BANKRUPTCY, ENGLAND

1952 No. 2113 (L. 14)

The Bankruptcy Rules, 1952

Made - - - - *5th December*, 1952
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II. Scale of Solicitors' Costs.
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I, Gavin Turnbull, Baron Simonds, Lord High Chancellor of Great Britain, with the concurrence of the President of the Board of Trade and in exercise of the powers conferred upon me by section 107 (5) and section 132 of the Bankruptcy Act, 1914(a), and of all other powers enabling me in that behalf, hereby make the following Rules:—

PART 1

PRELIMINARY

Short title and commencement

1. These Rules may be cited as the Bankruptcy Rules, 1952, and shall come into operation on the first day of January, 1953.

Revocation of previous Rules

2. Rule 358 of the Bankruptcy Rules, 1886(b), and, except as provided in the next following Rule, the Bankruptcy Rules, 1915(c), and all other Rules heretofore made under the Act are hereby revoked.

Application of Rules

3. These Rules shall, subject to the provisions of section 131 of the Act, apply to all matters arising under the Act or any previous Bankruptcy Act and to all proceedings taken in any such matter, whether commenced before or after the day on which these Rules come into operation:

Provided that, where it is not practicable to apply any of these Rules to any proceedings pending on that day, the appropriate Bankruptcy Rules in force immediately before that day shall continue to apply to the proceedings.

(a) 4 & 5 Geo. 5. c. 59. (b) S.R. & O. Rev. 1903 1, "Bankruptcy E.", p. 76.
(c) S.R. & O. 1914/1824; 1914 I, p. 41.

Interpretation

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

"The Act" means the Bankruptcy Act, 1914;

"Appellate Court" includes any court exercising appellate jurisdiction under the Act or these Rules;

"The court" includes a Registrar when exercising the powers of the court;

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

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

"Judge of the High Court" means any one of the Judges to whom bankruptcy business is for the time being assigned under section 97 (2) of the Act;

"Printed" includes typewritten;

"Registrar" means a Registrar in bankruptcy of the High Court, or the Registrar or deputy Registrar of a county court having jurisdiction in bankruptcy;

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

"Sealed" means sealed with the seal of the court;

"Taxing Officer" means, as regards bills of costs taxed in the High Court, the Bankruptcy Taxing Master, or, as the case may be, the Principal Clerk of the Taxing Office of the High Court in Bankruptcy, and as regards bills of costs taxed in a county court, the Registrar of that county court;

"Bankruptcy Taxing Master" means a Master of the Taxing Office of the Supreme Court discharging the duties of Taxing Officer in pursuance of these Rules;

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

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

(3) The Interpretation Act, 1889(a), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

Chief Bankruptcy Registrar of High Court

5. Any duty imposed upon the Registrar by Rules 19, 147, 177, 205, 221, 222, 233, 358 and 359 shall in the High Court be performed by the Chief Bankruptcy Registrar.

Computation of time

6.—(1) The provisions of section 145 of the Act shall apply to the computation of time under these Rules, and the expression in that section "a day on which the court does not sit" shall mean a day on which the offices of the court are closed.

(2) Where, by the Act or these Rules, the time limited for doing any act is less than six days, Sunday, Christmas Day, Good Friday, and the day following, Tuesday in Easter Week, Bank Holidays, any day appointed for public fast or thanksgiving, and any other day on which the offices of the court are closed shall be excluded in computing such time.

(a) 52 & 53 Vict. c. 63.

Use of forms in Appendix I

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

(2) The Board of Trade may alter any forms which relate to matters of an administrative and not of a judicial character, or may substitute new forms in lieu thereof. Where the Board of Trade alter any form, or substitute any new form, the altered or substituted form shall be published in the London Gazette.

PART II

GENERAL PROCEDURE

COURT AND CHAMBERS

Matters to be heard in court

8.—(1) The following matters shall be heard and determined in open court—

(*a*) The public examination of debtors ;

(*b*) Applications to approve a composition or scheme ;

(*c*) Applications for orders of discharge, except any unopposed application which the court may direct to be heard in chambers and applications for certificates under section 26 (4) of the Act ;

(*d*) Appeals from the Board of Trade to the High Court ;

(*e*) Applications to set aside or avoid any settlement, conveyance, transfer, security, or payment, or to declare for or against the title of the trustee to any property adversely claimed ;

(*f*) Applications for the committal of any person to prison for contempt ;

(*g*) Appeals against the rejection of a proof, or applications to expunge or reduce a proof, where the amount in dispute exceeds £200 ;

(*h*) Applications for the trial of issues of fact with a jury, and the trial of such issues ;

(*j*) Applications for leave to act as director or take part in the management of a company.

(2) Any other matter or application may be heard and determined in chambers.

Jurisdiction of Registrars

9. The Registrar may, under the general or special directions of the Judge, hear and determine any matter or application referred to in section 102 (2) of the Act.

Adjournment from Registrar to Judge

10. Any matter pending before a Registrar which under the Act or these Rules a Registrar has jurisdiction to determine shall, if the Judge, either specially or by any general direction applicable to the particular case, so directs, be adjourned to be heard before the Judge.

Adjournment from chambers to court and vice versa

11.—(1) Subject to the provisions of the Act and these Rules, any matter may at any time, if the Judge, or, as the case may be, the Registrar, thinks fit, be adjourned from chambers into court or from court to chambers.

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

PROCEEDINGS

Title of proceedings [**Forms** 1, 2.]

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

(2) The first proceeding in every matter shall have a distinctive number assigned to it by the Registrar, and (subject to the provisions of Rule 26) all subsequent proceedings in the same matter shall bear the same number.

Proceedings to be written or printed

13. All proceedings shall be written or printed on paper of approximately the size of 13 inches in length and 8 inches in breadth, but no objection shall be allowed to any proof, affidavit or proxy on account only of its being written or printed on paper of other size.

Attestation of documents

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

(*a*) in England, by a solicitor, justice of the peace, Registrar, Official Receiver, or officer of the court appointed by the Judge for that purpose; or

(*b*) outside England, by a Judge, magistrate, British consul or vice-consul, or a notary public.

Records of the court

15.—(1) All proceedings of the court shall be kept and remain of record in the court.

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

Notices to be in writing

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

Proof of posting of notice by Official Receiver or trustee [**Forms** 43, 44, 53, 54.]

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

Process to be sealed

18. All process issued by the court shall be sealed.

Office copies

19.—(1) Office copies required by, or by the solicitor of, any trustee, debtor, or creditor shall be provided by the Registrar.

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

Filing, gazetting, &c. [**Form** 201.]

20.—(1) In the High Court the Chief Bankruptcy Registrar shall file a copy of every issue of the London Gazette, and in a county court the Registrar shall file a copy of every issue of the London Gazette which contains an advertisement relating to any matter under the Act in that court.

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

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

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

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

Transfer of proceedings by Judge of High Court [**Form** 27.]

21. The Judge of the High Court may order the proceedings in any matter under the Act to be transferred from a county court to the High Court, or from the High Court to a county court.

Transfer of proceedings by Judge of county court [**Form** 27.]

22. The Judge of a county court having jurisdiction in bankruptcy may order the proceedings in any matter under the Act which have been commenced or are pending in his court to be transferred to any other county court having jurisdiction in bankruptcy.

Transmission of order of transfer

23. When an order transferring proceedings has been made by any court, the Registrar shall send a sealed copy of the order to the court affected by it.

Transmission of records

24. The Registrar of the court from which proceedings are transferred shall send the records of the proceedings to the Registrar of the court to which the transfer is made.

Notice of transfer to Official Receiver and Board of Trade [**Form** 28.]

25. The Registrar of the court to which proceedings are transferred shall give notice of the transfer to the Official Receiver of that court and to the Board of Trade as soon as he receives the records of the proceedings.

Number of transferred matter

26. A matter transferred from one court to another shall receive a new distinctive number.

Transfer of Official Receiver's duties

27. The Official Receiver of the court to which proceedings are transferred shall become the Official Receiver of the debtor's estate in place of the Official Receiver of the court from which they are transferred.

Proceedings commenced in wrong court

28.—(1) Where bankruptcy proceedings have been commenced in the wrong court, the Judge of that court or of the High Court may order the proceedings to be transferred to the court in which they should have been commenced.

(2) Unless and until an order of transfer is made the proceedings shall continue in the court in which they were commenced.

Disposal of pending business in case of transfer of jurisdiction

29. Where the Lord Chancellor excludes any county court from having jurisdiction in bankruptcy, or attaches the district or any part of the district of a county court to the High Court or to any other county court, or detaches the district or any part of the district of a county court from the district and jurisdiction of the High Court, any bankruptcy business pending in the court or district to which the order relates shall be transferred to such court as shall be mentioned for that purpose in the order, and thereupon the provisions of these Rules as to transfer of proceedings shall apply in all respects as if the proceedings had been transferred by order of a court.

Officer of court not to act as solicitor or agent

30.—(1) No officer in the service of a court shall, either by himself or his partner, be directly or indirectly concerned as solicitor or agent for any party in any proceedings under the Act or these Rules in that court.

(2) If an officer is concerned in proceedings which, but for this Rule, would be commenced in a court in which he serves, the proceedings shall not be commenced in that court but in the nearest court of which he is not an officer.

MOTIONS AND PRACTICE

Applications to be made by motion

31. Except where these Rules otherwise provide, every application to the court shall, unless the court otherwise directs, be made by motion supported by affidavit.

Notice of motion and ex parte *applications*

32.—(1) Where any party other than the applicant is affected by the motion, no order shall be made except with the consent of that party, or upon proof that notice of the motion and a copy of the affidavits in support thereof have been duly served upon him :

Provided that where the court is satisfied that serious mischief may result from delay caused by proceeding in the ordinary way, it may make an order *ex parte* upon such terms as to costs and otherwise, and subject to such undertaking, if any, as the court thinks just.

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

Length of notice

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

(2) Applications for leave to serve short notice of motion shall be made *ex parte.*

Notice of motion to be lodged

34. A copy of the notice of motion, endorsed with the name of the applicant's solicitor and counsel, if any, and, if known, the name of the respondent's solicitor and counsel, shall be delivered to the Registrar or clerk of the court prior to the hearing.

Affidavits against motion

35. Where a respondent intends to use affidavits in opposition to a motion he shall deliver copies of them to the applicant not less than two days before the day appointed for the hearing.

Notice not served on all proper parties

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

Adjournment

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

Personal service

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

(2) The person effecting personal service shall—

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

(*b*) if he is not a bailiff, file in the court within three days of the day of service, or such further time as may be allowed by the Registrar, a copy of the document and an affidavit of service. [**Form** 15.]

Filing affidavits on motion

39. Affidavits supporting or opposing any motion shall be filed with the Registrar not later than the day before the hearing.

PREPARATION OF ORDER

Preparation of order

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

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

Security in Court

Security by bond [**Form** 20.]

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

Amount of bond

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

Deposit in lieu of bond

43.—(1) A person required to give security may, in lieu thereof, lodge in court a sum equal to the sum for which security is to be given and probable costs, together with a memorandum approved by the Registrar and signed by such person, his solicitor, or agent, stating the conditions on which the money is deposited.

(2) Upon the lodgment the Registrar shall forthwith notify the persons for whose protection the security is given that the money has been lodged in court.

Money in court

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

Security of guarantee society

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

Notice of sureties

46.—(1) Where a person proposes to give a bond by way of security, he shall serve notice of the proposed sureties on the opposite party and on the Registrar. [**Form** 21.]

(2) The Registrar shall forthwith give notice to both parties of the time and place at which he proposes that the bond shall be executed and at which any objections to the sureties must be made.

Justification by sureties [**Form** 22.]

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

Execution of bond

48. A bond shall be executed and attested in the presence of the Registrar, the Official Receiver, a justice of the peace, a solicitor, or an officer of the court appointed by the Judge for that purpose.

Stamps

Defacement of stamp

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

Application of section 148

50. For the purpose of section 148 of the Act, "bankruptcy" shall include any proceeding under the Act, whether before or after adjudication, and whether an adjudication is made or not, and "bankrupt" shall include any debtor proceeded against under the Act.

AFFIDAVITS

Form of affidavit

51.—(1) Every affidavit shall—

(*a*) be expressed in the first person ;

(*b*) state the residence and description of each deponent ; and

(*c*) be drawn up in paragraphs consecutively numbered.

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

Affidavit by several deponents

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

Costs disallowed

53. No costs shall be allowed in respect of an affidavit or part thereof, if—

(*a*) in a material manner it fails to comply with Rules 51 or 52 ; or

(*b*) it contains matters of hearsay, argumentative matters, or superfluous copies of or extracts from documents.

Scandalous matter

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

Erasures, alterations, &c.

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

Blind or illiterate persons

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

(*a*) the affidavit was read in his presence to the deponent ;

(*b*) the deponent seemed perfectly to understand it ; and

(*c*) the deponent made his signature or mark in his presence ;

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

Formal defects

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

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

Filing, office copies, &c.

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

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

Swearing of affidavit

59. No affidavit (other than a proof of debt) shall be sufficient if it was sworn before a commissioner who, when it was sworn, was a party to the proceedings, the solicitor acting for the party on whose behalf the affidavit is to be used, or such solicitor's agent, partner or clerk.

Affidavit filed out of time

60.—(1) An affidavit filed out of time may not be used except by leave of the court.

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

Proof of affidavit

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

Witnesses and Depositions

Subpoena [**Forms** 141, 142, 143.]

62.—(1) The court shall, at the instance of an Official Receiver, trustee, 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 documents in his possession or control.

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

Service of subpoena

63.—(1) A sealed copy of the subpoena shall be served personally on the witness by an officer of the court or by the person at whose instance the subpoena is issued or his solicitor, or by some person in their employment.

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

(3) Service of the subpoena may, where required, be proved by affidavit.

Costs of witnesses

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

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

(3) A witness, other than the debtor, who is required to attend for the production of a document or for the purpose of an examination 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.

Order for examination [**Form** 136.]

65.—(1) The court may in any matter make an order for the examination upon oath of any person at any place in England.

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

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

Letters of request

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

Production of documents

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

Disobedience to order

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

SHORTHAND NOTES

Nomination and appointment of shorthand writers [**Forms** 70, 72.]

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

(2) The Judge of the High Court and the Judge of a county court may in writing nominate one or more persons to be shorthand writers officially attached to the High Court or that county court respectively.

(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.

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

Remuneration of shorthand writers

70.—(1) A shorthand writer shall be paid a sum not exceeding two guineas a day for attending the court, and a sum not exceeding 1s. per folio of 72 words for any transcript of the shorthand note of the evidence that may be required.

(2) 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.

(3) The sums payable to a shorthand writer under paragraph (1) of this Rule shall be increased by 25 per cent. for attendances and transcripts made after the 31st August, 1952.

DISCOVERY AND EXAMINATION UNDER SECTION 25

Discovery

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

Examination under section 25

72.—(1) An application to the court under section 25 of the Act shall be in writing and shall state shortly the grounds upon which it is made.

(2) Applications made on behalf of the trustee, Official Receiver, or Board of Trade need not be verified by affidavit.

ACCOUNTS AND SALE OF MORTGAGED PROPERTY

Sale by direction of the court

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

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

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

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

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

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

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

Proceeds of sale

74.—(1) The proceeds of sale shall be applied—

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

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

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

(2) Where the proceeds of the sale are insufficient to pay in full the amount found due to the mortgagee, he 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.

Proceedings on inquiry

75. For the purpose of the accounts and inquiries referred to in Rule 73, and of making title to the purchaser, all parties may be examined by the court upon interrogatories or otherwise and shall produce upon oath before the court all such documents in their custody or under their control relating to the estate or effects of the bankrupt as the court shall direct.

Accounts, &c.

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

WARRANTS, ARRESTS, AND COMMITMENTS

Address of warrants [**Forms** 134, 137, 138, 139, 147.]

77. A warrant of seizure, a search warrant, or any other warrant issued under the provisions of the Act shall be addressed to such officer of the High Court, or of a county court (whether that county court has jurisdiction in bankruptcy or not) as the court may direct.

Custody and production of debtor [**Forms** 136, 139.]

78. When the debtor is arrested under a warrant issued under section 23 of the Act—

(*a*) the officer apprehending him shall give him into the custody of the governor of the prison mentioned in the warrant, who shall keep him in custody until such time as the court shall otherwise order and shall produce him before the court as it may from time to time direct; and

(*b*) any books, papers, monies, goods, and chattels in the possession of the debtor which may be seized shall forthwith be lodged with the Official Receiver or trustee, as the case may be.

