1970. No. 163 [NC]

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

The Rules of the Supreme Court (Northern Ireland) (No. 1) 1970

We, the Northern Ireland Supreme Court Rules Committee, being the authority having for the time being power under section 7 of the Northern Ireland Act 1962(a) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature of Northern Ireland hereby, with the concurrence of the Treasury, so far as is required by subsection (4) of that section, exercise those powers and all other powers enabling us in that behalf as follows:—

1. In Order LVI, rule 23 of the Rules of the Supreme Court (Northern Ireland) 1936(b) for paragraphs (1) and (3) there shall be substituted the following paragraphs—

"(1) Applications under sections 4, 7 (1) and (2) and section 23 (4) of the Act shall, unless the Court or a Judge otherwise directs, be made by motion on notice and Order LII shall apply where applicable with any necessary modifications.

(3) Every other application under the Act may be made at Chambers, and where an application is made at Chambers, Order LIV, or Order LXXXVIII where the application is under section 3 (2) of the Act, shall apply where applicable with any necessary modifications."

2. Order LXXXII shall be amended as follows—

(1) rule 7 shall be revoked,

(2) in rule 8 the words "and affidavits" shall be deleted,

(3) in rule 9 the words "or affidavit" shall be deleted.

3. Order LXXXVIII shall be amended as follows—

(1) For the title to the Order and rules 1-212 there shall be substituted the title and rules in Schedule 1 hereto in the places appropriate to their numbers.

(2) For the headings immediately before rules 213 and 216 and for rules 213 to 216 there shall be substituted the following heading and rules—

"PART XIV

WINDING UP OF ESTATE OF BANKRUPT OR DECEASED INSOLVENT BY A TRUSTEE

213.—(1) Subject to the Acts and this Part, the foregoing rules of this Order shall, where applicable and with the necessary modifications, apply to proceedings in the winding up of the estate of a bankrupt or a deceased insolvent by a trustee.

(2) Subject to the Acts, this Part shall apply to proceedings in the administration of the estate of a deceased insolvent where applicable, with the necessary modifications.

(a) 10 & 11 Eliz. 2. c. 30. (b) S.R. & O. 1936, No. 70 (II, p. 2559).

214.—(1) The bankrupt or any creditor of the bankrupt whose debts in the aggregate amount to £50 or upwards may apply to the Court, at the public sitting appointed for the choice of a creditors' assignee, to postpone such choice and for an order summoning a general meeting of the creditors for the purpose of obtaining their agreement to the estate of the bankrupt being wound up by a trustee and a committee of inspection.

(2) The application shall not be made before the bankrupt's statement of affairs is filed or after the appointment of a creditors' assignee, unless the Court in special circumstances otherwise directs.

(3) The application shall be supported by an affidavit setting out the grounds upon which it is made.

215.—(1) Where the Court orders the summoning of a general meeting it shall be held, unless the Court otherwise directs, before the Registrar and presided over by him.

(2) A general meeting shall be summoned by such person as the Court may direct sending, 10 days before the date fixed for the meeting, a notice in the prescribed form to the bankrupt and to each creditor at the address given in his proof of debt or where he has not proved, at the address given in the bankrupt's statement of affairs, and the notice shall be published in the Gazette.

216.—(1) The notice of the general meeting shall be sent at the expense of the applicant and where the Court subsequently orders that the estate of the bankrupt be wound up by a trustee the cost of sending the notice shall be repaid out of the bankrupt's estate.

(2) No part of the expense of any competition for the office of trustee shall be paid out of the bankrupt's estate."

(3) In rule 217 immediately after the words "the Act" there shall be added the words "of 1872".

(4) In rules 218, 226, 233, 244, 252, 253, 254, 256 (including the heading), 263, 264, 266, 267 and 268 for the words "Chief Registrar" there shall be substituted the word "Registrar".

(5) In rule 228 for the word "motion" there shall be substituted the word "summons".

(6) In rule 229 for the words "serve a notice of motion to the Court" there shall be substituted the words "apply to the Court on notice to the trustee".

(7) For rule 235 there shall be substituted the following rule—

"**235.** The trustee may apply to the Court by summons for directions and the summons shall be served on such persons, if any, as the Court may direct."

(8) In rule 238 for the words "a Registrar" where they occur in line 12 there shall be substituted the words "the Registrar".

(9) In rules 241 and 265 the words "of the Court" where they occur after the words "Official Assignee" shall be deleted.

(10) Rules 269 to 289 shall be revoked.

(11) Immediately after rule 268 the following rule shall be inserted—

"**269.**—(1) Where the bankrupt wishes to make an application to the Court for a certificate of conformity during the continuance of the bankruptcy, he shall request the trustee to summon a meeting of his creditors for the purpose of obtaining their consent to the making of the application.

(2) The trustee shall summon the meeting of creditors on receiving a deposit of £5 for costs, but where the creditors refuse their consent no further meeting shall be summoned by the trustee for a period of 3 months from the date of such refusal."

4. In Appendix K of the Rules of the Supreme Court Form 34 shall be deleted.

5. Part V of Appendix S of the Rules of the Supreme Court shall be amended as follows—

(1) in item 3 the word "copy" shall be inserted immediately before the word "affidavit",

(2) in item 10 the words "(besides stamp duty)" shall be deleted,

(3) in items 11 and 16 the words "in arrangements" shall be deleted,

(4) in item 12 for the word "motion" there shall be substituted the word "summons".

6. Appendix Y of the Rules of the Supreme Court shall be amended as follows—

(1) in Part I for Forms 1-35 and 50 to 54 there shall be substituted the Forms set out in Schedule 2 hereto,

(2) Forms 36-49 in Part I shall be re-numbered as Forms 120 to 133,

(3) the words "Queen's Bench Division" in the heading to Form I in Part II shall be deleted.

7.—(1) Subject to the provisions of this rule, Order LXXXVIII, as amended by these rules, shall apply to all proceedings under the Bankruptcy Acts (Northern Ireland) 1857 to 1964 commenced before these rules came into force.

(2) Without prejudice to the powers conferred by Order LXXXVIII, rule 199, the costs in any proceedings under the said Acts commenecd before these rules came into force, shall be taxed in accordance with the rules and scale of costs in force on the date such proceedings were commenced.

(3) Where it is not practicable to apply Order LXXXVIII as amended by these rules to proceedings commenced before these rules came into force, the rules in force when the proceedings were commenced shall apply.

8. In consequence of provisions made by these rules, the enactment specified in column 1 of Schedule 3 hereto is amended to the extent specified in column 2 of that Schedule.

9. In consequence of provisions made by these rules, the enactments specified in columns 1 and 2 of Schedule 4 hereto are repealed to the extent specified in column 3 of that Schedule.

10. These rules may be cited as the Rules of the Supreme Court (Northern Ireland) (No. 1) 1970 and shall come into force on 1st January 1971.

Dated 2nd June 1970.

(Signed) MacDermott
L. E. Curran
H. A. McVeigh
Robert Lowry
E. W. Jones
A. McGonigal
Maurice W. Gibson
Donald Murray
James J. Napier
W. J. Jefferson

We concur

(Signed) E. G. Perry
Neil McBride

Lords Commissioners of Her Majesty's Treasury.

SCHEDULE 1 RULE 3

Title and rules to be substituted for title and certain rules of Order LXXXVIII

ORDER LXXXVIII

Bankruptcy and Related Proceedings

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PART I

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Interpretation

1.—(1) In this Order, unless the context otherwise requires—

"the Acts" means the Bankruptcy Acts (Northern Ireland) 1857 to 1964;

"the Act of 1857" means the Irish Bankrupt and Insolvent Act 1857;

"the Act of 1872" means the Bankruptcy (Ireland) Amendment Act 1872;

"the Act of 1929" means the Bankruptcy Amendment Act (Northern Ireland) 1929;

"adjudication order" means an order of adjudication of bankruptcy;

"administration order" means an order for the administration in bankruptcy of the estate of a deceased insolvent under section 21 of the Act of 1929;

"arranging debtor" means a debtor who has presented an arrangement petition and obtained a protection order;

"arrangement petition" means a petition under section 343 of the Act of 1857;

"the Bank" means the Bank of Ireland;

"bankruptcy petition" means a petition for adjudication of bankruptcy;

"composition meeting" means a meeting of creditors under section 149 of the Act of 1857 to consider an offer of composition by a bankrupt or his friends, and includes an adjourned meeting for such purpose;

"the Court" means the Judge and the Registrar when exercising the powers of the Judge delegated to him under section 8 of the Act of 1872 and rule 11;

"creditor" includes a person claiming to be a creditor;

"deceased insolvent" means a deceased debtor in respect of whose estate an administration order has been made;

"file" means file in the office of the Court;

"first public sitting" and "second public sitting" mean the sittings appointed under section 130 of the Act of 1857 for a bankrupt to surrender and conform;

"Gazette" means the Belfast Gazette;

"Judge" means the Judge of the High Court to whom bankruptcy matters are for the time being assigned under the Supreme Court of Judicature (Ireland) (No. 2) Act 1897, or any Judge of the Supreme Court for the time being acting in such matters;

"judgment" includes a decree;

"land" includes any interest in, or right over, land;

"Messenger" means the Messenger of the Court or an Assistant Messenger of the Court;

"office of the Court" means the office of the Registrar;

"Official Assignee" means the Official Assignee or Deputy Official Assignee;

"ordinary creditor" means an unsecured creditor who is not a preferential creditor or a postponed creditor;

"postponed creditor" means a creditor whose debt is postponed to other debts under section 3 of the Partnership Act 1890 or section 9 of the Act of 1929;

"preferential creditor" means a creditor whose debt ranks in priority to other debts under section 1 of the Preferential Payments (Bankruptcies and Arrangements) Act (Northern Ireland) 1964;

"prescribed fee" means the fee prescribed by the Supreme Court Fees Order (Northern Ireland) for the time being in force;

"prescribed forms" means the forms in Part I of Appendix Y, with such variations as the circumstances may require;

"private sitting" means a private sitting in an arrangement matter appointed under section 344 of the Act of 1857;

"protection order" means an order under section 343 of the Act of 1857 protecting the person and property of an arranging debtor;

"public sittings" means the first and second public sittings;

"Registrar" means the Bankruptcy Registrar or Deputy Bankruptcy Registrar;

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

"sitting" includes an adjourned sitting and a composition meeting;

"trustee" means a trustee appointed under the Act of 1872 to wind up the estate of a bankrupt.

(2) A Form referred to by number means the Form so numbered in Part I of Appendix Y.

(3) A reference to any Act of Parliament shall, unless the context otherwise requires, be construed as a reference to that Act as amended by any subsequent Act.

(4) Subject to paragraph (1), words used in this Order shall have the meanings assigned to them in the Acts, unless the context otherwise requires.

(5) The Interpretation Act 1889 shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Application

2.—(1) This Order applies to all matters arising under the Acts and to all proceedings taken in any such matter.

(2) The other provisions of the Rules of the Supreme Court shall not apply to proceedings under the Acts or this Order unless they are applied by this Order, and where any such provisions are so applied they shall apply with any necessary modifications.

Computation of time

3. Section 9 of the Act of 1857 and Order LXIV, rules 2, 3 and 13 shall apply to the computation of time under this Order.

Extension or abridgment of time

4. The Court may, on such terms as it thinks just, extend or abridge the time appointed by this Order or fixed by an order of the Court for doing any act or taking any steps in any proceedings and any such extension may be ordered although the application for the extension is not made until after the expiration of the time appointed or fixed.

Size of documents, etc.

5.—(1) Subject to paragraph (2), the provisions of Order LXVI rule 3 shall apply to documents prepared for use in proceedings under the Acts or this Order.

(2) Order LXVI rule 3(1) shall not apply to the following documents—

(*a*) preliminary statement of affairs,

(*b*) statement of affairs,

(*c*) accounting statement,

(*d*) notice to creditors,

(*e*) report to creditors,

(*f*) proof of debt,

(*g*) proxy,

(*h*) list of creditors,

(*i*) Official Assignee's account.

(*j*) dividend or composition list,

(*k*) direction to Bank,

(*l*) annual return.

PART II

GENERAL PROCEDURE

Sittings, vacations and office hours

6.—(1) Order LXIII shall apply.

(2) Applications within the jurisdiction of the Registrar and sittings held before the Registrar may be dealt with during vacations where such applications or sittings require to be immediately or promptly heard or held.

Title of proceedings (Form 1)

7.—(1) Every proceeding in the Court shall be dated, and shall be entitled—

"In the High Court of Justice in Northern Ireland
In Bankruptcy"

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

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

Hearings in court and chambers

8. Unless the Judge, or in proceedings before the Registrar, the Registrar otherwise directs—

(*a*) in matters of bankruptcy and of the administration of the estates of deceased debtors under section 21 of the Act of 1929 all applications shall be heard and determined and all sittings held in open court, and

(*b*) in arrangement matters all applications shall be heard and determined and all sittings held in chambers.

Trial by jury

9.—(1) Where the Judge directs a question of fact to be tried with a jury, the question shall be reduced into writing and submitted to the Judge for approval, and the Judge may at any time allow the question to be amended upon such terms as he thinks fit.

(2) The question shall be set down for trial before the Judge or such other Judge as the Lord Chief Justice may nominate.

(3) Order XXXIX shall apply to an application for a new trial or to set aside a verdict or finding in any such trial.

Appeal to the Court of Appeal

10.—(1) Order LVIII shall apply to appeals from the Judge to the Court of Appeal.

(2) The Registrar of the Court of Appeal shall send to the Registrar a copy of any order made by the Court of Appeal on an appeal from the Judge, within 7 days of its being perfected.

Exercise of jurisdiction by Registrar

11.—(1) Subject to paragraph (2), the Judge may, by instrument under his hand, delegate to the Registrar such of the powers vested in him as he may deem it expedient to delegate to the Registrar.

(2) The power to commit a person to prison shall not be delegated.

(3) An instrument delegating powers to the Registrar shall be sealed and kept as a record of the Court and a sealed copy thereof shall be displayed prominently in the office of the Court, where any person may obtain a copy on payment of the prescribed fee.

(4) Any order made or act done by the Registrar in the exercise of the powers conferred upon him shall be deemed to be the order or act of the Court.

(5) Any matter or application pending before the Registrar which he has jurisdiction to hear and determine shall be adjourned to be heard before the Judge where—

(*a*) the Judge or the Registrar in any particular case so directs,

(*b*) all the contending parties require the matter or application to be so adjourned, or

(*c*) any of the contending parties require, or in the case of an ex parte application if the applicant requires the matter or application to be so adjourned, and the Registrar is of opinion that it involves a question of difficulty on the ground of novelty or otherwise.

(6) The Registrar may, on the application of any party, review, rescind or vary an order made by him.

Default by person examined before Registrar

12.—(1) Where in any proceedings before the Registrar any person makes default under section 385 of the Act of 1857, the Registrar may report the default to the Judge, in writing, who may deal with such person in the same manner as if he had made default in proceedings before the Judge.

(2) Subject to paragraph (3), the Registrar shall fix the place and time for reporting the default to the Judge and give notice to the person in default, together with a copy of his report.

(3) Where the default is made at a time when the Judge is sitting it may be reported to him immediately.

Appeal from Registrar

13.—(1) Any person aggrieved by an order of the Registrar may, except where he has consented to the terms thereof, appeal therefrom to the Judge, who may, upon such terms as he thinks just—

(*a*) confirm, set aside or vary the order or any part thereof,

(*b*) make any other order in substitution therefor,

(*c*) remit the matter or any question therein to the Registrar for re-hearing or further consideration, or

(*d*) order a new hearing to take place before himself or another Judge on a day to be fixed.

(2) The appeal shall be brought by filing a notice of appeal stating the grounds of the appeal and the notice shall be served upon all persons directly affected by the appeal within 21 days from the date on which the order appealed from was filed, where the appellant was present or represented when the order was made, or within 21 days after he had notice of the filing of such order where he was not present or represented when it was made.

(3) Where any question of fact is involved, the evidence taken before the Registrar bearing on the question shall, subject to any direction of the Judge, be brought before the Judge as follows—

(*a*) as to any evidence taken by affidavit or contained in a report to the Court by the Official Assignee, by the production of the affidavit or report, and

(*b*) as to any evidence given orally, by the production of the official shorthand note or copy of the Registrar's notes or such materials as the Judge may deem expedient.

(4) Upon such appeal further evidence may be admitted with the leave of the Judge on such terms as to costs or otherwise as he shall think fit and findings of fact by the Registrar may be reviewed.

(5) An appeal shall not operate as a stay of the proceedings in which the appeal is brought unless ordered by the Registrar or the Judge.

Sealing of documents issued by the Court

14. Every order of the Court and every summons, warrant, subpoena and certificate issued by the Court shall be sealed.

Mode of application to the Court (Forms 2, 3)

15.—(1) Except where the Acts or this Order otherwise provide, every application to the Court shall be made by summons, supported by an affidavit.

(2) Applications by the Official Assignee may, by leave of the Court, be made personally.

(3) Where, for the purposes of an application by the Official Assignee, evidence has to be given by him in support of the application, the evidence, instead of being given by affidavit, may, unless the Court otherwise directs, be given by his report to the Court, which shall be prima facie evidence of the matters contained therein and may refer to correspondence, valuations or other documents produced therewith.

Form and attestation of petitions (Forms 32, 34, 70, 89, 90)

16.—(1) A petition shall be in the appropriate prescribed Form.

(2) A petition shall be dated and signed by the petitioner or by some person authorised under rule 211 to act for the petitioner, or where the petitioner is a corporation, signed by the person so authorized or duly sealed with the seal of the corporation.

(3) A bankruptcy petition by a debtor and an arrangement petition shall state the name and description of the debtor, his residence and place or places of business at the date of the petition and any address at which he has resided or carried on business and at which he has incurred debts or liabilities remaining unpaid or unsatisfied at the date of the petition.

(4) A bankruptcy petition by a creditor shall state the name and description of the debtor and his residence and place or places of business at the date of the petition, so far as known to the petitioner, and if he is known to have resided or carried on business at any other address at which he has or may have incurred debts or liabilities remaining unpaid or unsatisfied at the date of the petition, he shall be described as of his address and description at the date of the petition and as formerly residing or carrying on business at such other address or addresses.

(5) A petition for the administration of the estate of a deceased debtor under section 21 of the Act of 1929 shall state the name and description of the debtor, his residence and place or places of business at the date of his death, and if he is known to the petitioner to have resided or carried on business at any other address at which he has or may have incurred debts or liabilities remaining unpaid or unsatisfied at the date of the petition, he shall be described as of his address and description at the date of his death and as formerly residing or carrying on business at such other address or addresses.

(6) A petition, other than a petition duly sealed with the seal of a corporation, shall be attested by a solicitor or by a person authorised by the Acts or this Order to take affidavits.

(7) For the purposes of paragraph (6) "solicitor" includes a solicitor practising in Great Britain or the Republic of Ireland.

Service of documents (Forms 4, 5, 6, 7)

17.—(1) Subject to paragraph (2), all summonses, notices and other documents not requiring personal service and for the service of which no special mode is prescribed or directed by the Court may be delivered or sent by post to the address in Northern Ireland furnished by or on behalf of the person to be served therewith under paragraph (3), (4) or (5), or otherwise to the last known address of such person.

(2) Notices to creditors shall be sent to each creditor's last known address unless the creditor or his solicitor has in writing notified the person sending the notice that such notice or any notice in the matter addressed to such creditor should be sent to the solicitor's address for service.

(3) A solicitor suing out or serving any petition, summons or other document shall endorse thereon his name or that of his firm and the address in Northern Ireland at which he will accept service of documents on behalf of the party he represents.

(4) Where a solicitor is appointed to act for any other party in any proceeding in the Court he shall, on appointment, file a memorandum in the prescribed Form stating the address in Northern Ireland at which he will accept service of documents on behalf of the party he represents.

(5) A person suing out or serving any petition, summons or other document in person shall endorse thereon his name and the address in Northern Ireland at which he resides or carries on business, or if he does not reside or carry on business in Northern Ireland, the address of a place within Northern Ireland at or to which documents for him may be delivered or sent.

(6) Service of a notice or other document by post shall, unless the contrary is proved, be deemed to have been effected in any part of the United Kingdom or of the Republic of Ireland—

(*a*) on the second day after posting where the document has been sent by first class mail, and

(*b*) on the third day after posting where the document has been sent by second class mail.

(7) Where a time is prescribed for the sending of any notice or other document sent by post such time shall apply to the sending of such document by first class mail and where second class mail is used such time shall be enlarged by one day.

(8) Subject to paragraph (9), service of any document shall, where required, be proved by affidavit, or by leave of the Court, by oral evidence.

(9) Where any notice or other document is required by the Acts or this Order or an order of the Court to be sent by the Official Assignee, the sending of the notice or other document may, unless the Court otherwise directs, be proved by a certificate by the Official Assignee or a clerk of his Department that it was duly posted or otherwise duly served.

(10) An affidavit or certificate of service by post shall state whether the document was sent by first or second class mail.

Service out of the jurisdiction

18. Where any process or order of the court or other document is required by the Acts or this Order or by an order of the Court to be served on any person who is not in Northern Ireland, the Court may order service on him of that process, order or other document to be effected within such time and in such manner as it thinks fit, and may also require such proof of the service of that process, order or other document as it thinks fit.

Substituted service

19.—(1) If, in the case of any document which by virtue of any provision of the Acts or this Order is required to be served personally on any person, it appears to the Court that it is impracticable for any reason to serve that document personally on that person, the Court may make an order for substituted service of that document.

(2) Substituted service of a document in relation to which an order is made under this rule is effected by taking such steps as the Court may direct to bring the document to the notice of the person to be served.

Notice of application to the Court

20.—(1) Where any party other than the applicant is affected by the application, no order shall be made except with the consent of that party, or upon proof that the summons and a copy of the affidavit or Official Assignee's report in support thereof have been duly served upon him.

(2) Where the Court is satisfied that serious mischief may result from delay caused by proceeding in accordance with paragraph (1), it may make an order ex parte upon such terms as to costs and otherwise, and subject to such undertaking, if any, as the Court thinks just.

(3) The Court may, on such terms as it thinks just, set aside or vary an order made ex parte.

Length of notice

21.—(1) Unless the Court gives leave to the contrary, a summons shall be served on every party affected thereby not less than 7 days before the return thereof.

(2) Applications for leave to abridge the time for service of a summons may be made ex parte.

Respondent's affidavit

22. Where a respondent intends to use an affidavit in opposition to a summons, he shall deliver a copy to the applicant not less than 3 days before the return date of the summons.

Oral evidence on hearing of summons

23. Either party to a summons may, in the summons or separately, give notice to the other that he intends to call oral evidence at the hearing either in addition to or in substitution for affidavits, and such evidence may be given unless the Court otherwise orders, on an application by the party to whom such notice is addressed not later than 3 days after service of such notice.

Adjournments

24.—(1) The hearing of an application or any sitting may be adjourned upon such terms, if any, as the Court thinks fit.

(2) Where an application or sitting is adjourned generally, with liberty to re-enter, it may, subject to any order of the Court, be re-entered by the Official Assignee or any person interested on informal application to the Registrar, who shall direct what notice or advertisement, if any, is to be given.

Subpoena (Form 8)

25.—(1) The Court shall, at the instance of the assignees, creditor, debtor, or applicant or respondent in any matter, issue a subpoena for the attendance of a witness.

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

(3) The names of not more than 3 witnesses may be inserted in the subpoena.

(4) A sealed copy of the subpoena shall be served personally on the witness a reasonable time before the day fixed for his attendance.

(5) Any person wilfully disobeying a subpoena requiring his attendance for the purpose of being examined or of producing any document shall be guilty of contempt of court and may be dealt with accordingly.

Allowances to witnesses

26.—(1) The allowances to witnesses shall be in accordance with those ordinarily made in proceedings in the High Court.

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

(3) The bankrupt or arranging debtor and any witness who is required to attend for the production of a document or for the purpose of an examination shall be entitled to the same conduct money and witness allowance as on attendance at a trial in court.

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

Affidavits

27.—(1) Without prejudice to statutory provisions relating to persons authorised to administer oaths, affidavits to be used in any proceedings under the Acts or this Order may be sworn before the Registrar, the Official Assignee or any first class clerk of the Supreme Court.

(2) Order XXXVIII, rules 2 to 4 and 6 to 20 shall apply.

(3) Where an affidavit of proof of debt is defective it may, if it contains particulars of the debt, be treated as a written statement of particulars of the debt within the meaning of rule 158.

(4) Where any person has made an affidavit in support of or in opposition to any application to the Court, any other party may by notice require the attendance of such witness for cross-examination and in default the Court may order his attendance for such purpose.

Discovery

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

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

(3) Order XXXI shall apply.

Reading evidence taken in other causes or matters

29.—(1) Evidence taken in another cause or matter in the High Court may, with the leave of the Court, be read in proceedings under the Acts or this Order.

(2) Where an application is made ex parte, leave may be obtained at the time of making such application and in any other case by the party giving 2 days previous notice to any other party of his intention to read such evidence.

Drawing up and filing of orders

30.—(1) Subject to paragraph (2), every order shall—

(*a*) be drawn up and signed by or under the direction of the Registrar, and

(*b*) sealed and filed by an officer of the Court.

(2) Unless required for the purposes of an appeal, or the Court otherwise directs, it shall not be necessary to draw up an order under rule 164 relating to the admission of debts or an order providing only for--

(*a*) the adjournment of any application or sitting, either to a fixed date, or generally, with liberty to re-enter,

(*b*) an accounting statement to be prepared by a bankrupt,

(*c*) enlarging the time for taking any proceedings or doing any act,

(*d*) altering the date fixed for hearing an application or for a sitting,

(*e*) renewing the protection granted to an arranging debtor under section 343 of the Act of 1857,

(*f*) passing the audit of an account of the Official Assignee,

(*g*) declaring a dividend,

(*h*) the payment of composition to creditors,

(*i*) the costs of a case to counsel or a consultation or conference with counsel,

(*j*) the taxation of any bill of costs, or

(*k*) the costs of an application or sitting.

(3) A memorandum of every order which is not drawn up, other than an order under rule 164, shall be entered in the file of proceedings and a copy thereof, signed by the Registrar, shall be sent to the Official Assignee where the order involves the payment of money out of an estate.

Clerical mistakes and accidental omissions in orders

31. Clerical mistakes in orders, or errors arising therein from any accidental slip or omission, may at any time be corrected by the Judge or in the case of orders of the Registrar, by the Registrar, without an appeal.

Enforcement of orders

32.—(1) An order of the Court may be enforced in the same manner as a judgment to the same effect.

(2) The Rules of the Supreme Court relating to executions and writs of execution shall, so far as applicable, apply to the issue of and proceedings on writs of execution to enforce orders of the Court.

Form and execution of warrants (Forms 9 to 18)

33.—(1) A warrant issued by the Court under the Acts shall be in the appropriate prescribed Form.

(2)(*a*) Where a person is apprehended under a warrant issued under section 125, 305 or 308 of the Act of 1857, the person apprehending him shall forthwith bring him before the Court in order that he may be examined, and if he cannot immediately be brought up for examination, he shall be delivered into the custody of the governor of the prison mentioned in the warrant, who shall receive and keep him and shall produce him before the Court, as it may from time to time direct.

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

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

(3) A warrant issued under section 78 of the Act of 1872 may be addressed to the Messenger and a debtor arrested under such warrant shall be safely kept by being lodged in the prison specified in the warrant.

Order of committal

34. Order XLIV shall apply to an application for an order of committal for contempt of the Court.

Suspension of issue of warrant of committal

35. Where a warrant of committal is issued under the Acts against any person for disobeying an order of the Court, the Judge may direct that the warrant shall not be executed if the order is complied with within a specified time.

Appointment of proxy

36.—(1) A creditor may vote at any sitting by proxy.

(2) A creditor may give a general or special proxy to any person, not being a minor or person of unsound mind.

Form and signature of proxies (Forms 19, 20)

37.—(1) Every instrument of proxy shall be in the appropriate prescribed Form or in such other form as may be settled by the Registrar in any particular case.

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

(*a*) the creditor has placed his mark upon or signed it in the presence of a witness,

(*b*) the witness has added to the creditor's mark or signature his own signature, description and residence, and

(*c*) all insertions in the proxy are in the handwriting of the witness, and he has certified at the foot of the proxy that all insertions were made by him at the creditor's request and in his presence before he attached his mark or signature.

Lodgment and filing of proxies

38.—(1) A proxy shall be lodged with the Registrar not later than the day before the sitting at which it is to be used.

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

Unliquidated debts etc. not to qualify for voting

39. A creditor shall not vote at any sitting in respect of any unliquidated or contingent debt or liability, or any debt the value of which is not ascertained.

Non-compliance with rules relating to notice of sitting

40. Where there has been a failure to comply with any of the provisions of this Order in relation to notice of any sitting, the validity of the sitting shall not be questioned by reason only of such failure unless the Court, on

the application of a creditor or the assignees, otherwise declares, and the Court may permit the sitting to proceed or may order an adjournment and give directions as to the service of notice of the adjourned sitting or otherwise, as it thinks fit.

Shorthand writers (Form 21)

41.—(1) The Judge may in writing nominate one or more persons to be shorthand writers officially attached to the Court.

(2) Such a person shall, before acting, make a declaration on oath in the prescribed Form before the Registrar, in lieu of the oath required by section 88 of the Act of 1857 to be taken in each matter, and such declaration shall be kept as a record of the Court.

(3) Where no shorthand writer officially attached to the Court is available to act in the proceedings, the Court may appoint such other person as it thinks fit, and such person shall before acting take the oath required by section 88 of the Act of 1857 before the Judge or the Registrar.

(4) A shorthand writer shall be paid the fees from time to time fixed by the Treasury for taking a note of evidence and making transcripts for use in the Court of Criminal Appeal.

(5) The fees of a shorthand writer employed at the instance of the Official Assignee shall be deemed to be an expense incurred by the Official Assignee.

(6) Subject to paragraph (5), the fees of the shorthand writer shall be paid by the party at whose instance the appointment was made or out of the estate, as the Court may direct.

Gazette and newspaper advertisements (Form 22)

42.—(1) Where any application or sitting is required to be advertised in the Gazette or a newspaper it shall be advertised not less than 10 days prior to the application or sitting, unless the Court otherwise directs.

(2) A copy of every issue of the Gazette shall be preserved in the office of the Court for a period of not less than 20 years.

(3) A copy of each newspaper in which any advertisement relating to any matter under the Acts is inserted shall be left by the person inserting the advertisement with the Registrar, and the Registrar shall file the copy or an extract containing the advertisement.

(4) The Registrar shall file with the proceedings in any matter a memorandum referring to and giving the date of any advertisement in the Gazette and newspaper relating to that matter.

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

Minors and persons of unsound mind

43. The Court shall have power to appoint a next friend or guardian ad litem to any minor or person of unsound mind who is a party to any proceedings under the Acts or this Order and Order XVI, Part II, shall apply.

Set off or counterclaim by or against the Crown

44. Order XIX, rule 3A, shall apply in relation to any set-off or counterclaim by or against the Crown.

Security

45.—(1) Where a person is required to give security, such security, unless otherwise specially directed by the Court, shall be in the form of a bond with one or more sureties

(2) The bond shall be taken in a penal sum to be fixed by the Court which, except with the consent of the person entitled to the security, shall be not less than the amount in issue and probable costs.

(3) Where a person is required to give security he may in lieu thereof lodge in the Bank to the credit of the matter a sum equal to the sum of which security is to be given.

(4) Notice of such a lodgment shall be given forthwith to the persons entitled to the security and any money so lodged shall be dealt with as directed by the Court.

(5) The security of a guarantee association or society approved by the Court may be given in lieu of a bond or deposit.

(6) Where a person proposes to give a bond by way of security, he shall serve 3 days previously on the solicitor for the person entitled to the security, or on such person where no solicitor has been employed, notice of the proposed sureties and of the time and place appointed for the execution of the bond and at which any objections to the sureties must be made.

