STATUTORY INSTRUMENTS

1962 No. 295 (L. 3)

BANKRUPTCY, ENGLAND

The Bankruptcy (Amendment) Rules, 1962

Made - - - -	13*th February*, 1962
Laid before Parliament	19*th February*, 1962
Coming into Operation	1*st March*, 1962

I, David, Viscount Kilmuir, Lord High Chancellor of Great Britain, with the concurrence of the President of the Board of Trade, in exercise of the powers conferred on me by section 132 of the Bankruptcy Act, 1914(a), hereby make the following Rules:—

1. The Bankruptcy Rules, 1952(b), as amended(c), shall have effect subject to the following amendments:—

(*a*) any reference therein to registered post shall be construed as including a reference to the recorded delivery service and any reference therein to a registered letter shall be construed as including a reference to a letter sent by that service;

(*b*) there shall be substituted for paragraph (1) of Rule 15 the following paragraph:—

"(1) All proceedings of the court shall be kept and remain of record in the court for such period as the Lord Chancellor may from time to time direct.";

(*c*) there shall be substituted for Rule 86 the following Rule:—

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

(*d*) there shall be added immediately after sub-paragraph (*e*) of Rule 322 the following additional sub-paragraph:—

"(*f*) to annul an order of adjudication on the ground that the debts of the debtor have been paid in full,";

(*e*) there shall be substituted for Rule 339 the following Rule:—

"339. The Board of Trade upon removing a trustee shall—

(*a*) forthwith send a notice of the order removing him to the Registrar who shall file the notice with the proceedings;

(*b*) give written notice of the order to the Official Receiver; and

(*c*) cause a notice of the order to be gazetted.";

(a) 4 & 5 Geo. 5. c. 59. (b) S.I. 1952/2113 (1952 I, p. 213).
(c) S.I. 1956/117, 1197, 1961/317 (1956 I, pp. 369, 370; 1961 I, p. 510).

(*f*) there shall be substituted for the Indorsement to Form 165 of Appendix I to the Rules the following Indorsement:—

"*Indorsement*

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

If you, the said *J.S.* or *G.H.*, intend to show cause against the petition, you must file with the Registrar of this Court a notice specifying the statements in the petition which you intend to deny or dispute, and send by post a copy of the notice to the petitioner and his solicitor, if known, not later than three days before the day fixed for the hearing.";

(*g*) in Item 2 of Part IV of Appendix II to the Rules, for the words "plus an allowance of 5 per cent. on the total amount of the bill, is allowed" there shall be substituted the words "plus an allowance of 5 per cent. on the total amount of the bill, as allowed".

2. These Rules may be cited as the Bankruptcy (Amendment) Rules, 1962, and shall come into operation on the first day of March, 1962.

Dated this twelfth day of February, 1962.

Kilmuir, C.

I concur,

Dated this thirteenth day of February, 1962.

F. J. Erroll,
President of the Board of Trade.

EXPLANATORY NOTE

(*This Note is not part of the Rules, but is intended to indicate their general purport.*)

These Rules make a number of minor changes in the Bankruptcy Rules, 1952.

They include the authority for the use of the recorded delivery service as an alternative to registered post and provisions giving the court a wider discretion in relation to the service of documents outside England.