Execution of warrant under section 25 (2)

79.—(1) When a person is apprehended under a warrant issued under section 25 (2) of the Act, the officer apprehending him shall forthwith bring him before the court issuing the warrant in order that he may be examined, and if he cannot immediately be brought up for examination, the officer shall deliver him into the custody of the 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. [**Form** 147.]

(2) After apprehending the person named in the warrant, the officer shall forthwith report to the court the apprehension or delivery into custody, as the case may be, and apply to the court to appoint a time for the examination of that person, and thereupon the court shall appoint the earliest practicable day for the examination, and shall direct the governor of the prison to produce him for examination at the place and time appointed. [**Form** 148.]

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

Applications to commit [**Forms** 123, 124,, 125, 126, 133.]

80. An application to the court to commit any person for contempt of court shall be supported by affidavit.

Notice and hearing of application [**Forms** 127, 128, 129, 200 (15) & (16).]

81. Upon the filing of an application to commit, the Registrar shall fix a time and place for the hearing of the application, and notice thereof shall be personally served on the person sought to be committed not less than three days before the day fixed for the hearing:

Provided that the court may, if it thinks fit, allow substituted service or service at shorter notice.

Suspension of issue of a committal order [**Forms** 130, 131, 132.]

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

Committal of contumacious debtor or witness [**Form** 68.]

83.—(1) If a debtor or witness examined before a Registrar refuses to answer any question to the satisfaction of the Registrar, the Registrar shall in writing report the refusal to the Judge, who shall have power to deal with the debtor or witness in the same manner as if he had made default in answering before the Judge.

(2) Before the conclusion of the examination, the Registrar shall name the time and place at which the default will be reported to the Judge and if the Judge is sitting at the time when the default is made, it may be reported immediately.

Service and Execution of Process

Service on solicitor

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

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

Time of service

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

Service out of jurisdiction

86. Where the debtor is not in England, the court may order service on him of the petition, the receiving order or any other order made against him, or of any summons issued for his attendance, to be effected within such time and in such manner as it thinks fit.

Officers to effect service

87.—(1) Service of documents which by the Act or these Rules are required to be served by an officer of the court, or which the court in any particular proceedings orders so to be served, and execution of warrants and other process shall in the county court be effected by a bailiff and in the High Court by such officer as the court may direct.

(2) Where service is to be effected by the bailiff of a county court, it may be effected by the bailiff of any county court, whether that court has jurisdiction in bankruptcy or not.

Service by post

88. Notice of any order or other proceeding which is to be served by post shall be sent by registered letter.

Enforcement of orders

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

Trial by Jury

Settlement of issues for trial [**Form** 164.]

90.—(1) Where the court directs a question of fact to be tried with a jury, the question shall be reduced into writing and submitted to the court for approval and, when approved, shall be called the record for trial.

(2) The court may at any time allow the record for trial to be amended upon such terms as it thinks fit.

Trial in the High Court

91. Where a trial with a jury is conducted in the High Court before a Judge who is not the Judge of the High Court, the issues shall be tried in the same manner as issues of fact referred by a Judge of the Chancery Division for trial in the Queen's Bench Division, and the verdict or finding of the jury shall be endorsed on the record for trial and returned to the Chief Bankruptcy Registrar.

Costs and Taxation

Award of costs

92.—(1) When awarding costs, the court may direct that the costs of any matter or application shall be taxed and paid as between party and party or as between solicitor and client, or that they may be allowed as between solicitor and own client, or it may fix a sum to be paid in lieu of taxed costs.

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

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

Filing of orders

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

Taxation of costs [**Forms** 179, 180.]

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

Neglect or delay in taxation

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

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

Distribution of work of Taxing Masters

96.—(1) The Taxing Office of the High Court in Bankruptcy shall be under the control of the Masters of the Taxing Office of the Supreme Court, who shall regulate and distribute business relating to taxation in the High Court in Bankruptcy among themselves in such manner as they deem expedient.

(2) Every Bankruptcy Taxing Master may tax, review, or assist in the taxation or review of any costs, charges or expenses referred to any other Bankruptcy Taxing Master for taxation or review.

Jurisdiction of Taxing Masters

97.—(1) Every Bankruptcy Taxing Master shall have power to tax and settle the costs, charges, or expenses in all matters in which the High Court may exercise bankruptcy jurisdiction, or which a county court has specially referred to the High Court for taxation, or in which a review of the taxation made by the Registrar of a county court is required by the Board of Trade in pursuance of Rule 114.

(2) The taxation shall be subject to review by the Judge of the High Court.

Taxing in High Court by Principal Clerk

98.—(1) Subject to the provisions of this Rule, the Principal Clerk of the Taxing Office of the High Court in Bankruptcy shall have power, by leave of a Bankruptcy Taxing Master, as Taxing Officer to tax costs, charges, or expenses in any matter where the total amount of the bill does not exceed £500, and to sign allocaturs therefor where the amount allowed does not exceed £200.

(2) In taxing bills the Principal Clerk shall act under the general superintendance of a Bankruptcy Taxing Master.

(3) If any party before the commencement of a taxation objects to the bill or any part of it being taxed by the Principal Clerk, the bill or the part to which the objection relates shall be taxed by a Bankruptcy Taxing Master.

(4) Upon objection brought under paragraph 16 (1) of Part VII of Appendix II to these Rules against the allowance or disallowance of any item or part thereof in a bill taxed by the Principal Clerk, a Bankruptcy Taxing Master shall reconsider the taxation in accordance with the provisions of paragraph 16 (2).

Taxations in county court

99. In a county court costs shall be taxed by the Registrar in person.

Scales of costs and charges

100.—(1) The scales of costs and allowances and the directions contained in Appendix II and Appendix III to these Rules shall, subject to these Rules, apply to the taxation and allowance of costs and charges in proceedings under the Act and these Rules:

Provided that, subject to the provisions of Part I of Appendix II, where the estimated assets of the debtor do not exceed the sum of £300 and costs are payable out of the estate, not more than three-fifths of the amounts stated in or applied by the scale of costs in Appendix II may be allowed in any proceedings under the Act in respect of solicitor's costs, disbursements being added.

(2) The total of the amounts allowed in accordance with the provisions of Appendix II for solicitors' costs and charges (as distinct from disbursements) shall be increased by 50 per cent. in respect of bills taxed after the coming into operation of these Rules.

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

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

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

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

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

Solicitor's costs in case of debtor's petition [**Form** 102.]

102. The solicitor in the matter of a bankruptcy petition presented by the debtor against himself shall, in his bill of costs, give credit for any sum or security received from the debtor as a deposit on account of the costs and expenses to be incurred in relation to the filing and prosecution of the petition, and the amount of any such deposit shall be noted by the Taxing Officer on the allocatur issued for the costs.

Costs paid otherwise than out of estate

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

Filing of bills and issue of allocatur [**Forms** 179, 180.]

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

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

Register of bills taxed [**Forms** 181, 182.]

105. There shall be kept in the Taxing Office of the High Court in Bankruptcy and in each county court a register of all bills taxed, and a return of bills taxed during the preceding calendar year shall be made to the Board of Trade on or before the 14th January of the following year.

Costs of solicitor employed by trustee

106.—(1) Where, in accordance with section 56 of the Act, the committee of inspection authorises the trustee to employ a solicitor, the committee shall specify a limit to the amount of solicitor's costs to be incurred in respect of the particular proceedings or business which it may sanction, and such limit may be increased by the committee upon application made by the trustee either before or within three months after the limit has been reached:

Provided that upon application made by the trustee the court may, if it thinks fit—

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

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

(2) No costs incurred in relation to an application to the court under the proviso to paragraph (1) of this Rule shall be chargeable against the estate unless the court otherwise directs.

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

Certificate of employment of solicitor, &c.

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

Sheriff's costs

108. Where, pursuant to section 41 (1) of the Act, a sheriff is required to deliver goods or money to an Official Receiver or trustee, the sheriff shall without delay bring in his bill of costs to be taxed by the Taxing Officer of the court having jurisdiction in the bankruptcy, and unless the bill is brought in for taxation within one month from the date of the delivery, the Official Receiver or trustee may decline to pay it.

Taxation of sheriff's costs after deduction

109.—(1) If the Official Receiver or trustee in writing requires any costs which a sheriff has deducted under section 41 (2) of the Act to be taxed, the sheriff shall, within seven days from the date of the request, bring in the costs for taxation.

(2) The costs shall be taxed by the Taxing Officer of the court having jurisdiction in the bankruptcy and any amount disallowed on taxation shall forthwith be paid over by the sheriff to the Official Receiver or trustee, as the case may be.

Lodgment of bills

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

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

Notice of appointment to tax

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

Copy of bill

112.—(1) Every person whose costs or charges are to be taxed shall, at the request of the Official Receiver or the trustee, furnish a copy of the bill on payment at the rate of 4d. per folio, which may be charged to the estate.

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

Applications for costs

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

(*a*) he shall serve notice of his intended application on the Official Receiver and the trustee, if any;

(*b*) the Official Receiver and trustee may appear on the application and object thereto;

(*c*) no costs of or incident to the application shall be allowed to the applicant unless the court is satisfied that the application could not have been made at the time of the proceeding.

Review of taxation by Board of Trade

114.—(1) Where any costs, charges, fees, or disbursements which are chargeable against the debtor's estate have been taxed by a Registrar of a county court, the Board of Trade may require the taxation to be reviewed by a Bankruptcy Taxing Master in person.

(2) Where the Board of Trade require a taxation to be reviewed they shall—

(*a*) give notice to the person whose bill has been taxed,

(*b*) apply to a Bankruptcy Taxing Master to appoint a time for the review, and

(*c*) give notice of the time so appointed to the person whose bill of costs is to be reviewed.

(3) Where a review of taxation is required, the Registrar of the county court shall, if so required by the Bankruptcy Taxing Master, forward to him the bill to be reviewed and the file of the proceedings.

(4) The Board of Trade may appear upon the review of the taxation.

(5) If, upon review of the taxation, the amount previously allowed on the bill is reduced, the amount disallowed as shown by the Bankruptcy Taxing Master's certificate shall, if the bill has been paid, be repaid to the Official Receiver, trustee, or other person entitled thereto.

(6) The person whose bill is reviewed shall be allowed such costs of and incidental to his appearance on the review as the Bankruptcy Taxing Master shall think proper, and such costs shall be paid out of the estate:

Provided that the costs of the attendance of a principal shall not be allowed if in the opinion of the Taxing Master he could have been sufficiently represented by his London agent.

Order of payment of costs and charges payable out of estate

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

(1) The actual expenses incurred by the Official Receiver in protecting the property or assets of the debtor or any part thereof, and any expenses or outlay incurred by him or by his authority in carrying on the business of the debtor;

(2) The fees, percentages, and charges payable under Table B of the First Schedule to the Bankruptcy Fees Order, 1952(**a**), and any other fees payable to, or costs, charges, and expenses incurred or authorised by, the Official Receiver;

(3) The deposit or deposits lodged by the petitioning creditor pursuant to these Rules;

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

(5) The remuneration of the special manager, if any;

(6) The taxed costs of the petitioner;

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

(8) Any allowance made to the debtor or his family by the Official Receiver;

(9) The taxed charges of any shorthand writer appointed by the court;

(10) The trustee's necessary disbursements other than actual expenses of preserving, realising and getting in heretofore provided for;

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

(12) Any allowance made to the debtor by the trustee with the sanction of the committee of inspection;

(13) The remuneration of the trustee;

(14) The actual out-of-pocket expenses necessarily incurred by the committee of inspection, subject to the approval of the Board of Trade.

(a) S.I. 1952/2114, p. 395 below.

Cost of shorthand notes

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

Disallowance of costs of unnecessary petition

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

Apportionment of costs in case of partnership

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

Costs payable out of joint and separate estates

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

(*a*) pay or direct the trustee to pay the costs or charges out of the separate estates of the co-debtors, or one or more of them, in such proportions as he thinks fit ; or

(*b*) if he thinks fit, pay or direct the trustee to pay any costs or charges so incurred for any separate estate out of the joint estate or out of any other separate estate, and any part of the costs or charges so incurred for the joint estate which affects any separate estate out of that separate estate.

(2) Where the joint estate of co-debtors is insufficient to defray any costs or charges properly incurred after the appointment of the trustee, the trustee may—

(*a*) pay the costs or charges out of the separate estates of the co-debtors, or one or more of them ; or

(*b*) pay any costs or charges so incurred for any separate estate out of the joint estate, and any part of the costs or charges so incurred for the joint estate which affects any separate estate out of that separate estate:

Provided that no such payment shall be made without the consent of the committee of inspection of the estate out of which the payment is intended to be made, or, if the committee withhold or refuse their consent, without an order of the court.

RULES RELATING TO THE BUSINESS OF THE HIGH COURT

Sittings

120. The Judge of the High Court, with the approval of the Lord Chancellor, shall regulate the bankruptcy sittings and vacations of the High Court.

Actions by trustees to be assigned to Bankruptcy Judge

121. An action under section 56 (2) of the Act brought by a trustee in the High Court concerning any matter not specially assigned by the Supreme Court of Judicature (Consolidation) Act, 1925(**a**), or by the Rules of the

(a) 15 & 16 Geo. 5. c. 49.

Supreme Court to a Division other than that to which bankruptcy business is for the time being assigned shall be commenced in the Division to which bankruptcy business is so assigned and shall, unless the court otherwise directs, be tried by the Judge of the High Court.

Registrars to act for each other

122. A Registrar in bankruptcy of the High Court may act for any other Registrar in any bankruptcy matter pending in the court and may also act for the Chief Registrar in any matter relating to his separate office.

Office hours

123.—(1) Subject to paragraph (2) of this Rule, the offices of the Chief Bankruptcy Registrar of the High Court and of the Bankruptcy Taxing Master shall be kept open on weekdays other than Saturdays from ten till four o'clock and on Saturdays from ten till one o'clock:

Provided that during vacations of the High Court the offices need not be kept open after two o'clock.

(2) The offices shall be closed on Sundays, Christmas Day, Good Friday and the day following, Tuesday in Easter Week, Bank Holidays, any day appointed for public fast or thanksgiving, and any day upon which the Judge of the High Court may direct that they be closed.

Execution

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

County Court Sittings

Place of sitting

125. Subject to any order made by the Lord Chancellor, the place of sitting of a county court for the purpose of exercising its bankruptcy jurisdiction shall be the place at which the court holds its sittings for the general business of the court.

Times of sittings

126.—(1) Subject to the provisions of section 96 of the Act, and to any order made by the Lord Chancellor under subsection (5) of that section, the times of sitting of a county court in matters of bankruptcy shall be those appointed for the transaction of the general business of the court unless the Judge otherwise orders.

(2) The appointment of special days for sittings of the court in matters of bankruptcy shall not prevent the court from hearing and determining any bankruptcy matter on any day appointed for the general business of the court.

Appeals

Restrictions on appeal

127. No appeal shall be brought—

(*a*) without the leave of the court, or of the Appellate Court, from any order made by consent or as to costs only, or from an order relating to property when it is apparent from the proceedings that the money or money's worth involved does not exceed £50;

(*b*) from an omission by the court to exercise a discretionary power, unless the exercise of the power has been refused upon application made to the court.

Time for appealing

128. Subject to the powers of the Appellate Court to extend the time, no appeal from any order of the court shall be brought after the expiration of twenty-one days from the date when the order is signed, entered or otherwise perfected.

Security for costs of appeal

129. A party intending to enter an appeal shall lodge in the High Court the sum of £20 as security towards any costs that the appellant may be ordered to pay:

Provided that the Appellate Court may in any special case increase or diminish the amount of the security or dispense with it.

Notice of appeal

130. Within seven days from the entry of the appeal a copy of the notice of appeal shall be sent by the appellant to the Registrar of the court appealed from, who shall enter the date of receipt on the copy and file it with the proceedings.

File of proceedings

131. The Registrar of the court appealed from shall, upon the application of the Chief Bankruptcy Registrar of the High Court, transmit to him the file of proceedings in the matter under appeal.