(7) The sureties shall make an affidavit of their sufficiency unless the person entitled to the security shall dispense with such affidavit, and shall, if required, attend the Court to be cross-examined.

(8) A bond shall be executed and attested in the presence of the Registrar, the Official Assignee or a solicitor, unless otherwise directed by the Court.

Corrupt agreements with creditors

46. Proceedings for the recovery of the treble value of the amount of any money, goods, chattels or security, obtained or accepted by any creditor of a bankrupt or arranging debtor in violation of section 76 of the Act of 1872, shall be by summons to be served upon the creditor sought to be rendered liable.

Custody and inspection of proceedings (Form 23)

47.—(1) All proceedings of the Court shall be kept and remain as records of the Court and shall be in the custody of the Registrar until transferred to the Public Record Office.

(2) Subject to rule 69 and to any direction of the Court under section 354 or 357 of the Act of 1857, the Official Assignee, and on payment of the prescribed fee, the creditors' assignee, bankrupt, arranging debtor and any creditor who has proved a debt or whose debt is admitted in whole or in part in the statement of affairs, or any person acting on behalf of the Official Assignee, creditors' assignee, bankrupt, arranging debtor or such creditor and, by special direction of the Judge or Registrar, any other person, may at all reasonable times inspect the file of proceedings and obtain office copies of any documents therein.

Court registers

48.—(1) The Registrar shall keep registers of—

(*a*) debtors' summonses,

(*b*) bankruptcy petitions,

(*c*) petitions for the administration of the estates of deceased debtors under section 21 of the Act of 1929,

(*d*) adjudication orders,

(*e*) protection orders, and

(*f*) administration orders.

(2) The registers shall be open to the public for inspection on payment of the prescribed fee.

(3) The Registrar may refuse to allow a person to search the registers if he is not satisfied as to the propriety of the object for which the search is required and where the Registrar refuses to allow a search the applicant may apply ex parte without a summons to the Judge in chambers, who may allow or refuse the search on such terms, if any, as he thinks fit, and whose decision shall be final.

PART III

DEBTOR'S SUMMONS

Application for summons (Forms 24, 25, 26)

49.—(1) When applying for the issue of a debtor's summons under section 30 of the Act of 1872 the creditor shall—

(*a*) file an affidavit in the prescribed Form made by the creditor or by some other person who can swear positively to the facts verifying the truth of the debt, and

(*b*) lodge—

(i) a copy of the particulars of the debt served on the debtor, and

(ii) the appropriate prescribed Form of summons and copies for filing and service.

(2) Where the debt is one to which paragraph (7) or (8) of rule 158 would apply if the applicant were seeking to prove the debt in the bankruptcy of the debtor, those provisions shall apply to the affidavit under paragraph (1) in the same manner as they apply to a proof of debt.

Endorsement of particulars (Forms 25, 26)

50.—(1) A debtor's summons shall be in the appropriate prescribed Form and shall be endorsed with reasonable particulars of the debt claimed, which may, if required, be annexed to the summons and sealed.

(2) No objection shall be allowed to the particulars of debt endorsed on or annexed to the summons, unless the Court is satisfied that the debtor was misled by them.

Sealing of copies

51. Copies of the debtor's summons for filing and service shall be sealed at the time of issue.

Service of summons (Form 27)

52. A debtor's summons shall be served personally within 21 days from the date of the summons, or within such extended time as the Court, on proof that personal service cannot be effected within 21 days, may allow.

Application to dismiss summons (Forms 28, 29)

53.—(1) The filing of the affidavit of dispute referred to in the debtor's summons shall operate as an application to dismiss the summons, and thereupon the Registrar shall fix a time for hearing the application, and the debtor shall give not less than 7 days notice thereof to the creditor or his solicitor.

(2) The debtor shall file particulars of the grounds of the application and serve a copy thereof on the creditor or his solicitor not less than 5 days before the date fixed for the hearing of the application.

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

Trial of disputed question

54.—(1) Where proceedings on a debtor's summons are stayed pending the trial of the question of the validity of the debt claimed therein, upon security being given, the creditor shall take or continue proceedings for the payment of the debt within 21 days of the date on which the security was completed.

(2) Where the creditor delays in the prosecution of the proceedings the debtor shall be entitled to have the summons dismissed with costs.

(3) Where proceedings on a debtor's summons have been stayed pending the trial of the question of the validity of the debt claimed therein and such question has been decided against the validity of the debt, the debtor, on production of the judgment determining such validity, or a copy thereof, shall be entitled to have the debtor's summons dismissed and, if the Court thinks fit, with costs, but the order for costs shall not be enforced for 7 days, or where the creditor has lodged a notice showing that he has taken the necessary steps to set aside the judgment, until after the final determination thereon.

Declaration of Insolvency

Form of declaration and verification (Forms 30, 31)

55.—(1) A declaration of insolvency by a debtor shall be in the prescribed Form signed by the debtor in the presence of a solicitor.

(2) The solicitor in whose presence the declaration is signed shall inform the debtor of its nature and effect and shall then witness the declaration and file an affidavit in the prescribed Form verifying it.

Debtor's bankruptcy petition to include declaration of insolvency

56. A bankruptcy petition filed by a debtor shall be deemed to include a declaration of insolvency.

Bankruptcy Petition

Verification (Forms 33, 35, 36)

57.—(1) The affidavit verifying a bankruptcy petition shall be in the appropriate prescribed Form.

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

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

Deposit by petitioner

58.—(1) Subject to paragraph (5), upon the presentation of a bankruptcy petition the petitioner shall deposit the sum of £25 and such further sum, if any, as may be laid down from time to time by a direction of the Judge, to cover prescribed fees and any expenses which may be incurred by the Official Assignee.

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

(3) Subject to paragraph (5), no petition shall be filed unless the receipt for the deposit is produced.

(4) The Official Assignee shall account to the creditor, or as the case may be, to the debtor's estate, for the sums deposited, and any money deposited by a petitioning creditor shall, unless it is required by reason of insufficiency of assets for the payment of prescribed fees and any expenses incurred by the Official Assignee, be repaid to him out of the proceeds of the estate in the order of priority prescribed by rule 202.

(5) A petition by a debtor may be filed without payment of a deposit upon satisfactory evidence that his estate is sufficient to produce the sum of £50 at least, over and above the value of the articles excepted by section 298 of the Act of 1857.

Petition founded on deed of arrangement

59.—(1) Where a creditor presents a bankruptcy petition founded upon the execution by the debtor of a deed of arrangement within the meaning of section 2(1) of the Act of 1929, or on any other act committed by the debtor in the course or for the purposes of the proceedings preliminary to the execution of such deed, as an act of bankruptcy, the Registrar shall appoint a time for hearing the petition, and notice thereof shall be written on the petition and copies for service.

(2) The petition shall be served personally on the debtor and the trustee or trustees under such deed.

(3) The petition shall not be heard until the expiration of 7 days from the service thereof.

Hearing of petition

60.—(1) At the hearing of a creditor's bankruptcy petition the creditor's debt and the act of bankruptcy shall be proved by affidavit, or by special leave of the Court and subject to paragraph (4), by oral evidence.

(2) Where the petitioning creditor's debt is proved at the hearing by oral evidence a proof of debt shall be filed within 3 days.

(3) The petitioner shall lodge with the Registrar a copy of the affidavit filed under paragraph (1) or the proof of debt filed under paragraph (2).

(4) Rule 158, paragraphs (5) to (9) shall apply to the proof of the petitioning creditor's debt.

(5) Where two or more petitions are presented against the same debtor, or against debtors being members of the same partnership, the petition which was first presented shall be entitled to be heard first and where such petition is not proceeded with to adjudication within the time limited by section 121 of the Act of 1857 or such extended time as may have been allowed by the Court, or where the debtor shows cause against the adjudication thereunder, or where delay will be avoided, any other petition may be proceeded with.

(6) Where the Court makes an adjudication order upon a petition, all other petitions shall stand dismissed with such costs, if any, as the Court may allow, and a note of such dismissal shall be endorsed on the petition and dated and signed by the Registrar.

ADJUDICATION ORDER AND APPOINTMENT OF PUBLIC SITTINGS

Preparation and notice of order (Forms 37, 38, 39)

61.—(1) An adjudication order and duplicate in the appropriate prescribed Form shall be prepared by the petitioner and lodged with the Registrar at the hearing of the petition.

(2) An adjudication order made on a creditor's petition shall state the nature and date of every act of bankruptcy upon which the order is made.

(3) No adjudication order shall be made against a firm in the firm name, but it shall be made against the partners individually.

(4) The Registrar shall give notice of the adjudication order to the Official Assignee and in the case of an adjudication order made on a creditor's petition, send him a copy of the grounding affidavit or proof of debt.

Service of order (Form 40)

62. A duplicate of the adjudication order made on a creditor's petition shall be served upon the bankrupt in the manner directed by section 129 of the Act of 1857 by the Messenger, unless the Court directs some other mode of service, and an affidavit of service shall be filed forthwith.

Showing cause against adjudication (Form 41)

63.—(1) Any person adjudged bankrupt on the petition of a creditor intending to show cause against the validity of the adjudication shall, before the expiration of the time for showing cause, file a notice in the prescribed Form stating whether he intends to dispute the petitioning creditor's debt or the act or acts of bankruptcy upon which the order was made or both.

(2) The Registrar shall thereupon fix a time for hearing the cause and the person intending to show cause shall give not less than 7 days notice thereof to the petitioning creditor, or his solicitor, and the Official Assignee.

(3) After filing a notice under paragraph (1), the person intending to show cause shall, on application to the proper officer and on payment of the prescribed fees, be furnished with copies of the proceedings on which the adjudication was founded.

(4) Not less than 5 days before the date fixed for the hearing the person intending to show cause shall file particulars of the grounds upon which he disputes the petitioning creditor's debt or the act or acts of bankruptcy or both and serve a copy thereof on the petitioning creditor or his solicitor.

(5) If at the hearing of the cause any new evidence as to the petitioning creditor's debt or the act or acts of bankruptcy is given, or any witness to any of such matters is not present for cross-examination, if required to attend, the Court may grant such further time as it thinks fit.

Notice of adjudication and appointment of public sittings (Forms 42, 43)

64.—(1) Immediately after the making of an adjudication order on a debtor's petition or, in the case of a creditor's petition, immediately after the expiration of the time for showing cause against the validity of the adjudication or after the disallowance of any cause, if cause has been shown, the Registrar shall, on the application of the Official Assignee, appoint the public sittings and issue notice of the adjudication and of the appointment of the said sittings, in the prescribed Form.

(2) Nothing in section 130 of the Act of 1857 shall require a public sitting to be appointed during a vacation.

(3) The notice referred to in paragraph (1) shall be advertised by the Official Assignee in the Gazette.

(4) In a special case the Court may also order that the notice be advertised in such newspaper, or by such other means, as may be specified.

(5) The Court may, on the application of the bankrupt and upon being satisfied that an application for annulment of the adjudication order has been or is about to be made or that an appeal against such order has been or is about to be brought, stay the appointment of the public sittings and the advertisement required by this rule for such period and upon such terms as it thinks fit.

(6) Unless the Court otherwise orders, the Official Assignee shall serve on the bankrupt personally, or by recorded delivery service to his last known address, a notice in the prescribed form requiring him to attend the public sittings.

Warrant of seizure (Form 9)

65.—(1) A warrant of seizure in the prescribed Form shall be prepared by the petitioner and lodged with the Registrar at the hearing of the petition.

(2) The Registrar shall, immediately after making an adjudication order, issue a warrant of seizure.

(3) The Official Assignee shall give directions to the Messenger as to the execution of such warrant.

STATEMENT OF AFFAIRS AND ACCOUNTING STATEMENT

Preparation of statement of affairs

66.—(1) The balance sheet and accounts to be prepared by the bankrupt under section 138 of the Act of 1857 shall be a statement of affairs in the form from time to time authorised by the Registrar and verified by affidavit.

(2) The Official Assignee shall furnish the bankrupt with instructions for the preparation of his statement of affairs and shall inform him of the provisions of the next succeeding paragraph.

(3) Without prejudice to the said section 138 of the Act of 1857, the Court may, on the application of the bankrupt or the Official Assignee, order the payment out of the estate of the bankrupt of such sum as it thinks fit in respect of the bankrupt's costs of obtaining the advice of a solicitor in relation to his statement of affairs.

Filing and vouching of statement of affairs

67.—(1) The bankrupt shall file his statement of affairs not less than 3 days before the date of the second public sitting and at the same time lodge a fair copy in the office of the Court.

(2) An officer of the Court shall compare the copy with the verified statement of affairs, and on being satisfied that it is a true copy, affix the office stamp and send it to the Official Assignee.

(3) The Official Assignee shall examine the copy statement of affairs and require the bankrupt to vouch the items therein.

Accounting statement

68.—(1) The Court may by order require the bankrupt to prepare an accounting statement to account for any deficiency appearing in his statement of affairs.

(2) Such accounting statement shall be lodged with the Official Assignee within the time specified in such order and shall be filed by the Official Assignee.

Inspection

69. Without prejudice to section 354 or 357 of the Act of 1857, any person who states in writing that he is a creditor of the bankrupt may, personally or by his agent, inspect the bankrupt's statement of affairs or accounting statement.

CREDITORS' ASSIGNEE

Choice and appointment (Form 44)

70. If any person is nominated as creditors' assignee, the choice and appointment shall, unless adjourned by the Court, be made at the first public sitting.

Powers and duties

71.—(1) The creditors' assignee shall give his advice and assistance to the Official Assignee relative to the investigation of the affairs of the bankrupt and the realisation of the assets for the benefit of the creditors, and shall exercise a general superintendence over the administration of the bankrupt's estate.

(2) The Official Assignee shall furnish the creditors' assignee from time to time with such information as the creditors' assignee may reasonably require.

(3) If it appears to the creditors' assignee that the Official Assignee is not administering the bankrupt's estate efficiently and with due diligence, he shall submit his complaint in writing to the Official Assignee, and if he does not receive a satisfactory reply within a reasonable time he shall report the matter in writing to the Registrar, who may give such directions as he shall think fit or may list the report before the Judge.

Removal and replacement

72.—(1) An application for the removal of a creditors' assignee may be made by himself or by the Official Assignee or any creditor.

(2) Where any creditors' assignee dies or is removed, the Court may, on the application of the Official Assignee or any creditor, if it shall appear that an appointment of a new creditors' assignee is necessary or expedient, order a sitting for this purpose, and such sitting shall be advertised in such manner and notice thereof given to such persons, if any, as the Court shall direct.

EXAMINATION OF BANKRUPT

Preliminary examination (Form 45)

73.—(1) The bankrupt shall, unless the Court otherwise orders, attend at a time and place to be notified to him by the Official Assignee in writing to be examined as to his affairs by the Official Assignee or some officer of the Official Assignee's Office, not below the rank of first class clerk, deputed by him.

(2) The notice shall also require the bankrupt to bring with him a list of his creditors, particulars of his assets and any books of account and other documents relevant to an investigation of his affairs, not already delivered to the Official Assignee or the Messenger.

(3) The costs of employing a solicitor or other person to assist the bankrupt at such examination shall not be allowed out of his estate except by order of the Court.

Notes of preliminary examination (Forms 46, 47)

74.—(1) At the conclusion of the preliminary examination of the bankrupt the examiner shall prepare notes of such parts of the information given by the bankrupt as he considers necessary or desirable to place on record, but excluding any statements which may incriminate the bankrupt.

(2) A copy of such notes shall be sent by the Official Assignee to the bankrupt sufficiently long before the public sitting at which he is to be examined to enable him to be advised thereon, if he so wishes, and the copy of such notes shall be accompanied by a notice in the prescribed Form.

Public examination (Forms 48 to 52)

75.—(1) At the public sittings the bankrupt may be examined as to his conduct, dealings and property, and as to the causes of his failure, and notes of the examination shall be filed.

(2) The bankrupt may be invited by the Official Assignee to adopt the notes of his preliminary examination as his evidence, and where the bankrupt adopts such notes, the Official Assignee shall read them in open court and when signed by the bankrupt they shall be filed.

(3) The Official Assignee may examine the bankrupt on any matter of an uncontroversial nature, but any further or other examination of the bankrupt on behalf of the assignees shall be conducted by a solicitor or counsel.

(4) The bankrupt may also be examined by or on behalf of any creditor or by his own solicitor or counsel.

(5) Before the bankrupt is examined by solicitor or counsel on behalf of the assignees he shall be afforded an opportunity, if he so wishes, to instruct a solicitor to represent him.

(6) At the second public sitting the bankrupt may pass his final examination, or the Court may appoint a time for the final examination and direct the bankrupt to attend.

(7) The Court may from time to time adjourn the final examination either to a fixed date, or generally, with liberty to the bankrupt or the Official Assignee to re-enter, or may adjourn such examination sine die and make such further order as it thinks fit where—

(*a*) it is of opinion that the bankrupt is not making a full and true disclosure of his affairs, or

(*b*) the bankrupt, without showing any sufficient reason, has failed—
(i) to attend the final examination or any adjournment thereof, or
(ii) to comply with any order of the Court in relation to his accounts, conduct, dealings or property, or
(iii) to vouch the items in his statement of affairs or accounting statement, if ordered, or

(*c*) any further information is required from the bankrupt on any matter connected with his estate.

(8) Where the final examination has been adjourned sine die, the Court may, on the application of the Official Assignee or the bankrupt, grounded on a report by the Official Assignee or an affidavit by the bankrupt, appoint a time for proceeding with the examination.

(9) On the making of an order appointing a time for proceeding with final examination adjourned sine die, the Official Assignee shall, unless the Court otherwise orders—

(*a*) serve on the bankrupt personally or by recorded delivery service to his last known address, a notice requiring him to attend the examination, and

(*b*) cause notice of the examination in the prescribed Form to be advertised in the Gazette.

(10) The bankrupt shall, when required by the Official Assignee, pay the charges for gazetting the said notice.

(11) When the Court is of opinion that the affairs of the bankrupt have been sufficiently investigated, and upon the bankrupt making a final examination deposition in the prescribed Form, unless the Court dispenses with such deposition, it shall by order declare that his final examination is passed.

(12) Such order shall not be drawn up, unless the Court so directs, until the bankrupt has signed the notes of his public examination, after the same have been read over either to or by him.

(13) Where the bankrupt suffers from any such mental or physical affliction or disability as in the opinion of the Court makes him unfit to attend his public examination, the Court may make an order dispensing with such examination, or directing that the bankrupt be examined on such terms, in such manner and at such place as the Court deems expedient.

(14) An order dispensing with a final examination shall have the same effect as an order passing a final examination.

EXAMINATION UNDER SECTION 305, 307 OR 308 OF THE ACT OF 1857

Application for summons (Form 53)

76.—(1) An application to the Court for the issue of a summons under section 305, 307 or 308 of the Act of 1857 shall be supported by a statement of facts setting out the grounds upon which it is made.

(2) Such statement shall be verified by affidavit, unless made by or on behalf of the Official Assignee, and shall not be filed unless the Court so directs.

Sittings for examination

77. An examination under section 305, 307 or 308 of the Act of 1857 may, with the leave of the Court, be conducted at the public sittings.

CERTIFICATE OF CONFORMITY

Application for certificate (Form 54)

78.—(1) An application by a bankrupt for a certificate of conformity shall be made by filing a notice in the prescribed Form.

(2) A time shall be appointed by the Registrar for the hearing of the application, not being less than 21 days from the date of filing the notice, unless the Official Assignee agrees to an earlier day.

(3) The bankrupt shall forthwith upon filing the notice send a copy to the Official Assignee and to the creditors' assignee, if any.

(4) Notice of the application shall be advertised by the bankrupt in the Gazette.

Report of Official Assignee

79.—(1) The official Assignee shall, not less than 7 days before the day appointed for the hearing of the application, file a report stating—

(*a*) what dividend, if any, has been paid out of the bankrupt's property,

(*b*) what additional sums, if any, have been paid to his creditors by the bankrupt or by the Official Assignee out of money provided by the bankrupt, or lodged by the bankrupt with the Official Assignee for any creditor who cannot be found or is dead and has no known legal personal representative,

(*c*) any facts material to the question whether the bankrupt has conformed to the law of bankruptcy and, in particular, whether he has made a full disclosure and discovery of his estate and effects and has given up to his creditors the property which he is required by the Acts to give up,

(*d*) whether any prosecution has been commenced against the bankrupt for any offence alleged to have been committed by him under the Debtor's Act (Ireland) 1872 and the outcome of any such prosecution, and

(*e*) where a dividend of less than ten shillings in the pound has been paid out of the bankrupt's property, what matters, if any, have come to his knowledge to show whether the bankruptcy or the failure to pay ten shillings in the pound has arisen from circumstances for which the bankrupt cannot justly be held responsible, or otherwise.

(2) The Official Assignee shall, upon filing his report, send a copy forthwith to the bankrupt and to the creditors' assignee, if any.

(3) Where the bankrupt intends to dispute any statement with regard to his conduct or affairs contained in the Official Assignee's report, he shall, not less than 3 days before the hearing of the application, file a notice specifying the statements in the report which he proposes to dispute and send a copy of the notice to the Official Assignee.

Hearing of application

80.—(1) On the hearing of the application the Court shall take into consideration the report of the Official Assignee prepared under rule 79, which, for the purposes of the application, shall be prima facie evidence of the statements therein contained.

(2) The Court may hear the Official Assignee, the creditors' assignee, or any creditor, or their respective solicitor or counsel, and may put such questions to the bankrupt and receive such evidence as it may think fit.

Form of certificate (Form 55)

81. A certificate of conformity shall be in the prescribed Form.

Issue and gazetting of certificate (Form 56)

82.—(1) The certificate shall be dated of the day on which it is granted, and shall take effect from the day of its date, but shall not be issued until the time allowed for appeal has expired, or if an appeal is entered, until the appeal has been determined.

(2) When the time for appealing has expired, or the appeal has been determined, as the case may be, the Registrar shall send notice of the granting of the certificate to the Official Assignee, who shall advertise it in the Gazette, on the bankrupt paying the charges, when required.

Costs of application

83. The costs of the bankrupt of and incidental to the application shall not be allowed out of his estate.

ENFORCEMENT OF DEBT AGAINST A BANKRUPT WHO HAS NOT OBTAINED A CERTIFICATE OF CONFORMITY

Application for sanction

84.—(1) An application by a creditor under section 60 of the Act of 1872 for the sanction of the Court to the enforcement against any property of a bankrupt who has not obtained a certificate of conformity within 3 years from the passing of his final examination of any balance due to the creditor of a debt proved in the bankruptcy shall be grounded on an affidavit showing—

(*a*) the dividend paid under the bankruptcy,

(*b*) the balance remaining unpaid, and

(*c*) the property against which it is sought to enforce payment.

(2) The summons shall be served personally on the bankrupt and the assignees, unless some other mode of service is directed by the Court.

Adjournment of application

85. The Court may refuse the application or adjourn the hearing to some other day, and in such latter case may direct the creditor to cause a notice of the application to be advertised in the Gazette and a newspaper 10 days before the day to which the hearing is adjourned.

Order on application

86. At the adjourned hearing the Court may hear any person claiming to be a creditor of the bankrupt before or since the passing of the final examination and make such order in the matter as it thinks just.

COMPOSITION AFTER BANKRUPTCY

Preliminary meeting of creditors (Forms 57, 58)

87.—(1) Where a bankrupt intends to make an offer of composition, not being an offer which provides for the payment of all creditors in full, a preliminary meeting of creditors shall, unless the Court otherwise orders, be held at the office of his solicitor or other suitable place, to consider the terms of such offer.

(2) Seven days notice of the time and place appointed for the meeting shall be sent by the bankrupt to each creditor named in the statement of affairs and to any other creditor who has proved a debt, except any creditor who has been paid in full or whose proof of debt has been rejected by the Court.

(3) A copy of the notice under paragraph (2) shall be sent by the bankrupt to the Official Assignee for information, but the Official Assignee shall not be entitled to attend the meeting.

(4) The bankrupt shall attend the meeting unless prevented by illness or other sufficient cause.

(5) The bankrupt shall, within 14 days after the meeting, either file a notice under rule 88 convening a composition meeting or notify the Official Assignee and all creditors to whom notice was given under paragraph (2) that he no longer intends to make an offer of composition.

(6) Where the Official Assignee or any creditor becomes aware of any failure or apparent failure on the part of the bankrupt to comply with any of the provisions of this rule he may report such failure or apparent failure to the Court.

Convening of composition meeting (Forms 59, 60)

88.—(1) Every composition meeting shall be held before the Court.

(2) An application for the convening of a composition meeting shall be made by the bankrupt filing a notice in Form No. 59.

(3) A time for the meeting shall be appointed by the Registrar, not being less than 5 weeks from the date of filing such notice, unless the Official Assignee agrees to an earlier date.

(4) The bankrupt shall, upon filing the said notice, send a copy forthwith to the Official Assignee.

(5) The bankrupt shall advertise the said notice in the Gazette.

(6) The bankrupt shall send a notice in Form No. 60 to each creditor named in the statement of affairs and to any other creditor who has proved a debt, except any creditor who has been paid in full or whose proof of debt has been rejected by the Court.

(7) The notice to the creditors shall be accompanied by—

(*a*) a copy of the Official Assignee's report provided for by rule 89.

(*b*) a copy of any notice of dispute filed under rule 89(3),

(*c*) in the case of any creditor who has not proved a debt, a form of affidavit of proof of debt,

(*d*) a form of special proxy, and

(*e*) any explanatory statement which the bankrupt wishes to make to the creditors.

(8) The notice and accompanying documents shall be sent to creditors 14 days before the meeting, or in the case of a creditor to the amount of at least £100 who does not reside or carry on business in the United Kingdom or the Republic of Ireland, in sufficient time before the meeting to enable him to vote.

Report of Official Assignee

89.—(1) The Official Assignee shall, as soon as possible after the receipt of notice of the composition meeting and not less than 21 days before the day appointed for the meeting, file a report stating—

(*a*) the total amount of the assets and liabilities disclosed by the bankrupt's statement of affairs,

(*b*) the total amount of the assets and liabilities so far as the same have been realised and ascertained, respectively,

(*c*) the total estimated value of any unrealised assets,

(*d*) the estimated amount of any dividend to ordinary creditors if the bankruptcy continues and when any such dividend may be expected to be paid,

(*e*) a brief recital of the relevant events leading to the adjudication of the bankrupt,

(*f*) the reasons given by the bankrupt for his bankruptcy, and any facts tending to show whether or not they appear to be valid,

(*g*) whether the bankrupt has been required to account for any deficiency of assets to meet liabilities and, if so, in what manner and to what extent he has done so,

(*h*) what books of account or other business records have been kept by the bankrupt,

(*i*) whether the bankrupt has, since his adjudication, complied with the Acts, this Order and the orders of the Court, and co-operated in the investigation of his affairs and the administration and realisation of his assets or, if not, in what respects he has failed to do so,

(*j*) any other matter relating to the conduct of the bankrupt or his affairs which he considers desirable to bring to the attention of the creditors and the Court,

(*k*) whether or not provision is made in the offer of composition for payment of prescribed fees, costs, charges, expenses and preferential debts, so far as not already paid, and

(*l*) what security, if any, is provided for in the offer of composition for payment of any and, if so, what sum to the unsecured creditors.

(2) The Official Assignee shall send a copy of his report to the bankrupt immediately after he has filed it.

(3) Where the bankrupt intends to dispute any statement with regard to his conduct or affairs contained in the Official Assignee's report he shall, not less than 14 days before the composition meeting, file a notice specifying the statements in the report which he proposes to dispute and send a copy of the notice to the Official Assignee.

Composition meeting (Forms 61, 62)

90.—(1) The bankrupt shall attend the composition meeting, unless prevented by illness or other sufficient cause.

(2) The bankrupt may be examined by or on behalf of any creditor who has proved a debt of at least £20, or by solicitor or counsel on behalf of the assignees, concerning his affairs and his offer of composition, and any such person may address the Court with regard to whether the offer is reasonable and proper to be executed under the control of the Court.

(3) The Court may correct or supply any accidental error or omission in the offer of composition, but no alteration in the substance of the offer shall be made.

(4) The bankrupt may, with the leave of the Court, modify the terms of the offer of composition set out in the notice of the meeting if the offer as modified would, in the opinion of the Court, be no less favourable to the general body of creditors than the offer so set out.

(5) The resolution of the creditors accepting the offer of composition shall be in the prescribed Form.

(6) If the offer of composition is not accepted by the statutory majority of creditors, or if the Court declares that the offer is not reasonable and proper to be executed under the control of the Court, the bankrupt shall notify all creditors to whom notice of the meeting was given accordingly.

Special sitting (Forms 63, 64, 65)

91.—(1) Subject to paragraphs (2) and (3), the provisions of rules 88 and 90 shall apply, with the necessary modifications, to a special sitting ordered to be held pursuant to section 149 of the Act of 1857.

(2) The time for the special sitting shall be appointed by the Court in the order for the holding of the sitting.

(3) No report shall be required from the Official Assignee unless the Court directs a report on any particular matter or matters relevant to the alteration of the bankrupt's offer of composition to be proposed at the special sitting.

Surety for composition offer (Form 66)

92.—(1) When a bankrupt's offer of composition involves any other person becoming surety for such composition, the consent and undertaking in writing of such person shall be filed at or before the sitting at which such offer is considered.

(2) Such undertaking shall, unless the Court otherwise orders, be executed in the presence of a justice of the peace, a solicitor, a commissioner to administer oaths or a bank manager, who shall certify to his knowledge of the proposed surety.

Waiver of right to composition (Form 67)

93.—(1) A creditor may waive his right to the composition payable to him in respect of his debt, wholly or in part, by filing a waiver in the prescribed Form.

(2) The waiver shall, unless the Court otherwise orders, be executed in the presence of a justice of the peace, a solicitor, a commissioner to administer oaths or a bank manager, who shall certify to his knowledge of the creditor.

Application for annulment of adjudication (Form 68)

94.—(1) Notice of an application by the bankrupt to annul the adjudication order under section 149 of the Act of 1857 shall be given to the Official Assignee not less than 7 days before the day appointed for the hearing of the application.

(2) The Official Assignee shall, not less than 3 days before the hearing of the application, file a report in writing as to whether all prescribed fees, costs, charges, expenses and preferential debts have been paid or provided for, and whether the composition agreed to be accepted by the creditors has been paid to them or has been made available to them at the Bank pursuant to rule 183 or in what other manner the payment of such composition has been provided for.

(3) The Official Assignee shall send a copy of his report to the bankrupt not later than the day before the hearing of the application.

Advertisement of annulment order (Form 69)

95. Notice of the order annulling an adjudication order under section 149 of the Act of 1857 shall be advertised by the Official Assignee in the Gazette, upon the bankrupt paying the charges, when required to do so.

Bankrupt's costs of composition proceedings

96. Where the bankrupt's offer of composition is not accepted by the necessary majority of creditors, or if the Court refuses to annul the adjudication order, no costs incurred by the bankrupt in respect of the offer shall be allowed out of his estate.

PART IV

ARRANGEMENTS UNDER THE CONTROL OF THE COURT

PETITION

Affidavit grounding petition (Forms 71, 72)

97. An arrangement petition shall be accompanied by an affidavit in the appropriate prescribed Form.

Dismissal of petition

98. The Court may, without prejudice to any other power to dismiss an arrangement petition, dismiss such petition on the application of the arranging debtor.

PROTECTION ORDER

Preparation and notice of order (Forms 73, 74)

99.—(1) A protection order and duplicate in the prescribed Form shall be prepared by the petitioner and lodged with the Registrar at the hearing of the petition.

(2) The arranging debtor shall forthwith give notice of the order to the Official Assignee together with copies of the petition and accompanying affidavit.

(3) The arranging debtor shall forthwith give notice of the order to the under-sheriff of the County in which he resides, to the under-sheriff of any other County in which any of his property is situated and to the solicitor of any creditor who has taken proceedings against him.

