affidavit		-	10	0
8.	Preparing notice of appeal including attendance on the Registrar to file	from to	- -	5 10	0 0
9.	Preparing security bond		-	2	0
10.	Preparing bill of costs including copies		-	5	0
11.	For every necessary attendance on the Registrar not otherwise provided for		-	2	0
12.	Attending Registrar on taxation of costs	from to	- -	5 15	0 0
13.	Attending the Court on hearing of bankruptcy notice or petition, for each day or part of a day	from to	2 8	0 0	0 0
14.	Attending the Court to make ex parte application		-	10	0
15.	Attending the Court on hearing of application of which notice is required	from to	1 2	0 0	0 0
16.	Attending the Court on hearing of opposed application, for each day or part of a day	from to	2 5	0 0	0 0
17.	Attending the Court to hear deferred order or judgment	from to	- 1	10 0	0 0
18.	Attending the Court on review of taxation	from to	- 1	15 10	0 0

19.	Attending Supreme Court to hear deferred order or Judgment	from to	1 2	0 0	0 0
20.	Attending Supreme Court to make ex parte application		1	0	0
21.	Attending Supreme Court on hearing of application of which notice is required	from to	1 3	10 0	0 0
22.	Attending Supreme Court on hearing of opposed application, for each day or part of a day	from to	3 7	0 0	0 0
23.	Attending Supreme Court on review of taxation	from to	1 2	0 0	0 0
24.	Attending Supreme Court on hearing of appeal or case stated, for each day or part of a day	from to	3 12	0 0	0 0
25.	The Court or the Supreme Court may, where the conduct of a case so warrants, allow costs below the prescribed minima. The Court or the Supreme Court may also in cases of special difficulty or of necessarily great length allow costs in excess of the prescribed maxima, or costs for a second advocate not exceeding two-thirds of the costs allowed for the leading advocate				
26.	For instructing an advocate who was not in the court below to argue an appeal, including perusal of papers, from £1 to £5.				
27.	Where a case is adjourned for want of time the Court or the Supreme Court may in its discretion allow as advocates' costs for attendance a sum not exceeding the minimum costs which would be payable had the case been heard.				
28.	For service of documents through any court, the fee paid for service shall be allowed.				

TABLE E.

Allowances to witnesses, etc.

Allowances may be made to parties and witnesses in the same manner as in civil proceedings.

BANKRUPTCY REGISTERS.

PRESCRIBED UNDER RULE 177.

The Chief Justice has directed that the following books be kept by the Registrars of the District Courts:-

(1) REGISTER OF BANKRUPTCY NOTICES.

(In tabular form.)

Number and Date :

Debtor :

Creditor :

Advocate :

Result :

Remarks : (here note if transferred from another Court or registry) : [*108]

(2) REGISTER OF BANKRUPTCY PETITIONS.

(In tabular form.)

Number and Date :
Debtor :
Residence :
Description :
Petitioner and Advocate :
Act of bankruptcy alleged :
Date of receiving order, or result of petition :
Date of public examination :
Date of approval of composition or scheme :
Date of adjudication :
Trustee :
Date of hearing application for discharge :
Date and nature of order made on application for discharge :
Date of trustee's release :
Date of annulment of adjudication :
Proceedings consolidated or transferred :
Date of order for summary administration :
Date of order for administration of deceased's estate under section 107.....

(3) REGISTER OF COSTS OF BANKRUPTCY.

(In tabular form.)

Date of taxation :
Advocates :
Official Receiver :
Trustee :
Other persons :

Remarks: (here specify the name of the person whose bill has been taxed and give details of services rendered.).....

(Note.-Each estate should have a page to itself and the title of proceedings should be set out briefly at the top, e.g. "In re A.B.-No.....". This register should show all the estates in the serial order of their court numbers).