Procedure on appeal

132. Subject to the foregoing Rules, the Rules of the Supreme Court relating to appeals to the Court of Appeal shall apply to appeals to the Appellate Court as if the expression "Appellate Court" were substituted for the expression "Court of Appeal" wherever it occurs in those Rules.

Interlocutory motions on appeal

133. An interlocutory order or direction incidental to an appeal to the High Court from an order of a county court in a bankruptcy matter may be given by the Judge of the High Court, but any such order or direction may be discharged or varied by the Appellate Court.

PART III

PROCEEDINGS IN BANKRUPTCY

Declaration of Inability to pay Debts

Form of declaration [**Form** 3.]

134. A declaration by a debtor of his inability to pay his debts shall be dated, signed and witnessed.

Bankruptcy Notice

What court to issue [**Forms** 6, 7.]

135.—(1) A bankruptcy notice may be issued by any court in which a bankruptcy petition against the debtor may be filed.

(2) A bankruptcy notice issued by the wrong court shall not be invalid but the court may, if it thinks fit, on the application of the debtor, order the notice to be set aside on such terms as may be just.

Issue of bankruptcy notice

136. When applying for the issue of a bankruptcy notice, the creditor shall—

(*a*) produce to the Registrar an office copy of the judgment or order of the High Court or a certificate of the judgment or order of the county court on which the notice is founded; and

(*b*) file the notice, together with a request for issue; **[Form 5]** and

(*c*) lodge two copies of the bankruptcy notice to be sealed and issued for service.

Particulars to be endorsed on notice **[Forms 6, 7, 9.]**

137. Every bankruptcy notice shall be endorsed with—

(*a*) the name and place of business of the solicitor who is suing out the notice, or, if no solicitor is employed, with a memorandum that it is sued out by the creditor in person;

(*b*) an intimation to the debtor that if he has a counter-claim, set-off, or cross demand which equals or exceeds the amount of the judgment debt, and which he could not have set up in the action in which the judgment or order was obtained, he must within the time specified in the notice file an affidavit to that effect with the Registrar.

Time for filing affidavit to set aside

138. If the notice is served in England the time for filing the affidavit referred to in the last preceding Rule shall be three days, and in every other case it shall be such time as the Registrar shall fix when issuing the notice.

Application to set aside **[Form 9.]**

139.—(1) The filing of the affidavit referred to in Rule 137 shall operate as an application to set aside the bankruptcy notice, and thereupon the Registrar shall, if he is satisfied that sufficient cause is shown, fix a time and place for hearing the application, and shall give not less than three clear days' notice thereof to the debtor, the creditor, and their respective solicitors, if known.

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

Duration of bankruptcy notice

140. Subject to the power of the court to extend the time, a bankruptcy notice to be served in England shall be served within one month from the issue of the notice.

Service of notice **[Forms 8, 16, 17.]**

141. Rules 153 to 156 shall apply to the service of a bankruptcy notice as they apply to the service of a creditor's petition.

Setting aside notice **[Form 10.]**

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

BANKRUPTCY PETITIONS

Form of petition [**Forms** 4, 11.]

143. Every petition shall be in Form 4 or Form 11, with such variation as circumstances may require, and shall be dated, signed and witnessed.

Description and address of debtor [**Forms** 4, 11.]

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

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

Filing of petition

145.—(1) The petition shall be filed in the court in which it is to be presented in accordance with section 98 of the Act.

(2) Where the debtor has for the greater part of the six months immediately preceding the presentation of the petition carried on business in the district of one county court and resided in the district of another county court, the petition shall be filed in the court for the district in which he has carried on business.

Deposit by petitioner

146.—(1) Upon the presentation of a petition the petitioner, if a debtor, shall deposit the sum of £5 or, if a creditor, the sum of £7 10s., and such further sum (if any) as may be laid down from time to time by a direction of the court, to cover the fees and expenses to be incurred by the Official Receiver.

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

Provided that upon the presentation of a petition in a county court the deposit may be paid to the Registrar, who shall give a receipt and transmit the deposit to the Official Receiver.

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

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

Notice to Chief Land Registrar [**Forms** 13A, 13B]

147. On the filing of a petition the Registrar shall forthwith send to the Chief Land Registrar notice of the petition together with a request that it may be registered in the register of pending actions.

Petition against a firm

148.—(1) Upon the filing of a petition by or against a firm in the firm name—

(*a*) the petitioner shall file a statement of the names and addresses of the partners as they appear in the register under the Registration of Business Names Act, 1916(**a**), at the date of the presentation of the petition ; or

(*b*) if the names do not appear in that register, a petitioning debtor shall state the true names and addresses of all the partners in the firm and a petitioning creditor shall state the names and addresses of the partners to the best of his knowledge and belief.

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

CREDITOR'S PETITION

Copies for service

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

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

Verification [**Form** 12]

150.—(1) A creditor's petition shall be verified by affidavit.

(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. [**Form** 13.]

Investigation of petition

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

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

Security for costs

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

SERVICE OF CREDITOR'S PETITION

Personal service

153. Subject to the provisions of Rule 154, service of a creditor's petition shall be effected by an officer of the court, or by the creditor or his solicitor, or a person in their employment, delivering a sealed copy of the petition to the debtor.

(a) 6 & 7 Geo. 5. c. 58.

Substituted service **[Forms 16, 17.]**

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

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

Proof of service **[Form 15.]**

155.—(1) Service of the petition shall be proved by affidavit.

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

Death of debtor before service

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

INTERIM RECEIVER

Appointment of interim receiver **[Forms 14, 14A.]**

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

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

(3) The order appointing the Official Receiver to be interim receiver of the debtor's property shall be in Form 14A with such variations as circumstances may require.

Deposit

158. Before the order is issued, the applicant shall deposit with the Official Receiver the sum of £5 and such further sum as the court shall direct for the fees and expenses which may be incurred by the Official Receiver.

Further deposit

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

(2) If the deposit is not made within twenty-four hours after the making of the order, the court may discharge the order appointing the interim receiver.

Repayment of deposit

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

Damages on dismissal of petition

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

HEARING OF PETITION

Proceedings on petition [**Form** 29.]

162.—(1) Where a petition is filed by a debtor, the court shall forthwith make a receiving order thereon.

(2) A creditor's petition shall not be heard until the expiration of eight days from the service thereof:

Provided that the court may, on such terms, if any, as it thinks fit, hear the petition at an earlier date—

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

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

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

Time of hearing

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

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

Several respondents

164. 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.

Petition by moneylender

165. A petitioning creditor who is a licensed moneylender shall at the hearing of the petition prove his debt by an affidavit incorporating a statement setting out in detail the particulars required by section 9 (2) of the Moneylenders Act, 1927(**a**).

Debtor intending to show cause [**Form** 18.]

166. Where a debtor intends to show cause against a petition he shall—

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

(*b*) not later than three days before the day fixed for the hearing, send a copy of the notice by post to the petitioning creditor and his solicitor, if known.

Proof of statements in petition

167.—(1) At the hearing the court may make a receiving order on such proof of the statements in the petition as it thinks sufficient:

Provided that where the debtor appears to show cause against the petition there shall be proved the petitioning creditor's debt, the act of bankruptcy or any other matter in respect of which the debtor has given notice of dispute.

(**a**) 17 & 18 Geo. 5. c. 21.

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

Non-appearance of creditor

168. If a creditor neglects to appear on his petition, no subsequent petition against the same debtor or debtors or any of them, either alone or jointly with any other person, shall be presented by the same creditor in respect of the same act of bankruptcy without the leave of the court to which the previous petition was presented.

Power to dispense with personal attendance

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

Proceedings after trial of disputed question

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

(*a*) if the judgment has been given in favour of the validity of the debt, on application by the petitioning creditor,—

(i) fix a time and place for the continuance of the proceedings ; and

(ii) give notice thereof by post to the petitioner, the debtor at the address given in his notice of intention to show cause, and to their respective solicitors, if known ; or

(*b*) if judgment has been given against the validity of the debt, on application by the debtor,—

(i) fix a time and place on which the debtor may apply to the court for the dismissal of the petition with costs ; and

(ii) give notice thereof by post to the petitioner, the debtor, and their respective solicitors, if known.

Vacating registration on dismissal of petition [**Form** 24.]

171. When a petition is dismissed or withdrawn by leave of the court, an order shall be made at the same time, unless the court otherwise directs, permitting vacation of the registration of the petition as a pending action.

Application for extension of time

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

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

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

Adjournments [**Form** 23.]

173.—(1) Subject to the provisions of paragraph (2) of Rule 167, no adjournment of the hearing of a petition shall be allowed except for such reason as the court thinks sufficient.

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

RECEIVING ORDER

Settlement of order

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

Contents of order [**Forms** 29, 30, 31.]

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

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

(3) Where the petitioner is represented by a solicitor the receiving order shall be endorsed with the solicitor's name and address.

Service of order by Official Receiver

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

Gazetting of order [**Form** 200 (1).]

177. When a receiving order is made, the Registrar shall forthwith give notice thereof to the Board of Trade to be gazetted.

Notice to Chief Land Registrar and advertisement in local papers

178.—(1) Upon receipt of a copy of the receiving order the Official Receiver named therein shall forthwith—

(*a*) send notice of the order to the Chief Land Registrar, with a request that it may be registered in the register of writs and orders affecting land ; [**Form** 33A] and

(*b*) cause the order to be advertised in such local paper as the Board of Trade may direct or, if no direction has been given, as the Official Receiver thinks fit. [**Forms** 32, 33.]

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

Receiving order on bankruptcy notice

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

(*a*) if the debtor has applied to set aside the notice, no receiving order shall be made against him until the application has been heard ; and

(*b*) if the notice is set aside or while proceedings are stayed, no receiving order shall be made ; and

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

Stay of other proceedings

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

Costs of petition, &c.

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

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

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

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

Official Receiver's costs where proceeds of estate insufficient

182. If the proceeds of the estate are not sufficient for the payment of any costs necessarily incurred by the Official Receiver, in excess of the amount deposited under Rule 146, between the making of the receiving order and the conclusion of the first meeting of creditors, the court may order such costs to be paid by the party taking the proceedings.

Application to rescind receiving order or stay proceedings thereunder, or to annul adjudication [**Form** 104A.]

183.—(1) Unless the court otherwise directs, no application to rescind a receiving order or to stay proceedings thereunder, or to annul an adjudication, shall be heard unless notice of the intended application and a copy of the affidavits in support of it have been served upon the Official Receiver not less than seven clear days before the hearing of the application.

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

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

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

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

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

Vacation of registration on rescission

185. When a receiving order is rescinded, the court shall, unless it otherwise directs, make an order permitting vacation of the registration of the receiving order in the register of writs and orders affecting land, and may also make an order permitting vacation of the registration of the petition as a pending action.

STATEMENT OF AFFAIRS

Submission and filing [**Form** 34.]

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

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

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

Extension of time

187. A debtor who requires an extension of time for the submission of his statement of affairs may, instead of applying to the court under section 14 of the Act, apply to the Official Receiver, who may, if he thinks fit, give a written certificate extending the time.

PUBLIC EXAMINATION

Order fixing time of public examination

188.—(1) When a receiving order has been made, the Official Receiver shall apply to the court for the appointment of a time and place for the public examination of the debtor. [**Form** 66.]

(2) Upon the application the court shall make an order appointing a time and place for the examination and ordering the debtor to attend thereat. [**Form** 67.]

Notice to debtor, creditors, &c. [**Form** 67.]

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

(*a*) service a copy of the order on the debtor ;

(*b*) give notice of the order to the creditors ;

(*c*) cause the order to be advertised in such local paper as the Board of Trade may direct or, if no direction has been given, as he thinks fit ; and

(*d*) send notice of the order to the Board of Trade to be gazetted. [**Form** 200 (3).]

Debtor's failure to attend [**Form** 139.]

190. If the debtor, without giving any sufficient reason, fails to attend the publication examination or any adjournment thereof and the court is satisfied that the order requiring the debtor to attend was duly served, it may forthwith issue a warrant for his arrest in accordance with section 23 (1) (*d*) of the Act, or make such other order as it thinks just.

General proxy-holders may question debtor

191. For the purpose of section 15 (4) of the Act (which permits a creditor or his representative to question the debtor), a holder of a general proxy or power of attorney from a creditor shall be deemed to be his representative authorised in writing.

Adjournment sine die

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

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

(*b*) the debtor, without showing any sufficient reason has failed to attend the public examination or any adjournment thereof, or to comply with any order of the court in relation to his accounts, conduct, dealings, or property.

Application to proceed

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

Costs of advertising date of adjourned examination

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

(*a*) the expense of gazetting, advertising and giving notice to the creditors of the date of the adjourned examination shall be borne by the debtor ;

(*b*) before a time and place is appointed for proceeding with the examination the debtor shall deposit with the Official Receiver such sum as the Official Receiver considers sufficient to defray the expenses ; and

(*c*) the balance of the deposit after defraying the expenses shall be returned to the debtor.

Notice of proceeding after adjournment sine die **[Form** 67A.]

195. On the making of an order appointing a time and place for proceeding with a public examination adjourned *sine die,* the Official Receiver shall, unless the court otherwise orders,—

(*a*) serve a copy of the order on the debtor ;

(*b*) give notice of the order to the creditors ;

(*c*) not later than seven days before the day so appointed cause the order to be advertised in the local paper in which the order for the public examination was advertised pursuant to Rule 189 ; **[Form** 69] and

(*d*) send notice of the order to the Board of Trade to be gazetted. **[Form** 200 (4)].

Debtor unfit to attend public examination **[Forms** 75, 76.]

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

(2) The application shall be made—

(*a*) by the Official Receiver, or

(*b*) by a person who has been appointed by a court of competent jurisdiction to manage the affairs of or represent the debtor, or

(*c*) by a relative or friend of the debtor whom the court considers to be a proper person to make the application.

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

(*a*) it may be made *ex parte,* and may be supported by evidence in the form of a report by the Official Receiver to the court ;

(*b*) the expense of holding an examination ordered upon such application shall be deemed to be an expense incurred by the Official Receiver within the meaning of Rule 115.

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

(*a*) it shall be made by motion and shall, unless the debtor is a person of unsound mind so found by inquisition, be supported by the affidavit of a duly registered medical practitioner as to the debtor's physical and mental condition ;

(*b*) notice of the motion shall be given to the Official Receiver and trustee, if any ;

(*c*) before any order is made on the application, the applicant shall deposit with the Official Receiver such sum as the Official Receiver shall certify to be necessary for the expenses of the examination.

Approval of Composition or Scheme

Application for approval [**Forms** 85, 86.]

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

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

Notice to Official Receiver [**Form** 89.]

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

Notice to creditors [**Forms** 87, 88.]

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

Official Receiver's report and appearance [**Form** 81.]

200.—(1) The Official Receiver shall file his report not less than four days before the day appointed for the hearing.

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

Opposed application

201. If the Official Receiver reports to the court any fact or circumstance which would justify the court in refusing to approve the composition or scheme, the application shall, for the purpose of section 102 (2) (*d*) of the Act, be deemed to be an opposed application.

Restrictions on approval of composition or scheme

202. The court shall not make an order approving the composition or scheme, unless it is satisfied—

(*a*) that the provisions of section 16 (1) and (2) of the Act have been complied with ; and

(*b*) on the report of the Official Receiver that provision is made for payment of all proper costs, charges, and expenses in respect of the proceedings, and all fees and percentages payable to the Official Receiver and the Board of Trade.

Debtor's costs

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

Appeal

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

Notice to Board of Trade [**Form** 200 (5).]

205. Upon the making of an order approving a composition or scheme, the Registrar shall forthwith send notice thereof to the Board of Trade to be gazetted.

Fee on application

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

Correction of errors and omissions

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

Rescission of receiving order and vacation of registration

208.—(1) When making an order approving a composition or scheme, the court shall—

(*a*) discharge the receiving order, and

(*b*) at the same time, unless it otherwise directs, make an order permitting vacation of the registration of the receiving order in the register of writs and orders affecting land.

(2) The court may also make an order permitting vacation of the registration of the petition as a pending action.

Proceedings if scheme is approved

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

Official Receiver to be trustee

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

Security by trustee under composition or scheme

211.—(1) When a composition or scheme is approved, the trustee appointed under it shall give security to the satisfaction of the Board of Trade in like manner as a trustee in bankruptcy.

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

Default in payment of composition [**Forms** 91, 92, 93.]