Deposit by arranging debtor

100.—(1) Upon the granting of a protection order the arranging debtor shall deposit the sum of £10 and such further sum, if any, as may be laid down from time to time by a direction of the Judge, to cover prescribed fees and any expenses which may be incurred by the Official Assignee.

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

(3) The Official Assignee shall account to the arranging debtor or, as the case may be, to his estate, for the sum deposited, and any balance remaining after payment of prescribed fees and any expenses incurred by the Official Assignee shall be repaid to the arranging debtor or credited to his estate, as the case may require.

PRELIMINARY MEETING OF CREDITORS

Preliminary statement of affairs (Form 75)

101.—(1) The arranging debtor shall prepare a preliminary statement of his affairs in the prescribed Form, and a list of all his creditors.

(2) A copy of the preliminary statement of affairs and list of creditors shall be sent to the Official Assignee immediately after the preliminary meeting of creditors.

(3) A copy of the preliminary statement of affairs and list of creditors shall be filed before the statement of affairs is filed.

Convening and conduct of preliminary meeting (Form 76)

102.—(1) Within 21 days after the granting of a protection order, unless the Court otherwise orders, a preliminary meeting of creditors shall be held at the office of the arranging debtor's solicitor or other suitable place, to consider the affairs of the arranging debtor.

(2) Seven days' notice of the time and place appointed for the meeting shall be sent by the arranging debtor to each of his creditors.

(3) The arranging debtor shall personally attend the meeting, unless prevented by illness or other sufficient cause.

(4) The arranging debtor's preliminary statement of affairs and list of creditors, together with a reasonable number of copies for the use of persons attending, shall be produced at the meeting.

(5) The arranging debtor shall bring to the meeting such of the following books and documents as are available—

(*a*) books of account and bank statements from the date of commencement of trading or for 2 years, whichever period is the shorter,

(*b*) profit and loss accounts and balance sheets from the date of commencement of trading or for 5 years, whichever period is the shorter,

(*c*) a list of outstanding book debts,

(*d*) detailed stock lists, priced at cost, indicating the condition of the stock and whether intact or broken,

(*e*) uncompleted contracts for the sale or purchase of any property, subsisting leases, tenancy agreements, hiring, hire-purchase and credit-sale agreements, and

(*f*) any other documents relevant to his affairs.

STATEMENT OF AFFAIRS AND ACCOUNTING STATEMENT

Form of statement of affairs, etc.

103.—(1) The account to be filed by the arranging debtor under section 345 of the Act of 1857 shall be a statement of affairs in the form authorised for bankrupts, or as near thereto as the circumstances of the case will allow.

(2) Rules 67(2) and (3), 68 and 69 shall apply in an arrangement matter as if the arranging debtor were a bankrupt.

PRIVATE SITTING

Alteration of time of sitting

104. The time appointed for the private sitting may, on the application of the arranging debtor, be altered by the Court at any time before notice of the sitting has been sent to the creditors.

Notice of sitting (Form 77)

105.—(1) Notice of the private sitting in the prescribed Form shall be filed by the arranging debtor.

(2) A copy of the notice shall be sent to each creditor named in the arranging debtor's statement of affairs.

(3) The notice shall be accompanied by—

(*a*) a copy of the preliminary statement of affairs and list of creditors,

(*b*) a copy of the report provided for by rule 106,

(*c*) a form of affidavit of proof of debt, and

(*d*) a form of special proxy.

(4) The notice and accompanying documents shall be sent 14 days before the sitting, or in the case of a creditor to the amount of at least £100 who does not reside or carry on business in the United Kingdom or the Republic of Ireland, in sufficient time before the sitting to enable him to vote.

(5) A copy of the notice and of the said report shall be sent to the Official Assignee not less than 7 days before the sitting.

Report to creditors

106.—(1) The arranging debtor's solicitor, if any, and otherwise the arranging debtor, shall prepare and file at the time of the filing of the notice of the private sitting a report to creditors stating as concisely as possible—

(*a*) any amendments to the preliminary statement of affairs or list of creditors,

(*b*) the reasons for the arranging debtor's inability to meet his engagements with his creditors,

(*c*) what books of account and other records have been maintained by the arranging debtor and whether he is able to account for the deficiency, if any, appearing on his statement of affairs,

(*d*) whether any and, if so, what accounts were produced at the preliminary meeting of creditors and the salient features of such accounts,

(*e*) where the arranging debtor's proposal involves the realisation of his estate and effects or any part thereof for the benefit of his creditors, what assets, if any, would or might be available for such purpose if he were adjudged bankrupt which would not be available under the proposal,

(*f*) whether any and, if so, which of the arranging debtor's creditors would be postponed creditors if he were adjudged bankrupt and which, if any, of such creditors would or might not be postponed creditors in the arrangement matter, and

(*g*) any other information relevant to the consideration by the creditors of the arranging debtor's proposal.

Proceedings at sitting (Forms 78, 79)

107.—(1) The arranging debtor shall attend the private sitting unless prevented by illness or other sufficient cause.

(2) The arranging debtor may be examined by or on behalf of any creditor who has proved a debt of at least £10, or by the Official Assignee, concerning his affairs and the cause of his inability to meet his engagements with his creditors.

(3) The Court may correct or supply any accidental error or omission in the arranging debtor's proposal, but no alteration in the substance of the proposal shall be made.

(4) The arranging debtor may, with the leave of the Court, modify the terms of the proposal set out in the notice of the sitting if the proposal as modified would, in the opinion of the Court, be no less favourable to the general body of creditors than the proposal so set out.

(5) The resolution of the creditors assenting to the arranging debtor's proposal and the certificate of such resolution shall be in the appropriate prescribed Form.

Investigation by direction of the Court

108.—(1) Where the Court adjourns the private sitting it may make one or more of the following orders—

(*a*) an order requiring the arranging debtor to furnish to the Court such information or accounts as may be specified,

(*b*) an order requiring the Official Assignee to conduct such investigation of the affairs of the arranging debtor as may be specified and to report thereon to the Court,

(*c*) an order requiring the Official Assignee to communicate to the creditors of the arranging debtor such information as may be directed,

(*d*) an order directing the arranging debtor or the Official Assignee to obtain a valuation of such part of the assets of the arranging debtor as may be specified.

(2) Where an order is made under paragraph (1), the Court may allow the costs and expenses properly and necessarily incurred in complying therewith as part of the costs and expenses of the arrangement petition.

(3) Where an order is made under paragraph (1) (b), the arranging debtor shall give the Official Assignee such information and assistance as he may reasonably require in connection with the investigation directed by the Court.

(4) Where an order is made under paragraph (1) (b), the Official Assignee shall give a copy of his report to the arranging debtor not later than 3 days before the sitting at which it is to be considered by the Court.

(5) Where the arranging debtor objects to the report or any part thereof, it shall not be filed unless and until the Court so directs after affording to the arranging debtor an opportunity of being heard and of calling evidence in relation thereto.

SPECIAL SITTING

Notice of sitting (Form 80)

109.—(1) Notice of a special sitting ordered by the Court under section 351 of the Act of 1857, in the prescribed Form, shall be filed by the arranging debtor.

(2) A copy of the notice shall be sent to each creditor named in the arranging debtor's statement of affairs and to any other creditor who has proved a debt, except any creditor who has been paid in full or whose proof of debt has been rejected by the Court.

(3) The notice shall be accompanied by—

(*a*) a report by the arranging debtor's solicitor, if any, and otherwise by the arranging debtor, stating concisely the reasons for the special sitting, and

(*b*) a form of special proxy.

(4) The notice and accompanying documents shall be sent 14 days before the sitting, or in the case of a creditor to the amount of at least £100 who does not reside or carry on business in the United Kingdom or the Republic of Ireland, in sufficient time before the sitting to enable him to vote.

(5) A copy of the notice and of the said report shall be sent to the Official Assignee not less than 7 days before the sitting.

Application of rule 107 (Forms 81, 82)

110. Rule 107 shall apply, with the necessary modifications, to a special sitting ordered to be held under section 351 of the Act of 1857.

SURETY FOR PROPOSAL

Application of rule 92 (Form 83)

111. Rule 92 shall apply, with the necessary modifications, to an arranging debtor's proposal for the future payment or the compromise of his debts or engagements.

WAIVER OF COMPOSITION

Application of rule 93 (Form 84)

112. Rule 93 shall apply to a waiver by a creditor of an arranging debtor of his right to the composition payable to him in respect of his debt.

DISMISSAL OF PETITION, ETC.

Application under section 353 of the Act of 1857

113. An application under section 353 of the Act of 1857 for an order—

(*a*) dismissing the arranging debtor's petition,

(*b*) adjudging the arranging debtor bankrupt, or

(*c*) appointing a private sitting for the purpose of inquiry,

may be made by the Official Assignee or by any creditor.

Notice to creditors of termination of arrangement proceedings (Form 85)

114. Where, after notice of the preliminary meeting of creditors has been given—

(*a*) the petition of an arranging debtor is dismissed,

(*b*) the arranging debtor is adjudged bankrupt under section 353 of the Act of 1857, or

(*c*) an order is made that no further proceedings be had in the arrangement matter because of the failure of the arranging debtor to carry into effect the resolution of the creditors assenting to his proposal,

the Registrar shall send a copy of the order to the Official Assignee who shall give notice of the order to every creditor who received notice of the arrangement proceedings.

Property of Arranging Debtor

Lodgment by arranging debtor of money, etc.

115. The Court may require the arranging debtor to lodge with the Official Assignee all money, bills, securities or title deeds in his possession.

Particulars of stock and insurance policies

116. The arranging debtor shall, in accordance with written instructions by the Official Assignee and within such reasonable time as may be specified therein, send to the Official Assignee—

(*a*) a detailed list of his assets, with particulars of any charges thereon,

(*b*) where appropriate, detailed stock lists priced at cost, showing condition of stock and whether intact or broken, and

(*c*) all subsisting policies of insurance against fire and theft, together with the latest premium receipts.

Insurance of property

117. The arranging debtor shall keep all his property adequately insured against fire and theft and produce satisfactory evidence of such insurance to the Official Assignee when required.

Arranging debtor not to dispose of property

118. While an arrangement matter is pending, the arranging debtor shall not, without the sanction of the Court, pledge, part with or dispose of, or allow any other person to receive, any portion of his property, save in the ordinary course of trade or for the necessary expenses of himself and his family.

Possession of estate by Official Assignee

119.—(1) An application under section 344 of the Act of 1857 for an order that the estate and effects of the arranging debtor or any part thereof be possessed and received by the Official Assignee may be made by the arranging debtor or the Official Assignee.

(2) Upon taking such possession the Official Assignee shall cause an inventory of the arranging debtor's property to be made.

Arranging Debtor's Certificate

Application for certificate (Form 86)

120.—(1) An application by an arranging debtor for a certificate under section 64 of the Act of 1872 shall be made by filing a notice of application in the prescribed Form.

(2) The Registrar shall fix a time for hearing the application and the arranging debtor shall thereupon send a copy of the notice to the Official Assignee.

Report of Official Assignee

121.—(1) The Official Assignee shall, within 7 days of receiving notice of the application, prepare a report in writing stating—

(*a*) whether all prescribed fees, costs, charges, expenses and preferential debts have been paid or provided for,

(*b*) what dividend or composition has been paid to the non-preferential creditors, or made available to them at the Bank pursuant to rule 183, and

(*c*) whether the resolution of the creditors assenting to the proposal of the arranging debtor for the future payment or the compromise of his debts or engagements has been carried into effect and whether, to the best of his knowledge, information and belief, the creditors have been satisfied according to the tenor thereof.

(2) A copy of the report shall be sent by the Official Assignee to the arranging debtor not less than 3 days before the date fixed for the hearing of the application.

Hearing of application

122.—(1) On the hearing of the application the Court shall take into consideration the report of the Official Assignee prepared pursuant to rule 121, which, for the purposes of the application, shall be prima facie evidence of the statements therein contained.

(2) The Court may hear the Official Assignee and may put such questions to the arranging debtor and receive such evidence as it may think fit.

Form of certificate (Form 87)

123. The certificate under section 64 of the Act of 1872 shall be in the prescribed Form.

ADJUDICATION OF ARRANGING DEBTOR

Consequences of adjudication (Forms 9, 42 and 43)

124.—(1) Where an arranging debtor is adjudged bankrupt under section 353 of the Act of 1857 the following provisions of this rule shall apply.

(2) A warrant of seizure shall be issued and rule 65 shall apply to such warrant.

(3) Any funds standing to the credit of the account at the Bank headed in the estate of the arranging debtor shall, subject to any order of the Court, be transferred by the Official Assignee to the credit of an account headed in the estate of the bankrupt.

(4) Rule 64 shall apply, with the necessary modifications, to the appointment of the public sittings, the advertisement thereof and the service of notice on the bankrupt to attend.

(5) The Court may allow the statement of affairs filed in the arrangement matter to be accepted as a statement of affairs of the bankrupt, subject to such amendments, if any, as may be directed.

(6) All debts proved in the arrangement proceedings shall be deemed to have been proved in the bankruptcy, subject to any application to expunge such debts either wholly or in part.

(7) Subject to paragraph (8), the Court may order payment out of the bankrupt's estate of the costs of the arranging debtor in the arrangement matter incurred solely for the purpose of complying with the Acts, this Order and the orders of the Court.

(8) No such costs incurred after the arranging debtor or his solicitor became aware that the arranging debtor's proposal would not be assented to by the statutory majority of his creditors shall be allowed under paragraph (7).

PART V

DEEDS OF ARRANGEMENT-PROCEEDINGS UNDER SECTION 2 OF THE BANKRUPTCY AMENDMENT ACT (NORTHERN IRELAND) 1929

Mode of application to the Court (Form 88)

125. An application to the Court under section 2(1)(*b*) of the Act of 1929 shall be made by notice in the prescribed Form.

Notice of application

126. A copy of the notice of application shall be sent by the applicant to all creditors 10 days before the date of the hearing, or in the case of a creditor to the amount of at least £100 who does not reside or carry on business in the United Kingdom or the Republic of Ireland, in sufficient time before the hearing to enable him to attend.

Documents to be filed

127. An office copy of the deed of arrangement to which the application relates and a summary of the assets and liabilities of the debtor shall be filed not later than 3 days before the date of the hearing.

Stay of proceedings on debtor's summons

128.—(1) Where a debtor who has executed a deed of arrangement which is within section 2 of the Act of 1929 and who has thereafter been served with a debtor's summons in respect of any amount due or claimed to be due at the date of the execution of such deed shall lodge a notice of application under subsection (1) (b) of the said section, or a trustee under such deed shall lodge such a notice, all proceedings under the said debtor's summons shall be stayed pending the hearing of such application.

(2) If such order as is referred to in subsection (1) (b) of the said section is made by the Court, all such proceedings shall be finally stayed upon such terms as to costs or otherwise as the Court may order, and in the event of an adjudication order being made founded upon non-compliance with such a debtor's summons as an act of bankruptcy, such adjudication shall stand annulled upon such terms as to costs or otherwise as the Court thinks just.

PART VI

ADMINISTRATION OF ESTATES OF DECEASED INSOLVENTS

INTRODUCTION

Application of Part VI

129. This Part shall apply to proceedings for or relating to the administration of the estate of a deceased debtor under section 21 of the Act of 1929.

PETITION

Verification (Form 35)

130. A petition shall be verified by affidavit in the prescribed Form.

Deposit and costs

131. Rules 58 and 196 which relate to the deposit payable on presentation of a bankruptcy petition and to the costs thereof shall, so far as applicable, apply to a petition presented under section 21 of the Act of 1929.

Time of hearing

132.—(1) The Registrar shall appoint a time for the hearing of a petition which requires to be served, and notice thereof shall be written on the petition and copies for service.

(2) A petition which requires to be served shall not be heard until the expiration of 7 days from the service thereof.

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

Service

133. The petition shall be served—

(*a*) unless the Court otherwise directs, personally on each executor who has proved the will or, as the case may be, on each person who has taken out letters of administration, and

(*b*) on such other persons, if any, and in such manner as the Court may direct.

Several respondents

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

Proof of debt of petitioning creditor

135. Rule 60(1), (2), (3) and (4) shall apply to the proof of the debt of a petitioning creditor.

Showing cause against petition (Form 91)

136.—(1) Where any person entitled to do so intends to show cause against a petition he shall—

(*a*) file a notice specifying the statements in the petition which he intends to deny or dispute, and

(*b*) not later than 3 days before the day fixed for the hearing, send a copy of the notice to the petitioning creditor or his solicitor.

(2) Where, on the appearance of such person entitled to show cause against the petition further time shall be desired to show cause, the Court shall, on the hearing, if the application appears to the Court to be reasonable, grant such further time as the Court thinks fit.

Proceedings after trial of disputed question

137.—(1) Where proceedings on a petition have been stayed for the trial of the question of the validity of the petitioning creditor's debt, and such question has been decided in favour of the validity of the debt, the petitioning creditor may apply to the Registrar to fix a time at which further proceedings on the petition may be heard.

(2) The Registrar, on production of the judgment of the Court in which the question was tried, or a copy thereof, shall fix a time for the continuance of the proceedings, and thereupon the petitioner or his solicitor shall give notice thereof to the person who disputed such debt at the address given in his notice of intention to show cause, or to his solicitor.

(3) Where proceedings on a petition have been stayed for the trial of the question of the validity of the petitioning creditor's debt, and such question has been decided against the validity of the debt, the person who disputed such debt may apply to the Registrar to fix a time at which he may apply to the Court for the dismissal of the petition with costs.

(4) The Registrar, on the production of the judgment of the Court in which the question was tried, or a copy thereof, shall fix a time for the hearing of the application, and the disputant or his solicitor shall give notice thereof to the petitioner or his solicitor.

ADMINISTRATION ORDER: CREDITORS' ASSIGNEE: TRANSFER OF ADMINISTRATION PROCEEDINGS

Advertisement of administration order and sitting for appointment of creditors' assignee (Form 92)

138.—(1) An administration order and the appointment of the sitting for the choice and appointment of a creditors' assignee shall be advertised in the same manner as an adjudication order and the appointment of the public sittings in bankruptcy are, by rule 64, directed to be advertised.

(2) The Court may, on the application of a respondent to the petition and upon being satisfied that an appeal against an administration order has been or is about to be brought, stay the appointment of the sitting for the choice and appointment of a creditors' assignee and the advertisement required by paragraph (1) for such period and upon such terms as it thinks fit.

Appointment of creditors' assignee

139.—(1) Upon the making of an administration order the Registrar shall appoint a time for a sitting for the choice and appointment of a creditors' assignee.

(2) The provisions of the Acts and this Order relating to the choice and appointment, removal and duties of a creditors' assignee in bankruptcy shall apply.

Duties of legal personal representative

140.—(1) When an administration order has been made, the legal personal representative shall file in duplicate—

(*a*) a statement of affairs relating to the deceased's estate in the form authorised for bankrupts, with such variations as may be required, and

(*b*) an account of his dealings with and administration of the deceased's estate in such form and verified in such manner as the Official Assignee may direct.

(2) The Registrar shall send one copy of the statement of affairs and account to the Official Assignee.

(3) The legal personal representative shall also furnish to the Official Assignee such other particulars of the affairs of the deceased as he may from time to time require.

Transfer of administration proceedings

141.—(1) Where an order has been made in any court for the transfer to the Court of proceedings for the administration of the estate of a deceased debtor the party on whose application such order was made shall forthwith apply to the Court ex parte for an administration order.

(2) Rule 131 shall apply to an application under this rule as if the applicant were a petitioner.

PART VII

PROPERTY AND INCOME OF BANKRUPT, ETC.

INTRODUCTION

Application of Part VII

142.—(1) This Part shall apply to the property of a bankrupt divisible amongst his creditors.

(2) This Part, with the exception of rules 146, 154, 155 and 156, shall, with the necessary modifications, apply to the property of a deceased insolvent and to the property of an arranging debtor vested in the Official Assignee by a resolution of the creditors of such arranging debtor under section 349 of the Act of 1857, subject to the terms of such resolution.

(3) In the application of this Part to the property of a deceased insolvent, a reference to the adjudication order shall be construed as a reference to the administration order and in its application to the property of an arranging debtor vested in the Official Assignee, a reference to the adjudication order shall be construed as a reference to the order of the Court approving and confirming the resolution of the creditors of such arranging debtor under the said section 349 of the Act of 1857.

POSSESSION AND REALISATION OF PROPERTY

Possession of property

143.—(1) The Official Assignee shall, as soon as possible after the adjudication order, take possession of the deeds, books and documents of the bankrupt and all other parts of his property capable of manual delivery.

(2) Where land of the bankrupt is vested in the assignees, and the bankrupt or any member of his family refuses, when required by the assignees, to deliver up possession thereof, the Court may, on the application of the assignees, make an order requiring such person to deliver up possession to the applicant.

Time and mode of sale

144.—(1) The Official Assignee may, immediately after the adjudication order, dispose of such part of the bankrupt's property as is of a perishable nature.

(2) Subject to the Acts and to any order of the Court staying realisation of the bankrupt's property, the Official Assignee shall, after the sitting for choice and appointment of a creditors' assignee, proceed without delay to dispose of all the rest of the bankrupt's property which can be converted into money.

(3) All property other than perishables shall be sold, after proper advertisement, by public auction or by tender, unless the Official Assignee is satisfied, on the written report of a competent valuer, that some other mode of sale is more advantageous.

(4) Save where required by the Acts, no order for the sale of any part of the bankrupt's property shall be necessary.

Collection of book debts (Form 93)

145.—(1) Within 6 months after the adjudication order, and at intervals of not more than 3 months thereafter until all debts due to the bankrupt's estate have been collected or written off as irrecoverable, the Official Assignee shall review the list of all debts which remain unpaid, and shall, when satisfied that all reasonable efforts have been made to obtain prompt payment, and subject to the consent of the creditors' assignee, if any, cause appropriate proceedings to be taken as quickly as possible for the recovery of all unpaid debts which he considers recoverable, and shall indicate in the debtors' book, or on a separate list, those debts which he considers irrecoverable.

(2) The Official Assignee shall file a debt collection certificate in the prescribed Form before the sitting for audit of his final account.

(3) Nothing in this rule shall preclude the assignees from taking legal proceedings against any debtor at any time, should the circumstances of the case require it.

(4) The Official Assignee may, instead of collecting the debts himself, with the consent of the creditors' assignee, if any, apply to the Court for an order authorising him to employ some suitable person to collect them at such remuneration as the Court thinks fit.

CERTIFICATE OF VESTING

Form of certificate (Form 94)

146. A certificate under section 269 of the Act of 1857 shall be in the prescribed Form.

SALE OF LAND BY MORTGAGEE

Order for sale

147.—(1) Any person claiming to be the legal or equitable mortgagee of any land of the bankrupt vested in the assignees may apply to the Court for an order directing the land to be sold.

(2) Notice of the application shall be served on the assignees and any incumbrancer in actual possession or receipt of the rents and profits of the land.

(3) If the Court is satisfied as to the applicant's title and that the land ought to be sold under the directions of the Court, it shall direct a sale.

(4) The applicant shall have the conduct of the sale, unless it appears to the Court that the proceeds of sale will be sufficient to pay the amount due to the applicant in full or that for some other special reason the conduct of the sale should be given to the assignees.

(5) Notice of the order shall be served on such persons as the Court may direct.

(6) Persons so served shall be bound by the order in the same manner as if they had originally been served with notice of the application and may, within 7 days after such service, apply to the Court to discharge or vary the order.

Manner of carrying out sale

148.—(1) Where an order is made directing a sale the Court may permit the person having the conduct of the sale to sell the land in such manner as he thinks fit, or may direct that it be sold in such manner as the Court may, either by the order or by subsequent order, on an application under paragraph (2) direct for the best price that can be obtained.

(2) Upon the application of the person having the conduct of the sale the Court may give such directions as it thinks fit for the purpose of effecting the sale, including, without prejudice to the generality of the foregoing words, directions—

(*a*) appointing the person who is to have the conduct of the sale,

(*b*) fixing the manner of sale, whether by contract conditional on the approval of the Court, private treaty, public auction, tender or some other manner,

(*c*) fixing a reserve or minimum price,

(*d*) for settling the particulars and conditions of sale,

(*e*) requiring an abstract of title to be referred to counsel appointed by the Court for his opinion thereon and to settle the particulars and conditions of sale.

(3) The purchase money shall be paid to the Official Assignee.

(4) The result of the sale shall be certified—

(*a*) in the case of a sale by public auction, by the auctioneer who carried out the sale, and

(*b*) in any other case by the solicitor of the person having the conduct of the sale,

and the Court may require the certificate to be verified by the affidavit of the auctioneer or solicitor, as the case may be.

(5) All proper parties shall join in the conveyance of the land as the Court may direct.

Possession of land sold

149. The Court may, on the application of the person having the conduct of the sale or of the purchaser, order any person bound by the order and in possession of the land ordered to be sold or in receipt of the rents and profits thereof to deliver up such possession or receipt to the applicant or to such other person as the Court may direct.

Proceeds of sale (Form 95)

150.—(1) The account of the Official Assignee of the proceeds of sale of land sold by order of the Court shall be audited by the Court.

(2) The Registrar shall, at the request of the person having the conduct of the sale and with the concurrence of the Official Assignee, fix the time of the sitting to audit such account.

(3) Seven days notice of the sitting shall be sent by the person having the conduct of the sale to every incumbrancer and to the assignees where they have not had the conduct of the sale.

(4) At the said sitting, or at a separate sitting for the purpose to be taken out by the person having the conduct of the sale, if so directed by the Court, accounts shall be taken and inquiries made to ascertain—

(*a*) the principal, interest and costs due to each incumbrancer, and the respective priorities of such incumbrances, and

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

(5) The proceeds of sale shall be applied—

(*a*) first, in payment of the costs, charges and expenses of the assignees of and occasioned by the application to the Court, and of the sale, and

(*b*) secondly, in payment in due priority settled by the Court of the amount found due to the incumbrancers for principal, interest and costs,

and the balance, if any, shall be transferred to the credit of the appropriate Official Assignee's estate account.

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

SALE OF LAND BY ASSIGNEES BY ORDER OF THE COURT

Order for sale, etc. (Form 95)

151.—(1) Where it appears expedient that any land of the bankrupt vested in the assignees should be sold under the directions of the Court, and no application is made by a mortgagee under rule 147, the Court may, on the application of the assignees, subject to paragraph (4), order that land to be sold.

(2) The applicant shall satisfy the Court whether the land is or is not subject to any incumbrance.

(3) Notice of the application shall be given to any incumbrancer.

(4) The Court may order that the land be sold subject to any incumbrance, but no order for sale free from any incumbrance shall be made under this rule without the consent of such incumbrancer, unless the Court is satisfied that the proceeds of sale will be sufficient to provide for the payment to him of the amount due for principal, interest and costs.

(5) The applicant shall have the conduct of the sale.

(6) Rules 147(5), 148, 149 and 150(1), (2), (3), (4) and (6) shall apply to a sale under this rule, with the necessary modifications.

(7) The proceeds of sale shall, subject to any agreement between the applicant and any incumbrancer, approved by the Court, be applied—

(*a*) first, in payment in due priority settled by the Court of the amount found due to any incumbrancer for principal, interest and costs, and

(*b*) secondly, in payment of the costs, charges and expenses of the applicant of and occasioned by the application to the Court, and of the sale,

and the balance, if any, shall be transferred to the credit of the appropriate Official Assignee's estate account.

REGISTERED LAND OR CHARGE

Particulars to be furnished (Form 96)

152.—(1) A petition by a debtor or the personal representative of a deceased debtor shall be accompanied by a statement in the prescribed Form by the solicitor for the petitioner, if any, and otherwise by the petitioner, as to whether or not the debtor is the registered owner of any and, if so, what registered land or charge, and as to the whereabouts of the land certificate or certificate of charge relating to any such land or charge.

(2) As soon as possible after the making of an adjudication order the Official Assignee shall cause inquiries to be made as to whether or not the bankrupt is registered as the owner of any registered land or charge and, if so, shall give the Registrar particulars thereof and information as to the whereabouts of the land certificate or certificate of charge relating thereto, if such information has not been furnished under paragraph (1).

DISCLAIMER

Leave to disclaim land

153. The assignees shall not be entitled to disclaim any land under section 97 of the Act of 1872 without the leave of the Court first being obtained for that purpose, and upon any application to the Court for such leave, notice of the desire of the assignees to disclaim shall be given to such person or persons as the Court may direct.

APPROPRIATION OF PAY, SALARY, PENSIONS, ETC.

Application for order

154.—(1) An application to the Court for an appropriation order under section 319 of the Act of 1857 or section 51 of the Act of 1872 shall be made by the assignees.

(2) The summons shall be served personally on the bankrupt.

Notice of proposed order

155. Where an application is made under section 319 of the Act of 1857, a copy of the proposed order shall be sent by the Registrar to the chief officer of the department under which the pay, half-pay, salary, emolument or pension, is enjoyed and the application shall stand adjourned until the officer's written consent is obtained.

Review of order

156. Where an order has been made under section 319 of the Act of 1857 or section 51 of the Act of 1872, the bankrupt may, upon any diminution in the amount of the salary or other income since the date of the order, apply to the Court to rescind or vary the order.

PART VIII

PROOF AND ADMISSION OF DEBTS

Sittings at which debts may be proved

157. Debts may be proved at the following sittings of the Court—

(*a*) a proof of debts sitting,

(*b*) a sitting for the hearing of a creditor's bankruptcy petition,

(*c*) a sitting for the hearing of a creditor's petition for the administration of the estate of a deceased debtor,

(*d*) a sitting for the choice and appointment of a creditors' assignee,

(*e*) a sitting for the final examination of a bankrupt,

(*f*) a composition meeting,

(*g*) a private sitting,

(*h*) a special sitting under section 149 or 351 of the Act of 1857.

Manner of proving debts (Form 97)

158.—(1) A creditor who desires to prove a debt at a sitting other than a sitting for the hearing of a creditor's bankruptcy petition or of a creditor's petition for the administration of the estate of a deceased debtor or a proof of debts sitting shall, not later than the day before the sitting, lodge with the Registrar a proof of debt for production at the sitting.

(2) Subject to rule 159, a creditor who desires to prove a debt at a proof of debts sitting shall send a proof of debt to the Official Assignee before the sitting.

(3) A proof of debt shall be by affidavit or, subject to paragraphs (6), (7) and (8), where the creditor desires to prove his debt by oral evidence, or to request the Court to admit it without oath or affidavit under section 247 of the Act of 1857, by written particulars of the debt.

(4) A creditor who sends written particulars of his debt to the Official Assignee shall, unless the contrary appears, be deemed to request that the debt be admitted without oath or affidavit under the said section 247.

(5) A proof of debt of a preferential creditor shall state whether the whole or part only and, if so, which part of the debt is preferential.

(6) A proof of debt of a secured creditor shall be by affidavit.

(7) A proof of debt of a moneylender in respect of a loan made by him or interest or charges in connection therewith shall be by affidavit, and the affidavit, or one of the affidavits, by which the debt is proved, shall contain or exhibit a statement of the date on which a copy of the note or memorandum in writing of the contract required by section 6 of the Moneylenders Act (Northern Ireland) 1933 was delivered or sent to the borrower, and a statement showing in detail the particulars required by section 9(2) of the said Act, and a copy of the said note or memorandum shall be exhibited to the said affidavit.

(8) A proof of debt of an owner or seller under a hire-purchase agreement, credit sale agreement or conditional sale agreement to which Part II of the Hire-Purchase Act (Northern Ireland) 1966 applies shall be by affidavit and the affidavit, or one of the affidavits, by which the debt is proved, shall exhibit the agreement, or a copy thereof if the original is not in the creditor's possession, and shall contain or exhibit a statement specifying the manner in which the requirements of sections 6 and 7 and the requirements of section 8 or (as the case may be) section 9 and, where the debt arises under a guarantee, of section 22, of the said Act have been complied with.

(9) An affidavit of proof of debt may be made by the creditor himself or by some person authorised by or on behalf of the creditor and if made by a person authorised it shall state his authority and means of knowledge.

Proof for wages or salary (Form 98)

159.—(1) Where it appears that there are numerous claims for wages or salary by persons employed by the bankrupt, arranging debtor or deceased insolvent a combined proof of debt for all such claims made by the bankrupt or arranging debtor or his manager or foreman or some other person on behalf of all such creditors, containing or referring to a schedule setting out the names and addresses of the creditors and the amounts severally due to them, shall have the same effect as if separate proofs of debt had been made by each of such creditors.

(2) A combined proof of debt under this rule may be produced only at a proof of debts sitting and shall be sent to the Official Assignee before such sitting.

Custody and filing of proofs of debt

160.—(1) Proofs of debt lodged with the Registrar under rule 158(1) shall, after the sitting at which they are produced, be sent by the Registrar to the Official Assignee.

(2) Every proof of debt received by the Official Assignee shall be produced by him at a proof of debts sitting and, if accepted by the Court as a valid proof of debt, shall be filed by the Registrar immediately after such sitting.

When debts considered to have been proved or admitted

161.—(1) For the purposes of the Acts and this Order—

(*a*) a creditor shall be taken to have proved a debt when either—

(i) an affidavit of proof of debt has been accepted by the Court at a sitting at which debts may be proved, or

(ii) the debt has been admitted by the Court in whole or in part without affidavit;

(*b*) a debt shall be taken to have been admitted in whole or in part when admitted by the Court under rule 164(4).

(2) For the purpose of voting, an affidavit of proof of debt may be accepted by the Court as a proof of debt in respect of the whole or part of the debt, or rejected, without prejudice to the admission of the debt in whole or in part or the rejection of the proof of debt at a proof of debts sitting, under rule 164(4).

Investigation of proofs of debt

162.—(1) The Official Assignee shall examine each proof of debt received by him and the grounds of the debt to ascertain, so far as he is able, which debts appear to be justly due and ought to be recommended for admission in whole or in part.

(2) The Official Assignee may by notice in writing require any creditor, other than a creditor whose debt has been admitted by the Court in whole or in part—

(*a*) to furnish further particulars of the debt,

(*b*) to furnish further documentary evidence in support of the debt,

(*c*) to prove the debt by affidavit, or

(*d*) to bring forward oral evidence at a proof of debts sitting in support of the debt.

Appointment and notice of proof of debts sittings (Forms 99, 100, 101, 102)

163.—(1) On the application of the Official Assignee a proof of debts sitting shall be appointed by the Registrar as soon as practicable after—

(*a*) the first public sitting in a bankruptcy,

(*b*) the private sitting in an arrangement matter, or

(*c*) the sitting for choice and appointment of a creditors' assignee following an administration order.

(2) Fourteen days notice of the first proof of debts sitting, or of a further proof of debts sitting under paragraph (4), shall be sent by the Official Assignee to the bankrupt, arranging debtor or personal representative of a deceased insolvent, as the case may require, and to each creditor named in the statement of affairs and to any other creditor of whom the Official Assignee has notice, except creditors whose proofs of debt he has already received or who have been paid in full.

(3) Proof of the posting of such notice shall be given by the certificate of the Official Assignee contained in Form No. 102.

(4) Where notice of a proof of debts sitting has been given to creditors of a bankrupt and subsequently an offer of composition under section 149 of the Act of 1857 is accepted by his creditors, a further proof of debts sitting shall be appointed, unless the Official Assignee certifies that there are no creditors to whom notice of such a sitting would require to be given under paragraph (2).

(5) The Official Assignee shall, unless the Court otherwise directs, advertise in the Gazette a notice of the first proof of debts sitting except in an arrangement matter, and a notice of a further proof of debts sitting under paragraph (4).

Admission of debts and settlement of lists of creditors (Forms 102, 103)

164.—(1) The Official Assingee shall produce at a proof of debts sitting a list or lists in the prescribed Form of all creditors of whom he has notice.

(2) Where appropriate, there shall be separate lists of—

(*a*) preferential creditors,

(*b*) ordinary creditors, and

(*c*) postponed creditors.

(3) The Official Assignee shall indicate on each list opposite the name of each creditor the amount, if any, of the debt admitted by the Court or the amount, if any, of the debt which he recommends for admission.

(4) The Court shall, after considering the recommendation of the Official Assignee on each proof of debt and hearing any evidence and submissions in support of or in opposition to the admission of the debt, by order admit the debt in whole or in part or reject the proof of debt.

(5) The admission of a debt may be opposed by the Official Assignee, any creditor who has proved a debt and whose proof of debt has not been rejected by the Court, or with the leave of the Court, the bankrupt or arranging debtor.

(6) Where any person intends to oppose the admission of a debt in whole or in part the Court shall appoint an adjourned sitting for the hearing of the dispute and notice in writing of the grounds of the opposition shall be given by the person opposing to the creditor not less than 7 days before such sitting.

(7) The Court may admit a debt in part only or reject a proof of debt, notwithstanding that no notice of opposition has been given under paragraph (6).

(8) Where an order admitting a debt in part only or rejecting a proof of debt is made at a sitting at which the creditor is not present or represented, notice thereof shall be given by the Official Assignee to the creditor and such notice shall specify an adjourned sitting at least 7 days after service thereof at which the creditor may apply without a summons to set aside or vary such order.

(9) Where a debt has been admitted by the Court, the notice of dividend under rule 184 shall be a sufficient notification to the creditor of such admission.

(10) Where a debt is admitted as a claim only, or subject to the production of any documents, a note to that effect shall be made on the list of creditors, but no such note shall prevent the settlement of such list.

(11) The proof of debts sitting shall be adjourned from time to time until each list of creditors has been settled, whereupon such list shall be signed by the Registrar and filed.

(12) If any creditor desires to prove his debt or to have the amount of an admitted debt altered after the proof of debts sitting has been closed, the Official Assignee shall re-enter the sitting at the request of such creditor and upon such notice, if any, as the Registrar may direct and the creditor shall, upon making such request, pay to the Official Assignee the fee payable on such re-entry.

(13) If any debt entered on a list of creditors is subsequently expunged in whole or in part, or increased in amount, or if a debt is admitted by the Court after the appropriate list of creditors has been settled, or if the Court is satisfied that the right to receive payment of dividend or composition on any debt has devolved upon some person other than the creditor therein named, or if any alteration in the name or address of a creditor is authorised by the Registrar, the list of creditors shall be amended by the Registrar accordingly.

Unliquidated damages

165.—(1) Where all necessary parties agree to the assessment of damages by the Court under section 46 of the Act of 1872, such parties may further agree to such damages being assessed at a proof of debts sitting instead of on a summons.

(2) Where such damages are to be assessed under paragraph (1) the claimant shall send written particulars of his claim to the Official Assignee not later than 7 days before the hearing.

Contingent liabilities

166.—(1) A creditor wishing to be admitted to claim in respect of a liability to pay money upon a contingency under section 258 of the Act of 1857 shall send an affidavit to the Official Assignee setting out full particulars of his claim and the sum for which he seeks to be admitted to claim.

(2) Such affidavit shall be produced by the Official Assignee, with his recommendation thereon, at a proof of debts sitting and shall be filed by the Registrar immediately after such sitting.

(3) Rule 164(5) and (6) shall apply to opposing a claim under the said section as if the affidavit of claim were a proof of debt.

(4) When a creditor is admitted to claim in respect of such a liability, he shall be added to a list of creditors under rule 164.

(5) An application to expunge a claim admitted under the said section may be made by the assignees or, with the leave of the Court, the bankrupt or arranging debtor.

(6) When the contingency upon the happening of which such liability arises has happened and the demand in respect thereof has been ascertained and provided any such admitted claim has not been expunged, the creditor may, upon lodging a proof of debt with the Official Assignee, apply to the Court at a proof of debts sitting to be admitted as a creditor in respect of such liability and not less than 7 days notice in writing of such application shall be sent to the Official Assignee and to any person who opposed the admission of such claim.

Production of bills of exchange and promissory notes

167. Subject to section 70 of the Bills of Exchange Act 1882, a bill of exchange, promissory note or other negotiable instrument or security in respect of which the creditor seeks to be admitted must be produced to the Court before the debt can be admitted, unless the Court otherwise directs.

Withdrawal and amendment of proof of debt

168.—(1) Save as provided by the Acts or this rule no proof of debt may be withdrawn or amended after the debt has been proved.

(2) Subject to paragraphs (3) and (5), a creditor may withdraw or amend his proof of debt at any time with the leave of the Court.

(3) Where a proof of debt of a secured creditor omits to state—

(*a*) the particulars of the security,

(*b*) the date at which the security was given, or

(*c*) the value at which the creditor assesses the security,

the proof of debt shall not be withdrawn or amended unless the Court, on the application of the creditor, is satisfied that the omission has arisen from inadvertence and that other creditors will not be prejudiced by the withdrawal or amendment.

(4) The Court may give leave under paragraph (2) or (3) upon such terms as to the repayment of any dividend or composition or otherwise as the Court may consider just.

(5) This rule does not apply to any amendment to which rule 5 of the First Schedule to the Act of 1929 applies.

Costs of proving debt

169. A creditor shall bear the costs of his proof of debt and of having the debt admitted by the Court, unless the Court, for special reasons, otherwise orders.

Expunging debt (Forms 104, 105)

170.—(1) An application to the Court to expunge a debt in whole or in part may be made—

(*a*) by summons, or

(*b*) without summons at any sitting at which debts may be proved.

(2) Such application may be made by the Official Assignee, any creditor who has proved a debt and whose proof of debt has not been rejected by the Court, or with the leave of the Court, the bankrupt or arranging debtor.

(3) Notice of the application and of the grounds thereof shall be given to the creditor not less than 7 days before the sitting.

(4) The Official Assignee shall send a notice to the creditor of any order to expunge a debt in whole or in part, unless the order was made by consent or at a sitting at which the creditor was present or represented.

PART IX

ACCOUNTS AND INVESTMENT

Official Assignee's bank accounts (Forms 111, 115)

171.—(1) The Official Assignee shall in every matter in which he receives money or cheques cause an account to be opened in the books of the Bank to be headed:—

Record No.

The Estate of

Bankrupt

Arranging Debtor

Deceased Insolvent

(as the case may be).

(2) Subject to paragraph (3), the Official Assignee shall forthwith lodge in the Bank to such estate account all money and cheques received by him in that matter.

(3) To facilitate the collection of periodical payments due to estates the Official Assignee may operate a National Giro account into which such payments may be made and at least once in each month the Official Assignee shall transfer money standing to the credit of such account to the credit of the appropriate estate accounts.

(4) A general cash account, to be called the "Official Assignee's General Account", shall be kept by the Bank, in which the Official Assignee shall be credited with the lodgments to credit of the respective estate accounts, and shall be debited with the payments made by him out of the said respective estate accounts.

(5) No payment or transfer shall be made by the Bank out of any estate account or out of the Dividend Account referred to in rule 183 to an estate account or to the Unclaimed Dividend Account referred to in rule 188 except upon a cheque or a direction in the prescribed Form signed by the Official Assignee.

Official Assignee's imprest account

172.—(1) For the purpose of providing temporarily for payments for which no funds are immediately available in the particular estate against

which they are chargeable, the Official Assignee may make arrangements with the Bank for the operation of an imprest account, which may be overdrawn to such amount as may from time to time be agreed by the Bank, and the Official Assignee shall be personally accountable to the Court for such overdraft.

(2) The Official Assignee may make such payments out of the imprest account as he may deem advisable and shall, in every case in which he shall make such payment, recoup the imprest account the amount thereof out of money subsequently lodged to the credit of the estate.

Accounts of joint and separate estates

173.—(1) Where a bankrupt is separately and jointly indebted, distinct accounts shall be kept of the joint estate and also of the separate estate or estates of the bankrupt or of each bankrupt, as the case may be, and the separate estate shall be applied in the first place in satisfaction of the debts of the separate creditors.

(2) Where there is a surplus in the separate estate, such surplus shall be carried to the account of the joint estate and where there is a surplus in the joint estate such surplus shall be carried to the account of the separate estates of each bankrupt in proportion to the right and interest of each bankrupt in the joint estate and the cost of taking such accounts shall be paid out of the joint and separate estates respectively as the Court may direct.

(3) Where the joint estate of any co-bankrupts is insufficient to defray the costs or charges properly incurred in respect of the same, the Court, on the application of the assignees, may order such costs or charges to be paid out of the separate estates of such co-bankrupts, or one or more of them, in such proportions as it thinks fit.

(4) The Court may, on the application of the assignees, order the costs or charges properly incurred in respect of any separate estate to be paid out of the joint estate or out of any other separate estate, and any part of the costs or charges of the joint estate which affects any separate estate out of that separate estate.

(5) Where any two or more of the members of a partnership constitute a separate and indepedent firm, the creditors of such 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 partnership.

(6) Where any surplus shall arise upon the administration of the assets of such separate and independent firm, the surplus shall be carried over to the separate estates of the partners in that firm according to their respective rights therein.

Monthly check of estate accounts

174.—(1) The Official Assignee shall, upon such day in each month as shall be appointed by the Registrar, submit to the Registrar the cash book kept by him and the ledger kept by the Bank containing a copy of each estate account, which he shall obtain from the Bank for that purpose.

(2) An officer of the Court, as directed by the Registrar, shall examine the cash book with the Bank ledger, and where a discrepancy appears for which no satisfactory explanation is forthcoming, such officer shall report the matter to the Registrar.

Half-yearly statements of Official Assignee's receipts and payments

175. On or before the 31st January and the 31st July in every year the Official Assignee shall lodge with the Registrar a verified statement showing respectively to the 31st December and the 30th June then next preceding, the total amounts of his receipts and payments in respect of every matter on account of which money has been received or paid in the 6 months ending on the said last mentioned days, or upon which there remained any balance of money or any property undisposed of at the commencement of the said period of 6 months, and showing the balance, if any, in respect of each such matter at the close of the period to which the said statement relates.

Neglect by Official Assignee to account

176. Where it appears to the Registrar that the Official Assignee has neglected to account, he shall report the matter to the Judge.

Investment

177. Subject to any directions by the Court all moneys ordered to be invested shall be invested in the name of the Official Assignee, and no investment shall be sold or transferred, except pursuant to an order of the Court.

PART X

PAYMENTS TO CREDITORS: AUDITS: UNCLAIMED FUNDS

Payment of preferential debts

178. Where, after making provision for all costs, charges and expenses payable out of the estate of a bankrupt, deceased insolvent or arranging debtor, there are sufficient funds to pay preferential creditors in full, such creditors shall be paid as soon as may be after the list of preferential creditors has been settled, and any preferential creditor whose debt has been admitted may be paid before the settlement of such list.

Audit of Official Assignee's Account and order for payment of dividend or composition (Forms 106, 106A, 107)

179.—(1) The Registrar shall, at the request of the Official Assignee, fix the time of a sitting of the Court for the audit of the Official Assignee's account and for an order for payment of dividend or composition.

(2) Except in arrangement matters, notice of a sitting for the audit of the Official Assignee's account, other than a sitting for the audit of an account under paragraph (3) or rule 150, shall be advertised by the Official Assignee in the Gazette, unless the Registrar shall, for special reasons, dispense with such advertisement or direct further advertisement.

(3) As soon as possible after payment of any sums ordered to be paid at a sitting for audit of the Official Assignee's account and in any case not later than one year from the date of such sitting, an account showing such payments shall be made up by the Official Assignee and audited by the Court.

(4) The Court shall charge the Official Assignee in his accounts with all money with which he shall be properly chargeable, and shall allow to the Official Assignee in his accounts all disbursements properly made by him and none other.

Dividend or composition list (Forms 108, 109)

180.—(1) The Registrar shall, after an order has been made for payment of a dividend or composition to creditors, cause a dividend or composition list to be prepared showing the full name and address of each creditor whose debt has been admitted and the amount of his debt, as shown on the appropriate list of creditors filed under rule 164.

(2) Where a debt is entered on the list of creditors as admitted as a claim only, or subject to production of a bill, note or other document, the dividend or composition list shall indicate that such claim must be converted into a proof and the debt admitted, or such bill, note or other document produced to the Official Assignee, as the case may require, before payment of the dividend or composition.

(3) The amount of the dividend or composition and the date of the order shall be entered on the dividend or composition list and such list shall then be sent to the Official Assignee in duplicate.

(4) The Official Assignee shall have the amount of the dividend or composition payable to each creditor computed and inserted in the appropriate column of the list opposite the creditor's name, and after dating and signing the list he shall return one copy to the Registrar to be filed with the proceedings in the matter.

(5) Where a creditor has waived his right to a composition payable in respect of his debt pursuant to rule 93 or 112 the word "waived" shall be inserted in place of the amount of the composition.

Payment of dividend or cash composition to a nominee (Form 110)

181. A person whose name appears on a list of creditors filed under rule 164 may request the Official Assignee on the prescribed Form to pay dividends or cash compositions to a person named in the Form and such request shall be a sufficient authority for payment of the dividends or cash compositions to the person named.

Endorsement of bills of exchange and promissory notes

182.—(1) Subject to section 70 of the Bills of Exchange Act 1882, where some other person besides the bankrupt, deceased insolvent or arranging debtor is liable upon a bill of exchange, promissory note or other negotiable instrument or security in respect of which a debt has been admitted the creditor shall produce such bill, note or other document to the Official Assignee before receiving the dividend or cash composition, and the Official Assignee, on being satisfied that the bill, note or other document is the one required to be produced, shall endorse thereon the amount of the dividend or composition paid thereon.

(2) The Court may, if it thinks fit, dispense with the production to the Official Assignee of any such bill, note or document.

Payment of dividend and cash composition (Form 111)

183.—(1) An account called the "Official Assignee's Dividend Account" (in this rule referred to as the "Dividend Account") shall be kept in the Bank in the name of the Official Assignee.

(2) Where an order has been made in any matter for payment of a dividend or cash composition, and unless it shall be more convenient to pay each creditor by cheque, the Official Assignee shall send to the Bank a

direction in the prescribed Form to transfer from the estate account of such matter to the credit of the Dividend Account the total amount of such dividend or cash composition and to pay to the creditors to whom the dividend or cash composition is payable the respective amounts to which the said creditors are entitled as specified in a Schedule to be subjoined to the said direction and to charge the amount so paid to the Dividend Account and the said direction shall be dated as of the date of the order for payment of the dividend or cash composition.

(3) Where, after any such direction has been lodged in the Bank, any debt comprised therein shall be expunged or reduced, or a stay shall be placed upon the payment of any dividend or composition specified in such direction, the Official Assignee shall issue to the Bank a direction cancelling the direction to the Bank to pay the amount of the dividend or composition upon the debt expunged or reduced or upon which the stay has been placed, and shall draw such amount from the Dividend Account by a cheque in favour of the account of the estate out of which such dividend or composition is payable, and the amount so drawn shall be brought to credit of the said estate, and after receipt of such direction the Bank shall not make payment of the amount therein specified on foot of the original direction.

(4) Where, after any such direction has been lodged in the Bank, the right to receive payment of a sum therein specified has been transferred to or devolves upon a person other than the person named in the direction as the person entitled to receive payment of such sum, the Official Assignee shall issue to the Bank a fresh direction revoking the original direction in so far as it refers to such sum and directing the Bank to make payment of the said sum to the new payee, and the Bank shall not, after receipt of such fresh direction, make payment of the said sum to the person named in the original direction as entitled to receive payment thereof.

Notice and payment of dividend or composition (Forms 112, 113)

184.—(1) After an order has been made for payment of a dividend the Official Assignee shall send a notice of dividend to each creditor named in the dividend list, accompanied by a statement in the prescribed Form showing the position of the estate and file a copy of the notice.

(2) Subject to paragraph (3), the Official Assignee shall send to each creditor named in the dividend or composition list a cheque, or payable order in the prescribed Form, for the amount of the dividend or composition.

(3) Where the debt of any creditor has been admitted as a claim only, or subject to the production of a bill, note or other document, or where payment of a dividend or composition has been stayed, or where it is necessary that the creditor should produce to the Official Assignee a bill or note, in order that the dividend or cash composition may be endorsed thereon, the Official Assignee shall defer sending the cheque or payable order and shall inform the creditor that it will be sent to him only when the claim has been converted into a proof and the debt admitted, or upon production to the Official Assignee of the bill, note or other document required to be produced, or upon removal of the stay, as the case may require.

Notification by Bank of payment of dividend or composition

185. The Bank shall send to the Official Assignee each month all paid cheques and all payable orders upon the presentation of which creditors have received payment of dividend or cash composition.

Return of dividend or composition direction by Bank

186. At the expiration of 6 months from the date of every direction to the Bank for payment to creditors of dividend or cash composition the direction shall lapse and become void, and the Bank shall within one month thereafter send to the Official Assignee every such direction, having noted thereon the dates on which the several payments thereunder were made.

Distribution of periodical sums to creditors

187. When the Official Assignee is in receipt of any fixed annual or other periodical sum arising out of a bankrupt's or aranging debtor's income, salary or emoluments for payment to creditors, the same shall be distributed among the creditors by way of dividend at such intervals as shall be directed by the Court, subject to provision for prescribed fees and expenses, without it being necessary to appoint sittings of the Court for that purpose; and in such cases the account of the Official Assignee shall be filed and audited at such intervals of time as the Court may direct.

The Unclaimed Dividend Account (Forms 114, 115, 116)

188.—(1) The Official Assignee shall, immediately after the Bank has returned to him the direction for payment of dividend or cash composition showing thereon the payments made, or 6 months after the issue of any cheques in payment of dividend or cash composition, as the case may be, send to each creditor to whom dividend or cash composition is payable and remains unpaid a notice in the prescribed Form.

(2) At the expiration of the period specified in such notices the Official Assignee shall send to the Bank a direction in the prescribed Form to transfer from the Dividend Account referred to in rule 183 to the Unclaimed Dividend Account the total amount of dividend or cash composition remaining unpaid.

(3) The Court may order any undistributable balance from time to time standing to the credit of the Official Assignee in an estate account to be transferred to the credit of the Unclaimed Dividend Account, and if the same subsequently becomes distributable, may order that it be retransferred to the credit of the estate account.

(4) A certificate by the Official Assignee in the prescribed Form that the notices required by paragraph (1) have been duly given and that the unpaid dividends, cash compositions and other sums to be transferred to the Unclaimed Dividend Account under this rule have been so transferred shall be lodged with the Registrar.

(5) An application to the Court for payment out of any dividend or other money paid or transferred to the credit of the Unclaimed Dividend Account may be made by the Official Assignee or any person claiming to be entitled thereto, and shall be supported by such evidence as the Court may require.

PART XI

OFFICIAL ASSIGNEE

Record of appointment (Form 117)

189. The appointment of the Official Assignee shall be kept as a record of the Court and a certificate of such appointment may be issued at the request of the Official Assignee.

Not to carry on trade, etc.

190. The Official Assignee shall not, directly or indirectly, carry on any trade or business, or hold or be engaged in any office or employment other than his office and employment as Official Assignee.

Books to be kept

191. The Official Assignee shall keep the following books and records—

(*a*) a petition book, containing a record of all petitions,

(*b*) a debtors' book, containing a record of debts due to each estate and amounts recovered,

(*c*) a cash book, in which shall be entered from day to day all receipts and payments,

(*d*) a ledger containing a debtor and creditor account of each estate, distinguishing money appropriated for dividend or composition, and

(*e*) lists of all books and papers delivered to him.

Employment of solicitor

192.—(1) In a bankruptcy or administration of the estate of a deceased insolvent where no creditors' assignee has been chosen, or before such choice, the Official Assignee may employ a solicitor to take any proceedings or do any business requiring the employment of a solicitor.

(2) Paragraph (1) shall apply to an arrangement matter where property of the arranging debtor is vested in the Official Assignee under section 349 of the Act of 1857.

Employment of persons to assist Official Assignee

193. The Court may, on the application of the Official Assignee, authorise the employment at the expense of the estate of the bankrupt, deceased insolvent or arranging debtor of a person to assist the Official Assignee in the administration of the estate where it appears that, by reason of the exceptional magnitude or difficulty of the work involved, the administration cannot be expeditiously and efficiently carried out without such assistance.

Application for directions

194. The Official Assignee may apply to the Court for directions in any case of doubt or difficulty, or on any matter not provided for by the Acts or this Order.

Annual return (Form 118)

195.—(1) The Official Assignee shall, not later than the 1st March in every year, file a return in the prescribed Form of the administration of all estates coming under his charge.

(2) The return shall be open to public inspection and the return relating to the current year shall be exhibited on notice boards in the offices of the Court and the Official Assignee.

PART XII

COSTS AND CHARGES

Costs of bankruptcy petition

196.—(1) Subject to paragraphs (2) to (4), the costs of a bankruptcy petition and the proceedings under an adjudication order made thereon up to and including the sitting for the choice of a creditors' assignee shall be borne by the party taking the proceedings.

(2) Where an adjudication order has been made on a creditor's petition, the Court shall, at or after the sitting for the choice of a creditors' assignee, order that the costs of the creditor be paid out of the estate.

(3) An order for costs pursuant to paragraph (2) may include the costs of a debtor's summons sued out by the petitioning creditor.

(4) Where an adjudication order has been made on a debtor's petition, the Court may, at or after the sitting for the choice of a creditors' assignee, order that the costs of the debtor be paid out of the estate.

(5) If the proceeds of the estate are not sufficient for the payment of any costs necessarily incurred by the Official Assignee up to and including the sitting for the choice of a creditors' assignee in excess of the amount deposited under rule 58, the Court may order such costs to be paid by the party taking the proceedings.

Taxation of costs: *Application of Order LXV*: *Filing of bills of costs*

197.—(1) Subject to rule 198, Order LXV and the scale of costs contained in Appendix S, Part V, together with the notes and regulations contained in that Part, shall apply to the taxation of all costs incurred in proceedings under the Acts or this Order.

(2) Every bill of costs, when taxed, shall be filed in the file of proceedings to which it relates.

Taxation of costs payable out of estate of bankrupt, etc. (Form 119)

198.—(1) Costs payable out of the estate of a bankrupt, deceased insolvent or arranging debtor shall be taxed in accordance with Order LXV rule 61(29) without an order for taxation.

(2) Where more than one party is entitled to such costs the Taxing Master shall have authority to arrange for the bills of costs of all such parties to be taxed on the same day and to this end may require any of such parties who are in default to lodge a bill of costs for taxation by such date as he may direct.

(3) The Taxing Master shall, before allowing any item of charge in the assignees' bill of costs, satisfy himself that the assistance of a solicitor was reasonably required for the performance of the duties in relation to which such charge was incurred.

(4) A deposit paid by a solicitor on behalf of a petitioner under this Order shall be deemed to be a proper disbursement in the petitioner's bill of costs.

(5) Subject to rule 124(7), costs which are not beneficial to the administration of the estate shall not be allowed.

(6) Subject to rule 124(7) and to the terms of any resolution of creditors under the Acts, the remuneration and charges of any person assisting a bankrupt or arranging debtor in the preparation of his statement of affairs shall not be allowed against the estate without an order of the Court.

(7) The costs and expenses of the legal personal representative of a deceased insolvent of preparing, verifying and filing the statement of affairs and account required by rule 140 and any costs reasonably and properly incurred by him in furnishing to the Official Assignee other particulars of the affairs of the deceased, pursuant to the said rule, shall be allowed out of the estate of the deceased.

(8) The Taxing Master shall ascertain the credits, if any, to which the estate is entitled in respect of money paid or retained by a solicitor for or on account of costs, and for this purpose the party entitled to costs shall, at the time of lodging his bill of costs for taxation, annex thereto or endorse thereon a certificate in the prescribed Form, signed by the solicitor, showing what money has been received by him from any person and the manner in which such money has been dealt with.

Neglect or delay in taxation

199.—(1) If it appears to the Registrar that the distribution of any estate is being or may be delayed by the failure of any person to lodge his bill of costs for taxation, he may, on the application of the Official Assignee or any creditor who has proved a debt, or without any such application, report such failure to the Taxing Master, who shall make an order for the lodgment of the bill within such time and subject to such conditions as he may think fit.

(2) If such person fails or neglects to comply with any such order, the Taxing Master may certify such failure or neglect and allow such sum as he thinks appropriate for such person's costs, or may assess them at a nominal figure.

Accountants' remuneration

200.—(1) Charges in respect of accountants' remuneration shall not be allowed or paid out of the estate of a bankrupt, deceased insolvent or arranging debtor unless the employment of the accountant at the expense of the estate has been authorised by an order of the Court or he is employed pursuant to a resolution of creditors under the Acts.

(2) Accountants' remuneration shall be measured by the Taxing Master.

(3) In measuring accountants' remuneration under this rule regard shall be had to the provincial scale from time to time fixed by the Treasury for professional work carried out by private firms of accountants for Government Departments.

(4) Upon lodgment in the Taxing Master's office of the accountant's bill of charges and a copy of the order or resolution authorising his employment, the Taxing Master shall appoint a time at which he will proceed to measure such remuneration and shall give notice thereof to the accountant, the Official Assignee and such other persons, if any, to whom he considers notice ought to be given.

(5) Upon receiving the notice referred to in paragraph (4) the accountant shall attend on the Taxing Master in accordance therewith and shall produce such evidence as the Taxing Master may require.

(6) If an accountant is dissatisfied with the remuneration measured by the Taxing Master he may, within 21 days from the date of the Taxing Master's decision, apply to the Judge to vary the amount so measured.

(7) Notice of such application shall be given to such persons, if any, as had notice of the proceedings before the Taxing Master and to such other persons as the Judge may direct.

Auctioneers' charges

201. Subject to any special direction by the Judge, the charges of auctioneers payable out of the estate of a bankrupt, deceased insolvent or arranging debtor shall not exceed those fixed by the scale of charges from time to time settled by the Judge.

Order of payment of costs and charges payable out of estate of bankrupt, etc.

202.—(1) The amount standing to the credit of the estate account in each matter after payment of the expenses properly incurred in preserving, realising and getting in any of the assets of the bankrupt, deceased insolvent or arranging debtor shall, subject to any order of the Court, be liable to the following payments, which shall be made in the following order of priority—

(*a*) the actual expenses incurred by the Official Assignee in protecting such assets or any part thereof, and any expenses or outlay incurred by him or by his authority in carrying on the business of the bankrupt, arranging debtor or deceased insolvent,

(*b*) prescribed fees,

(*c*) any other costs, charges and expenses incurred by the assignees,

(*d*) the deposit lodged by a petitioning creditor pursuant to this Order,

(*e*) the costs of a petitioner where ordered by the Court or payable out of the estate of a bankrupt or arranging debtor under the terms of a resolution of creditors under the Acts,

(*f*) the remuneration and charges of any person assisting a bankrupt in the preparation of his statement of affairs, where ordered by the Court,

(*g*) the costs incurred by a bankrupt in obtaining the advice of a solicitor in relation to his statement of affairs, where ordered by the Court,

(*h*) the costs, charges and expenses of the legal personal representative of a deceased insolvent pursuant to rule 140,

(*i*) any allowance made to the bankrupt under section 301 of the Act of 1857,

(*j*) the charges of a shorthand writer appointed by the Court on the application of some person other than the Official Assignee,

(*k*) the necessary disbursements of a trustee, other than expenses of preserving, realising and getting in herein provided for,

(*l*) the costs of any person properly employed by a trustee with the sanction of the committee of inspection or of the Court,

(*m*) any allowance made to the bankrupt under section 106 of the Act of 1872,

(*n*) the remuneration of a trustee,

(*o*) the actual out-of-pocket expenses necessarily incurred by a committee of inspection, subject to the approval of the Registrar,

(*p*) any costs, charges and expenses payable out of the estate of a bankrupt, deceased insolvent or arranging debtor by order of the Court or under the terms of a resolution of creditors under the Acts, not herein provided for.