212. Where default is made by a debtor or trustee in any payment under a composition or scheme, the only remedy of any person aggrieved shall be by application to the court under section 16 (15) and (16) and section 21 (3) of the Act.

Effect of annulment of composition or scheme

213. Upon the annulment of a composition or scheme—

(*a*) the property of the debtor shall, unless the court otherwise directs, forthwith revert to the Official Receiver to whom the estate was originally assigned ; and

(*b*) the trustee under the composition or scheme shall account to the trustee in the bankruptcy for any money or property of the debtor which has come to his hands, and hand over to the trustee in bankruptcy any money or property which has not been duly administered.

Provision for disputed claims

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

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

Proof of debts in composition or scheme

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

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

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

Compositions and schemes under section 16 *and section* 21

216. The provisions of these Rules relating to compositions or schemes shall apply to compositions or schemes under section 16 and, so far as applicable, to those under section 21 of the Act.

ADJUDICATION

Adjudication on application of debtor [**Form** 101.]

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

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

Adjudication on application of other parties [**Forms** 96 to 101.]

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

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

(*a*) a quorum of creditors has not attended the first meeting of creditors or one adjournment thereof ; or

(*b*) it is satisfied that the debtor has absconded or does not intend to propose a composition or scheme ; or

(*c*) any of the other events specified in the Act have occurred.

Adjudication on failure of composition or scheme

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

Adjudication on adjournment of public examination sine die

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

Notice of order of adjudication

221.—(1) Where the debtor is adjudged bankrupt the Registrar shall forthwith give notice thereof to the Official Receiver and to the Board of Trade.

(2) Notice of the adjudication shall be advertised and gazetted in the same manner as notice of a receiving order. [**Form** 200 (6).]

Adjudication of a solicitor

222. Where the debtor is a solicitor the Registrar shall, upon the making of an order of adjudication, and upon the annulment of such an order, forthwith give notice thereof to the Registrar of Solicitors.

Trustee to account notwithstanding annulment

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

Vacation of registration [**Form** 104.]

224. When an adjudication is annulled, the court may at the same time make an order permitting vacation of the registration of the petition as a pending action, and of the receiving order in the register of writs and orders affecting land.

DISCHARGE

Application for discharge [**Forms** 105, 106.]

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

Notice of hearing [**Forms** 107, 108, 200 (8).]

226.—(1) When a day has been appointed for hearing the application, the Registrar shall, not less than twenty-eight days before the day so appointed, give notice of the time and place to the trustee and to the Official Receiver, who shall forthwith send notice thereof to the Board of Trade to be gazetted.

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

Opposed applications

227. An application by a bankrupt for his discharge shall be deemed to be an opposed application for the purpose of section 102 (2) (*c*) of the Act if the Official Receiver reports to the court any fact, matter, or circumstance which would, under the Act, justify the court in refusing an unconditional order of discharge.

Report of Official Receiver

228. Not less than seven days before the day fixed for the hearing the Official Receiver shall file his report and send a copy to the bankrupt by registered post.

Evidence in answer to report

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

(2) Any creditor who intends to oppose the discharge of a bankrupt on grounds other than those mentioned in the Official Receiver's report shall, not less than two days before the hearing of the application, file in court a notice in writing stating his intended opposition and the grounds thereof, and serve a copy of the notice upon the Official Receiver and upon the bankrupt.

Costs of application

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

Orders conditional on consent to judgment [**Forms** 114, 115, 116.]

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

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

(3) The Registrar of a county court in which judgment is so entered shall forthwith make a return of the judgment to the Registrar of County Court Judgments.

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

Order of discharge [**Forms** 109, 111, 113, 114, 118.]

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

Deferment of issue of order pending appeal

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

(2) When the time for appealing has expired or, as the case may be, when the appeal has been decided, the Registrar shall forthwith send notice of the order to the Board of Trade to be gazetted. [**Form** 200 (9).]

Appeals

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

Execution on judgment under conditional discharge

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

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

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

Accounts of after-acquired property [**Form** 117.]

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

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

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

Application for modification of order

237. Where, after the expiration of two years from the date of the order made on application for discharge, a bankrupt applies to the court to modify the terms of the order on the ground that there is no reasonable probability of his being in a position to comply with its terms, he shall give fourteen days' notice of the day fixed for hearing the application to the Official Receiver and to all creditors who have proved.

ACTING AS DIRECTOR

Application for leave to act

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

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

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

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

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

Meetings of Creditors

Notice of first meeting [**Forms** 38, 39, 40, 41, 45, 200 (3).]

239.—(1) The Official Receiver shall fix the time and place for the first meeting of creditors, and shall forthwith give notice thereof to the creditors and to the Board of Trade to be gazetted.

(2) The Official Receiver shall give three days' notice to the debtor of the time and place appointed for the meeting:

Provided that failure by the Official Receiver to send the notice or by the debtor to receive it shall not absolve the debtor from his duty to attend the meeting in accordance with the provisions of section 22 of the Act.

Notice of other meetings [**Forms** 40, 42, 52, 55, 56.]

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

Meetings summoned by court [**Form** 51.]

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

Non-receipt of notice by creditor

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

Notice to Official Receiver

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

Cost of creditors' meetings

244. Where the Official Receiver or trustee calls a meeting at the request of creditors, the cost of summoning the meeting, including all disbursements for printing, stationery, postage and the hire of a room for the meeting, shall be calculated at the following rates for each creditor to whom notice is required to be sent, that is to say, 2s. per creditor for the first 20 creditors, 1s. per creditor for the next 30 creditors and 6d. per creditor for all creditors after the first 50.

Copy of resolution for Registrar [**Form** 47.]

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

Adjourned meetings [**Form** 49.]

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

Quorum

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

PROOF OF DEBTS

Swearing of proof [**Forms** 60, 61.]

248. An affidavit of proof of debt may be sworn before an Assistant Official Receiver or any clerk of an Official Receiver authorised in writing in that behalf by the court or the Board of Trade, or before any officer of the court so authorised by the Judge.

Workmen's wages [**Form** 62.]

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

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

Production of bills of exchange and promissory notes

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

Moneylender's proofs

251. The affidavit of proof of debt of a creditor who is a licensed moneylender shall have endorsed upon or annexed to it a statement setting out in detail the particulars required by section 9 (2) of the Moneylenders Act, 1927.

Time for lodging proofs

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

(2) The time shall not be earlier than midday on the day but one before, or later than midday on the day before the day appointed for the meeting.

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

Transmission of proofs to trustee

253. Upon the appointment of a trustee the Official Receiver shall—

(*a*) make a list of all proofs of debts which he has received ; and

(*b*) after taking on the list a receipt from the trustee for the proofs, hand them over to him.

Proofs to be sent by Official Receiver to Registrar

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

(*a*) after the final payment has been made in a composition or scheme approved by the court, or

(*b*) after a final dividend has been declared in a bankruptcy,

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

Proofs to be sent by trustee to Registrar

255. A trustee in bankruptcy other than the Official Receiver shall, on the first day of every month—

(*a*) send to the Registrar a certified list of all proofs received by him from the Official Receiver or otherwise tendered during the preceding month, distinguishing in the list proofs admitted, rejected, and held over for further consideration ; and

(*b*) transmit all proofs admitted or rejected to the Registrar to be filed.

Certified list of proofs to be sent to Board of Trade [**Forms** 170, 171.]

256.—(1) Upon the declaration of a dividend, the trustee shall forthwith transmit to the Board of Trade a list of proofs filed under the last preceding rule.

(2) Where the proceedings are in a county court the Registrar shall, upon payment of the prescribed fee, examine the list by comparing it with the proofs tendered for filing, and if he finds it correct he shall certify to that effect.

(3) Where the proceedings are in the High Court, the trustee shall, if so required by the Board of Trade, transmit to the Board of Trade office copies of all lists of proofs filed by him up to the date of the declaration of the dividend.

Procedure where creditor appeals

257.—(1) The Official Receiver or, as the case may be, the trustee shall within three days after receiving notice from a creditor of his intention to appeal against a decision rejecting a proof, file the proof with the Registrar, together with a memorandum stating the reasons for his decision.

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

Time for admission or rejection of proofs by Official Receiver

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

Time for admission or rejection of proofs by trustee

259. A trustee other than the Official Receiver shall, within twenty-eight days after receiving a proof which has not previously been dealt with by the Official Receiver in writing either admit or reject it, wholly or in part, or require further evidence in support thereof :

Provided that where the trustee has given notice of his intention to declare a dividend he shall, within fourteen days after the latest date mentioned in the notice for lodging proofs, in writing admit or reject every proof which has not already been admitted or rejected.

Notice of admission or rejection of proof [**Form** 63.]

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

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

Appeal against rejection of proof

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

Costs of appeal against rejection

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

PROXIES AND VOTING LETTERS

Filing of proxies [**Forms** 64, 65.]

263.—(1) A proxy shall be lodged with the Official Receiver or trustee not later than midday on the day before the meeting or adjourned meeting, at which it is to be used.

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

Signature of proxy.

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

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

Blind creditor's proxy

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

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

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

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

Infants not to be proxies

266. An infant shall not be appointed as a proxy.

DIVIDENDS

Notice of intended dividend [**Forms** 172, 173, 200 (12).]

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

(*a*) to the Board of Trade, who shall forthwith gazette the notice; and

(*b*) at the same time to every creditor mentioned in the bankrupt's statement of affairs who has not proved his debt.

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

Appeal after notice of intended dividend

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

(*a*) the appeal shall be commenced and notice thereof given to the Official Receiver or trustee within seven days from the date of the notice of rejection against which the appeal is made, and

(*b*) the Official Receiver or trustee shall make provision for the dividend payable upon the proof and the probable costs of the appeal in the event of the proof being admitted.

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

Declaration of dividend [**Forms** 169, 175, 200 (13).]

269. Immediately after the expiration of the time fixed by these Rules for appealing against the decision of the trustee, he shall proceed to declare a dividend, give notice to the Board of Trade to be gazetted, and send a notice of dividend to each creditor whose proof has been admitted, accompanied by a statement showing the position of the estate.

Postponement of declaration of dividend

270. If it becomes necessary, in the opinion of the trustee and the committee of inspection, to postpone the declaration of the dividend beyond the prescribed limit of two months, the trustee shall give fresh notice of his intention to declare a dividend to the Board of Trade, who shall forthwith gazette the notice, and thereafter the same procedure shall be followed as in the case of the original notice:

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

Production of bills of exchange, etc.

271. Subject to the provisions of section 70 of the Bills of Exchange Act, 1882(a), a bill of exchange, promissory note, or other negotiable instrument or security upon which proof has been made shall, unless the court on special grounds dispenses with its production, be exhibited to the trustee before payment of any dividend thereon, and the amount of dividend paid shall be endorsed on the instrument.

Dividend sent by post

272. A dividend may, at the request and risk of the creditor, be transmitted to him by post.

(a) 45 & 46 Vict. c. 61.

Payment of dividends to a nominee [**Form** 176.]

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

Appropriation of Pay, Salary, Pensions, &c.

Application for appropriation order [**Form** 149.]

274.—(1) When a trustee intends to apply to the court for an appropriation order under section 51 of the Act, he shall give to the bankrupt notice of his intention so to do.

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

Notice to chief officer of department [**Form** 151.]

275. Where application is made under section 51 (1) of the Act, a copy of the proposed order shall be sent by the Registrar to the chief officer of the department under which the pay or salary is enjoyed, and the application shall stand adjourned until the officer's written consent is obtained.

Notice of order made under section 51 (2) [**Form** 152.]

276. Where an order is made under section 51 (2) of the Act, the Registrar shall give a sealed copy of the order to the trustee, who shall communicate the order to the employer, chief officer of a department or other person under whom the salary, income, half-pay, pension, or compensation is enjoyed.

Review of order

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

Disclaimer of Lease

Disclaimer of lease [**Forms** 154 to 161.]

278.—(1) A lease may be disclaimed without the leave of the court—

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

(i) the rent reserved and the real value of the property leased, as ascertained by the gross assessment for the purpose of Income Tax Schedule A, are less than £20 per annum; or

(ii) the estate is administered in a summary manner under section 129 of the Act; or

(iii) the trustee serves the lessor with notice of his intention to disclaim, and the lessor does not within seven days after the receipt of such notice give notice to the trustee requiring the matter to be brought before the court; [**Form** 154.]

(*b*) where the bankrupt has sub-let the demised premises or created a mortgage or charge upon the lease, and the trustee serves the lessor and the sub-lessee or the mortgagees with notice of his intention to disclaim, and neither the lessor nor the sub-lessee or the mortgagees, or any of them, within fourteen days after the receipt of such notice, require or requires the matter to be brought before the court. [**Form** 155.]

(2) Except in a case mentioned in the last preceding paragraph, a disclaimer of a lease without the leave of the court shall be void.

(3) Where a trustee disclaims a leasehold interest he shall forthwith file in the court the disclaimer containing particulars of the interest disclaimed, and a statement of the persons to whom notice of the disclaimer has been given, and no disclaimer shall be operative until it has been so filed.

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

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

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

PROCEEDINGS BY OR AGAINST FIRM

Signature of notices &c. in firm name

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

Service on firm

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

(*a*) on all members of a partnership firm, if it is served at the principal place of business of the firm in England on any one of the partners, or on any person having at the time of service control or management of the partnership business there ;

(*b*) on a person carrying on business in a name or style other than his own, if it is served on any person having at the time of service control or management of the business in England.

Debtor's petition by firm

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

Service of creditor's petition on limited partnership

282. A creditor's petition against a limited partnership registered as such under the Limited Partnerships Act, 1907(**a**), shall, unless the court otherwise orders, be served at the registered principal place of business of the partnership by delivering there a sealed copy of the petition to one of the general partners or to some person having at the time of service the control or management of the partnership business.

(a) 7 Edw. 7. c. 24.

Petition by limited partnership

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

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

Court having jurisdiction in case of limited partnership

284. A petition in bankruptcy by or against a limited partnership shall be presented to the court having bankruptcy jurisdiction in the place where the registered office of the partnership is situate, but the Judge of the High Court may at any time, for good cause shown, remove the proceedings to any other court having jurisdiction in bankruptcy.

Receiving order against firm

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

Receiving order against limited partnership

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

Statement of affairs

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

Adjudication order against partners

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

Rights of limited partners

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

Liability of limited partners

290. The assets of a limited partnership which, by section 127 of the Act, are to vest in the trustee in the event of all the general partners being adjudged bankrupt, shall include any liability of limited partners and past general partners to contribute to the assets of the partnership, and such liability may be enforced by the trustee by motion in the bankruptcy:

Provided that—

(*a*) no person shall be liable as a present or past limited partner to contribute to the assets of the partnership any amount in excess of any part of his contribution as such limited partner which he may have failed to pay into or have drawn out or received back from the partnership assets since he became, or while he remained, a limited partner;

(*b*) no past general partner shall be liable as such to contribute to the assets of the partnership except in respect of partnership debts and obligations incurred while he continued to be a general partner ;

(*c*) no past general or limited partner shall be liable as such to contribute to the assets of the partnership unless it appears to the court that the partnership assets otherwise available are insufficient for the payment in full of the partnership liabilities and the costs, charges and expenses of the administration in bankruptcy of the partnership estate.

First meeting of creditors

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

Acceptance of composition or scheme by joint and separate creditors

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

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

Voting on composition or scheme

293.—(1) Where proposals for compositions or schemes are made by a firm, and by the partners therein individually, the proposal made to the joint creditors shall be considered and voted upon by them apart from all separate creditors, and the proposal made to each set of separate creditors shall be considered and voted upon by that set of separate creditors apart from all other creditors.

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

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

Trustee and committees of inspection

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

(2) Each set of separate creditors may appoint its own committee of inspection:

Provided that the committee (if any) appointed by the joint creditors shall be deemed to have been appointed also by any set of separate creditors who do not appoint a separate committee.

Separate firms

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

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

Apportionment of trustee's remuneration

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

Persons of Unsound Mind

Appointment of representative

297.—(1) Where it appears to the court that any debtor, creditor or other person who may be affected by any proceeding under the Act or these Rules is a person of unsound mind not so found by inquisition (in this Rule called " the person of unsound mind "), the court may appoint such person as it thinks fit to appear for, represent or act for and in the name of the person of unsound mind, either generally, or for the purpose of any particular application or proceeding, or in the exercise of any particular rights or powers which the person of unsound mind might have exercised if he had been of sound mind.