(2) Where more than one person is entitled to a payment within any item under paragraph (1) and the estate is insufficient to meet all payments within the same item, after providing for prior charges, such payments shall abate in equal proportions.

PART XIII

MISCELLANEOUS

Directions of Official Assignee

203. Where a bankrupt or arranging debtor has failed to comply with any direction given to him by the Official Assignee the Court may, on the application of the Official Assignee, order the bankrupt or arranging debtor to comply with it.

Supervision of trading of bankrupt or arranging debtor

204. Where a bankrupt in respect of whom an order has been made under section 276 of Act of 1857 or an arranging debtor continues to carry on any trade or business—

(*a*) he shall furnish to the Official Assignee each week an account of his receipts and disbursements in the form directed by the Official Assignee and shall vouch each item to the satisfaction of the Official Assignee,

(*b*) the Official Assignee shall visit the premises on which such trade or business is carried on whenever he considers it desirable to do so, and may require the bankrupt or arranging debtor to produce his books of account and cash takings and to furnish information relating to the trade or business.

Allowance of certain expenses to bankrupts and other persons

205.—(1) The Official Assignee shall pay out of the estate of a bankrupt or deceased insolvent or out of the estate of an arranging debtor vested in the Official Assignee for realisation the out of pocket expenses reasonably and properly incurred by the bankrupt, personal representative of a deceased insolvent or arranging debtor in attending the office of the Official Assignee.

(2) The Court may order payment out of the estate of a bankrupt or deceased insolvent or out of the estate of an arranging debtor vested in the Official Assignee for realisation of the same allowance to the bankrupt, personal representative of a deceased insolvent or arranging debtor for attending the office of the Official Assignee as on attendance at a trial in court.

Delay in proceedings

206.—(1) The Official Assignee shall report to the Registrar from time to time at such intervals as the Registrar shall direct on the progress in each matter in which a final distribution of the estate has not been made or in which any proceedings are outstanding.

(2) The Official Assignee, creditors' assignee, bankrupt, personal representative of a deceased insolvent, arranging debtor or any creditor shall be at liberty to bring before the Registrar any matter in which it appears that any unnecessary delay has taken place in any proceedings.

(3) On a matter being listed under paragraph (2), or if at any time it shall appear that any unnecessary delay has occurred, the Judge or the Registrar may require notice to be served on any person calling upon such person to explain the delay to the Court, and may give such directions as may be appropriate to hasten the proceedings.

(4) Where the Judge is satisfied that any delay is wholly or partly attributable to the neglect or default of any solicitor, accountant or other person engaged in the matter and who is or may be entitled to costs or remuneration out of the estate, he may, after hearing that person or giving him an opportunity of being heard, order that all or part of such costs or remuneration be disallowed.

Report to creditors where distribution delayed

207.—(1) Subject to paragraph (2), where an estate has not been finally distributed within 15 months after the filing of the petition the Official Assignee shall report to the creditors on his administration to date and the reasons for delay in completing distribution.

(2) Where at the date of payment of an interim dividend the Official Assignee anticipates that the final distribution will not be completed within the period mentioned in paragraph (1), the report to the creditors may accompany the notice of interim dividend.

No lien on books of account

208. No person shall, as against the Official Assignee, be entitled to withhold possession of the books of account belonging to the bankrupt, deceased insolvent or arranging debtor, or to set up any lien thereon.

Bankrupt or arranging debtor leaving Northern Ireland

209—(1) Subject to paragraph (2), a bankrupt who has not obtained his certificate of conformity or an arranging debtor who has not obtained his certificate under section 64 of the Act of 1872 shall not leave Northern Ireland without the consent of the Court which may be granted on such terms as the Court thinks just.

(2) A bankrupt or arranging debtor may, with the written consent of the Official Assignee, travel to Great Britain or the Republic of Ireland in connection with his employment or business or to seek employment.

(3) A bankrupt or arranging debtor remaining out of Northern Ireland with the consent of the Court or the Official Assignee for a period exceeding 2 weeks shall inform the Official Assignee in writing of his address and of every change of address, if any.

Payment of damages, costs or expenses out of public funds

210. Where damages, costs or expenses are sustained or incurred by the Official Assignee in the discharge of his duties which the estate of the bankrupt, deceased insolvent or arranging debtor is insufficient to meet and where the deficiency is not recoverable from any person liable to indemnify the Official Assignee in relation thereto, the Court may, on the application of the Official Assignee, order the Accountant General of the Supreme Court to pay such damages, costs or expenses out of public funds.

Representation of corporations, etc. (Forms 19, 20)

211.—(1) For the purposes of the Acts and this Order—

(*a*) a corporation may act by any person duly authorised in that behalf by the corporation,

(*b*) a partnership may act by any of its members or a duly authorised agent,

(*c*) a person of unsound mind may act by a person authorised or empowered by law to act for him, and

(*d*) any person may act by his agent duly authorised in that behalf.

(2) A person duly authorised to act on behalf of a corporation for the purposes of the Bankruptcy Act 1914 shall be deemed to be so authorised for the purposes of the Acts and this Order.

(3) The Court may require proof of the authority of any person purporting to act for another under this rule.

Amendments

212. In any proceedings the Court may allow any amendments which the Court considers ought to be allowed, upon such terms as may be ordered.

SCHEDULE 2 RULE 6

Forms to be substituted for Forms No. 1-35 and 50 to 54 in Part I of Appendix Y of the Rules of the Supreme Court

FORMS

1. General Title.
2. Ex Parte Summons.
3. Summons—Service Required.
4. Memorandum of Appointment of Solicitor.
5. Affidavit of Personal Service of Summons, Subpoena or Order.
6. Affidavit of Service by Post.
7. Certificate of Postage of Notices by Official Assignee.
8. Subpoena.
9. Warrant of Seizure.
10. Search Warrant—section 326 Irish Bankrupt and Insolvent Act 1857.
11. Warrant to Apprehend Debtor about to Abscond after Debtor's Summons—section 78 Bankruptcy (Ireland) Amendment Act 1872.
12. Warrant to Apprehend Debtor about to Abscond after Petition of Bankruptcy—section 124 Irish Bankrupt and Insolvent Act 1857.
13. Warrant to Apprehend Bankrupt—section 125 Irish Bankrupt and Insolvent Act 1857.
14. Warrant to Apprehend a Person Summoned under Section 305, 307 or 308 Irish Bankrupt and Insolvent Act 1857.
15. Warrant of Committal for Unsatisfactory Answering or Refusing to Sign Examination or for Failing to Produce Documents—section 385 Irish Bankrupt and Insolvent Act 1857.
16. Warrant of Committal for Refusing to be Sworn or to Answer—section 385 Irish Bankrupt and Insolvent Act 1857.
17. Warrant of Committal for Disobedience of an Order of the Court—section 391 Irish Bankrupt and Insolvent Act 1857.
18. Warrant to bring Bankrupt or Other Person in Custody before the Court—section 73 Bankruptcy (Ireland) Amendment Act 1872.
19. General Proxy.
20. Special Proxy.
21. Oath of Official Shorthand Writer.
22. Memorandum of Advertisements in Gazette and Newspapers.
23. Search and Requisition to Inspect Documents.
24. Affidavit for Debtor's Summons.
25. Debtor's Summons.
26. Debtor's Summons—Two or More Creditors not Partners.
27. Affidavit of Service of Debtor's Summons.
28. Notice of Application to Dismiss Debtor's Summons.
29. Affidavit to Ground Application to Dismiss Debtor's Summons.
30. Declaration of Insolvency.
31. Affidavit to Verify Declaration of Insolvency.
32. Bankruptcy Petition by a Debtor.
33. Affidavit Verifying Petition by a Debtor to be Adjudged Bankrupt.
34. Bankruptcy Petition by a Creditor.
35. Affidavit Verifying Petition of Bankruptcy by a Creditor or Petition for Administration of Estate of Deceased Debtor.
36. Affidavit Verifying Petition of Bankruptcy by Joint Creditors.
37. Adjudication Order on Debtor's Petition.
38. Adjudication Order on Creditor's Petition.

39. Notice of Adjudication Order to Official Assignee.
40. Affidavit of Service of Duplicate Adjudication Order.
41. Notice to Show Cause Against Validity of Adjudication.
42. Notice of Adjudication and of Appointment of Public Sittings.
43. Notice to Bankrupt to Attend Public Sittings.
44. Memorandum of Choice and Appointment of Creditors' Assignee.
45. Notice to Bankrupt to Attend for Preliminary Examination.
46. Notice to Bankrupt to Accompany Notes of Preliminary Examination.
47. Notes of Preliminary Examination of Bankrupt Adopted as Evidence.
48. Notice of Public Examination of Bankrupt where a Shorthand Writer is Appointed.
49. Notes of Public Examination of Bankrupt where Shorthand Writer is not Appointed.
50. Notice to Bankrupt of Appointment of Day for Final Examination.
51. Gazette Notice of Appointment of Day for Proceeding with Final Examination of Bankrupt adjourned sine die.
52. Final Examination Deposition.
53. Summons under section 305, 307 or 308, Irish Bankrupt and Insolvent Act 1857.
54. Notice of Application for Certificate of Conformity.
55. Certificate of Conformity.
56. Gazette Notice of Granting of Certificate of Conformity.
57. Composition after Bankruptcy—Notice of Preliminary Meeting of Creditors.
58. Composition after Bankruptcy—Notice of Intention not to Proceed with Proposed Offer.
59. Composition after Bankruptcy—Gazette Notice of Meeting of Creditors to Consider Offer.
60. Composition after Bankruptcy—Notice to Creditors of Meeting to Consider Offer.
61. Composition after Bankruptcy—Resolution of Creditors.
62. Composition after Bankruptcy—Notice to Creditor where Offer is not Accepted, etc.
63. Composition after Bankruptcy—Gazette Notice of Special Sitting.
64. Composition after Bankruptcy—Notice of Special Sitting.
65. Composition after Bankruptcy—Resolution of Creditors at Special Sitting.
66. Composition after Bankruptcy—Consent and Undertaking by Surety.
67. Composition after Bankruptcy—Waiver by Creditor.
68. Composition after Bankruptcy—Notice of Application for Annulment of Adjudication.
69. Composition after Bankruptcy—Gazette Notice of Annulment of Adjudication.
70. Arrangement Petition.
71. Affidavit to Accompany Arrangement Petition.
72. Affidavit to Accompany Joint Arrangement Petition.
73. Arrangement—Protection Order.
74. Arrangement—Notice of Protection Order.
75. Arrangement—Preliminary Statement of Affairs.
76. Arrangement—Notice of Preliminary Meeting of Creditors.
77. Arrangement—Notice of Private Sitting.
78. Arrangement—Resolution of Creditors at Private Sitting.
79. Arrangement—Certificate of Resolution of Creditors.
80. Arrangement—Notice of Special Sitting.
81. Arrangement—Resolution of Creditors at Special Sitting.

82. Arrangement—Certificate of Resolution of Creditors at Special Sitting.
83. Arrangement—Consent and Undertaking by Surety.
84. Arrangement—Waiver by Creditor.
85. Notice to Creditors of Termination of Arrangement Proceedings.
86. Arrangement—Notice of Application by Debtor for Certificate.
87. Certificate to Arranging Debtor.
88. Notice of Application under section 2 of the Bankruptcy Amendment Act (Northern Ireland) 1929.
89. Petition by Personal Representative for Administration of Estate of Deceased Insolvent.
90. Creditor's Petition for Administration of Estate of Deceased Debtor.
91. Notice to Show Cause Against Petition for Administration of estate of Deceased Debtor.
92. Notice of Order for Administration of Estate of Deceased Insolvent and of Appointment of Public Sitting.
93. Official Assignee's Report on Debt Collections.
94. Certificate of Vesting of Estate and Effects of Bankrupt in Assignees.
95. Notice of Audit of Account of Proceeds of Sale of Land Sold by Order of the Court.
96. Statement Concerning Registered Land or Charge of Petitioner.
97. Affidavit of Proof of Debt (General Form).
98. Affidavit of Proof of Debt (Wages etc. due to Several Employees).
99. Appointment of Sitting for Proof of Debts.
100. Gazette Notice of Sitting for Proof of Debts.
101. Notice of Sitting for Proof of Debts.
102. List of Creditors.
103. Notice to Creditors under rule 164(8).
104. Notice of Application without Summons to Expunge Admitted Debt.
105. Notice of Order to Expunge Debt.
106. Official Assignee's Account.
106A. Account to be Annexed to Form 106.
107. Gazette Notice of Audit and Dividend.
108. Dividend List.
109. Compostion List.
110. Authority to Official Assignee to Pay Dividends or Composition to Another Person.
111. Direction to Bank of Ireland for Transfers to and Payments out of the Official Assignee's Dividend Account.
112. Notice of Dividend and Accompanying Statement.
113. Payable Order for Dividend or Cash Composition.
114. Notice to Creditor of Unclaimed Dividend or Composition.
115. Direction to Bank of Ireland for Transfers from Official Assignee's Dividend Account to Unclaimed Dividend Account.
116. Certificate of Transfers to Unclaimed Dividend Account.
117. Certificate of Appointment of Official Assignee.
118. Annual Return by Official Assignee.
119. Certificate of Credits by Solicitor.

No. 1 RULE 7

General Title

In the High Court of Justice in Northern Ireland
In Bankruptcy.

IN THE MATTER OF [1] ....., [2] .....
[Application of [3]]

NOTES

[1] Insert full name of debtor, deceased debtor, bankrupt, arranging debtor or deceased insolvent, as the case may be.

[2] Insert "debtor" *or* "deceased debtor" where an adjudication order, protection order or administration order has not been made or, where such an order has been made, "bankrupt", "arranging debtor" *or* "deceased insolvent".

[3] In application to the Court and documents filed and orders made thereon, insert description of applicant as "the debtor", "the bankrupt", "the arranging debtor", "the Official Assignee", "the assignees", "X.Y., a creditor" *or* "the trustee", as the case may be.

No. 2 RULE 15

Ex Parte Summons
(*Title*)

Let all parties concerned attend before the Judge/Registrar in court/chambers at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, on day 19 , at a.m./p.m., on the hearing of an application by for [1]

Dated 19 .

This summons was taken out by
of
solicitor for the applicant.
[*or, where the applicant is acting in person,*—This summons was taken out by the said applicant who resides (*or* carries on business) at
and (*if the applicant does not reside or carry on business in Northern Ireland*) whose address for service is
]

NOTE

[1] State concisely the order or other relief required.

No. 3 **RULE 15**

Summons—Requiring Service
(*Title*)

Let C.D. of
attend before the Judge/Registrar in court/chambers at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, on day
19 , at a.m./p.m. on the hearing of an application by
for [1]

[The applicant intends to call [2] of
to give oral evidence at the hearing]

Dated 19 .

This summons was taken out by
of
solicitor for the applicant.
[*or, where the applicant is acting in person,*—This summons was taken out by the said applicant who resides (*or* carries on business) at
and (*if the applicant does not reside or carry on business in Northern Ireland*) whose address for service is
]

To C.D. [3]

NOTICE TO RESPONDENT

1. You may attend in person or by your solicitor or counsel. If you fail to attend, such order will be made as the Court may think just and expedient.

2. If you intend to use affidavits in opposition to this application, copies thereof must be delivered to the applicant not less than 3 days before the date above mentioned, and if you intend to call oral evidence at the hearing either in addition to or in substitution for affidavits, notice of such intention must be given to the applicant within the said time.

[3. If you object to oral evidence being given in support of this application, you should apply to the Court, on notice to the applicant, not later than 3 days after service of this summons upon you.] [2]

NOTES

[1] State concisely the order or other relief required.

[2] Set out the names and addresses of any witnesses to be called to give oral evidence. This paragraph and paragraph 3 of the notice are to be deleted if the applicant does not intend to call oral evidence at the hearing.

[3] Set out the name and address of the person to be served.

No. 4 RULE 17

Memorandum of Appointment of Solicitor
(*Title*)

TAKE NOTICE that I/we, the undersigned solicitor(s), have been appointed to act as solicitor(s) for [1] in this matter and that my/our address for service is

Dated , 19 .

(Signature)

NOTE

[1] "the assignees", "the Official Assignee", "the trustee", "the bankrupt", "C.D., personal representative of the above-named deceased", "the arranging debtor" or "X.Y., a creditor", as the case may be.

No. 5 RULE 17

Affidavit of Personal Service of Summons, Subpoena or Order
(*Title*)

I, of
make oath and say as follows—

1. I did on day 19 , at
personally serve
with a true copy of the summons [*or* subpoena] in this matter, which appeared to me to have been regularly issued out of the office of the Court on the application of and which was dated 19 . [*or* a true copy of the order in this matter dated 19 .]

2. At the time of such service I identified the said by [1] [*or*, the said identified himself as the person to whom the said summons [*or* subpoena] was directed. [*or*, the person named in the said order.]]

3. At the time aforesaid I paid to the said the sum of to defray his expenses of attending, pursuant to the said summons [*or* subpoena *or* order].

4. The facts herein stated are within my own knowledge.

Sworn etc.

NOTE

[1] State means of identification.

No. 6 RULE 17

Affidavit of Service by Post
(*Title*)

I, of make oath and say as follows—

1. I did, on day 19 , send to of [*or*, to each of the creditors [1] named in the statement of affairs [*or* in the schedule hereto] a notice [*or other specified document*] in the form hereunto annexed marked "A", [together with].

2. Such notices were addressed to the said at [*or*, to the said creditors [1] at the addresses appearing in the statement of affairs [*or* written opposite to each name in the third column of the said Schedule], being his/her last known address [*or* the last known addresses of the said creditors [1]].

3. I posted the said notice(s) [*or other document(s)*] by first/second class mail before the hour of a.m./p.m. on the said day.

4. The facts herein stated are within my own knowledge.

SCHEDULE

No.	Name	Address

Sworn etc.

NOTE

[1] *Or* persons.

No. 7 RULE 17

Certificate of Postage of Notices by Official Assignee
(*Title*)

I,
clerk in the office of the Official Assignee, hereby certify as follows—

1. I did, on 19 , send to each of the creditors [1] named in the statement of affairs [*or* in the schedule hereto] a notice [*or other specified document*] in the form heretunto annexed marked "A" [*or* of the purport briefly indicated opposite to each name in the third column of the said schedule], [together with].

2. Such notices were addressed to the said creditors [1] at their last known addresses.

3. I posted the said notices [*or other documents*] by first/second class mail before the hour of a.m./p.m. on the said day.

SCHEDULE

No.	Name	Purport of notice

Dated 19 .

Clerk in the office of the Official Assignee.

NOTE
[1] *Or* persons.

No. 8 RULE 25

Subpoena
(*Title*)

Elizabeth the Second, by the Grace of God, &c.
To [1] greeting: We command you to attend before our Court, at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, on day the day of 19 , at the hour of in the noon, and so from day to day until the above matter is heard, to testify the truth according to your knowledge in the above matter [and also to bring with you and produce at the time and place aforesaid [2]]

Dated this day of 19 .

Registrar.

This subpoena is issued at the instance of
solicitor for

NOTES
[1] The names of up to 3 witnesses may be inserted.

[2] Specify documents to be produced.

No. 9 RULES 33, 65, 124

Warrant of Seizure

(*Title*)

To Messenger of this Court, and his assistants.

WHEREAS on 19 , an order of adjudication of bankruptcy was made against the above-named bankrupt.

THESE ARE THEREFORE to require, authorise and empower you, and every one of you to whom this warrant is directed, forthwith to enter into and upon the house and houses, and other the premises of the said bankrupt and also into all other place and places belonging to the said bankrupt where any of goods and money are, or are reputed to be; and there seize all the ready money, jewels, plate, household stuff, goods, merchandize, books of accounts, and all other things whatsoever belonging to the said bankrupt except articles which a bankrupt is entitled to retain as excepted articles under section 298 of the Irish Bankrupt and Insolvent Act 1857; and such things as you shall so seize you shall cause to be inventoried; and what you shall so seize you shall safely detain and keep in your possession until you shall receive other orders for the disposal thereof from the Official Assignee; and in case of resistance, or of not having the key or keys of any door or lock of any premises, door, trunk or chest of the said bankrupt where any of goods are, or are reputed to be, the same you shall break open, or cause to be broken open for the better execution of this warrant.

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

Registrar.

No. 10 RULE 33

Search Warrant—section 326 Irish Bankrupt and Insolvent Act 1857

(*Title*)

To Messenger of this Court, and his assistants.

WHEREAS it hath been made to appear to the satisfaction of this Court that there is reason to believe that property of the above-named bankrupt is concealed in the house of one X.M. [*or other place, describing it, as the case may be*] of such house [*or place*] not belonging to the said bankrupt.

THESE ARE THEREFORE to authorise and require you to whom this warrant is directed to enter, in the daytime, into the said house of the said X.M. situate at aforesaid [*or other place, describing it*] and there diligently to search for the said property, and if any property of the said bankrupt shall be found by you on such search, that you seize the same, to be disposed of and dealt with according to law.

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

Registrar.

No. 11 RULE 33

Warrant to Apprehend Debtor about to Abscond after Debtor's Summons—section 78 Bankruptcy (Ireland) Amendment Act 1872

(*Title*)

To

1. Messenger of this Court and his assistants and to members of the Royal Ulster Constabulary.

2. The Governor of Her Majesty's Prison at

WHEREAS a debtor's summons dated the day of 19 , has been granted against the above-named debtor of

AND WHEREAS it has been made to appear to this Court that there is probable reason for believing that the said debtor is about to go abroad with a view of avoiding payment of the debt for which such summons has been granted, or of avoiding the presentation of a petition of bankruptcy against him, or of avoiding examination in respect of his affairs, or otherwise avoiding, delaying, or embarrassing proceedings in bankruptcy.

THESE ARE THEREFORE to authorise and require you and every one of you, to whom this warrant is firstly directed, immediately upon the receipt hereof, to arrest and take into your custody the said [1] and to deliver him to the Governor of Her Majesty's Prison at

who is hereby authorised and required to receive him and keep him safely until he shall be discharged by this Court, and for so doing this shall be your sufficient warrant.

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

Registrar.

NOTE

[1] Full name of debtor.

No. 12 RULE 33

Warrant to Apprehend Debtor about to Abscond after Petition of Bankruptcy—section 124 Irish Bankrupt and Insolvent Act 1857

(*Title*)

To

1. Messenger of this Court and his assistants and to members of the Royal Ulster Constabulary.

2. The Governor of Her Majesty's Prison at

WHEREAS it has been proved to the satisfaction of this Court that there is probable cause for believing that the above-named debtor of

has quitted Northern Ireland, [*or* is about to quit Northern Ireland, *or* has removed, *or* is about to remove or conceal some of his goods or chattels] with intent to defraud his creditors.

THESE ARE THEREFORE to authorise and require you and every one of you, to whom this warrant is firstly directed, immediately upon the receipt hereof, to arrest and take into your custody the said [1]

and to deliver him to the Governor of Her Majesty's Prison at

who is hereby authorised and required to receive him and keep him safely in the said prison until he shall be discharged by this Court, and for so doing this shall be your sufficient warrant.

And these are further to authorize you the said

to seize the books, papers, moneys, securities for moneys, goods and chattels of the said [1]

and what you shall so seize you shall keep safely until this Court shall make order touching the same, and for so doing this shall be your sufficient warrant.

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

Registrar.

NOTE

[1] Full name of debtor.

No. 13 RULE 33

Warrant to Apprehend Bankrupt—section 125 Irish Bankrupt and Insolvent Act 1857

(*Title*)

To

1. Messenger of this Court and his assistants and to members of the Royal Ulster Constabulary.

2. The Governor of Her Majesty's Prison at

WHEREAS it hath been proved to the satisfaction of this Court that the above-named bankrupt of is keeping out of the way, and cannot be personally served with a summons, and that due pains have been taken to effect such personal service, [*or* that there is probable cause for believing that the said bankrupt is about to quit Northern Ireland, *or* to remove or conceal some of his goods and chattels unless he be forthwith apprehended].

THESE ARE THEREFORE to authorise and require you and every one of you, to whom this warrant is firstly directed, immediately upon the receipt hereof, to arrest and take into your custody the said [1] and bring him before this Court at such time and place as this Court shall direct, in order to his being examined, and in the meantime to keep him safely or deliver him to the Governor of Her Majesty's Prison at , and forthwith, after such taking and delivery, to report the same to this Court, and obtain its direction or order fixing a day, time and place for the examinatian of the said bankrupt, and you the said Governor to receive the said [1] and keep him safely in the said prison and in your custody to await the direction or order of this Court, and to produce him before this Court at such time and place as shall be specified in such direction or order, and for so doing this shall be your sufficient warrant.

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

Registrar.

NOTE

[1] Full name of bankrupt.

No. 14 RULE 33

Warrant to Apprehend a Person Summoned under Section 305, 307 or 308 Irish Bankrupt and Insolvent Act 1857

(*Title*)

To

1. Messenger of this Court and his assistants and to members of the Royal Ulster Constabulary.

2. The Governor of Her Majesty's Prison at

WHEREAS by summons dated 19 , and directed to [1] of the said [1] was required personally to be and appear before this Court on 19 , at a.m./p.m. to be examined [*and/or* produce such document as hereinafter mentioned], which said summons was afterwards, on the 19 , as has been proved upon oath, duly served upon the said and a reasonable sum was tendered him for his expenses, And whereas the said [1] , having no lawful impediment made known to and allowed by this Court at the time of its sitting, hath not appeared before this Court at the time appointed [*and/or* hath not produced a document in his custody or power relating to the bankrupt, his trade, dealings or estate, which this Court has required him to produce.]

THESE ARE THEREFORE to authorise and require you and every one of you, to whom this warrant is firstly directed, immediately upon receipt hereof, to arrest and take into custody the said [1] and bring him before this Court at such time and place as this Court shall direct, in order to his being examined as aforesaid, and in the meantime to keep him safely or deliver him to the Governor of Her Majesty's Prison at , and forthwith, after such taking and delivery, to report the same to this Court, and obtain its direction or order fixing a day, time and place for the examination of the said [1] and you the said Government to receive the said [1] and keep him safely in the said prison and in your custody to await the direction or order of this Court, and to produce him before this Court at such time and place as shall be specified in such direction or order, and for so doing this shall be your sufficient warrant.

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

Registrar.

NOTE

[1] Full name of person summoned.

No. 15 RULE 33

Warrant of Committal for Unsatisfactory Answering or Refusing to Sign Examination or for Failing to Produce Documents—section 385 Irish Bankrupt and Insolvent Act 1857

(*Title*)

To

1. Messenger of this Court and his assistants and to members of the Royal Ulster Constabulary.

2. The Governor of Her Majesty's Prison at

WHEREAS [*or*, the above-named bankrupt] of was, on 19 , duly sworn and examined in this Court; and the said [*or*, bankrupt] was again on 19 , duly sworn and examined in this Court, as by the examination or deposition of the said [*or*, bankrupt] on the file of proceedings in this matter doth appear.

AND WHEREAS the answers of the said [*or*, bankrupt] as now so appearing in the said examination or deposition, are unsatisfactory to this Court [*or* the said [*or*, bankrupt] refused to sign and subscribe his examination or deposition, *or* the said [*or*, bankrupt] failed to produce in his custody or power and which he was required by the Court to produce].

THESE ARE THEREFORE to authorise and require you and every one of you, to whom this warrant is firstly directed, immediately upon the receipt hereof, to arrest and take into your custody the said [1] and to deliver him to the Governor of Her Majesty's Prison at who is hereby authorise and required to receive him and keep him safely in the said prison without bail, until he shall submit himself to this Court to be sworn, and full answers make to the satisfaction of this Court to all such lawful questions as shall be put to him [*or* until he shall sign and subscribe such examination or deposition, *or* until he shall produce], or until this Court shall make order to the contrary, and for so doing this shall be your sufficient warrant.

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

Registrar.

NOTE

[1] Full name of bankrupt or other person.

No. 16 RULE 33

Warrant of Committal for Refusing to be Sworn or to Answer—section 385 Irish Bankrupt and Insolvent Act 1857

(*Title*)

To

1. Messenger of this Court and his assistants and to the members of the Royal Ulster Constabulary.

2. The Governor of Her Majesty's Prison at

WHEREAS [*or*, the above-named bankrupt] of being present in this Court on 19 , was required to submit to be duly sworn and examined, pursuant to the Statute, but the said [*or*, bankrupt] then and there refused to be sworn [*or* refused to answer the questions put to him by the Court].

THESE ARE THEREFORE to authorise and require you and every one of you, to whom this warrant is firstly directed, immediately upon the receipt hereof, to arrest and take into your custody the said [1] and to deliver him to the Governor of Her Majesty's Prison at who is hereby authorised and required to receive him and keep him safely in the said prison without bail, until he shall submit himself to this Court to be sworn, and full answers make to the satisfaction of this Court to all such lawful questions as shall be put to him, or until this Court shall make order to the contrary, and for so doing this shall be your sufficient warrant.

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

Registrar.

NOTE

[1] Full name of bankrupt or other person.

No. 17 RULE 33

Warrant of Committal for Disobedience of an Order of the Court—section 391 Irish Bankrupt and Insolvent Act 1857

(*Title*)

To

1. Messenger of this Court and his assistants and to members of the Royal Ulster Constabulary.

2. The Governor of Her Majesty's Prison at

WHEREAS by an order of this Court, bearing date 19 , it was ordered that [1]

of do

AND WHEREAS it is now proved that on 19 , a copy of the said order was duly served on the said personally, but he has disobeyed the said order.

THESE ARE THEREFORE to authorise and require you and every one of you, to whom this warrant is firstly directed, immediately upon the receipt hereof, to arrest and take into your custody the said [1] and to deliver him to the Governor of Her Majesty's Prison at who is hereby authorised and required to receive him and keep him safely in the said prison until this Court shall make an order to the contrary, and for so doing this shall be your sufficient warrant.

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

Registrar.

NOTE

[1] Full name of person to be committed.

No. 18 RULE 33

Warrant to bring Bankrupt or Other Person in Custody before the Court—section 73 Bankruptcy (Ireland) Amendment Act 1872

(*Title*)

To the Governor of Her Majesty's Prison
at

WHEREAS [1]
is now in your custody pursuant to warrant dated
19 .

THESE ARE THEREFORE to require and authorise you to cause the said [1] to be brought in custody before this Court at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, on day 19 , at the hour of o'clock in the noon, for examination before the Court, and afterwards to be taken back to the said prison to be there kept safely pursuant to the said warrant, and for so doing this shall be your sufficient warrant.

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

Registrar.

NOTE

[1] Full name of person in custody.

No. 19 RULES 37, 211

General Proxy[5]
(Title)

I, [1]
of a creditor,
hereby appoint
to be my/our general proxy in the above matter, excepting as to receipt of dividends. [2]

Dated , 19 .

Signature of creditor [3]

Personal creditor	(Signed)	..... (*name of creditor*)
Partnership creditor	„	..... (*firm name*) a firm, by ..... (*name of partner or authorised agent*) a partner in the said firm/duly authorised agent for the said firm.[4]
Limited Company creditor	„	..... (*name of* authorised person), for Limited (*name of Company*) duly authorised by the company.
Agent for personal creditor	„	..... (*name of authorised agent*), duly authorised to sign on behalf of ..... (*name of creditor*).

NOTES

[1] If a firm or company, write "we" instead of "I" and set out the full name of the firm or company.

[2] If it is desired that dividends be paid to someone other than the creditor, a separate form of request to this effect must be lodged with the Official Assignee.

[3] Complete as appropriate.

[4] Delete whichever alternative does not apply.

[5] *The completed proxy must reach the Registrar not later than the day before the sitting or meeting at which it is to be used.*

No. 20 RULES 37, 211

Special Proxy[6]
(*Title*)

I, [1]
of a creditor,
hereby appoint [2]
as my/our proxy at the sitting/meeting of creditors to be held on
19 , or at any adjournment thereof, to vote for me/us and
on my/our behalf IN FAVOUR OF [3] the proposal set out in the notice of
AGAINST
the sitting/meeting or any modification thereof made with leave of the Court.

Dated , 19

Signature of Creditor [4]

Personal creditor	(Signed)	..... (*name of creditor*)
Partnership creditor	„	..... (*firm name*) a firm, by ..... (*name of partner or authorised agent*) a partner in the said firm/duly authorised agent for the said firm.[5]
Limited Company creditor	„	..... (*name of* authorised person), for Limited (*name of Company*) duly authorised by the company.
Agent for personal creditor	„	..... (*name of authorised agent*), duly authorised to sign on behalf of ..... (*name of creditor*).

NOTES

[1] If a firm or company, write "we" instead of "I" and set out the full name of the firm or company.

[2] If no name has been inserted here before the form is sent to the creditor, the creditor must insert the name of the person who will attend and vote on his behalf. IF A NAME HAS BEEN INSERTED AND THE CREDITOR WISHES SOME OTHER PERSON TO VOTE FOR HIM, HE MUST STRIKE OUT SUCH NAME AND INSERT THE NAME OF THE PERSON WHO WILL ATTEND AND VOTE ON HIS BEHALF.

[3] Strike out the words "IN FAVOUR OF" or the word "AGAINST" (as the case may require); UNLESS OTHERWISE INDICATED THE ABOVE PROXY WILL BE USED IN FAVOUR OF THE PROPOSAL.

[4] Complete as appropriate.

[5] Delete whichever alternative does not apply.

[6] *The completed proxy must reach the Registrar not later than the day before the sitting or meeting at which it is to be used.*

No. 21 RULE 41

Oath of Official Shorthand Writer

In the High Court of Justice in Northern Ireland

In Bankruptcy

Before The Registrar

I, , of ,
an Official Shorthand Writer appointed to this Court do swear that I will truly and faithfully take down the questions put to and the answers given by all persons whose examination I shall from time to time be appointed by the Court to take down, and will deliver true and faithful transcripts thereof as the Court may direct.

Dated this day of 19 .

(Signature)
Sworn at this Court before me, at the time above mentioned.

Registrar.

No. 22 RULE 42

Memorandum of Advertisements in Gazette and Newspapers
(*Title*)

NOTICE of the sitting [*or* meeting of creditors]
to be held on 19 , has been published in the Belfast Gazette dated 19 , in the newspaper dated 19 , in the newspaper dated 19 .

An extract from [*or* a copy of] [each of] the said newspaper(s) containing the said advertisement is attached hereto

Registrar.

No. 23 RULE 47

Search and Requisition to Inspect Documents

In the High Court of Justice in Northern Ireland

In Bankruptcy

Name of matter	Record No.	Document required

In what right applicant claims to inspect document/s—

Applicant's name

Address

Dated 19

No. 24 RULE 49

Affidavit for Debtor's Summons
(*Title*)

I, [1] of
make oath and say as follows—

1. The above-named debtor of
is justly and truly indebted to
in the sum of £
for [2]

2. An account in writing of the particulars of the said debt was on or about 19 , sent by post [3], addressed to the debtor at
aforesaid, and payment of the same has been required of him on more than one occasion, namely [4]

3. The debtor has not disputed his liability to pay the said sum or any part thereof [*or*, the debtor has disputed his liability to pay the said sum] [*or* £ , part of the said sum] on the ground that [5]

4. [6]

5. [7] The facts herein stated are within my own knowledge [as in the employment of the said
[8] and I am duly authorised by the said to make this affidavit].

NOTES

[1] If the affidavit is not made by the creditor in person, state capacity of deponent.

[2] State the nature of the debt with certainty and precision.

[3] Or as the case may be.

[4] Specify the dates and modes of applications for payment, or other efforts made to obtain payment, simultaneous with or after the date of furnishing particulars of the debt.

[5] State the grounds (if known) on which the debtor disputes his liability to pay the debt.

[6] If the debt is in respect of a loan made by a moneylender, or is due to an owner or seller under a hire-purchase agreement, credit sale agreement or conditional sale agreement to which Part II of the Hire-Purchase Act (Northern Ireland) 1966 applies, set out the particulars required by rule 158(7) or (8).

[7] Where the deponent is not the creditor or a member of the creditor partnership firm or a secretary or director of the creditor company, he should state his source of knowledge of the facts he is deposing to and that he is duly authorised to make this affidavit.

[8] Or as the case may be.

No. 25 RULE 50

Debtor's Summons
(*Title*)

To , of

You are hereby warned that, unless within 7 days after the service of this summons on you, you do pay to the above-named creditor of
the sum of £ being the sum claimed of you by
according to the particulars endorsed hereon, or hereunto annexed, or unless you shall secure or compound for the same to satisfaction, you will have committed an act of bankruptcy, in respect of which you may be adjudged a bankrupt, on a petition being presented against you by the creditor, unless you shall have, within the time aforesaid, applied to the Court to dismiss this summons, on the ground that you are not indebted to the creditor in any sum, or that you are only indebted to in a sum less than £20, or that before service of this summons upon you, you had obtained the protection of the Court.

YOU ARE SPECIALLY TO NOTE that the consequences which will follow any neglect to comply with the requisitions contained in the summons are that you may be adjudged a bankrupt on a petition of bankruptcy being presented against you by the creditor.

If however, you are not indebted to the creditor in any sum, or are only indebted to in a sum less than £20, you must make application to the Court within 7 days after service hereof, to dismiss this summons, by filing in the office of the Court, Royal Courts of Justice (Ulster), Belfast, an affidavit, in the prescribed form, stating that you are not so indebted, or only so to a less amount than £20, or that before service of this summons upon you, you had obtained the protection of the Court, and thereupon a day will be fixed for the hearing of your application

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

PARTICULARS OF DEBT CLAIMED

Solicitor for the said

(Address)

No. 26 RULE 50

Debtor's Summons—Two or More Creditors not Partners

(*Title*)

To , of

You are hereby warned that, unless within 7 days after the service of this summons on you, you do pay to the above-named creditor of the sum of £ , and to the above-named creditor of the sum of £ , being the sums claimed of you by them according to the particulars endorsed hereon, or hereunto annexed, or unless you shall secure or compound for the same to their satisfaction respectively, you will have committed an act of bankruptcy, in respect of which you may be adjudged a bankrupt, on a petition being presented against you by the said and the said , unless you shall have, within the time aforesaid, applied to the Court to dismiss this summons, on the ground that you are not indebted to the said or to the said in any sum, or that you are only indebted to them in a sum less than £20, or that before service of this summons upon you, you had obtained the protection of the Court.

YOU ARE SPECIALLY TO NOTE that the consequences which will follow any neglect to comply with the requisitions contained in the summons are that you may be adjudged a bankrupt on a petition of bankruptcy being presented against you by the said and the said

If, however, you are not indebted to the said or to the said in any sum, or are only indebted to them in a sum less than £20, you must make application to the Court within 7 days after service hereof, to dismiss this summons, by filing in the office of the Court, Royal Courts of Justice (Ulster), Belfast, an affidavit, in the prescribed form, stating that you are not so indebted, or only so to a less amount than £20, or that before service of this summons upon you, you had obtained the protection of the Court, and thereupon a day will be fixed for the hearing of your application.

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

Registrar.

PARTICULARS OF DEBT CLAIMED BY

PARTICULARS OF DEBT CLAIMED BY

Solicitor for

(Address)

No. 27 RULE 52

Affidavit of Service of Debtor's Summons
(Title)

I,
of
make oath and say as follows—

1. **I did on** 19 , at

personally serve the above-named with a sealed copy of the debtor's summons [and sealed copy of the particulars of debt claimed, thereto annexed] which appeared to me to have been regularly issued out of the office of the Court on the application of the above-named creditor(s) and which was dated 19 .

2. At the time of such service I identified the said by [1] [*or*, the said identified himself as the person to whom the said summons was directed].

3. The facts herein stated are within my own knowledge.

Sworn etc.

NOTE

[1] State means of identification.

No. 28 RULE 53

Notice of Application to Dismiss Debtor's Summons
(Title)

Notice is hereby given that an affidavit of the above-named debtor has been filed in the office of the Court and that the application of the said debtor to dismiss the Debtor's Summons issued on the application of the above-named creditor(s) against the said debtor will be heard by the Court on day, 19 , at

Dated 19 .

Registrar.

To

No. 29 RULE 53

Affidavit to Ground Application to Dismiss Debtor's Summons
(*Title*)

I, the above-named make oath and say as follows—

1. A debtor's summons issued on the application of the above-named creditor(s) against me was served on me on , 19 .

2. I am not indebted to the said creditor(s) in any sum amounting to £20 [*or* before such service I had obtained the protection of the Court].

3. The facts herein stated are within my own knowledge.

Sworn etc.

No 30 RULE 55

Declaration of Insolvency
(*Title*)

I (We) the undersigned, of do hereby declare, that I (we) am (are) unable to meet my (our) engagements with my (our) creditors.

Dated , 19 .

(Signature)

Signed in the presence of

(Signature of witness)

(Address)

Solicitor

Received 19 at the hour of

No. 31 RULE 55

Affidavit to Verify Declaration of Insolvency

(*Title*)

I, of
solicitor, make oath and say as follows—

1. I was present and did see the said sign the declaration of insolvency, dated 19 , to which I have subscribed my name as witness.

2. Previously to the said signing the said declaration of insolvency I explained to him the nature and purport thereof, and that when the same should be filed in the office of the Court he would have committed an act of bankruptcy.

3. The name subscribed as a witness to the said declaration is my proper name and handwriting.

4. The facts herein stated are within my own knowledge.

Sworn etc.

No. 32 RULE 16

Bankruptcy Petition by a Debtor

(*Title*)

I, [1]
residing at [2]
and carrying on business at [2]
[and formerly residing at [3]
and carrying on business at [3]
]
being unable to pay my debts, hereby petition the Court that I may be adjudged bankrupt.

Dated , 19 .

(Signature)

Signed by the debtor in my presence,

(Signature of witness) [4]

(Address)

(Description)

Received 19 at

NOTES

[1] Full name and description of debtor.

[2] Address of present residence and place(s) of business.

[3] Any other address or addresses at which unsatisfied debts or liabilities have been incurred.

[4] Attesting witness must be a solicitor or a person authorised to take affidavits.

No. 33 RULE 57

Affidavit Verifying Petition by a Debtor to be Adjudged Bankrupt

(To be endorsed on the back of the petition)

I, the petitioner named in the petition on the other side hereof, make oath and say that the said petition contains a full and correct description of me as to my name, trade or profession, present place(s) of residence and business, and former place(s) of residence and business (if any), and that the statement in the said petition that I am unable to pay my debts is true.

Sworn etc.

No. 34 RULE 16

Bankruptcy Petition by a Creditor

(*Title*)

I, C.D. [1] of
[*or* we, C.D. of and E.F. of
] hereby petition the Court that A.B. [2]
residing at [3]
and carrying on business at [3]
[and formerly residing at [4]
and carrying on business at [4]
]
may be adjudged bankrupt, and say as follows—

1. The said A.B. is justly and truly indebted to me [*or* us] [in the aggregate] in the sum of £ for [5]

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

Or,

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,

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

3. A.B. within six months before the date of the presentation of this petition has committed the following act [*or* acts] of bankruptcy, namely [6]

Dated 19

(Signed) C.D. [7]

E.F.

Signed by the petitioner in my presence:

(Signature of witness) [8]

(Address)

(Description)

Received 19 at

NOTES

[1] Where the petitioner is a limited company, insert "We, C.D. Limited, whose registered office is situate at ", and, where the petition is signed by an officer of the company duly authorised by the company, add "by J.S. secretary [*or as the case may be*] of the said company duly authorised by the said company to sign and present this petition".

[2] Full name and description of debtor.

[3] Address of present residence and place(s) of business.

[4] Other address or addresses at which the debtor has formerly resided or carried on business and at which he may have incurred debts or liabilities still unpaid or unsatisfied. The address at which the debtor was residing or carrying on business when the petitioning creditor's debt was incurred should in all cases appear in the petition.

[5] The consideration for the debt or debts.

[6] The nature and date or dates of the act or acts of bankruptcy relied on.

[7] Where the petition is by a firm, the partner or agent signing should add his own signature, e.g. "A.S. and Co., by J.S., a partner in the said firm"; *or* "A.S. and Co., by J.S., secretary [*or as the case may be*] of the said firm, duly authorised agent of the said firm". Where the petition is by a limited company it may be sealed with the seal of the company, or it may be signed by an officer duly authorised by the company, whose signature should be attested, and who shall sign thus—" Limited by secretary [*or as the case may be*] duly authorised by the said company to sign and present this petition".

[8] Attesting witness must be a solicitor or a person authorised to take affidavits. Where the petition is sealed by a company, no attestation is required.

No. 35 RULES 57, 130

Affidavit Verifying Petition of Bankruptcy by a Creditor or Petition for Administration of Estate of Deceased Debtor

(*Title*)

I, the petitioner named in the petition hereto annexed [*or*, I, of , being a person having knowledge of the facts to which the petition hereto annexed relates] make oath and say that the several statements in the said petition are, to the best of my knowledge, information and belief, true. [1]

Sworn etc.

NOTE

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

No. 36 RULE 57

Affidavit Verifying Petition of Bankruptcy by Joint Creditors

(*Title*)

We, C.D., E.F., G.H., &c., the petitioners named in the petition hereto annexed, severally make oath and say as follows—

And I the said C.D. for myself say as follows—

1. A.B. is justly and truly indebted to me in the sum of £ as stated in the said petition, and I do not hold any security for the said sum as stated in paragraph 2 of the said petition.[1]

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

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

And I the said E.F. say as follows—

3. A.B. is justly and truly indebted to me in the sum of £ as stated in the said petition, and I do not hold any security for the said sum as stated in paragraph 2 of the said petition.[1]

And I the said G.H. say—

4. A.B. is &c.

(Signed) C.D.

E.F.

G.H.

Sworn by the deponents C.D., E.F., and G.H. &c.

NOTE

[1] or as otherwise stated in paragraph 2 of the petition.

No. 37 RULE 61

Adjudication Order on Debtor's Petition

(*Date and Title*)

ON the petition of the above-named debtor filed this day, AND upon hearing the solicitor for the petitioner IT IS ORDERED that [1]

be and he is hereby adjudged bankrupt.

By the Court,

Registrar.

NOTE

[1] Full name, addresses and description of debtor as set out in petition.

No. 38 RULE 61

Adjudication Order on Creditor's Petition
(Date and Title)

ON the petition dated 19 , of [1]
, a creditor, filed this day,

AND upon reading the affidavit of filed this day,
AND upon hearing the solicitor for the petitioner,
AND proof satisfactory having been given of the debt of the petitioner and that the following act of bankruptcy has been committed by the debtor, namely:— [2]
IT IS ORDERED that [3]

be and he is hereby adjudged bankrupt.
By the Court,

Registrar.

Solicitor for the petitioning creditor
(Address)

(Notice to be endorsed on duplicate order)
To the above-named [4]
TAKE NOTICE that the above is a duplicate of the order made by this Court whereby you have been adjudged bankrupt.
You are allowed 7 days [5] from the service of this duplicate order upon you to dispute the adjudication by showing cause to the Court against its validity.
If you intend to dispute the adjudication you are required to file in the office of the Court, Royal Courts of Justice (Ulster), Chichester Street, Belfast, a notice in the prescribed form (obtainable from the Government Bookshop, Belfast) stating whether you intend to dispute the petitioning creditor's debt or the act or acts of bankruptcy on which the order of adjudication was made or both. A date and time for hearing the cause will then be fixed by the Registrar and you are required to serve notice thereof on the petitioning creditor's solicitor at the address shown above [*or* on the petitioning creditor at the address in the order of adjudication] not less than 7 days before the date so fixed, and not less than 5 days before such date to file in the office of the Court and serve on the petitioning creditor's solicitor [*or* on the petitioning creditor] particulars of the grounds upon which you are disputing the adjudication.

Registrar.

NOTES
[1] Name and address of petitioning creditor.
[2] Nature and date or dates of the act or acts of bankruptcy on which the order is made.
[3] Full name, addresses and description of debtor as set out in the petition.
[4] Name of debtor.
[5] Or otherwise, as directed.

No. 39 RULE 61

Notice of Adjudication Order to Official Assignee
(Title)

Date of petition
Date of adjudication order
Petitioner
Petitioner's solicitor
[Petitioning creditor's debt]
Bankrupt's name, addresses and description as stated in petition
[Act of bankruptcy stated in petition]
[Date of act of bankruptcy]

Dated 19 .

Registrar

To the Official Assignee

No. 40 RULE 62

Affidavit of Service of Duplicate Adjudication Order
(Title)

I, Messenger of this Court, make oath and say as follows—

1. I did on 19 , personally serve the above-named bankrupt with a duplicate of the adjudication order made against him on 19 . [*Or* I did on 19 , serve the above-named bankrupt with a duplicate of the adjudication order made against him on 19 , by leaving the same at being the usual or last known place of abode [*or* place of business] of the said bankrupt].

2. The said duplicate order of adjudication so served as aforesaid had endorsed thereon when so served a notice in the prescribed form informing the bankrupt that the time for showing cause against the validity of the said adjudication order was 7 [1] days from the service of the said duplicate order, and of the procedure for showing cause.

3. The facts herein stated are within my own knowledge.

Sworn etc.

NOTE

[1] Or otherwise as provided for in the notice endorsed on the adjudication order.

No. 41 RULE 63

Notice to Show Cause Against Validity of Adjudication
(Title)

NOTICE is hereby given that the above-named [1] intends to show cause to the Court against the validity of the adjudication of bankruptcy made on 19 , against him, and that it is intended to dispute [2]

Dated 19 .

Solicitor for the said bankrupt

(Address)

day 19 , at a.m./p.m., has been fixed for the hearing before the Court of the cause against the adjudication on the above notice.

Dated , 19 .

Registrar.

To the above-named [3]
and the Official Assignee

NOTES

[1] Name of bankrupt.

[2] "the petitioning creditor's debt" *or* "the act of bankruptcy alleged" *or* "both the petitioning creditor's debt and the act of bankruptcy alleged".

[3] Name of petitioning creditor and address of his solicitor (if any) and, if none, the petitioning creditor's address for service.

No. 42 RULES 64, 124

Notice of Adjudication and of Appointment of Public Sittings

In the High Court of Justice in Northern Ireland

In Bankruptcy

IN THE MATTER OF [1]
Adjudicated bankrupt 19 .
Public sittings and 19 , at a.m./p.m.
Creditors' claims to be sent to, and all debts due to the bankrupt to be paid to, the Official Assignee, Royal Courts of Justice (Ulster), Chichester Street, Belfast, BT1 3JF.

Registrar.

NOTES

[1] Full name, addresses and description of bankrupt as set out in adjudication order.

[2] Newspaper insertion, if directed, not to exceed 2 inches in length without special authorisation.

No. 43 RULES 64, 124

Notice to Bankrupt to Attend Public Sittings
(Title)

To the above-named bankrupt.

TAKE NOTICE that you are required personally to attend at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, at two public sittings of the Court, to be examined, and to make a full disclosure and discovery of all your estate and effects.

The first of the said sittings will be held on day 19 , at a.m./p.m. and the second on day 19 , at a.m./p.m.

Dated 19 .

Official Assignee.

No. 44 RULE 70

Memorandum of Choice and Appointment of Creditors' Assignee
(Date and Title)

BE IT REMEMBERED that this day being the day appointed for the choice and appointment of a creditors' assignee in this matter, we, the creditors whose names are hereunto subscribed, do hereby choose and appoint [1] to be creditors' assignee of the estate and effects, real and personal, of the above-named bankrupt, jointly with the Official Assignee.

Creditor's name	Amount of creditor's debt £	Signature of creditor or proxy

I, the said do hereby accept the office and appointment of creditors' assignee in this matter, and consent to act therein.

Creditors' Assignee.

NOTE

[1] Full name, address and description.

No. 45 RULE 73

Notice to Bankrupt to Attend for Preliminary Examination

(*Title*)

To the above-named bankrupt.

TAKE NOTICE that you are required to attend at Room , Royal Courts of Justice (Ulster), Chichester Street, Belfast, on day 19 , at a.m./p.m., to be examined as to your affairs, and to receive instructions for the preparation of your statement of affairs.

You must be prepared to give to the examiner details of everything you own or have on hire or hire-purchase, and of your liabilities. Full information will also be required of the manner in which you have conducted your affairs and the reasons for your bankruptcy.

IN PARTICULAR YOU ARE REQUIRED TO BRING WITH YOU:—

(1) a list of all your creditors (persons to whom you owe money) and the amount owing to each, and

(2) a list of all your debtors (persons who owe money to you) and the amount owing by each.

YOU ARE ALSO REQUIRED TO BRING WITH YOU ANY OF THE FOLLOWING ITEMS NOT ALREADY GIVEN TO ME OR TO THE BANKRUPTCY MESSENGER:—

(1) all books of account, invoices, statements from creditors, receipts, letters and other documents relating to your affairs,

(2) bank pass sheets or bank statements of account,

(3) life assurance policies (or premium receipts if the policies are not in your possession),

(4) all title deeds to property in your possession and the name of any bank, solicitor or other person holding title deeds of your property, and

(5) any trading, profit and loss accounts and balance sheets relating to any business carried on by you solely or in partnership with others.

If you are unable to attend on the day and time specified you must communicate with me at once, preferably by calling at my office or by telephone, stating your reasons, so that, if accepted, another appointment may be made for you.

YOU ARE HEREBY WARNED NOT TO SELL, GIVE AWAY OR OTHERWISE DISPOSE OF ANY OF YOUR ASSETS, NOR TO COLLECT ANY DEBTS DUE TO YOUR ESTATE, NOR TO LEAVE NORTHERN IRELAND WITHOUT LEAVE OF THE COURT. THESE RESTRICTIONS WILL REMAIN IN FORCE AS LONG AS YOUR BANKRUPTCY CONTINUES.

You are required to sign and return to me in the enclosed envelope the attached acknowledgement of receipt of these instructions.

Dated 19 .

Official Assignee.

To the Official Assignee, Royal Courts of Justice, Belfast, BT1 3JF.

Bankrupt.

I, the above-named bankrupt, acknowledge receipt of notice dated 19 from the Official Assignee and will attend at his office at the day and time therein stated.

Dated 19 .

(Signature).....

No. 46 RULE 74

Notice to Bankrupt to Accompany Notes of Preliminary Examination
(*Title*)

To the above-named bankrupt.

A copy of the notes of your preliminary examination is attached.

At your public examination in court on day 19 , you will be invited to accept these notes as your evidence. You are therefore asked to read them carefully and to indicate any alterations or additions you think should be made. If there is anything in these notes which you do not understand, or if you wish to make any alterations or additions, you should call with the examiner before your public examination.

If you have any doubts as to whether you should agree to adopt these notes as your evidence, you are advised to consult a solicitor, and if you have already instructed a solicitor to represent you at your public examination you should show these notes to him in any event.

You may be represented at your public examination by a solicitor, with or without counsel. If you wish, you may defer a decision as to whether or not to do so until you are informed whether you are to be examined by a solicitor or counsel on behalf of the assignees in your bankruptcy.

Dated 19 .

Official Assignee.

No. 47 RULE 74

Notes of Preliminary Examination of Bankrupt Adopted as Evidence
(*Date and Title*)

Public examination of the bankrupt

I, the above-named bankrupt, having been sworn before the Court at the public sitting held this day, say—

(1) I have, prior to this sitting, been given a copy of the notes of my preliminary examination by Mr. , examiner.

(2) The said notes have been read over to me at this sitting and are correct.

(3) I wish to adopt these notes as my evidence and understand that, when signed by me, they will be filed.

(Signature)

No. 48 RULE 75

Notes of Public Examination of Bankrupt where a Shorthand Writer is Appointed

(*Date and Title*)

Public examination of the bankrupt

The above-named bankrupt, being sworn and examined at the public sitting held this day, upon the several questions following being put and propounded to him, gave the several answers thereto respectively following each question, that is to say:—

I have read the foregoing notes of my public examination on 19 , on each page of which I have signed my name, and I say that the said notes are correct.

(Signature)

Witness

No. 49 RULE 75

Notes of Public Examination of Bankrupt where Shorthand Writer is not Appointed

(*Date and Title*)

Public examination of the bankrupt

The above-named bankrupt, being sworn and examined at the public sitting held this day, upon his oath says as follows:—

I have read the foregoing notes of my public examination on 19 , on each page of which I have signed my name, and I say that the said notes are correct.

(Signature)

Witness

No. 50 RULE 75

Notice to Bankrupt of Appointment of Day for Final Examination

(*Title*)

To the above-named bankrupt.

TAKE NOTICE that you are required to attend at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, on day, 19 , at a.m./p.m., being the time appointed by the Court for [proceeding with] your final examination [which was, by order dated 19 , adjourned sine die].

Dated **19** .

Official Assignee.

No. 51 RULE 75

Gazette Notice of Appointment of Day for Proceeding with Final Examination of Bankrupt adjourned sine die

(*Title*)

Notice is hereby given that the Court has appointed day 19 , at a.m./p.m. for proceeding with the final examination of the bankrupt, by order dated 19 , adjourned sine die.

Official Assignee.

No. 52 RULE 75

Final Examination Deposition

(*Date and Title*)

I, the above-named bankrupt, being sworn and examined before the Court upon my oath, say as follows—

1. I have delivered up to the Official Assignee all my property, estate and effects, and all books, papers and writings relating thereto.

2. I have made a full disclosure of all my assets and of all my debts and liabilities of whatever kind.

3. I have not removed, concealed or destroyed any part of my estate, real or personal, nor any books of accounts, papers or writings relating thereto, with an intent to defraud my creditors or to conceal the state of my affairs.

(Signature)

Sworn in Court at Belfast, the day and year above written,

Registrar.

No. 53 RULE 76

Summons under Section 305, 307 or 308, Irish Bankrupt and Insolvent Act 1857

(*Title*)

To
of

You are hereby required personally to be and appear before the Court, at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, on day, 19 , at a.m./p.m. to be examined in the above matter, and then and there to have and produce [1]

If you fail to do so, having no lawful impediment to be then made known to the Court, and allowed by it, the Court may by warrant cause you to be apprehended and brought before the Court for examination.

[TAKE NOTICE that if the sum of £ , stated to be due by you to this estate, be paid to the Official Assignee, at room Royal Courts of Justice (Ulster), Chichester Street, Belfast, on or before 19 , this summons will be discharged.] [2]

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

Registrar.

NOTES

[1] State any particular documents required, e.g. "all ledgers and books of account, invoices, statements of account, letters, books, papers, and documents of every kind, in any manner relating to your dealings and transactions with A.B. a bankrupt, touching a debt alleged to be due by you to the said bankrupt's estate amounting to the sum of £ ."

[2] Delete if inapplicable.

No. 54 RULE 78

Notice of Application for Certificate of Conformity
(Title)

TAKE NOTICE that on day 19 at a.m./p.m. at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, an application will be made to the Court by the above-named bankrupt for a certificate of conformity under section 56 of the Bankruptcy (Ireland) Amendment Act 1872.

A dividend of in the pound has been paid [out of the property of the bankrupt] [and at the hearing of the bankrupt will seek to satisfy the Court that his bankruptcy or the failure to pay a dividend of at least 10/- in the pound has arisen from circumstances for which he cannot justly be held responsible.] [1]

Any creditor may be heard in support of or against the bankrupt's application.

Dated 19 .

Solicitor for the bankrupt,
(Address).

NOTE

[1] The words in second brackets should be deleted where a dividend of at least 10/- in the pound has been paid out of the property of the bankrupt.

No. 55 RULE 81

Certificate of Conformity
(*Title*)

WHEREAS the above-named of was on 19 , duly adjudged bankrupt,

AND WHEREAS the said bankrupt has made a full disclosure and discovery of his estate and effects and has in all things conformed to the law of bankruptcy and, so far as the Court can judge, there does not appear any reason to question the truth or fullness of such discovery,

AND WHEREAS a dividend of not less than ten shillings in the pound, namely dividends amounting to in the pound have been paid [out of the property of the said bankrupt], [1]

NOW THIS IS TO CERTIFY that the Court doth find the said bankrupt entitled to a certificate of conformity [2]
and doth allow the same.

Given under the seal of the Court at the Royal Courts of Justice (Ulster), Belfast, this day of 19 .

Registrar.

NOTES

[1] Where a dividend of less than ten shillings in the pound has been paid, this paragraph should read—"AND WHEREAS a dividend of less than ten shillings in the pound has been paid out of the property of the said bankrupt, namely dividends amounting to in the pound, and it has been proved to the Court that the bankruptcy or the failure to pay ten shillings in the pound has arisen from circumstances for which, in the opinion of the Court, the said bankrupt cannot justly be held responsible."

[2] If the certificate has been suspended, insert—"at the expiration of , from the day of 19 ."

No. 56 RULE 82

Gazette Notice of Granting of Certificate of Conformity
(*Title*)

TAKE NOTICE that the above-named of adjudged bankrupt on 19 , was on 19 , granted a certificate of conformity.[1]

Registrar.

NOTE

[1] If the certificate was suspended, add—"at the expiration of from 19 ."

No. 57 RULE 87

Composition after Bankruptcy—Notice of Preliminary Meeting of Creditors

(*Title*)

TAKE NOTICE that the above-named bankrupt, who was adjudicated on 19 , intends to make the following offer of composition to his creditors:—

You are invited to attend in person or by a representative a preliminary meeting of creditors to be held at on day 19 , at a.m./p.m. to consider the terms of the proposed offer. The bankrupt will attend the meeting unless prevented by illness or other sufficient cause.

Unless the bankrupt decides not to proceed with the proposed offer, you will in due course receive notice of a meeting of creditors to be held in Court at which creditors will be invited to vote on the offer, and a form of proxy and, in the case of a creditor who has not already proved his debt, a form of affidavit of proof of debt, will be forwarded with this later notice. Should the bankrupt decide not to proceed with the offer you will be notified accordingly.

Dated 19 .

Solicitor for the bankrupt,
(Address).

No. 58 RULE 87

Composition after Bankruptcy—Notice of Intention not to Proceed with Proposed Offer

(*Title*)

TAKE NOTICE that the above-named bankrupt no longer intends to proceed with the proposed offer of composition referred to in the notice dated 19 .

Dated 19 .

Solicitor for the bankrupt,
(Address)

No. 59 RULE 88

Composition after Bankruptcy—Gazette Notice of Meeting of Creditors to Consider Offer

(*Title*)

TAKE NOTICE that a meeting of creditors will be held before the Court at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, on day 19 , at a.m./p.m. to consider the following offer of composition by the bankrupt:—

If three-fifths in value of all creditors present at this meeting in person or by proxy and three-fifths in number of those creditors who have proved debts of at least £20 so present agree to accept such offer of composition, or any modification thereof made with leave of the Court, the Court, unless it shall be shown that the offer is not reasonable and proper to be executed under the control of the Court, may thereafter annul the adjudication of bankruptcy, and every creditor shall be bound to accept such composition.

Dated 19 .

Solicitor for the bankrupt,
(Address)

No. 60 RULE 88

Composition after Bankruptcy—Notice to Creditors of Meeting to Consider Offer

(*Title*)

[WHEREAS a preliminary meeting of creditors of the above-named bankrupt was held on 19 , to consider an offer of composition by the bankrupt,] [1]

[NOW] [1] TAKE NOTICE that a meeting of creditors will be held before the Court at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, on day 19 , at a.m./p.m. to consider the following offer of composition by the bankrupt:—

A creditor may vote at this meeting in person or by proxy. A form of proxy accompanies this notice.

A creditor who wishes to vote must prove his debt. If you have not already proved your debt and wish to vote, you should complete the affidavit of proof of debt which accompanies this notice.[2]

Proxies (and affidavits of proof of debt of creditors who have not already proved their debts) must be lodged with the Registrar not later than the day before the meeting. They may be sent to the under-named solicitor, who will lodge them with the Registrar provided they are received in time.