(2) The court may make the appointment—

(*a*) of its own motion ; or

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

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

(4) The application shall be supported by an affidavit of a registered medical practitioner as to the mental condition of the person of unsound mind:

Provided that an application made by the Official Receiver may be supported by a report made by him.

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

Small Bankruptcies

Summary administration [**Forms** 35, 36.]

298. Where an estate is ordered to be administered in a summary manner under section 129 of the Act, the provisions of the Act and these Rules shall, subject to any special direction of the court, be modified as follows :—

(1) The Registrar shall forthwith give notice of the making of the order to the Board of Trade, but there shall be no advertisement of any proceedings in a local paper unless the Board of Trade otherwise direct.

(2) The title of every document in the proceedings subsequent to the making of the order shall contain the words " Summary Case " [**Forms 1 & 2.**]

(3) All questions of law and fact shall be determined by the court having jurisdiction in the matter, and no application for a jury shall be entertained.

(4) If no proposal for a composition or scheme is lodged with the Official Receiver within the times specified for that purpose in section 16 of the Act, or if the Official Receiver satisfies the court that the debtor has absconded, or that the debtor does not intend to propose a composition or scheme, or that the composition or scheme proposed is not reasonable or not calculated to benefit the general body of creditors, the court may forthwith adjudge the debtor bankrupt.

(5) If during or at the conclusion of the public examination of the debtor it appears to the court that a composition or scheme ought not to be sanctioned by reason of the conduct of the debtor, the court may forthwith adjudge the debtor bankrupt.

(6) All payments shall, unless the Board of Trade otherwise order, be made into and out of the Bank of England.

(7) The first meeting of creditors may be held on the day appointed for the public examination or any other day fixed by the Official Receiver, and if a quorum of creditors is not present, it shall not be necessary to adjourn the meeting.

(8) Meetings of creditors shall, unless the Official Receiver for special reasons otherwise determines, be held in the town or place in which the court usually holds its sittings, or in which the office of the Official Receiver is situated.

(9) On an application by the bankrupt for his discharge the certificate of the Official Receiver shall not include creditors whose debts do not exceed £2, and notices shall not be sent to such creditors.

(10) In lieu of the copy of the account to be filed with the court in accordance with section 92 (4) of the Act, a statement shall be filed setting out the position of the estate in a manner analogous to that prescribed by Form 169.

(11) Notices of meetings other than first meetings or of sittings of the court shall be sent only to creditors whose debts or claims exceed the sum of £2.

(12) The time limit prescribed by section 62 (2) of the Act shall be extended to six months.

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

(14) The costs or charges of any person other than a solicitor which are payable out of the debtor's estate may, if they are within the prescribed scale, be paid and allowed without taxation:

Provided that the Official Receiver may require such costs or charges to be taxed.

Administration of Estates of Deceased Insolvents

Verification of petition **[Forms** 165, 166.]

299. Every petition for the administration of the estate of a deceased debtor under section 130 of the Act shall be verified by affidavit.

Deposit by petitioner

300. The provisions of Rule 146 as to the deposit payable on presentation of a petition shall apply to petitions presented under section 130 of the Act by a creditor or by the legal personal representative of a debtor.

Service of petition

301. The petition shall be served—

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

(*b*) on such other persons, if any, as the court may direct.

Proof of service, and hearing of petition

302. The provisions of the Act and these Rules regarding proof of service and hearing of a petition shall apply to a petition under section 130 of the Act as they apply to an ordinary creditor's petition.

Notice of administration order [**Form** 200 (2).]

303. The provisions of Rule 221 shall apply to the notification, advertising and gazetting of an administration order as they apply to an order of adjudication.

Duties of executor, etc.

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

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

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

Executor de son tort

305. Where an administration order has been made and it appears to the court on the report of the Official Receiver that no legal personal representative exists, the account, list, and statement mentioned in Rule 304 shall be made, verified, and lodged by such person as, in the opinion of the court on such report, has taken upon himself the administration of, or otherwise intermeddled with, the property of the deceased or any part thereof.

Meetings of creditors

306. Where a meeting of creditors is convened for the purposes of subsection (4) of section 130, the provisions of the First Schedule to the Act and of these Rules shall apply with such variations as may be required to render them applicable to the estate of a deceased person.

Summary administration

307. Where an order for summary administration is made in respect of the estate of a deceased debtor which has been ordered to be administered under section 130 of the Act—

(*a*) the provisions of section 129 of the Act shall apply with such variations as may be required to render them applicable to the estate of a deceased person ; and

(*b*) the provisions of Rule 298 shall apply with the exception of paragraphs (4), (5), (7) and (9).

PART IV

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

OFFICIAL RECEIVERS

Appointment of Official Receivers and deputies

308.—(1) Judicial notice shall be taken of the appointment of Official Receivers and assistant Official Receivers appointed by the Board of Trade.

(2) When the Board of Trade appoint a person to act as deputy for, or in the place of, an Official Receiver under section 71 of the Act, notice of the appointment and its duration shall be given by letter to the Registrar of the court to which the Official Receiver is or was attached.

(3) A person so appointed shall have the status, rights and powers, and shall be subject to the liabilities, of an Official Receiver.

Removal and resignation of Official Receiver

309.—(1) Notice of an order removing an Official Receiver shall be given by letter to the Registrar of the court to which the Official Receiver was attached.

(2) Where an Official Receiver is removed, dies, or resigns, the estates, rights and powers vested in him shall vest in such Official Receiver as the Board of Trade may appoint.

Powers and duties of each of several Official Receivers **[Form** 122.]

310. Where two or more Official Receivers are attached to the district of the same court—

(*a*) the receiverships of estates shall be distributed among them in such manner as the Board of Trade shall direct:

Provided that if the Board of Trade at any time require that an estate which has been assigned to one Official Receiver shall be transferred, either permanently or for special purposes of administration, to another, the Registrar shall transfer that estate to the Official Receiver designated by the Board of Trade;

(*b*) each Official Receiver shall, subject to the directions and control of the Board of Trade, have power without any transfer of the receivership to take and perform any business and duties of any other Receiver.

Officers to act for Official Receivers

311. In the absence of the Official Receiver to whom an estate has been assigned, any officer of the Board of Trade duly authorised for the purpose by the Board, and any clerk of the Official Receiver duly authorised by him in writing, may by leave of the court act on behalf of the Official Receiver, and take part for him in the public examination of the debtor in any examination under section 25 of the Act and on any unopposed application to the court.

Duties as to debtor's statement of affairs

312. When the Official Receiver receives notice that he has been appointed to an estate—

(*a*) he shall forthwith furnish the debtor with instructions for the preparation of his statement of affairs [**Form** 34], and

(*b*) he or some person deputed by him shall forthwith interview the debtor for the purpose of investigating his affairs and determining whether the estate should be administered in a summary manner under section 129 of the Act.

Subsistence allowance to debtor and his family

313.—(1) Subject to any directions of the Board of Trade, the Official Receiver, while in possession of the property of the debtor, may make him such allowance out of his property for the support of himself and his family as may be just.

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

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

Report as to person employed to assist debtor

314. When, under the powers given by section 74 of the Act, the Official Receiver employs a person to assist the debtor in the preparation of his statement of affairs, he shall forthwith by letter inform the Board of Trade of such employment, the reasons for it and the remuneration to be allowed.

Use of proxies by deputy [**Form** 46.]

315. Where the Official Receiver holds any proxies and cannot conveniently attend any meeting of creditors at which the proxies might be used, he may in writing depute a person in his employment or under his official control, or an officer of the Board of Trade, to attend the meeting and use the proxies on his behalf in such manner as he may direct.

Personal performance of duties

316. The Board of Trade may direct which acts or duties shall be performed by the Official Receiver in person, and which of his functions may be discharged on his behalf by a clerk or other person in his regular employment or under his official control.

Assistant Official Receivers

317. An assistant Official Receiver appointed by the Board of Trade shall be an officer of the court and, subject to the directions of the Board of Trade, may represent the Official Receiver in all matters, including proceedings in court.

Registrar to act in emergency

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

Removal of special manager

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

Mode of application to court

320. Applications by the Official Receiver to the court may be made personally and without notice or formality:

Provided that the court may order the application to be renewed and direct that such notice as it thinks fit shall be given to persons likely to be affected by the application.

Evidence on application by Official Receiver

321. Where, for the purposes of an application to the court by the Official Receiver—

(*a*) for directions,

(*b*) to adjudge a debtor bankrupt,

(*c*) for leave to disclaim a lease,

(*d*) for an extension of time to apply for leave to disclaim a lease,

(*e*) for an order to take criminal proceedings against a bankrupt, or

(*f*) to commit a bankrupt,

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

Reports to be prima facie evidence

322. Where application is made to the court—

(*a*) to approve a composition or scheme,

(*b*) to rescind a receiving order,

(*c*) to grant the debtor leave to act as director or take part in the management of a company,

(*d*) to appoint a representative of a debtor who is of unsound mind, or

(*e*) to dispense with the public examination of a debtor who is unfit to attend, or to make special provision for his examination,

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

Application for directions

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

No expenses to be incurred where no assets

324. Where a debtor against whom a receiving order has been made has no available assets, the Official Receiver shall not be required to incur any expense in relation to the estate unless the Board of Trade otherwise direct.

Accounting by Official Receiver

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

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

(3) If the debtor or, as the case may be, the trustee, is dissatisfied with the account, he may report the matter to the Board of Trade who may take such action as they deem expedient.

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

Payment over of money seized in execution by High Bailiff

326.—(1) Where the offices of High Bailiff and Registrar of any county court are held by different persons and the Official Receiver requests payment over to him in accordance with section 41 (1) of the Act of any money seized or received by the High Bailiff in part satisfaction of an execution, it shall be a good discharge to the High Bailiff to show that he has paid the money to the Registrar pursuant to the County Court Rules for the time being in force and that at the time of the payment he did not have notice of a receiving order made against the execution debtor.

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

Notice of petition or receiving order

327. For the purpose of section 41 of the Act, notice that a petition has been presented or a receiving order made shall be in writing addressed to the sheriff or, where the execution is not in respect of a judgment of the High Court, to the officer charged with the execution, and shall be delivered by hand or registered post at the office of the under-sheriff or, as the case may be, of the officer charged with the execution:

Provided that where the officer charged with the execution is the Registrar of a county court, the filing of a petition or the making of a receiving order in that county court shall be sufficient notice to the Registrar that the petition has been presented or the receiving order made, as the case may be.

Official Receiver to act where no committee of inspection

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

Trading account of debtor

329.—(1) The debtor shall, on the request of the Official Receiver, furnish him with trading and profit and loss accounts and a cash and goods account for such period not exceeding two years immediately preceding the date of the receiving order as the Official Receiver shall direct:

Provided that the court may order the accounts to be furnished for a longer period.

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

Liability for costs, expenses and damages

330. The following provisions shall apply to any proceedings taken against an Official Receiver in respect of any act or default of his when acting in pursuance of the provisions of the Act or in the bona fide and reasonable

belief that he is so acting or exercising powers given to Official Receivers by the Act—

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

(2) The Official Receiver shall forthwith report the commencement of the proceedings to the Board of Trade, who shall determine whether the proceedings shall be resisted.

(3) Unless the Board of Trade determine that the proceedings shall be resisted, the Official Receiver shall not be entitled to be paid out of the estate any costs or expenses for which he may be liable in consequence of resisting the proceedings, unless the court otherwise orders.

(4) Pending the determination of the Board of Trade the Official Receiver shall, if necessary, apply to the court for an adjournment of the proceedings.

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

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

TRUSTEES

Notice of appointment [**Forms** 120, 200 (10).]

331—(1) When the appointment of a trustee has been certified, the Board of Trade shall forthwith gazette notice of his appointment and send a certificate of the appointment to the Registrar.

(2) The trustee shall forthwith insert notice of his appointment in a local paper.

(3) The expense of gazetting and advertising shall be borne by the trustee, who may charge it against the estate.

Notification of objection to High Court [**Form** 119.]

332.—(1) Where the Board of Trade object to the appointment of a trustee, and are required by a majority in value of the creditors to notify the objection to the High Court, the Board shall, on receipt of the requisition, forthwith transmit a copy of it to the Chief Bankruptcy Registrar of the High Court, who shall fix a time for the hearing of the matter.

(2) The Board of Trade may send with the copy of the requisition a report setting out the grounds of objection, which shall be *prima facie* evidence of the statements contained therein.

Grounds for objection

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

(*a*) he has not complied with the requirements of section 153 of the Act, or of any order of the Board of Trade made thereunder;

(*b*) he has been removed under section 95 (2) of the Act from the office of trustee; or

(*c*) he has failed or neglected, without good cause shown by him, to render his accounts for audit for two months after the date by which they should have been rendered.

Right of audience on objection

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

Rate of remuneration of trustee

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

Limit of remuneration

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

Remuneration of trustee appointed by Board of Trade

337. A trustee appointed by the Board of Trade shall receive out of the estate such remuneration as the Board of Trade shall determine.

Removal for failure to keep up or increase security

338. Where a trustee or special manager fails to keep up his security or, if called upon to do so, to increase it, the Board of Trade may, if they think fit, remove him from his office.

Notification of removal by Board of Trade

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 and give written notice thereof to the Official Receiver; and

(*b*) cause a notice of the order to be gazetted.

Notice of resignation [**Forms** 57, 121.]

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

Application for release [Forms 169, 194, 195.]

341. Before applying to the Board of Trade for his release, a trustee shall send notice of his intention so to do, accompanied by a summary of his receipts and payments as trustee, to all creditors who have proved their debts and to the debtor:

Provided that no notice or summary shall be sent to the creditors where the application is made upon the trustee ceasing to act by reason of a composition or scheme having been approved under section 21 of the Act.

Release to be gazetted [**Form** 200 (11).]

342.—(1) A notice of the order of the Board of Trade granting the release of a trustee shall be gazetted.

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

Delivery of books etc. on release or removal

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

No release until books handed over

344. The release of a trustee shall not take effect until the provisions of the last preceding Rule have been complied with.

Meeting to consider removal of trustee [**Form** 55.]

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

Local bank [**Forms** 183, 184, 185, 186.]

346. Where the trustee is authorised to have an account at a local bank—

(*a*) moneys received by him shall forthwith be paid in to the credit of the estate;

(*b*) payments out shall be made by cheque payable to order;

(*c*) cheques shall bear the name of the estate and shall be signed by the trustee and countersigned by at least one member of the committee of inspection and such other person, if any, as the creditors or the committee may appoint, or, where there is no committee, countersigned by such person, if any, as the Board of Trade may direct.

Payments out of Bankruptcy Estates Account

347. Payments out of the Bankruptcy Estates Account shall be made in such manner as the Board of Trade may direct.

Application for directions [**Forms** 162, 163.]

348. Where a trustee applies to the court for directions, he shall file an application, and thereupon the court shall hear the application, or fix a time and place for hearing it and direct the trustee to apply by motion.

Prohibition of purchase of estate by trustee or committee of inspection

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

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

Dealings with estate by trustee and committee of inspection

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

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

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

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

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

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

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

351.—(1) Where a trustee is appointed, the Official Receiver shall forthwith upon the debtor being adjudged bankrupt put the trustee into possession of all of the property of the bankrupt of which the Official Receiver is possessed:

Provided that the estate shall not be so handed over until the trustee has—

(*a*) discharged any balance due to the Official Receiver on account of fees, costs, and charges incurred by him and payable under the Act,

(*b*) discharged any balance due on account of advances properly made by the Official Receiver in respect of the estate, together with interest on the advances at the rate of £4 per cent. per annum, and

(*c*) discharged or undertaken to discharge all guarantees properly given by the Official Receiver for the benefit of the estate.

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

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

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

Meetings of creditors to consider conduct of trustee

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

SPECIAL MANAGER

Remuneration

353. Where a special manager is appointed and his remuneration is not fixed by the creditors, he shall be paid such remuneration as may from time to time be fixed by the Board of Trade.

Accounts [**Form** 193.]

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

SECURITY BY TRUSTEE OR SPECIAL MANAGER

Mode of giving security

355.—(1) A trustee or special manager shall give security to such persons and in such manner as the Board of Trade may from time to time direct:

Provided that it shall not be necessary that security shall be given in each separate matter but it may be given either specially in a particular matter or generally, to be available for any matter in which the person giving security may be appointed trustee or special manager.