If three-fifths in value of all creditors present at this meeting in person or by proxy and three-fifths in number of those creditors who have proved debts of at least £20 so present shall agree to accept such offer of composition, or any modification thereof made with leave of the Court, the Court, unless it shall be shown that the offer is not reasonable and proper to be executed under the control of the Court, may thereafter annul the adjudication of bankruptcy, and every creditor shall be bound to accept such composition.

A creditor who votes in respect of any debt to which priority is given by the Preferential Payments (Bankruptcies and Arrangements) Act (Northern Ireland) 1964, for or against acceptance of the bankrupt's offer of composition shall by so voting be deemed to have abandoned any rights under the said Act.

Dated 19 .

Solicitor for the bankrupt,
(Address)

NOTES

[1] Delete words in [ ] where no preliminary meeting of creditors was held.

[2] This paragraph may be omitted from notices to creditors who have already proved debts.

No. 61 RULE 90

Composition after Bankruptcy—Resolution of Creditors
(Date and Title)

At a meeting of the creditors of the above-named bankrupt held this day, we, the undersigned, being three-fifths in number and value of the creditors computed according to section 150 of the Irish Bankrupt and Insolvent Act 1857, now present or duly represented at this meeting, do hereby resolve to accept the following offer of composition made by the bankrupt:—

Creditor's name	No. of claim in statement of affairs	Amount of debt proved £	Signature of creditor or proxy

No. 62 RULE 90

Composition after Bankruptcy—Notice to Creditors where Offer is not Accepted, etc.
(Title)

TAKE NOTICE that at the meeting of creditors held before the Court on 19 , the bankrupt's offer of composition referred to in the notice dated 19 , was not accepted by the requisite majority of his creditors [*or* the Court declared that the bankrupt's offer of composition referred to in the notice dated 19 , and accepted by the requisite majority of his creditors, was not reasonable and proper to be executed under the control of the Court, and refused to annul the adjudication of the bankrupt]. Accordingly, the bankruptcy continues.

Dated 19 .

Solicitor for the bankrupt,
(Address)

No. 63 RULE 91

Composition after Bankruptcy—Gazette Notice of Special Sitting
(*Title*)

TAKE NOTICE that by order dated 19 , a special sitting of the Court will be held at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, on day 19 , at a.m./p.m. to consider a proposal by the bankrupt that the resolution accepting his offer of composition made at a meeting of creditors held on 19 , be annulled and the following offer of composition accepted in its place:—

If three-fifths in value of all creditors present at this sitting in person or by proxy and three-fifths in number of those creditors who have proved debts of at least £20 so present resolve to confirm, alter or annul the whole or any part of such acceptance of the offer of composition, such resolution shall be as valid as if it had been part of the original resolution; provided that if one third in number and value of the creditors do not attend this sitting in person or by proxy the resolution thereof shall not be valid unless confirmed or approved by the Court.

Dated 19 .

Solicitor for the bankrupt,
(Address)

No. 64 RULE 91

Composition after Bankruptcy—Notice of Special Sitting
(*Title*)

WHEREAS at a meeting of creditors of the above-named bankrupt held before the Court on 19 , three-fifths in number and value of the creditors then present or represented, computed according to section 150 of the Irish Bankrupt and Insolvent Act 1857, resolved to accept an offer of composition by the bankrupt as set out in the notice of the said meeting, dated 19 .[1]

NOW TAKE NOTICE that by order dated 19 , a special sitting of the Court will be held at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, on day 19 , at a.m./p.m. , to consider a proposal by the bankrupt that the resolution of the creditors accepting his offer of composition be annulled and the following offer of composition accepted in its place:—[2]

A creditor may vote at this sitting in person or by proxy. A form of proxy accompanies this notice.

A creditor who wishes to vote must prove his debt. If you have not already proved your debt and wish to vote, you should complete the affidavit of proof of debt which accompanies this notice. [3]

Proxies (and affidavits of proof of debt of creditors who have not already proved their debts) must be lodged with the Registrar not later than the day before the sitting. They may be sent to the under-named solicitors, who will lodge them with the Registrar provided they are received in time.

If three-fifths in value of all creditors present at this sitting in person or by proxy and three-fifths in number of those creditors who have proved debts of at least £20 so present resolve to confirm, alter or annul the whole or any part of such acceptance of the offer of composition, such resolution shall be as valid as if it had been part of the original resolution; provided that if one-third in number and value of the creditors do not attend such sitting the resolution thereof shall not be valid unless confirmed or approved by the Court.

A creditor who votes in respect of any debt to which priority is given by the Preferential Payments (Bankruptcies and Arrangements) Act (Northern Ireland) 1964, for or against the acceptance or confirmation of the bankrupt's offer of composition shall by so voting be deemed to have abandoned any rights under the said Act.

Dated 19 .

Solicitor for the bankrupt,
(Address)

NOTES

[1] If terms corrected or modified at meeting, add "as corrected/modified at the said meeting, with leave of the Court."

[2] Or other proposal to confirm, alter or annul the offer of composition.

[3] This paragraph may be omitted from notices to creditors who have already proved debts.

No. 65 RULE 91

Composition after Bankruptcy—Resolution of Creditors at Special Sitting
(*Date and Title*)

WHEREAS at a meeting of creditors of the above-named bankrupt held before the Court on 19 , three-fifths in number and value of the creditors then present or represented, computed according to section 150 of the Irish Bankrupt and Insolvent Act 1857, resolved to accept an offer of composition by the bankrupt, and the resolution to that effect was testified in writing,

AND WHEREAS by order dated 19 , the Court ordered a special sitting of the Court to be held this day pursuant to section 149 of the said Act,

NOW WE, the undersigned, being three-fifths in number and value of the creditors computed according to the said section 150 of the said Act, now present or duly represented at this special sitting, hereby resolve that the resolution of the creditors accepting the said offer of composition be annulled and the following offer of composition accepted in its place [1]:—

Creditor's name	No. of claim in statement of affairs	Amount of debt proved £	Signature of creditor or proxy

NOTE

[1] Or other proposal to confirm, alter or annul the offer of composition.

No. 66 RULE 92

Composition after Bankruptcy—Consent and Undertaking by Surety
(Title)

WHEREAS an offer of composition has been made by the above-named bankrupt in the following terms:—

NOW I, [1]
do hereby agree and consent to the said offer so far as the same relates to me; and I do hereby, in consideration of the said offer being agreed to by the creditors of the said bankrupt, undertake to fulfil the same, so far as the same relates to any matter or thing therein expressed to be done or performed by me as a surety; and I undertake to do all acts in that behalf which shall be directed by this Court; and I consent and agree that this consent may be filed and made a rule or order of this Court.

Dated this day of 19 .

(Signature)

Signed in the presence of

(Signature of witness) [2]

(Address)

(Description)

And I certify that the said proposed surety is personally known to me.

NOTES

[1] Full name, address and occupation of proposed surety.

[2] The signature of the proposed surety must be witnessed by a justice of the peace, solicitor, commissioner to administer oaths or bank manager.

No. 67 RULE 93

Composition after Bankruptcy—Waiver by Creditor
(*Title*)

I , of
a creditor in this matter, do hereby consent to waive my right to the composition payable to me in respect of my debt, according to the offer of composition accepted by the creditors on the day of 19 [except the instalment(s) of in the £ payable on 19 and 19] and I further consent to the annulment by the Court of the adjudication of bankruptcy of the above-named bankruptcy; provided that if the adjudication of bankruptcy should not be annulled and the realisation of the estate be continued nothing herein contained shall affect my right as a creditor.

This consent may, if required, be made a rule or order of this Court.

Dated this day of 19 .

(Signature)

Signed in the presence of
(Signature of witness) [1]
(Address)
(Description)

And I certify that the said creditor is personally known to me.

NOTE

[1] The signature of the creditor must be witnessed by a justice of the peace, solicitor, commissioner to administer oaths or bank manager.

No. 68 RULE 94

Composition after Bankruptcy—Notice of Application for Annulment of Adjudication
(*Title*)

NOTICE is hereby given that on day 19 , the above-named bankrupt intends to apply to the Court for an order under section 149 of the Irish Bankrupt and Insolvent Act 1857 annulling the adjudication of bankruptcy made on 19 , against him.

Dated 19 .

Solicitor for the said bankrupt,
(Address)

To the Official Assignee.

No. 69 RULE 95

Composition after Bankruptcy—Gazette Notice of Annulment of Adjudication

(Title)

TAKE NOTICE that the adjudication of bankruptcy of the above-named
of
made on , 19 , was on , 19 , annulled, following the acceptance by his creditors of an offer of composition.

Official Assignee.

No. 70 RULE 16

Arrangement Petition

(Title)

I, [1]
residing at [2]
and carrying on business at [2]
[and formerly residing at [3]
and carrying on business at [3]
]
hereby petition the Court that my person and property may be protected from process until further order, and say as follows—

1. I am unable to meet my engagements with my creditors.

2. I desire to lay the state of my affairs before my creditors, under the control of the Court, to make a bona fide arrangement with all my creditors and to submit myself to the jurisdiction of the Court.

3. The true cause(s) of my inability to meet my engagements with my creditors is(are)—

Dated 19 .

(Signature)

Signed by the debtor in my presence,
(Signature of witness) [4]
(Address)
(Description)
Received 19 , at

NOTES

[1] Full name and description of debtor.

[2] Address of present residence and place(s) of business.

[3] Any other address or addresses at which unsatisfied debts or liabilities have been incurred.

[4] Attesting witness must be a solicitor or a person authorised to take affidavits.

No. 71 RULE 97

Affidavit to Accompany Arrangement Petition
(Title)

I, A.B. the above-named debtor, the petitioner named in the petition herein dated 19 , make oath and say as follows—

1. The several statements in the petition herein dated 19 , are, to the best of my knowledge, information and belief, true.

2. I have for the past years carried on the business of at the address(es) shown in the said petition.

3. The title [*or* titles] of the firm [*or* firms] under which I carry on business is [*or* are]

4. The total estimated value of my property (other than my interests in chattels held under hire-purchase agreements) is £ , and the net value thereof, after deducting £ , being the value of securities held by creditors and required to cover debts due to them, is £

5. The total estimated value of my interests in chattels as hirer under hire-purchase agreements, after allowing for the outstanding balances due to the owners, is £

6. The total estimated amount of my liabilities is £ and the net amount thereof, after deducting £ , being the amount covered by securities held by creditors, is £

7. The names of my creditors, with their addresses, and the amount of debt due or claimed by each of such creditors are set out in the Schedule hereto.

8. None of my creditors has instituted any proceedings for the recovery of their debts, [except [1]].

9. I am not the registered owner of any land or charge registered under the Local Registration of Title (Ireland) Act 1891, [except [2]].

10. P.Q., my solicitor, has received from me [3] the sum of £ for or on account of these proceedings.

11. Save as aforesaid, I have no money or other property, nor has any person for me or on my behalf any money or other property whatever, as a trustee or otherwise.

12. The facts herein stated are within my own knowledge or are derived from information given to me by my solicitor [3] and which I believe to be true.

SCHEDULE

Name of creditor	Address of creditor	Amount due or claimed £	Amount covered by value of any securities held £

Sworn etc.

NOTES

[1] Here set out what proceedings have been instituted, by which creditors, the present stage in such proceedings and the names and addresses of the creditors' solicitors, if any.

[2] Here set out the folio number(s) and County, distinguishing between land and charges.

[3] Or as the case may be.

No. 72 RULE 97

Affidavit to Accompany Joint Arrangement Petition
(*Title*)

We, A.B. and C.D. the above-named debtors, the petitioners named in the petition herein dated 19 , jointly and severally make oath and say as follows—

1. The several statements in the said petitions are, to the best of our knowledge, information and belief, true.

2. We have for the past years carried on business in partnership as under the firm name of at the address(es) shown in the said petition.

3. The total estimated value of the said partnership property (other than our partnership interests in chattels held under hire-purchase agreements) is £ , and the net value thereof after deducting £ , being the value of securities held by partnership creditors and required to cover debts due to them, is £ .

4. The total estimated value of our partnership interests in chattels as hirers under hire-purchase agreements, after allowing for the outstanding balances due to the owners, is £ .

5. The total estimated amount of the liabilities of the said partnership is £ , and the net amount thereof, after deducting £ , being the amount covered by securities held by creditors, is £ .

6. The names of the creditors of the partnership, with their addresses and the amount of debt due or claimed by each of such creditors are set out in the Part I of the Schedule hereto.

7. None of the partnership creditors have instituted any proceedings for the recovery of their debts [except [1]].

8. We are not registered as co-owners of any land or charge registered under the local Registration of Title (Ireland) Act 1891, [except [3]]

9. P.Q., the solicitor acting for us, has received the sum of £ for or on account of these proceedings, from the assets of the said partnership [2].

10. Save as disclosed in this affidavit, we have no money or other property, nor has either of us, nor has any person for us or on our behalf or for either of us or on behalf of either of us any money or other property whatever, as a trustee or otherwise.

11. The foregoing facts are within our own knowledge or are derived from information given to us by our solicitor [2] and which we believe to be true.

And I the said A.B. for myself say as follows—

12. The total estimated value of my separate property (other than my interests in chattels held under hire-purchase agreements) is £ , and the net value thereof, after deducting £ , being the value of securities held by creditors and required to cover debts due to them, is £ .

13. The total estimated value of my interests in chattels as hirer under hire-purchase agreements, after allowing for the outstanding balances due to the owners, is £ .

14. The total estimated amount of my separate liabilities is £ and the net amount thereof, after deducting £ , being the amount covered by securities held by creditors, is £ .

15. The names of my separate creditors, with their addresses, and the amounts of debt due or claimed by each of such creditors are set out in Part 2 of the Schedule hereto.

16. None of my separate creditors have instituted any proceedings for the recovery of their debts [except [1]].

17. I am not the registered owner of any land or charge registered under the Local Registration of Title (Ireland) Act 1891, [except [3]].

18. The foregoing facts are within my own knowledge or are derived from information given to me by my solicitor [2] and which I believe to be true.

And I the said C.D. for myself say as follows—

19. The total estimated value of my separate property (other than my interests in chattels held under hire-purchase agreements) is £ , and the net value thereof, after deducting £ , being the value of securities held by creditors and required to cover debts due to them, is £ .

20. The total estimated value of my interests in chattels as hirer under hire-purchase agreements, after allowing for the outstanding balances due to the owners, is £ .

21. The total estimated amount of my separate liabilities is £ and the net amount thereof, after deducting £ , being the amount covered by securities held by creditors, is £ .

22. The names of my separate creditors, with their addresses, and the amount of debt due or claimed by each of such creditors are set out in Part 3 of the Schedule hereto.

23. None of my separate creditors have instituted any proceedings for the recovery of their debts [except [1]].

24. I am not the registered owner of any land or charge registered under the Local Registration of Title (Ireland) Act 1891, [except [3]].

25. The foregoing facts are within my own knowledge or are derived from information given to me by my solicitor [2] and which I believe to be true.

SCHEDULE

Name of Creditor	Address of Creditor	Amount due or claimed £	Amount covered by value of any securities held £
	PART 1. Partnership creditors		
	PART 2. Separate creditors of A.B.		
	PART 3. Separate creditors of C.D.		

Sworn etc.

NOTES

[1] Here set out what proceedings have been instituted, by which creditors, the present stage in such proceedings and the names and addresses of the creditors' solicitors, if any.

[2] Or as the case may be.

[3] Here set out folio number(s) and County, distinguishing between land and charges.

No. 73 RULE 99

Arrangement—Protection Order
(*Date and Title*)

ON THE petition of the above-named debtor of [1]
filed this day,
AND upon reading the affidavit of the debtor filed this day,
AND upon hearing the solicitor for the debtor,
IT IS ORDERED as follows:—

1. The person and property of the debtor shall be protected from process until the day of 19 , or until further order.

2. A private sitting of the Court shall be held at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, on the said date, at which sitting the debtor is to submit a proposal for the future payment or the compromise of his debts or engagements.

3. While this arrangement matter is pending the debtor shall not, without the sanction of the Court, pledge, part with, or dispose of or allow any other person to receive, any portion of his property, save in the ordinary course of trade or for the necessary expenses of himself and his family.

4. No publication of the affairs of the debtor or of the proceedings in this matter shall take place without the sanction of the Court.

By the Court,

Registrar.

NOTE

[1] Full address(es) of debtor as set out in petition.

No. 74 RULE 99

Arrangement—Notice of Protection Order

(*Title*)

TAKE NOTICE that on 19 , the above-named debtor, who resides at
and carried on business at
[and lately resided at
and carried on business at
]
presented a petition to the Court under section 343 of the Irish Bankrupt and Insolvent Act 1857, and on 19 , an order was made that his person and property be protected from process until 19 , or until further order.

Dated 19 .

Solicitor for the arranging debtor,
(Address)

To the Official Assignee
[and the Under-Sheriff of]

FORM No. 75 RULE 101

Arrangement—Preliminary Statement of Affairs

Preliminary Statement of Affairs of A.B. as at 1st June, 1970 [1]

LIABILITIES

	£	£	£
Unsecured creditors as per list [2]			8000
Partly secured creditors:			
M.J.J. & Co., 234 Cromac Way, Ballymena		2500	
Safe Bank Ltd., 92 Aran Way, Ballymena		3800	
		6300	
Short particulars of freehold and leasehold property mortgaged or charged and estimated amount of realisation:			
Factory and lands at Knots Hill, Ballymena—fee simple	2300		
Factory at 34 Church Road, Ballymena—20 years lease	2500	4800	
Balance unsecured		1500	1500
Postponed creditors [3]:			
Mrs. A.B.			1000
Estimate of contingent liabilities which may be proved			2000

There is no equity in the undernoted chattels which are held under hire-purchase agreements. The estimated liability to the owners is included with the unsecured creditors.

	Estimated value	O/s H.P. balance	
	£	£	
Ford Escort (1968) 9484 AIA	500	690	
Ford Transit Van (1967) 8586 JGD	800	850	
	1300	1540	
			12500

ASSETS

	£	£	£
Short particulars of unincumbered freehold and leasehold property:			
Flats at 11 Albert Road, Ballymena—91 years lease		800	
4 acres of land at Galgorm Road, Ballymena—fee simple		1000	1800
Short particulars of other unincumbered securities:			
Life Assurance policy dated 3/1/50 with S. Insce. Co. Ltd.		100	
200 Ordinary shares of £1 each in K.B. Ltd.		300	
£750 3½% War Loan		400	800
Short particulars of chattels not held under hire-purchase agreements or subject to any charge:			
Stock in Trade (Cost £3000)		2000	
Trade Fixtures and Fittings		1000	
Plant and Machinery		800	
Household Furniture		300	
Morris Oxford (1955) DZ 7684		100	4200
Debts due—£3000 estimated to produce			1000
Cash in hands of solicitor (on account of costs)			90
Cash in hands of debtor			Nil
Cash in Bank			50
Short particulars of incumbered freehold and leasehold property and estimated amount of realisation:			
Dwelling House at 36 Road Ends, Ballymena—900 year lease		5000	
		5000	
Fully secured creditors:			
Bingley National Building Society	4000	4000	
Surplus		1000	1000
Short particulars of property held under hire-purchase agreements and estimated amount of realisation:			
(1) 4 Oil Fired Heaters		400	
(2) Sanding Machine		500	
		900	
Hire-purchase creditors [2]:			
R.T. Hire Purchase Co. Ltd., 91 Grosvenor Walk, Belfast (re (1) above)	200		
M.S. Hire Purchase Ltd., 83 Milford Road, Belfast (re (2) above)	300	500	
Surplus		400	400
Total Assets			9340
Preference creditors as per list		2000	
Estimated expenses of arrangement:			
Court fees, etc.	700		
Legal costs	200	900	2900
Net Assets			6440
Deficiency			6060
			12500

NOTES

[1] Names and figures etc. inserted for illustration only.

[2] Amounts due under credit-sale agreements and under hire-purchase agreements where there is no equity in the chattels hired should be included with other unsecured liabilities.

[3] Under "Postponed creditors" there should be shown creditors whose claims would be postponed to ordinary unsecured creditors in a bankruptcy.

No. 76 RULE 102

Arrangement-Notice of Preliminary Meeting of Creditors
(*Title*)

TAKE NOTICE that on the petition of the above-named debtor, who resides at
and carries on business at
[and formerly resided at
and carried on business at
]
an order was made by the Court on 19 , under section 343 of the Irish Bankrupt and Insolvent Act 1857, that his person and property be protected from process until 19 , or until further order.

You are invited to attend in person or by a representative a preliminary meeting of creditors to be held at
on day 19 , at a.m./p.m.

The debtor will attend the meeting unless prevented by illness or other sufficient cause and may be examined as to his business, course of trading, causes of failure, the proposal which he intends to submit to his creditors and other relevant matters.

A preliminary statement of the debtor's affairs and a list of his creditors will be produced at the meeting.

You will in due course receive notice of the private sitting of the Court at which creditors will be invited to vote on the debtor's proposal, and forms of proof of debt and proxy, together with a report on the debtor's proposal, will be forwarded with this later notice.

Your attention is directed to the provisions of section 353 of the above-mentioned Act under which the Court may at any time, on the application of the Official Assignee or any creditor, appoint a sitting of the Court for the purpose of inquiry and summon the arranging debtor or any other person and examine him upon oath.

Dated 19 .

Solicitor for the arranging debtor,
(Address)

No. 77 RULE 105

Arrangement—Notice of Private Sitting
(Title)

WHEREAS a preliminary meeting of creditors of the above-named arranging debtor was held on 19 ,

NOW TAKE NOTICE that a private sitting of the Court will be held at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, on day 19 , at a.m./p.m. to consider the following proposal of the debtor for the future payment or the compromise of his debts or engagements:—

A creditor may vote at this sitting in person or by proxy. A form of proxy accompanies this notice.

A creditor who wishes to vote must prove his debt. A form of affidavit of proof of debt accompanies this notice.

Proxies must be lodged with the Registrar not later than the day before the sitting. They may be sent to the under-named solicitor, who will lodge them with the registrar provided they are received in time.

If three-fifths in number and value of the creditors who have proved debts of at least £10 shall, in person or by proxy, assent to such proposal, or any modification thereof made with leave of the Court, the terms thereof shall be reduced into writing and signed by or on behalf of the said creditors as a resolution and, if approved and confirmed by the Court, such resolution shall henceforth be binding and of full force against the debtor and all persons who were creditors on
19 , (the date of the debtor's petition) and who had notice of this sitting.

A creditor who votes in respect of any debt to which priority is given by the Preferential Payments (Bankruptcies and Arrangements) Act (Northern Ireland) 1964, for or against acceptance of the debtor's proposal or any modification thereof shall by so voting be deemed to have abandoned any rights under the said Act.

Dated 19 .

Solicitor for the arranging debtor,
(Address)

No. 78 RULE 107

Arrangement—Resolution of Creditors at Private Sitting
(*Date and Title*)

At a private sitting of the Court in this matter held this day, we, the undersigned, being three-fifths in number and value of the creditors who have proved debts of at least £10, do hereby assent to the following proposal of the above-named arranging debtor for the future payment or the compromise of his debts or engagements:—

Creditor's name	No. of claim in statement of affairs	Amount of debt proved £	Signature of creditor or proxy

No. 79 RULE 107

Arrangement—Certificate of Resolution of Creditors
(*Title*)

IT IS HEREBY CERTIFIED that at a private sitting of the Court held this day :—

(1) Three-fifths in number and value of the creditors of the above-named arranging debtor who have proved debts of at least £10 assented to the following proposal of the debtor for the future payment or the compromise of his debts or engagements—

(2) The terms of the said proposal were reduced into writing and signed by or on behalf of the said creditors as a resolution.

(3) Such resolution was approved and confirmed by the Court.

Dated 19 .

Registrar.

No. 80 RULE 109

Arrangement—Notice of Special Sitting
(Title)

WHEREAS at a private sitting of the Court held on 19 , three-fifths in number and value of the creditors of the above-named arranging debtor who have proved debts of at least £10 assented to the proposal of the debtor for the future payment or the compromise of his debts or engagements as set out in the notice of the said sitting, dated 19 ,[1] and the resolution to that effect was approved and confirmed by the Court,

NOW TAKE NOTICE that by order dated 19 , a special sitting of the Court will be held at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, on day, 19 , at a.m./p.m., to consider a proposal by the debtor that the said resolution be annulled and that the following resolution be adopted in its place [2]:—

If the majority in number and value of the creditors present at this sitting in person or by proxy who have proved debts of at least £10 resolve to confirm, alter or annul the whole or any part of such resolution or agreement such resolution shall be as valid as if it had been part of the original resolution; provided that if one-third in number and value of the creditors do not attend such sitting the resolution thereof shall not be valid unless approved and confirmed by the Court.

A creditor who votes in respect of any debt to which priority is given by the Preferential Payments (Bankruptcies and Arrangements) Act (Northern Ireland) 1964, for or against the acceptance or confirmation of the debtor's proposal shall by so voting be deemed to have abandoned any rights under the said Act.

Dated 19 .

Solicitor for the bankrupt,
(Address)

NOTES

[1] If terms modified at sitting, add "as modified at the said sitting".

[2] Or other resolution to confirm, alter or annul the resolution of the creditors.

No. 81 RULE 110

Arrangement—Resolution of Creditors at Special Sitting
(*Date*)

WHEREAS at a private sitting of the Court held on 19 , three-fifths in number and value of the creditors of the above-named arranging debtor who have proved debts of at least £10 assented to the proposal of the arranging debtor for the future payment or the compromise of his debts or engagements and the resolution to this effect was confirmed by the Court,

AND WHEREAS by order dated , 19 , the Court ordered a special sitting of the Court to be held this day pursuant to section 351 of the Irish Bankrupt and Insolvent Act 1857,

NOW WE, the undersigned, being the majority in number and value of the creditors present or duly represented at this special sitting, who have proved debts of at least £10, hereby resolve that the said resolution be annulled and that the following resolution be adopted in its place [1]:—

Creditor's name	No. of claim in statement of affairs	Amount of debt proved £	Signature of creditor or proxy

NOTE

[1] Or other resolution to confirm, alter or annul the resolution of the creditors at the private sitting.

No. 82 RULE 110

Arrangement—Certificate of Resolution of Creditors at Special Sitting
(*Title*)

IT IS HEREBY CERTIFIED that a special sitting of the Court held this day:—

[(1)] The majority in number and value of the creditors of the above-named arranging debtor present or duly represented at the sitting who have proved debts of at least £10 resolved that the resolution of the creditors for the future payment or the compromise of the debts or engagements of the arranging debtor passed at the private sitting of the Court held on 19 , be annulled and that the following resolution be adopted in its place [1]:—

[(2) The said resolution was approved and confirmed by the Court.] [2]

Dated 19 .

Registrar.

NOTES

[1] Or other resolution to confirm, alter or annul the resolution of the creditors at the private sitting.

[2] This paragraph is to be inserted only where less than one-third in number and value of the creditors attended the sitting.

No. 83 RULE 111

Arrangement—Consent and Undertaking by Surety
(*Title*)

WHEREAS the above-named debtor has made a proposal for the future payment or the compromise of his debts or engagements in the following terms—

NOW I, [1]
do hereby agree and consent to the said proposal so far as the same relates to me; and I do hereby, in consideration of the said proposal being agreed to by the creditors of the said debtor, undertake to fulfil and perform the same, so far as the same relates to any matter or thing therein expressed to be done or performed by me as a surety; and I undertake to do all acts in that behalf which shall be directed by this Court; and I consent and agree that this consent may be filed and made a rule or order of this Court.

Dated this day of 19 .

(Signature)

(Signature of witness) [2]

(Address)

(Description)

And I certify that the said proposed surety is personally known to me.

NOTES

[1] Full name, address and occupation of proposed surety.

[2] The signature of the proposed surety must be witnessed by a justice of the peace, solicitor, commissioner to administer oaths, or bank manager.

No. 84 RULE 112

Arrangement—Waiver by Creditor
(*Title*)

I of

a creditor in this matter, do hereby consent to waive my right to the composition payable to me in respect of my debt, according to the resolution of creditors dated the day of 19 , [except the instalment(s) of in the £ payable on 19 and 19] and I further consent to the grant by the Court of a certificate to the arranging debtor; provided that if the arranging debtor shall, during the course of the arrangement, be adjudged bankrupt, or shall fail to obtain his certificate, nothing herein contained shall affect my right as a creditor.

This consent may, if required, be made a rule or order of this Court.

Dated this day of 19 .

(Signature)

Signed in the presence of

(Signature of witness) [1]

(Address)

(Description)

And I certify that the said creditor is personally known to me.

NOTE

[1] The signature of the creditor must be witnessed by a justice of the peace, solicitor, commissioner to administer oaths or bank manager.

No. 85 RULE 114

Notice to Creditors of Termination of Arrangement Proceedings

(*Title*)

TAKE NOTICE that by order dated 19 , the Court ordered that the petition of the arranging debtor be dismissed. Such dismissal is an act of bankruptcy on which the arranging debtor may be adjudged bankrupt on a petition presented by a creditor to the amount of at least £40. The debtor is no longer protected from process and creditors may proceed as they may be advised.

[*or* the arranging debtor was adjudged bankrupt on the ground that the requisite majority of his creditors had not assented to his proposal referred to in the notice dated 19 (*or as the case may be*)]

[*or* it was ordered that no further proceedings be had in this arrangement matter because of the failure of the arranging debtor to carry into effect the resolution of his creditors assenting to his proposal referred to in the notice dated 19 . Accordingly, the debtor is no longer protected from process and creditors may proceed as they may be advised.]

Dated 19 .

Official Assignee.

No. 86 RULE 120

Arrangement—Notice of Application by Debtor for Certificate

(*Title*)

TAKE NOTICE that on day 19 at a.m./p.m., at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, an application will be made to the Court by the above-named arranging debtor for a certificate under section 64 of the Bankruptcy (Ireland) Amendment Act 1872 to the effect that the arranging debtor's proposal for the future payment or the compromise of his debts or engagements, accepted by a resolution of the requisite majority of his creditors at a private sitting of the Court on 19 and approved and confirmed by the Court, has been carried into effect and that the creditors have been satisfied according to the tenor thereof. Such certificate, if granted, will thenceforth operate to all intents and purposes as if the same were a certificate of conformity under a bankruptcy.

Dated 19 .

Solicitor for the arranging debtor,
(Address)

No. 87 RULE 123

Certificate to Arranging Debtor
(*Title*)

WHEREAS the above-named
of
, being a debtor unable to meet his engagements with his creditors, did on the day of , 19 , present a petition to this Court under section 343 of the Irish Bankrupt and Insolvent Act 1857, and a protection order was granted on the day of , 19 ,

AND WHEREAS at a private sitting of the Court on the day of 19 , the proposal of the said arranging debtor for the future payment or the compromise of his debts or engagements was accepted by a resolution of the requisite majority of his creditors and approved and confirmed by the Court,

AND WHEREAS the said resolution has been carried into effect, and the creditors of the said arranging debtor have been satisfied according to the tenor thereof,

NOW THIS COURT DOTH HEREBY CERTIFY the several matters aforesaid.

Given under the seal of the Court at the Royal Courts of Justice (Ulster), Belfast, this day of , 19 .

Registrar.

No. 88 RULE 125

Notice of Application under Section 2 of the Bankruptcy Amendment Act (Northern Ireland) 1929

In the High Court of Justice in Northern Ireland
In Bankruptcy

IN THE MATTER OF a deed of arrangement between [1] and his creditors, dated 19 , and registered under the Deeds of Arrangement Act 1887 on 19 .

Trustee [2]

Application of [3]

TAKE NOTICE that on day 19 , at a.m./p.m. at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, an application will be made to the Court by the above-named [4]
for an order under section 2(1)(*b*) of the Bankruptcy Amendment Act (Northern Ireland) 1929 declaring that he (*or*, the above-named debtor) has obtained the assent to the above-mentioned deed of three-fifths in number and value of those of his creditors to whom he is indebted to the amount of £10 and upwards and that in all the circumstances of the case the proposals contained in the said deed are, in the opinion of the Court, reasonable and proper.