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

GAZETTING

Gazetting of notices

356. All notices requiring publication in the London Gazette shall be gazetted by the Board of Trade.

Re-gazetting

357. An order or notice which has been amended or altered after publication in the London Gazette, or which has been wrongly or inaccurately gazetted, shall be re-gazetted by the Board of Trade with the appropriate amendments in the prescribed form, at the expense of the estate or otherwise, as the Board of Trade may direct.

Annulment of orders to be gazetted [**Form** 200 (7) & (14).]

358.—(1) Where an order which has been gazetted is annulled, revoked or rescinded, the Registrar shall forthwith give notice of the order of annulment, revocation, or rescission to the Board of Trade, who shall publish it in the London Gazette.

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

REGISTRARS' REGISTERS AND RETURNS

Registers to be kept by Registrar [**Forms** 196, 197, 198.]

359. The Registrar shall keep a register of bankruptcy notices, a register of petitions and a register of receiving orders, and shall make entries in the registers forthwith after the step in the proceedings to which they relate.

Inspection of registers

360.—(1) The registers kept by the Registrar shall, on payment of the prescribed fee, be open to the public for inspection:

Provided that the Registrar may refuse to allow a person to search the registers if he is not satisfied as to the propriety of the object for which the search is required.

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

(3) The decision of the Judge shall be final.

Returns to Board of Trade

361. The Registrar shall send to the Board of Trade such extracts from his books and such information and returns as the Board of Trade may require.

ACCOUNTS AND AUDIT

Record Book

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

Provided that—

(*a*) he shall not be bound to insert in the record any document of a confidential nature; and

(*b*) he may refuse inspection of such document to any person other than a member of the committee of inspection.

Cash Book

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

Trustee carrying on business

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

(2) The trustee shall, not less than once in every month, verify the trading account by affidavit, and submit it to the committee of inspection or such member thereof as may be appointed by the committee for that purpose, who shall examine and certify the account. [**Forms** 189, 190, 191.]

Creditor may obtain copy of trustee's accounts

365. Where a creditor who has proved his debt so requests, the trustee shall, on payment at the rate of 3d. per folio, supply him with a copy of the Cash Book accounts or any part thereof relating to the estate up to the date of the request.

Statements of accounts to be furnished to creditors [**Form** 192.]

366. The cost of furnishing and transmitting to creditors a statement of accounts in pursuance of section 85 of the Act shall be calculated at the rate of 3d. per folio for each statement where the creditors do not exceed ten, and where the creditors exceed ten, 1s. per folio for the preparation of the statement and the actual cost of printing.

Books to be submitted to committee of inspection

367. The trustee shall submit the Record Book and Cash Book, together with any other requisite books and vouchers, to the committee of inspection, if any, when required, and in any case not less than once every three months.

Audit of Cash Book [**Form** 187.]

368. The committee of inspection shall, not less than once every three months, audit the Cash Book and certify therein the date of their audit.

Board of Trade to receive six-monthly accounts

369.—(1) Subject to the provisions of paragraph (3) of this Rule the trustee shall, at the expiration of six months from the date of the receiving order, and at the expiration of every six months thereafter until his release, transmit to the Board of Trade—

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

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

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

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

(4) The accounts sent in by the trustee shall be certified and verified by him. [**Form** 188.]

Copy of accounts to be filed

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

Accounts of joint and separate estates

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

(2) No transfer of a surplus from a separate estate to the joint estate on the ground that there are no creditors under the separate estate shall be made until notice of the intention to make the transfer has been gazetted. [**Form** 199.]

Expenses of sale

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

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

Allowance to debtor

373. Any allowance made by the trustee to the bankrupt out of his property under the provisions of section 58 of the Act, shall, unless the creditors by special resolution otherwise determine, be in money, and the amount allowed shall be entered in the trustee's accounts.

Unclaimed Funds

Mode of payment into Bank of England

374.—(1) Before paying any unclaimed funds or dividends into the Bankruptcy Estates Account pursuant to section 153 of the Act, the payer shall apply to the Board of Trade for a paying-in order in such manner as the Board may direct.

(2) The paying-in order shall be an authority to the Bank of England to receive the payment.

Application for payment out

375. An application under section 153 of the Act for payment out of the Bankruptcy Estates Account of any sum to which any person claims to be entitled shall be made in such form and manner as the Board of Trade may direct, and shall (unless the Board of Trade dispense therewith) be supported by the affidavit of the claimant, and such further evidence as the Board may require.

Accounts by trustees of unclaimed funds

376. For the purpose of section 153 (1) of the Act, the Board of Trade may at any time order the trustee under a bankruptcy, composition or scheme to submit to them an account, verified by affidavit, of the sums received and paid by him under or in pursuance of the bankruptcy, composition or scheme, and may direct and enforce an audit of the account and the payment of any unclaimed or undistributed sums arising from the property of the debtor into the Bankruptcy Estates Account in accordance with the terms of that sub-section.

PART V

JUDGMENT DEBTORS

Jurisdiction

377. Save in respect of any order or judgment made or given in a matrimonial cause, the jurisdiction and powers of the High Court under section 5 of the Debtors Act, 1869(a) shall be exercised by the Judge of the High Court in person.

Leave to issue summons

378. Save as aforesaid, no summons under section 5 of the Debtors Act, 1869, shall be issued by the High Court unless the judgment creditor first applies for and obtains an order of the Judge of the High Court for the issue of the summons.

Fee on receiving order

379.—(1) When a receiving order is made under section 107 of the Act in lieu of an order of committal, the creditor shall pay the like fee and deposit as are prescribed on the presentation of a bankruptcy petition by a creditor.

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

Transfer to court having jurisdiction to make receiving order

380. Where an application to commit is made to the Judge of a court not having bankruptcy jurisdiction, and he is of opinion that a receiving order should be made in lieu of committal, he may order the matter to be transferred to the court to which, under the Act and these Rules, a bankruptcy petition against the debtor would properly be presented.

Transfer after making of receiving order

381. Where, under section 107 of the Act, a receiving order is made by a court to which a bankruptcy petition against the debtor could not properly be presented, the court making the order shall at the same time transfer the matter to the court to which such a petition would properly be presented.

Transmission of court records, &c.

382. The provisions of Rules 23 to 26 shall apply to proceedings transferred under this Part of these Rules.

County Court Rules to apply

383. The County Court Rules for the time being in force as to the committal of judgment debtors shall, with any necessary modifications, apply to all courts exercising jurisdiction under section 5 of the Debtors Act, 1869, except to the High Court when exercising jurisdiction in respect of any order or judgment made or given in a matrimonial cause.

Orders for summary administration

384. When a receiving order is made under section 107 of the Act and the court by which the order is made or the court to which the matter is transferred is satisfied, by affidavit or otherwise, or by the report of the

(a) 32 & 33 Vict. c. 62.

Official Receiver of the court, that the property of the debtor (after deducting any property in the hands of secured creditors, debts enforceable by distraint, the costs of execution under section 41 (1) of the Act, and all debts which under the Act are directed to be paid in priority to other debts), is not likely to exceed in value £300, the court may make an order that the debtor's estate be administered in a summary manner under section 129 of the Act.

PART VI

MISCELLANEOUS

Issue of regulations by Board of Trade

385.—(1) The Board of Trade may from time to time issue general orders or regulations for the purpose of regulating any matters under the Act or these Rules which are of an administrative and not of a judicial character.

(2) Any document purporting to be general orders or regulations made or issued by the Board of Trade and printed by the Queen's Printer shall be received in evidence and deemed to be such orders or regulations unless the contrary is shown.

No lien on debtor's books

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

Disposal of bankrupt's books and papers

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

Non-compliance with Rules

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

Extension or abridgment of time

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

Rules of Supreme Court not to apply

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

Dated the fifth day of December, 1952.

Simonds, C.

I concur,

Peter Thorneycroft.

APPENDIX I

Rule 7.

FORMS

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FORMS

No. 1 (Rules 12 & 298 (2))

GENERAL TITLE (HIGH COURT)

In the High Court of Justice.

In Bankruptcy. No. of 19

Re [James Brown].

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

No. 2 (Rules 12 & 298 (2))

GENERAL TITLE (COUNTY COURT)

In the County Court.

In Bankruptcy No. of 19 .

Re [James Brown]

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

No. 3 (Rule 134)

DECLARATION OF INABILITY TO PAY DEBTS

(*Title*)

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

Dated this day of 19 .

(Signature)

A.B.

Signed by the debtor in my presence.

Signature of witness.

Address.

Description.

Filed the day of 19 .

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

No. 4 (Rules 143 & 144)

DEBTOR'S PETITION

(Title)

I, (*a*) , of
lately residing at(*b*) [and carrying on business at]
having for the greater part of the past six months resided at
[and carried on business at] within the district of the Court
[*or, as the case may be, following the terms of section* 98] and being unable to pay my debts, hereby petition the Court that a receiving order be made in respect of my estate [and that I may be adjudged bankrupt].

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

Dated the day of 19 .

(Signature)

Signed by the debtor in my presence.

Signature of witness.

Address.

Description.

Filed the day of 19 .

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

No. 5 (Rule 136)

REQUEST FOR ISSUE OF BANKRUPTCY NOTICE

In the [High Court of Justice].

In Bankruptcy.

1. I, , of
in the of
[being a person residing outside the Scheduled Territories as defined in the First Schedule to the Exchange Control Act, 1947,](*a*) hereby request that a bankruptcy notice be issued by this Court against(*b*)

2. The said • ha for the greater part of the past six months resided at [and carried on business at] within the district of this Court.(*c*)

3. I produce an office copy [*in the case of Judgments or Orders of a County Court* a certificate] of a final judgment or order against the said
obtained by(*d*) in the
Court on the day of 19 .

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

Dated this day of 19 .

Judgment Creditor.(*e*)

(*a*) Delete words in brackets if not applicable.
(*b*) Here insert name, description, and address of judgment debtor.
(*c*) Or, as the case may be, following the terms of section 98 of the Act.
(*d*) " Me," or, as the case may be.
(*e*) Or, " Solicitor for the judgment creditor."

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

(ii) Where the creditor is a person residing outside the Scheduled Territories as defined in the First Schedule to the Exchange Control Act, 1947, the form of bankruptcy notice to be used shall be that prescribed by the Exchange Control (Bankruptcy Notices) Order, 1949 (S.I. 1949/585; 1949 I p. 1614).

No. 6 (Rules 135 & 137)

BANKRUPTCY NOTICE ON JUDGMENT OR ORDER OF HIGH COURT

(*Title*)

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

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

(*a*) Strike out if no agent authorised.
(*b*) Insert name of creditor.
(*c*) "him" or "them."
(*d*) "his" or "their."

Dated this day of 19 .

By the Court,

Registrar.

INDORSEMENT OF NOTICE

You are specially to note:

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

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

(*f*)

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

No. 7 (Rules 135 & 137)

BANKRUPTCY NOTICE ON JUDGMENT OR ORDER OF A COUNTY COURT

(*Title*)

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

TAKE NOTICE that within [*seven*] days after service of this notice on you excluding the day of such service, you must pay to the Registrar of the County Court of holden at the sum of £ claimed by(*a*) as being the amount due on a final judgment or order obtained by(*b*) against you in the said County Court dated whereon execution has not been stayed, or you must secure or compound for the said sum to(*c*) satisfaction or to the satisfaction of this Court, or you must satisfy this Court that you have a counterclaim, set-off or cross-demand against(*b*) which equals or exceeds the sum claimed by(*b*) and which you could not set up in the action or other proceedings in which the judgment or order was obtained.

(*a*) Insert the name and address of the creditor.
(*b*) "him" or "them"
(*c*) "his" or "their."

Dated this day of 19 .

By the Court,

Registrar.

INDORSEMENT ON NOTICE

You are specially to note :

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

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

(*e*)

(*d*) Name of creditor.

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

No. 8 (Rule 141)

AFFIDAVIT OF SERVICE OF BANKRUPTCY NOTICE

(*Title*)

In the matter of a bankruptcy notice, issued

I, *L.M.*, of make oath and say:—

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

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

Sworn at, &c.

L.M.

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

No. 9 (Rules 137 & 139)

AFFIDAVIT ON APPLICATION TO SET ASIDE BANKRUPTCY NOTICE

(*Title*)

I, *A.B.*, of make oath and say:—

1. That I was, on the day of , 19 , served with the notice hereunto annexed [*or, describe the notice*].

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

Or,

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

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

Sworn at, &c.

No. 10 (Rule 142)

ORDERS SETTING ASIDE BANKRUPTCY NOTICE

(Title)

In the matter of a bankruptcy notice issued—

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

Dated this day of 19 .

By the Court,

Registrar.

Or,

(Title)

In the matter of a bankruptcy notice issued—

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

Dated this day of 19 .

By the Court.

Registrar.

No. 11 (Rules 143 & 144)

CREDITOR'S PETITION

(Title)

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

1. That the said *A.B.* has for the greater part of six months next preceding the presentation of this petition resided [*or* carried on business] at within the district of this Court [*or, as the case may be, following the terms of section* 98].

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

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

Or,

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

Or,

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

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

(*a*) Insert name of debtor.
(*b*) Insert present address and description of debtor.
(*c*) Insert address or addresses at which the debtor has lately resided or carried on business.
Note.—The address at which the debtor was residing or carrying on business when the petitioning creditor's debt was incurred should in all cases appear in the petition (see Rule 144).

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

Dated this day of 19 .

(Signed) *C.D.*
E.F.

[Signed by the petitioner in my presence.]

Signature of witness.

Address.

Description.

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

Indorsement

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

And you, the said *A.B.* are to take notice that if you intend to 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.

No. 12 (Rule 150)

AFFIDAVIT OF TRUTH OF STATEMENTS IN PETITION

(*Title*)

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

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

Sworn at, &c.

C.D.

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

No. 13 (Rule 150)

AFFIDAVIT OF TRUTH OF STATEMENTS IN JOINT PETITION

(*Title*)

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

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

1. That *A.B.* is justly and truly indebted to me in the sum of pounds, as stated in the said before-mentioned petition, and that I do not hold any security for the said sum as stated in paragraph 3 of the said petition.(*a*)

(a) *or as otherwise stated in paragraph 3 of the petition.*

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

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

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

And I the said *E.F.* say—

4. That *A.B.* is justly and truly indebted to me in the sum of pounds as stated in the said before-mentioned petition, and that I do not hold any security for the said sum as stated in paragraph 3 of the said petition.(*a*)

(a) *or as otherwise stated in paragraph 3 of the petition.*

And I the said *G.H.* say—

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

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

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

See note to last Form.

No. 13A (Rule 147)

APPLICATION FOR REGISTRATION OF PETITION AGAINST AN INDIVIDUAL UNDER LAND CHARGES ACT, 1925

(*Title*)

For use at Land Registry

(1)

A petition in bankruptcy was this day presented against (*or* by) the above named debtor who carries on business at(1)

and resides at(2)

(1) Here insert all known business addresses.

(2) Here insert all known residences of the debtor.

The Petitioner is(3)

(3) Here insert full names, address and description as in petition, in block capitals.

I hereby apply for registration of the said petition as a pending action pursuant to Section 2 of the Land Charges Act, 1925.

Dated this day of 19 .

Registrar of the above named Court.

To the CHIEF LAND REGISTRAR,
(*here insert address*).

This application should be addressed to the
LAND CHARGES SUPERINTENDENT,
H.M. Land Registry,
(*here insert address*).

No. 13B (Rule 147)

APPLICATION FOR REGISTRATION OF PETITION AGAINST A FIRM UNDER LAND CHARGES ACT, 1925

(*Title*)

For use at Land Registry.

A petition in bankruptcy was this day presented against (*or* by) the above named firm carrying on business at(1)

The names and addresses of the partners in the firm [or where an individual carries on business under a firm name or style the name and address of such individual] against (*or* by) which the petition is presented are or is as follows:—(2)

The Petitioner is(3)

I hereby apply for registration of the said petition as a pending action pursuant to Section 2 of the Land Charges Act, 1925.

Dated this day of 19 .

Registrar of the above named Court.

To the CHIEF LAND REGISTRAR,
(*here insert address*).

(1) Here insert all known business addresses.

(2) Here insert full names of all partners and their residences. (Continue on back of form, if necessary.)

(3) Here insert full name, address and description as in petition, in block capitals.

This application should be addressed to the
LAND CHARGES SUPERINTENDENT,
H.M. Land Registry,
(*here insert address*).

No. 14 (Rule 157)

APPLICATION FOR INTERIM RECEIVER

(*Title*)

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

Dated this day of 19 .

(Signed) *C.D.*

No. 14A (Rule 157)

ORDER APPOINTING INTERIM RECEIVER

(*Title*)

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

Dated this day of 19 .

By the Court,

Registrar.

No. 15 (Rules 38 & 155)

AFFIDAVIT OF SERVICE

(*Title*)

In the matter of * dated

I, *L.M.*, of , make oath and say:—

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

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

Sworn at, &c. *L.M.*

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

* State nature of document served.

No. 16 (Rules 141 & 154)

SUBSTITUTED SERVICE OF PETITION OR BANKRUPTCY NOTICE
NOTICE IN GAZETTE

In the [High Court of Justice].

In Bankruptcy.

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

To *A.B.*

Take notice that a bankruptcy petition has been presented [*or* a bankruptcy notice has been issued] against you in this Court by of and the Court has ordered that the sending of a sealed copy of the petition [*or* bankruptcy notice] together with a sealed copy of the Order for substituted service by registered post addressed to and/or the publication of this notice in the London Gazette and/or in the newspapers [*following the terms of the Order for substituted service*] shall be deemed to be service of the petition [*or* bankruptcy notice] upon you; (*a*)and further take notice that the said petition will be heard at this Court on the day of at o'clock in the noon, on which day you are required to appear, and if you do not appear the Court may make a receiving order against you in your absence.

(*a*) Add this in case of a Petition.

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

Dated this day of 19 .

Registrar.

No. 17 (Rule 141 & 154)

ORDER FOR SUBSTITUTED SERVICE OF A PETITION OR BANKRUPTCY NOTICE

(*Title*)

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

Upon the application of and upon reading the affidavit of of in the of

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

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

By the Court,

Registrar.

No. 18 (Rule 166)

NOTICE BY DEBTOR OF INTENTION TO OPPOSE PETITION

(*Title*)

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

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

Dated this day of 19 .

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

No. 19 (Section 5 (5))

ORDER TO STAY PROCEEDINGS ON PETITION

(*Title*)

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

Upon the hearing of this petition this day, and the said *A.B.* appearing and denying that he is indebted to the petitioner [*where petition presented by more than one creditor, add the name of the creditor whose debt is denied*] in the sum stated in the petition [*or* alleging that he is indebted to the petitioner in a sum of a less amount than fifty pounds], [*or* alleging that he is indebted to *C.D.*, one of the petitioners, in a sum less than the sum stated to be due from him in the petition], it is ordered that the said *A.B.* shall within days enter into a bond in the penal

sum of [*the amount of the alleged debt and probable costs, or such other sum as the Court may direct*] with such two sufficient sureties as the Court shall approve of to pay [*or* deposit with the Registrar the sum of as security for the payment of] such sum or sums as shall be recovered against the said *A.B.* by *C.D.* the petitioner [*or* one of the petitioners] in any proceeding taken or continued by him against the said *A.B.*, together with such costs as shall be given by the Court in which the proceedings are had.

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

Dated this day of 19 .

By the Court,

Registrar.

No. 20 (Rule 41)

BOND ON STAY OF PROCEEDINGS, SECURITY, &C.

(*Title*)

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

Sealed with our seals, and dated this day of one thousand nine hundred and .

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

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

A.B. (L.S.)
C.D. (L.S.)
E.F. (L.S.)

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

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

No. 21 (Rule 46)

NOTICE OF SURETIES

(*Title*)

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

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

Dated day of 19 .

A.B.

To the Registrar of the Court
and to *L.M.* of

No. 22 (Rule 47)

AFFIDAVIT OF JUSTIFICATION

(*Title*)

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

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

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

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

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

4. That my property, to the amount of the said sum of £ [*and if security in any other action, &c.,* over and above all other sums for which I am now security as aforesaid], consists of [*here specify the nature and value of the property in respect of which the deponent proposes to become bondsman as follows,* stock in trade, in my business of carried on by me at of the value of £ , of good book debts owing to me to the amount of £ , of furniture in my house at of the value of £ , of a freehold [*or* leasehold] farm of the value of £ situate at occupied by , *or* of a dwelling-house of the value of £ situate at , occupied by , *or of other property, particularising each description of property, with the value thereof*].

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

Sworn at, &c.

E.F.

No. 23 (Rule 173)

ADJOURNMENT OF PETITION

(*Title*)

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

Dated this day of 19 .

By the Court,

Registrar.

No. 24 (Rule 171)

DISMISSAL OF PETITION

(*Title*)

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

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

And it is ordered that the registration of the petition as a pending action at the Land Charges Department of H.M. Land Registry on [*insert date of registration*] under Reference No. be vacated upon application duly made in that behalf by the debtor under Land Charges Rules.

Dated this day of 19 .

By the Court,

Registrar.

No. 25 (Section 5 (6))

DISMISSAL OF PETITION UPON WHICH PROCEEDINGS ARE STAYED WHERE A RECEIVING ORDER HAS BEEN MADE ON A SUBSEQUENT PETITION

(*Title*)

Whereas a receiving order has been made against *A.B.* upon a petition presented to this Court by *O.P.* of , it is ordered that the bankruptcy petition against the said *A.B.*, presented to this Court by *C.D.* of , the proceedings on which were stayed by order of Court of the day of 19 , be dismissed [*add terms if any*].

Dated this day of 19 .

By the Court,

Registrar.

No. 26 (Section 9)

ORDER RESTRAINING ACTION, &c., BEFORE RECEIVING ORDER

(Title)

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

Dated this day of 19 .

By the Court,

Registrar.

No. 27 (Rules 21 & 22)

ORDER OF TRANSFER OF PROCEEDINGS

(Title)

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

It is hereby ordered that the said proceedings in the above-named matter be transferred from the Court to the Court.

Dated this day of 19 .

By the Court,

Registrar.

No. 28 (Rule 25)

NOTICE TO THE BOARD OF TRADE AND OFFICIAL RECEIVER OF TRANSFER OF PROCEEDINGS

(Title)

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

The proceedings have been consolidated with those in the following matter, viz.:—
and will be treated under the same distinctive number, viz., No. of 19 .

Add this in cases where a consolidation of proceedings has been directed.

Dated this day of 19

Registrar.

No. 29 (Rules 162 & 175 (2) & (3))

RECEIVING ORDER ON DEBTOR'S PETITION

(*Title*)

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

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

By the Court,

Registrar.

NOTE.—The above-named debtor is required immediately after the service of this order upon him to attend the Official Receiver of the Court at his offices at(*a*).

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

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

Indorsement on Order

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

No. 30 (Rule 175)

RECEIVING ORDER ON CREDITOR'S PETITION

(*Title*)

On the petition (dated the day of 19 , and numbered of 19) of *J.S.*, of a creditor filed the [*insert date*], and on reading

and hearing and it appearing to the Court that the following act or acts of bankruptcy has or have been committed, viz. :—

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

A receiving order is hereby made against *A.B.* [*insert name, addresses, and descriptions of debtor as set out in petition*] and the Official Receiver [*or, Mr. C.D.*, an Official Receiver] of this Court is hereby constituted receiver of the estate of the said debtor.

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

By the Court,

Registrar.

NOTE.—The above-named debtor is required immediately after the service of this order upon him to attend the Official Receiver of the Court at his offices at(*a*).

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

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

Indorsement on Order

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

No. 31 (Rule 175)

RECEIVING ORDER UNDER SECTION 107 (4)

The Bankruptcy Act, 1914, and the Debtors Act, 1869

In the

[by transfer from]

In the matter of , a debtor.

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

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

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

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

Dated this day of 19 .

By the Court,

Registrar.

NOTE.—The above-named debtor is required immediately after the service of this order upon him to attend the Official Receiver of the Court at his his offices at

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

Indorsement

The name and address of the solicitor to the judgment creditor are

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No. 32 (Rule 178)

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

(*Title*)

Receiving Order made ... ...

Date of adjudication (if any) ... ...

Date and place of first meeting ... ...

Date of public examination ....

NOTE.—All debts due to the estate should be paid to me.

Official Receiver.

(Address)

Dated 19 .

No. 33 (Rule 178)

NOTICE OF RECEIVING ORDER, &C. IN SUMMARY CASES (FOR LOCAL PAPER)
In Bankruptcy.

Re *A.B., of* [*insert here, as concisely as possible, name, address, and description of debtor, and add name of town in which Court held, and No. of proceeding,* e.g., *" Birmingham, No.* 1 *of* 1915 "].

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

Note.—All debts due to the estate should be paid to me.

Official Receiver.

(Address)

Dated 19 .

No. 33A (Rule 178)

APPLICATION FOR REGISTRATION OF RECEIVING ORDER AGAINST AN INDIVIDUAL UNDER LAND CHARGES ACT, 1925.

(*Title*)

For use at Land Registry

A Receiving Order was made on the day of 19 , against the above named Debtor(s).

The Petitioners is(1)

(1) Here insert full names, address and description as in petition, in block capitals.

I hereby apply for registration thereof in the register of writs and orders affecting and pursuant to Section 6 of the Land Charges Act, 1925.

Dated this day of 19 .

Official Receiver attached to the above named Court.

To the CHIEF LAND REGISTRAR,

(*here insert address*).

This application should be addressed to the

LAND CHARGES SUPERINTENDENT,
H.M. Land Registry,

(*here insert address*).

No. 34 (Rule 186)

Statement of Affairs

(Title)

To the Debtor,

You are required to fill up, carefully and accurately, this sheet, and such of the several sheets A, B, C, D, E, F, G, H, I, J, and K(1), as are applicable showing the state of your affairs on the day on which the Receiving Order was made against you, viz.: the day of 19 . Such sheets when filled up will constitute your Statement of Affairs, and must be verified by oath or declaration.

Gross Liabilities £ s. d.	Liabilities (as stated and estimated by Debtor)	£ s. d.	Expected to rank £ s. d.	Assets (as stated and estimated by Debtor)	£ s. d.	Estimated to produce £ s. d.
	Unsecured creditors as per list (A) ...			Property as per list (H), viz.:—		
	Creditors fully secured as per list (B)			(*a*) Cash at bankers		
	Estimated value of securities			(*b*) Cash in hand		
	Surplus			(*c*) Cash deposited with solicitor for costs of petition		
	Less amount thereof carried to sheet (C)			(*d*) Stock-in-trade (cost £) ...		
	Balance thereof to *contra* ...			(*e*) Machinery		
				(*f*) Trade fixtures, fittings, utensils, &c.		
	Creditors partly secured as per list (C)			(*g*) Farming stock		
	Less estimated value of securities			(*h*) Growing crops and tenant right		
				(*i*) Furniture		
	Liabilities on bills discounted other than debtor's own acceptances for value, as per list (D), viz.:—			(*j*) Life policies		
	On accommodation bills as drawer, acceptor, or indorser ... ...£ : :			(*k*) Stocks and shares		
	On other bills as drawer or indorser ... ...£ : :			(*l*) Reversionary or other interests under wills		
	£			(*m*) Other property, viz.:—		
	Of which it is expected will rank against the estate for dividend			Total as per list (H) ...		
	Contingent or other liabilities as per list (E) ...£ : :			Book Debts as per list (I), viz.:—		
	Of which it is expected will rank against the estate for dividend ...			Good		
	Creditors for rent, &c., recoverable by distress as per list (F)			Doubtful		
	Creditors for rates, taxes, wages, &c., payable in full as per list (G) ...			Bad		
	Sheriff's charges payable under S. 41 of the Act, estimated at			£		
	Deducted *contra* ... ...£			Estimated to produce ...		
				Bills of Exchange or other similar securities on hand as per list (J) ... ...£ :		
	(2) Surplus explained in Statement (K)			Estimated to produce ...		
	£			Surplus from securities in the hands of Creditors fully secured (*per contra*)		
				£		
				Deduct Creditors for distrainable rent and for preferential rates, taxes, wages, sheriff's charges, &c., (*per contra*)		
				£		
				(2) Deficiency explained in statement (K)		
				£		

(1)Sheet "L" should be substituted for any one or more of such of the sheets named as will have to be returned blank. (2)Strike out words which do not apply.

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

Sworn at .....
in the County of.....
this.....day of.....19

Before me,..... Signature .....

A.

UNSECURED CREDITORS

The Names to be arranged in alphabetical order and numbered consecutively, Creditors for 10*l.* and upwards being placed first

No.	Name	Address and Occupation	Amount of Debt	Date when Contracted		Consideration
				Month	Year	

Signature

Dated 19 .

NOTES.—1. When there is a contra account against the creditor, less than the amount of his claim against the estate, the amount of the creditor's claim and the amount of the contra account should be shown in the third column, and the balance only be inserted under the heading "Amount of Debt," thus:—

	£	*s.*	*d.*
Total amount of claim	,,	,,	
Less contra account	,,	,,	
	,,	,,	

No such set-off should be included in sheet "I."

2. The particulars of any bills of exchange and promissory notes held by a creditor should be inserted immediately below the name and address of such creditor.

B.

CREDITORS FULLY SECURED

No.	Name of Creditor	Address and Occupation	Amount of Debt	Date when Contracted		Consideration	Particulars of Security	Date when given	Estimated Value of Security	Estimated Surplus from Security
				Month	Year					

Signature

Dated 19 .

C.

CREDITORS PARTLY SECURED

No.	Name of Creditor	Address and Occupation	Amount of Debt	Date when Contracted		Consideration	Particulars of Security	Month and Year when given	Estimated Value of Security	Balance of Debt Unsecured
				Month	Year					

Signature

Dated 19 .

D.

LIABILITIES OF DEBTOR on Bills discounted other than his own Acceptances for Value

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

Dated , 19 .

Signature

E.

CONTINGENT OR OTHER LIABILITIES

(FULL PARTICULARS of all Liabilities not otherwise Scheduled to be given here)

No.	Name of Creditor or Claimant	Address and Occupation	Amount of Liability or Claim			Amount expected to rank for Dividend			Date when Liability incurred		Nature of Liability
			£	s.	d.	£	s.	d.	Month	Year	

Dated , 19 .

Signature

F.

CREDITORS FOR RENT, &C., RECOVERABLE BY DISTRESS

No.	Name of Creditor	Address and Occupation	Nature of Claim	Period during which Claim accrued due	Date when due	Amount of Claim			Amount recoverable by Distress			Difference ranking for Dividend (To be carried to List A.)		
						£	s.	d.	£	s.	d.	£	s.	d.

Signature _____

Dated 19.

G.

PREFERENTIAL CREDITORS FOR RATES, TAXES, WAGES, AND OTHERWISE

No.	Name of Creditor	Address and Occupation	Nature of Claim	Period during which Claim accrued due	Date when due	Amount of Claim			Amount payable in full			Difference ranking for Dividend (To be carried to List A.)		
						£	s.	d.	£	s.	d.	£	s.	d.

Signature _____

Dated 19 .

H.

PROPERTY

FULL PARTICULARS of every description of PROPERTY in possession and in reversion as defined by Section 167 of the Act, not included in any other list, are to be set forth in this list:—

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

Signature.....

Dated , 19 .

I.

DEBTS DUE TO THE ESTATE

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

Signature

Dated 19 .

NOTE.—If any debtor to the estate is also a creditor, *but for a less amount than his indebtedness*, the gross amount due to the estate and the amount of the contra account should be shown in the third column, and the balance only be inserted under the heading " Amount of Debt " thus:—

	£	s.	d.
Due to estate	:	:	
Less contra account	:	:	
	:	:	

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

J.

BILLS OF EXCHANGE, PROMISSORY NOTES, &C. AVAILABLE AS ASSETS

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

Signature

Dated 19 .

K.