Dated 19 .

Solicitor for [3]
(Address)

NOTES

[1] Name, address and description of debtor.

[2] „ „ „ „ „ trustee appointed by the deed.

[3] Here insert "the debtor" *or* "the trustee", as the case may be.

[4] „ „ "debtor" *or* "trustee", „ „ „ „ „ .

No. 89 RULE 16

Petition by Personal Representative for Administration of Estate of Deceased Insolvent

(*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 [1] , who died on 19 , and say—

1. The said A.B. lately resided at and carried on business at [and formerly resided at [2] and carried on business at [2]].

2. I am [*or* we are] the legal personal representative [*or* representatives] of the said A.B. and his will was on 19 , proved by [*or* letters of administration intestate [*or*, with will annexed] of his estate were on 19 , granted to].

3. The estate of A.B. is, according to my [*or* our] information and belief, insufficient to pay his debts.

Dated 19 .

(Signed) C.D.
(E.F.)

Signed by the petitioner(s) in my presence

(Signature of witness) [3]

(Address)

(Description)

NOTES

[1] Full name and description of deceased debtor.

[2] Any other known addresses at which the deceased debtor has or may have incurred unsatisfied debts or liabilities.

[3] Attesting witness must be a solicitor or a person authorised to take affidavits.

No. 90 RULE 16

Creditor's Petition for Administration of Estate of Deceased Debtor

(*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 A.B. [1] , who died on 19 , and say as follows—

1. The said A.B. lately resided at and carried on business at [and formerly resided at [2] and carried on business at [2]].

2. The estate of the said A.B. is justly and truly indebted to me [*or* us in the aggregate] in the sum of £ for [3]

3. I(we) do not nor does any person on my(our) behalf hold any security on the said deceased debtor's estate, or any part thereof for the payment of the said sum. [4]

4. The estate of the said A.B. is, according to my(our) information and belief, insufficient to pay his debts.

5. The will of the said A.B. was on 19 , proved by J.S. of

or,

Letters of administration intestate [*or,* with will annexed] of his estate were on 19 , granted to X.Y. of

Dated 19 .

(Signed) C.D.
(E.F.)

Signed by the petitioner(s) in my presence
(Signature of witness) [5]
(Address)
(Description)

Endorsement

This petition having been presented to the Court on the day of 19 , it is ordered that it be heard at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, on day 19 , at a.m./p.m.

If you, the said J.S. [*or* XY] intend to show cause against the petition, you must file at the office of the said Court a notice specifying the statements in the petition which you intend to deny or dispute.

To J.S.
[*or* XY]

NOTES

[1] Full name and description of deceased debtor.

[2] Any other known address or addresses at which the deceased debtor has incurred unsatisfied debts or liabilities.

[3] Set out the consideration for the debt or debts.

[4] Or, as in Form 34 (creditor's bankruptcy petition).

[5] Attesting witness must be a solicitor or a person authorised to take affidavits.

No. 91 RULE 136

Notice to Show Cause Against Petition for Administration of Estate of Deceased Debtor

(*Title*)

I [1]
hereby give notice that I intend to oppose the petition dated
19 , presented by [2]
for an order for the administration in bankruptcy of the estate of the above-named deceased, and that I intend to deny or dispute [3]

Dated 19 .

Solicitor for
(Address)

NOTES

[1] Name, address and description of person issuing the notice.

[2] Name and address of petitioner.

[3] Here set out the statements in the petition which it is intended to deny or dispute.

No. 92 RULE 138

Notice of Order for Administration of Estate of Deceased Insolvent and of Appointment of Public Sitting

In the High Court of Justice in Northern Ireland
In Bankruptcy

IN THE MATTER OF [1]

deceased.

An order for the administration in bankruptcy of the estate of the above-named deceased was made on 19 .

A public sitting for the choice and appointment of a creditors' assignee will be held on 19 , at a.m./p.m. Creditors' claims are to be sent to, and all debts due to the deceased paid to, the Official Assignee, Royal Courts of Justice (Ulster), Chichester Street, Belfast, BT1 3JF.

Registrar.

NOTE

[1] Full name, addresses and description of deceased insolvent as set out in administration order.

No. 93 RULE 145

Official Assignee's Report on Debt Collections
(*Title*)

I HEREBY REPORT—

(1) The statement of affairs in this matter disclosed debts due to the estate totalling £ , estimated to produce £ .

(2) Sums totalling £ have been collected from debtors.

(3) Applications for payment have been made to each of the debtors on at least occasions and evidence of non-delivery of applications returned through the "Dead Letter Office" has been produced to me.

(4) Any contra accounts deducted have been established to my satisfaction.

(5) The debts which are considered irrecoverable have been so marked in the debtors' book [*or* on a separate list]. These debts are so described on evidence with which I am satisfied.

(6) I have carefully reviewed the list of all debts which remain unpaid and am satisfied that legal proceedings [other than those already taken] would not be productive of benefit to the estate.

Dated 19 .

Official Assignee.

No. 94 RULE 146

Certificate of Vesting of Estate and Effects of Bankrupt in Assignees
(*Title*)

THIS IS TO CERTIFY that all the estate and effects, real and personal, of the above-named bankrupt, [1] , have vested in Official Assignee [and in , the creditors' assignee in this matter chosen and appointed on the **day of** 19].

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

Registrar.

NOTE

[1] Full name, addresses and description of bankrupt as set out in adjudication order.

No. 95 RULES 150, 151

Notice of Audit of Account of Proceeds of Sale of Land Sold by Order of the Court

(*Title*)

TAKE NOTICE that a sitting of the Court will be held at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, on day , 19 , at a.m./p.m. to audit the account of the Official Assignee of the proceeds of the sale of the under-mentioned premises sold pursuant to order dated 19 .

[You, the under-named are hereby required to send to the Official Assignee at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, BT1 3JF, on or before next, particulars of the amount claimed to be due on the security of the said premises, for principal and interest respectively, as at , 19 . If so required by the Official Assignee, the said particulars shall be verified by affidavit to be filed not later than the day preceding the sitting.] [1]

Premises

Dated 19 .

Solicitor for [2]
(Address)

To

NOTES

[1] Delete this paragraph where there is no incumbrance.

[2] Person having conduct of the sale.

No. 96 RULE 152

Statement Concerning Registered Land or Charge of Petitioner

(*Title*)

I have inquired from the petitioner and am informed that he is not the owner of any land or charge registered in the Land Registry, save as follows:—

Folio No.	County	Registered owner of land (in case of charge only)	Whereabouts of Land Certificate or Certificate of Charge

Dated 19 .

Solicitor for the petitioner.

No. 97 RULE 158

Affidavit of Proof of Debt (General Form)
(*Title*)

I [1] of

make oath and say as follows—

[1. I am duly authorised by the under-mentioned creditor to make this affidavit, and it is within my own knowledge that the debt hereinafter mentioned was incurred, and for the consideration stated, and that such debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.] [2]

2. The above-named [3] was, at the date of the filing of the petition in this matter, [4] viz. 19 , and still is justly and truly indebted to [5] in the sum of £ , for [6] as shown by the particulars of account endorsed hereon [*or* account hereto annexed, *or* account furnished to the [3] on 19 , a copy of which will be forwarded to the Official Assignee, if required].

3. No manner of satisfaction or security whatsoever for the said sum or any part thereof has to my knowledge or belief been had or received, save and except the following [7]

Date	Particulars of Security	Value £

[4. The facts herein stated are within my own knowledge.] [8]

Sworn &c. [9]

Particulars of Account Referred to on Other Side
(Credit should be given for contra accounts)

Date Debt Due	Nature of Debt	Amount £	Remarks The vouchers (if any) by which the account can be substantiated should be set out here.

Deponent's signature .....

NOTES

[1] Insert full name, address and description of deponent.

[2] Where proof is made by the creditor personally, delete this paragraph.

[3] "bankrupt", "arranging debtor" *or* "deceased insolvent".

[4] If the proof is being made against the estate of a deceased insolvent, for "the filing of the petition in this matter" substitute "his death" and insert date of death instead of date of petition.

[5] Insert "me" if proof made by creditor in person, otherwise insert the full name and address of the creditor.

[6] State the nature of the debt, e.g. "goods sold and delivered", or as the case may be.

[7] Here state the particulars of all securities held, and where the securities are on the property of the debtor, assess the value of the same, and if any bills or other negotiable securities be held, specify them here or on a separate sheet, giving date, drawer, acceptor, amount and due date.

[8] This paragraph may be struck out where paragraph 1 applies.

[9] An affidavit may be sworn before a commissioner for oaths or a Justice of the Peace within his County, or before any other person mentioned in section 366 of the Irish Bankrupt and Insolvent Act, 1857, or Order LXXXVIII rule 27 of the Rules of the Supreme Court, Northern Ireland, 1936.

No. 98 RULE 159

Affidavit of Proof of Debt (Wages etc. due to Several Employees)
(*Title*)

I [1] of
[2]
on behalf of the under-mentioned creditors make oath and say—

1. [3]
was at the date of the filing of the petition in this matter, [4] viz.
19 , and am(is) still justly and truly indebted to the several persons whose names, addresses and descriptions appear in the Schedule hereto attached and signed by me in sums severally set against their names in the seventh column of the Schedule for wages or salary due to them respectively as employees in respect of services rendered by them respectively to [5]
during such periods before the said date as are set out against their respective names in the fifth column of such schedule, and for accrued holiday remuneration so due to them in respect of the periods so set out in the sixth column of the schedule, for which said sums, or any part thereof, I say that they have not, nor have any of them received any manner of satisfaction or security whatsoever.

2. In the eighth column of the said Schedule I have set out against the respective names of the said persons the amount for which priority is claimed under the Preferential Payments (Bankruptcies and Arrangements) Act (Northern Ireland) 1964.

3. The facts herein stated are within my own knowledge.

Sworn &c.

NOTES

[1] Insert full name, address and occupation of deponent.

[2] "the above-named bankrupt *or* arranging debtor *or* deceased insolvent" *or* "the foreman (*or as the case may be*) of the above-named bankrupt *or* arranging debtor *or* deceased insolvent".

[3] "I" *or* "The said bankrupt *or* arranging debtor *or* deceased insolvent".

[4] If the proof is being made against the estate of a deceased insolvent, for "the filing of the petition in this matter" substitute "his death" and insert date of death instead of date of petition.

[5] "me" *or* "the bankrupt" *or* "the arranging debtor" *or* "the deceased insolvent".

Schedule Referred to in Affidavit of

1. No.	2. Full name of employee	3. Address	4. Description	5. Period over which wages or salary due	6. Period over which accrued holiday remuneration due	7. Total amount due £	8. Amount claimed as preferential £

Deponent's signature .....

No. 99 RULE 163

Appointment of Sitting for Proof of Debts
(*Title*)

Application is hereby made for the appointment of a time for a sitting for proof of debts in this matter. The time proposed is day **19** , at a.m./p.m.

Dated 19 .

Official Assignee.

day 19 , at a.m./p.m. is hereby appointed for a sitting for proof of debts in this matter.

Dated 19 .

Registrar.

No. 100 RULE 163

Gazette Notice of Sitting for Proof of Debts
(*Title*)

A sitting of the Court for proof of debts in this matter will be held at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, on day 19 , at a.m./p.m. Creditors who have not already submitted proofs of debt should send them to me as soon as possible before the sitting.

Dated 19 .

Official Assignee.

No. 101 RULE 163

Notice of Sitting for Proof of Debts
(*Title*)

A sitting of the Court for proof of debts in this matter will be held at the Royal Courts of Jusitce (Ulster), Chichester Street, Belfast, on
day 19 , at a.m./p.m.

You are named as a creditor in the statement of affairs of the above-named [1] , but no claim by you or on your behalf has yet been lodged with me. If no claim is received before the said sitting and you do not attend the sitting to prove your debt, your name may be struck off the list of creditors without further notice.

You may prove your debt at the sitting personally or by a representative who can give evidence of the truth thereof or you may send to me not later than 4 days before the sitting an affidavit of proof of debt in the prescribed form (No. 97, obtainable from the Government Bookshop, Belfast) or a statement of account. The affidavit or statement of account must give full particulars of your claim or refer to detailed statements already furnished to the debtor (with dates), and be accompanied by any bills, notes or other documents relevant to your claim. If I receive such affidavit or statement of account before the said sitting, you need not attend unless notified by me that your attendance is required. If you furnish a statement of account without an affidavit you may later be required to prove by affidavit, if your debt is not admitted on the statement.

If your claim exceeds £5 and is not for wages or salary, stamp duty of 2/- is payable. A Northern Ireland Bankruptcy stamp for this amount (obtainable at the Post Office, Royal Courts of Justice, Belfast) should be attached to your proof or claim, or, if you are unable to obtain these stamps, a postal order for 2/- should be sent to me so that I may purchase the stamps on your behalf.

Dated 19 .

Official Assignee.

NOTE

[1] "bankrupt", "arranging debtor" *or* "deceased insolvent".

No. 102 **RULE 164**

List of Creditors
(Title)

LIST OF [1] CREDITORS

The following is a list of all persons of whom I have knowledge claiming to be or who I consider may be entitled to be considered as [1] creditors, and includes all persons so named in the statement of affairs of the above-named [2]

In the fifth column of the list I have indicated opposite the name of each creditor whose debt I am prepared to recommend for admission in whole or in part the amount so recommended. In the said fifth column I have marked with the letters "N.R." those debts which I am not prepared to recommend in whole or in part. I have left a blank in the said fifth column opposite the name of any creditor whose debt I am not at present prepared to recommend in whole or in part but wish to postpone my recommendation.

I certify that a notice of the sitting appointed for proof of debts in this matter was sent by prepaid post on 19 , to each creditor named in the statement of affairs whose proofs of debt I had not already received [except creditors who had been paid in full]. The said notices were sent to the addresses in the statement of affairs or to the creditor's last known address.

Dated 19 .

Official Assignee.

No.	Creditor's name and address	Bill, Note, etc. produced	Bill, Note, etc. to be produced before payment	Amount recommended by Official Assignee at first sitting £	Amount recommended by Official Assignee at subsequent sitting £	Amount admitted by Court (if different from Col. 5 or 6) £	Directions of Registrar
1.	2.	3.	4.	5.	6.	7.	8.

All claims of [1] creditors received since this list was first drawn up have been added thereto. [*or* No additional claims of [1] creditors have been received since this list was first drawn up.]

19 .

Official Assignee.

List of [1] creditors settled.

19 .

Registrar.

List of [1] creditors amended as follows:—

19

Registrar.

NOTES

[1] "ordinary", "preferential" *or* "postponed".

[2] "bankrupt", "arranging debtor" *or* "deceased insolvent".

No. 103 RULE 164

Notice to Creditors under Rule 164(8)
(*Title*)

TAKE NOTICE that at a proof of debts sitting in this matter held on 19 , the Court ordered that your proof of debt for the sum of £ be rejected [*or* be admitted for £ only].

If you wish to apply to the Court to set aside or vary such order you may do so personally or by your solicitor at an adjourned proof of debts sitting to be held at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, on day 19 , at a.m./p.m.

Dated 19 .

Official Assignee.

No. 104 RULE 170

Notice of Application without Summons to Expunge Admitted Debt
(*Title*)

TAKE NOTICE that at a proof of debts sitting in this matter to be held at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, on day 19 , at a.m./p.m. I [*or*] [1] intend to apply to the Court to expunge wholly [*or* to the extent of £] your debt against the above estate admitted for the sum of £ , on the following grounds:—

If you wish to oppose this application you should attend personally or by your solicitor at the time and place aforesaid. You may produce such documents and call such evidence as you wish, in support of your debt.

Dated 19 .

Official Assignee.

[*or*

Solicitor for [1]
(Address)

]

To

NOTE

[1] "A.B. a creditor", *or* "the bankrupt" *or* "the arranging debtor".

No. 105 RULE 170

Notice of Order to Expunge Debt
(Title)

TAKE NOTICE that at a proof of debts sitting in this matter held on 19 , an order was made by the Court expunging wholly [*or* to the extent of £] the debt of £ previously admitted in respect of your proof of debt.

Dated 19 .

Official Assignee.

To

No. 106 RULE 179

Official Assignee's Account
(Title)

OFFICIAL ASSIGNEE'S [1] ACCOUNT [OF THE PROCEEDS OF SALE OF [2]

I, Official Assignee, certify as follows—

(1) The account hereto annexed, on each page of which I have signed my name, contains a full and true account of my receipts and payments in the estate of the above-named [3] from 19 , to 19 , [in relation to the sale of [2]].

(2) I have not, nor has any other person by my order or for my use during such period received or paid any money on account of the said estate other than and except the items specified in the said account.

(3) I have examined the vouchers to be produced by me on the audit of this account and I believe the same to be correct.

(4) The fees under Part IV, Section B of the Supreme Court Fees Order (Northern Ireland) 1963 are as follows—

On £ , net assets realised £
On £ , gross amount of composition £

Dated 19 .

Official Assignee.

NOTES

[1] "FIRST", "SECOND" or as the case may be.

[2] Address of property sold.

[3] "bankrupt", "arranging debtor" *or* "deceased insolvent".

NO. 106A RULE 179

Account to be Annexed to Form 106

Date	Receipts	£	Date	Payments	£
				Balance	

Official Assignee.

Audited this day of 19 .

Registrar.

No. 107 RULE 179

Gazette Notice of Audit and Dividend
(*Title*)

A sitting of the Court will be held at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, on 19 , at a.m./p.m. to audit the Official Assignee's account and to declare a dividend.

Dated 19 .

Official Assignee.

No. 108 RULE 180

Dividend List

(*Title*)

List of debts admitted in this matter, upon which a dividend at the rate of in the pound is declared payable by order dated 19

No.	Name of creditor	Address	Document to be produced to Official Assignee or claim converted into proof before payment	Amount of debt £	Amount of dividend £

No. 109 RULE 180

Composition List

(*Title*)

List of debts admitted in this matter, upon which a composition at the rate of in the pound is payable under a resolution of creditors dated 19 , and payable as follows:—

No.	Name and address of creditor	Document to be produced to Official Assignee or claim converted into proof before payment	Amount of debt £	Total amount of composition £	1st instalment payable on 19 .	2nd instalment payable on 19 .	3rd instalment payable on 19 .	4th instalment payable on 19 .

No. 110 RULE 181

Authority to Official Assignee to Pay Dividends or Composition to Another Person

(*Title*)

To the Official Assignee

Sir,

I/we hereby authorise and request you to pay to of , all dividends [composition payments] in this matter, which may become due and payable to me/us in respect of the debt for the sum of £ for which I/we have been admitted as [a] creditor[s] in this matter.

And I/we further request that the cheques or payable orders issued in respect of such dividends [payments of composition] may be made payable to the said whose receipt shall be a sufficient discharge for the same.

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

Dated 19 .

(Signature)

Signed in the presence of

(Signature of witness)

(Address)

No. 111 RULES 171, 183

Direction to Bank of Ireland for Transfers to and Payments out of the Official Assignee's Dividend Account

Record No.

The Estate of

No. of direction

The Bank of Ireland is hereby directed to transfer in their books from the account of the above estate to the Official Assignee's Dividend Account the total amount of the sums specified in the schedule hereto, viz., £
and to pay to the several persons therein mentioned the respective sums set opposite their names, on presentation within 6 months from this date of the payable orders issued by the undersigned Official Assignee and receipted by the payees, the sums so paid to be charged to the said Official Assignee's Dividend Account.

This direction to be returned to me not later than 7 months from this date, with the dates of the payments thereunder noted thereon.

Dated 19 .

Official Assignee.

SCHEDULE

No. of direction Estate of

No.	To whom payable	Amount payable £	Date of payment

No. 112 RULE 184

Notice of Dividend and Accompanying Statement

(*Title*)

NOTICE IS HEREBY GIVEN that a dividend of in the £ has been declared in this matter. A payable order for the amount payable to you is attached. This should be presented to a bank for payment. The form of receipt on the reverse of the payable order must be signed by you. [*Or* a cheque for the amount payable to you is attached, together with a form of receipt which should be signed and returned to the Official Assignee in the envelope provided].

The following statement shows the position of the estate at the date of the declaration of the said dividend.

Dr.			Cr.	
	Estimated by bankrupt (arranging debtor) to produce £	Receipts £		Payments £
To receipts, viz.:			By Court fees paid by Official Assignee	
Deposit on petition			Shorthand writer's charges	
Cash at Bankers			Legal costs of petition (including Court fees and other outlay paid by solicitors)	
Cash in hands			Legal costs of assignees (including Court fees and other outlay paid by solicitors)	
Stock-in-trade, fixtures and fittings			Other legal costs (including Court fees and other outlay paid by solicitors)	
Plant and machinery			Auctioneer's, surveyor's and valuer's charges	
Farming stock			Accountant's charges	
Furniture and household goods			Costs of notices in Gazette and newspapers	
Life policies			Incidental outlay, viz.:	
Unincumbered freehold and leasehold properties (including goodwill, if any)			Travelling expenses	
Motor vehicles			Conduct money	
Book debts			Other incidentals	
Surplus from securities in hands of creditors fully secured			Total costs and charges £	
Surplus from chattels subject to hire-purchase agreements			Allowance to bankrupt	
Other receipts, viz			Creditors, viz.:	
Total			..... preferential	
Less—			..... unsecured	
Deposit returned to petitioner			..... dividend now declared of in the £ on £	
	£		Dividends previously declared	
Net realisations £			Balance	
	£			£

Assets not realised, estimated to produce £ .

Creditors can obtain any further information by inquiry at the office of the Official Assignee.

Dated this day of 19 .

Official Assignee,
Room ,
Royal Courts of Justice,
Chichester Street, Belfast, BT1 3JF.

NOTE:—When this statement accompanies a declaration of a second or subsequent dividend, it shall incorporate the figures of the preceding statement under their respective headings.

No. 113 RULE 184

Payable Order for Dividend or Cash Composition

BANK OF IRELAND, Donegall Place, Belfast

In the High Court of Justice in Northern Ireland

In Bankruptcy

In the Matter of Bankrupt/Arranging Debtor/ Deceased Insolvent.

No. of direction

No. on list of creditors.

PAY to the order of Official Assignee £
the sum of

Made out by R

Checked by Dividend Account

N.B.—This warrant will not be paid if presented more than six months from the date hereof, and the amount may then be transferred to the "Unclaimed Dividend Account".

(Reverse side)

Received the amount shown on front hereof, being a dividend/composition of in the £ , on £ , the amount of my/our claim against this estate.

Dated 19 .

Payee's signature

2d. stamp if over £2.

No. 114 RULE 188

Notice to Creditor of Unclaimed Dividend or Composition

(i) *First notice*

(Title)

TAKE NOTICE that a payable order/cheque for the sum of £ , being a dividend/composition on the amount of your claim against this estate, was sent to you on , 19 , but has not been presented to a bank for payment. This payable order/cheque is now out of date, but if you return it to me I will re-date it to enable you to cash it. If you do not do so within 7 days from the date of this notice, the said sum will be transferred to the "Unclaimed Dividend Account", and thereafter payment will only be made to you on an order of the Court.

Dated 19 .

To

Official Assignee,
Room ,
Royal Courts of Justice (Ulster),
Chichester Street,
Belfast, BT1 3JF.

(ii) *Second notice* (To accompany re-dated payable order or cheque returned to creditor)

(Title)

TAKE NOTICE that if you do not cash the enclosed payable order/cheque within the period of 7 days from this date, the amount stated thereon will, without any further notice to you, be transferred to the "Unclaimed Dividend Account", and thereafter payment will only be made to you on an order of the Court.

Dated 19 .

Official Assignee.

No. 115 RULES 171, 188

Direction to Bank of Ireland for Transfers from Official Assignee's Dividend Account to Unclaimed Dividend Account

Record No.

The Estate of

No. of direction

The Bank of Ireland is hereby directed to transfer in their books from the Official Assignee's Dividend Account to the Unclaimed Dividend Account the total amount of the sums specified in the schedule hereto, viz., £

Dated 19 .

Official Assignee.

SCHEDULE

No.	Creditor's name	Amount of dividend/ composition unpaid £
		£

No. 116 RULE 188

Certificate of Transfers to Unclaimed Dividend Account
(*Title*)

I Official Assignee, hereby certify as follows—

1. On , 19 , notice in the prescribed form was sent to each creditor in this matter who had not claimed a dividend/composition payable by order dated , 19 , [and on the day of , 19 , a further notice in the prescribed form was sent to each creditor who had returned a payable order or cheque to me for re-dating].

2. On , 19 , I directed the Bank of Ireland to transfer to the Unclaimed Dividend Account the sum of £ , being the total amount of the dividends/compositions payable pusuant to the said order and remaining unclaimed at that date [and the sum of £ , being the amount of undistributable balances ordered to be transferred to the said Account by order dated 19]. The said sum(s) was (were) so transferred on

3. I have set forth in the schedule hereto particulars of the unclaimed dividends/compositions so remaining unpaid as aforesaid.

SCHEDULE

No.	Creditor's name and address	Amount of debt	Amount of dividend or composition £

Dated **19** .

Official Assignee.

No. 117 RULE 189

Certificate of Appointment of Official Assignee
(*Title*)

I HEREBY CERTIFY that on 19 was appointed Official Assignee.

Dated 19 .

Registrar.

FORM No. 118 RULE 195

Annual Return by Official Assignee

TABLE I

AMOUNT OF INSOLVENCY UNDER THE BANKRUPTCY ACTS

Year. [1]	Number of bankruptcy adjudication orders, arrangement protection orders and orders for the administration of estates of deceased insolvents. [2]	Liabilities as estimated by debtors or legal personal representatives. £	Assets as estimated by debtors or legal personal representatives. £

NOTES

[1] Return to cover 10 years preceding its date.

[2] Not including adjudication orders set aside on cause shown. Where a protection order is followed by an adjudication order, the adjudication order and not the protection order should be included.

TABLE II

Number of bankruptcy adjudication orders, arrangement orders and orders for the administration of the estates of deceased insolvents during the year ended 31st December, 19 .

ADJUDICATION ORDERS					PROTECTION ORDERS			ADMINISTRATION ORDERS		
On debtors' petitions	On creditors' petitions	On adjudication of arranging debtors	Set aside on cause shown or on appeal	Net total	Orders made	Petitions dismissed or adjudication orders made after protection orders	Net total	On petitions of legal personal representatives	On creditors' petitions	Total

TABLE III

Number, liabilities and assets of failures in principal trades and occupations during year ended 31st December, 19 .

[1]	Bankruptcy Adjudication Orders			Arrangement Protection Orders			Orders for administration of estates of deceased insolvents		
	No.	Liabilities £	Assets £	No.	Liabilities £	Assets £	No.	Liabilities £	Assets £
Agriculture, Fishing									
Farmers									
Cattle dealers									
Agricultural contractors									
Vehicles									
Garage and Service Station proprietors ...									
Paper and Printing									
Printers									
Building and Contracting									
Builders									
Electrical contractors									
Building contractors									
Engineering contractors									
Painters and decorators									
Transport and Communications									
Road haulage contractors									
Retailers of									
Grocery and provisions									
Hardware and general merchandise ...									
Grocery cigarettes tobacco and confectionery									
Tobacco and confectionery									
Meat									

	No.	Liabilities £	Assets £	No.	Liabilities £	Assets £	No.	Liabilities £	Assets £
Wholesalers of									
Cigarettes and tobacco									
Confectionery									
Hardware and general merchandise ...									
Retailers of									
Clothing and drapery									
Radio T.V. and electrical goods									
Furniture									
Footwear									
Coal									
Motor cars									
Miscellaneous									
Bakers									
Publicans									
Manufacturer's Agents									

NOTE

[1] Categories listed for illustration only. Others to be listed where appropriate in any year.

No. 119 RULE 198

Certificate of Credits by Solicitor
(*Title*)

I of solicitor [one of the principals in the firm of solicitors] hereby certify as follows—

1. I [*or* my said firm] have [has] not, nor has any person for me [*or* my said firm] received any money or any securities for money from the above-named [1] or from any other person, in respect of, or on account of the bill of costs in this matter, save as set forth in the Schedule hereto.

2. I [*or* my said firm] have [has] made due inquiries on the subject, and so far as I know, or as I believe, neither the said [1] nor any other person has given any money or any securities for money to any solicitor or accountant, or to any other person other than myself [*or* my said firm] for doing, or causing to be done, or in respect of, or on account of the work comprised in the said bill of costs, save as set forth in the said Schedule.

3. I did not, nor did any other solicitor or any accountant, or any other person for, or on my behalf [*or* on behalf of my said firm] receive from the said [1] or from any person acting on his behalf since or immediately before filing of the petition in this matter any money or any securities for money save as set forth in the said Schedule.

SCHEDULE

Amounts paid	Date of each payment	To whom paid and for what purpose

Dated 19 .

(Signed)
Solicitor.

[1] "bankrupt", "arranging debtor" *or* "deceased insolvent".

SCHEDULE 3 RULE 8

AMENDMENT OF ENACTMENT

Enactment to be amended	Amendment
The Irish Bankrupt and Insolvent Act 1857. 20 & 21 Vict., c. 60.	For section 10 there shall be substituted the following section— "10. When the time for doing an act or taking a proceeding expires on a day on which the offices of the Court are closed, and by reason thereof the act cannot be done on that day, the act shall be in time if done on the next day on which the offices are open."

SCHEDULE 4

ENACTMENTS REPEALED

RULE 9

Session and Chapter	Short Title	Extent of Repeal
20 & 21 Vict. c. 60	The Irish Bankrupt and Insolvent Act 1857.	In section 286 the words "upon oath". Section 309. In section 350 the words "on oath".
35 & 36 Vict. c. 58	The Bankruptcy (Ireland) Amendment Act 1872.	In section 57 the words "and the hand of one of the judges of the Court" and the words "and shall be in the form contained in Schedule (B) to this Act annexed, or to the like effect". In section 64 the words "in the form contained in Schedule (C) to this Act annexed, or to the like effect". Schedule B. Schedule C.
53 & 54 Vict. c. 24	The Deeds of Arrangement Amendment Act 1890.	In subsection (2) of section 2 from the words beginning "and shall be accompanied" to the end of the subsection.

EXPLANATORY NOTE

(This note is not part of the rules, but is intended to indicate their general purport.)

These Rules amend the Rules of the Supreme Court (Northern Ireland) 1936 in relation to bankruptcy procedures and practice.

Rule 3 substitutes for rules 1-212 of Order LXXXVIII, the rules in Schedule 1 to these Rules. The rules in this Schedule make important changes in the present procedure in Bankruptcy and are intended to make detailed information on bankruptcy practice and procedures more easily available.

The following are the important changes made by these rules—

(1) The functions of the Official Assignee are enlarged to include conducting, by an examiner of his Department, a preliminary examination of every bankrupt, the examination of every creditor's claim and investigation, where necessary, before proof of debts sittings are held and a power of sale over the assets of a bankrupt or of an arranging debtor vested in the Official Assignee, without the leave of the Court (rules 73, 162 and 144(4)).

(2) All Press advertising is discontinued unless specially directed by the Registrar.

(3) The length of time occupied by the public examination of bankrupts will be reduced in uncontroversial cases by allowing the notes taken by the Official Assignee's examiner at the preliminary examination to be adopted by the bankrupt as his evidence after being read in open Court and signed by the bankrupt (rule 75).

(4) Where a bankrupt proposes an offer of composition a preliminary meeting of creditors is required under rule 87, unless the bankrupt proposes to pay all his creditors in full.

Rule 6 substitutes for Forms 1-35 and 50-54 in Appendix Y the new Forms set out in Schedule 2. These Forms include a form of affidavit grounding a petition of arrangement (Form 71). A copy of this Form will be filed in the Bills of Sale Office under the Deeds of Arrangement Amendment Act 1890 and the separate affidavit at present required by Order LXXXII rule 7, is dispensed with.