DEFICIENCY (OR SURPLUS) ACCOUNT

	£	s.	d.	£	s.	d.		£	s.	d.	£	s.	d.
Excess of assets over liabilities on the (1) day of 19 (if any).							Excess of liabilities over assets on the (1) day of 19 (if any).						
Net profit (if any) arising from carrying on business from the (1) day of 19 , to date of Receiving Order, after deducting usual trade expenses.							Net loss (if any) arising from carrying on business from the (1) day of 19 , to date of Receiving Order, after charging against profits the usual trade expenses.						
Income or profit from other sources (if any) since the (1) day of 19 .							Bad debts (if any) as per Schedule "I" (2)						
Gifts from relations and others.							Depreciation of stock in trade.						
(3) Deficiency as per Statement of Affairs.							Depreciation of machinery						
							Depreciation of trade fixtures, fittings, &c.						
							Expenses incurred since the (1) day of 19 , other than usual trade expenses, viz., household and personal expenses of self and (3)						
							(4) Other losses and expenses (if any).						
							(5) Surplus as per Statement of Affairs.						
Total amount to be accounted for (6).			£				Total amount accounted for (6).			£			

Notes.—(1) This date should be twelve months before date of receiving order, or such other time as Official Receiver may have fixed.
(2) This Schedule must show when debts were contracted.
(3) Add "wife and children" (if any), stating number of latter.
(4) Here add particulars of other losses or expenses (if any), including liabilities (if any) for which no consideration received.
(5) Strike out words which do not apply.
(6) These figures should agree.

Signature

Dated 19 .

L

IN SUBSTITUTION for such of the Sheets named "A" to "J" as will have to be returned blank

List	Particulars, as per front sheet	DEBTOR'S REMARKS Where no particulars are entered by the Debtor on any one or more of the lists named "A" to "J" the word "Nil" should be inserted in this column opposite the particular list or lists thus left blank.
A.	Unsecured creditors	
B.	Creditors fully secured	
C.	Creditors partly secured	
D.	Liabilities of debtor on bills discounted other than his own acceptances for value	
E.	Contingent or other liabilities ...	
F.	Creditors for rent, etc., recoverable by distress	
G.	Preferential Creditors for rates, taxes, wages, compensation under the Workmen's Compensation Act, and contributions under the National Insurance Acts	
H.	Property	
I.	Debts due to the estate	
J.	Bills of Exchange, Promissory Notes, etc. available as assets	

Signature

Dated 19 .

No. 35 (Rule 298)

APPLICATION FOR SUMMARY ADMINISTRATION UNDER SECTION 129

(Title)

I, , the Official Receiver in the above matter, hereby report to the Court that the property of the debtor is not likely to exceed in value £300, and I apply that the Court may order the estate to be administered in a summary manner pursuant to Section 129 of the Act.

Dated this day of 19 .

Official Receiver.

No. 36 (Rule 298)

ORDER FOR SUMMARY ADMINISTRATION

(Title)

Upon the application of and reading it is ordered that the estate of the above-named debtor be administered in a summary manner pursuant to Section 129 of the Act.

Dated this day of 19 .

By the Court,

Registrar.

No. 37 (First Schedule, para. 1)

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

(*Title*)

Ex parte the Official Receiver

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

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

That the said debtor has not submitted a statement of and in relation to his affairs in compliance with Section 14 of the Bankruptcy Act, 1914.

Or,

That the said debtor has obtained an extension of time for submitting a statement of and in relation to his affairs, viz., to the day of 19 .

Or,

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

Or,

That there may be sufficient time for the books of the debtor to be examined, the statement of affairs investigated, and the summary and the observations thereon prepared and printed, pursuant to Rule 3 of the First Schedule to the Act.

Dated this day of 19 .

Official Receiver.

Order thereon

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

Dated this day of 19 .

By the Court,

Registrar.

No. 38 (Rule 239)

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

(*Title*)

[Under receiving order dated the day of 19 .]

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

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

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

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

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

Official Receiver.

(Address)

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

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

NOTE

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

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

No. 39 (Rule 239)

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

(*Title*)

SUMMARY CASE

[Under receiving order dated the day of 19 .]

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

(*a*) The debtor has been adjudged bankrupt, and an order for summary administration has been made by the Court. Under Section 129 of the Bankruptcy Act, 1914, the Official Receiver is the trustee in the bankruptcy, but the creditors can, by special resolution, appoint a trustee in his place.

(*a*) Strike out this paragraph if adjudication order not made.

(*b*) An order for summary administration has been made by the Court. If the creditors resolve that the debtor shall be adjudged bankrupt the Official Receiver will become the trustee in the bankruptcy, but the creditors can, by special resolution, appoint some other person to be trustee.

(*b*) Strike out this paragraph if adjudication order has been made.

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

A form of proof and forms of general and special proxy are enclosed herewith.

Proxies to be used at the meeting must be lodged with me not later than o'clock on the day of 19 .

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

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

Dated this day of 19 .

Official Receiver.

(Address)

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

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

No. 40 (Rules 239 & 240)

NOTICE OF FIRST OR OTHER MEETING WHERE DEBTOR SUBMITS AN OFFER OF COMPOSITION OR SCHEME (WHERE NO ORDER FOR SUMMARY ADMINISTRATION HAS BEEN MADE)

(Title)

[Under receiving order, dated the day of 19 .]

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

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

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

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

Creditors who prove their debts, and whose proofs are admitted, and who do not vote on the debtor's proposal, will be reckoned as voting against it.

A sitting of the Court for the public examination of the debtor will be held at on the day of 19 , at o'clock in the noon.

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

Dated this day of 19 .

Official Receiver.

(Address)

NOTES

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

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

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

No. 41 (Rule 239)

NOTICE OF MEETING IN A SUMMARY CASE WHERE DEBTOR SUBMITS AN OFFER OF COMPOSITION OR SCHEME

(Title)

SUMMARY CASE

[Under receiving order, dated the day of 19 .]

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

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

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

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

Creditors who prove their debts, and whose proofs are admitted, and who do not vote on the debtor's proposal, will be reckoned as voting against it.

A sitting of the Court for the public examination of the debtor will be held at on the day of 19 , at o'clock in the noon.

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

Dated this day of 19 .

Official Receiver.

(Address)

NOTES

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

2. If the proposal be not accepted the meeting may, if the debtor has not already been adjudged bankrupt, resolve on his adjudication, when the Official Receiver will become the trustee, unless the creditors by special resolution appoint a trustee.

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

No. 42 (Rule 240)

NOTICE TO CREDITORS OF ADJOURNED MEETING

(Title)

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

AGENDA

[*Insert here nature of business to be transacted*]

Dated the day of 19 .

Official Receiver.

(Address)

No. 43 (Rule 17)

AFFIDAVIT OF POSTAGE OF NOTICES. FIRST MEETING

(Title)

I, make oath and say as follows:—

1. That I did on the day of 19 , send to each creditor mentioned in the debtor's statement of affairs, and to the above-named debtor a notice of the time and the place of the (*a*) first meeting of creditors, *accompanied by a summary of the debtor's statement of affairs* in the form[s] hereunto annexed marked "A" *and "B" respectively* (*b*).

(*a*) Insert here if necessary "adjourned." (*b*) Strike out the words in italics if summary not sent.

2. That such notices were addressed to the said creditors respectively, according to their respective names and addresses appearing in the statement of affairs of the said debtor, and also to the said debtor at

3. That I sent the said notices by putting the same into the post office at before the hour of o'clock in the noon on the said day.

Sworn at, &c.

(Signature)

No. 44 (Rule 17)

CERTIFICATE OF POSTAGE OF NOTICES. FIRST MEETING

(Title)

I, , [a clerk in the office of](*a*) the Official Receiver, hereby certify:—

1. That I did on the day of 19 , send to each creditor mentioned in the debtor's statement of affairs, a notice of the time and place of the (*b*) first meeting of creditors, *accompanied by a summary of the debtor's statement of affairs* in the form hereunto annexed marked "A" *and "B" respectively*(*c*).

(*a*) Strike out words in brackets if Official Receiver signs certificate. (*b*) Insert here, if necessary "adjourned." (*c*) Strike out the words in italics if summary not sent.

2. That such notices were addressed to the said creditors respectively, according to their respective names and addresses appearing in the statement of affairs of the said debtor.

3. That I sent the said notices by putting the same into the post office at before the hour of o'clock in the noon on the said day.

4. That I did on the said day of 19 , send by registered post notice of the time and place of the said meeting to the said debtor, and that such notice was sent to the following address, viz.:—

Dated this day of 19 .

[Clerk in the office of](*a*) Official Receiver.

(Address)

No. 45 (Rule 239)

NOTICE TO DEBTOR TO ATTEND FIRST MEETING OF CREDITORS

(*Title*)

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

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

Dated this day of 19 .

To Official Receiver

the above-named debtor.

(Address.)

No. 46 (Rule 315)

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

(*Title*)

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

(*a*) Being a person in my employment or under my official control *or* being an officer of the Board of Trade.

Dated this day of 19 .

Official Receiver.

(Address)

No. 47 (Rule 245)

RESOLUTIONS WHERE ADJUDICATION RESOLVED ON

(*Title*)

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

Resolved as follows [unanimously]:—

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

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

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

[*Here add any other resolutions that may be come to as to the manner of the administration of the property by the trustee, &c.*]

Official Receiver *or F.K.*, Chairman.

No.	Assenting Creditors' Signatures	Amount of Proof	No.	Dissenting Creditors' Signatures	Amount of Proof

NOTE.—When a resolution is carried unanimously the creditors need not sign, but when a division is taken all creditors and holders of proxies voting should sign. The signatures must be attached at the meeting. Resolutions should be put separately.

No. 48 (Section 138 and First Schedule, para. 26)

MINUTES OF PROCEEDINGS AT FIRST MEETING IN SUMMARY CASES

(*Title*)

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

The first meeting of creditors in the above matter was held at the place and time above mentioned, and the several proofs of debt lodged were produced, but no resolution was passed.

Chairman.

No. 49 (Section 138, First Schedule, para. 26, and Rule 246)

MEMORANDUM OF ADJOURNMENT OF FIRST OR OTHER MEETING

(*Title*)

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

The (*a*) meeting of creditors in the above matter was held at the time and place above mentioned, and the several proofs of debt lodged were produced; but it appearing that (*b*) the meeting was adjourned until the day of 19 , at o'clock in the noon, then to be held at the same place.

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

Chairman.

No. 50 (Section 138 and First Schedule, para. 26)

MINUTES OF PROCEEDINGS AT ADJOURNED FIRST MEETING WHERE NO QUORUM

(*Title*)

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

The adjourned meeting of creditors in the above matter was held at the time and place above mentioned, and the several proofs of debt lodged were produced; but it appearing that there was not a quorum of creditors qualified to vote present or represented no resolution was passed, and the meeting was not further adjourned.

Chairman.

No. 51 (Rule 241)

ORDER OF COURT FOR GENERAL MEETING OF CREDITORS

(*Title*)

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

Dated this day of 19 .

By the Court,

Registrar.

No. 52 (Rule 240)

NOTICE OF MEETING (GENERAL FORM)

(*Title*)

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

(*Forms of general and special proxy are enclosed herewith.*)

AGENDA

[Here insert purpose for which meeting called.]

Dated the day of 19 .

(Signed) (*a*)

(Address)

(*a*) "Trustee" or "Official Receiver."

No. 53 (Rule 17)

AFFIDAVIT OF POSTAGE OF NOTICES (GENERAL)

(*Title*)

I, (*a*)
the trustee in the above matter, make oath and say as follows:—

1. That I did, on the day of 19 , send to (*b*) notices of (*c*) on the form hereunto annexed marked "A", [together with (*d*)].

2. That such notices were addressed to the said (*b*) at (*e*)

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

SWORN at, &c.

(Signature)

(*a*) State whether trustee, solicitor to trustee or clerk to either of them.
(*b*) Insert description of recipients e.g. debtor, creditors who have proved or as the case may be
(*c*) State purport of notice.
(*d*) Insert description of any accompanying document.
(*e*) State origin of address(es), e.g. last known address(es), or address(es) appearing on proofs or statement of affairs.

No. 54 (Rule 17)

CERTIFICATE OF POSTAGE OF NOTICES (GENERAL)

(*Title*)

I,

[clerk in the office of](*a*) the Official Receiver, hereby certify:—

1. That I did, on the day of 19 , send to (*b*) notices of (*c*) on the form hereunto annexed marked "A", [together with (*d*)].

2. That such notices were addressed to the said (*b*) at (*e*)

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

Dated this day of , 19 .

[Clerk in the office of](*a*) Official Receiver.

(*a*) Strike out words in brackets if Official Receiver signs certificate.
(*b*) Insert description of recipients e.g. debtor, creditors who have proved or as the case may be.
(*c*) State purport of notice.
(*d*) Insert description of any accompanying document.
(*e*) State origin of address(es), e.g. last known address(es) or address(es) appearing on proofs or statement of affairs.

No. 55 (Rules 240 and 345)

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

(*Title*)

At the request of one sixth in value of the creditors of the bankrupt a general meeting of the creditors is hereby summoned to be held at on the day of 19 , at o'clock in the noon for the purpose of considering the propriety of removing *G.H.*, the trustee of the property of the bankrupt, from his office as such trustee, and in the event of his removal to appoint a person to fill the vacancy.

Dated this day of 19 .

L.M.,
A member of the Committee of Inspection
[*or* Official Receiver].

To *X.Y.*

No. 56 (Rule 240)

NOTICE OF MEETING TO BE HELD TO APPOINT NEW TRUSTEE

(*Title*)

I, the Official Receiver in the above matter, hereby give you notice that a meeting of creditors will be held at on the day of 19 , at o'clock in the noon, for the purpose of appointing a trustee in the place of the late trustee, who has resigned the office [*or* who has died *or* against whom a Receiving Order has been made].

Dated this day of 19 .

Official Receiver.
(Address)

To *X.Y.*

No. 57 (Rule 340)

MINUTES OF MEETING FOR RECEIVING RESIGNATION OF TRUSTEE, &C.

(*Title*)

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

Chairman of the meeting, *E.F.*, of

Resolved (*here should follow resolutions*).

E.F., Chairman of this meeting.

No. 58

LIST OF CREDITORS ASSEMBLED TO BE USED AT EVERY MEETING

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

(*Title*)

Meeting held at this day of 19 .

No.	Names of Creditors present or represented	Amount of Proof
1		
2		
3		
4		
5		
6		
7		
7	Total number of creditors present or represented ...	

No. 59

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

(*Title*)

Meeting held at this day of 19 .

No.	Names of all Creditors whose Proofs have been admitted	Here state as to each Creditor whether he voted, and if so, whether Personally, by Proxy, or Voting Letter	Amount of Assents	Amount of admitted Proof
		Total ...		

Required number for majority ..

Required value .. .. .. £ : :

No. 60 (Rule 248)

PROOF OF DEBT. GENERAL FORM

(*Title*)

No.(*a*) of 19 .

Re(*a*)

I(*b*) of in the county of , make oath and say:—

(*c*) That I am in the employ of the under-mentioned creditor, and that I am duly authorised by to make this affidavit, and that it is within my own knowledge that the debt herein-after deponed to was incurred, and for the consideration stated, and that such debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.

(*d*) That I am duly authorised, under the seal of the company herein-after named, to make the proof of debt on its behalf.

That the said w , at the date of the receiving order, viz., the day of 19 and still justly and truly indebted to(*e*)

in the sum of pounds shillings and pence for(*f*)

as shown by the* {account endorsed hereon / account hereto annexed, marked "A"} for which sum or any part thereof I say that I have not nor hath(*g*) or any person by(*h*) order to my knowledge or belief for (*h*) use had or received any manner of satisfaction or security whatsoever, save and except the following(*i*):—

Date	Drawer	Acceptor	Amount	Due Date

Admitted to vote for

£ : :

the day of 19 .

Official Receiver.

Admitted to rank for

dividend for

£ : :

this day of 19 .

Trustee.

Sworn at

in the county of

this day of 19 .

Before me

Where the debt proved for exceeds £2, a Shilling Bankruptcy stamp must be affixed here, or a postal order for 1*s.* be sent to the Official Receiver, as otherwise the proof cannot be admitted. Postage Stamps cannot be accepted.

NOTE.—*The Stamp must not be defaced by the Creditor.*

Deponent's signature .....

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

You should attend carefully to these directions.

(*a*) Here insert the number of matter, and the name of debtor, as given on the notice of meeting.

(*b*) Fill in full name, address, and occupation of deponent.

If proof made by creditor, strike out clauses (*c*) and (*d*).

If made by clerk of creditor strike out (*d*).

If by clerk or agent of company strike out (*c*).

(*e*) Insert "me" or, in case of a firm "me and C.D. and E.F. my co-partners trading as," or if by clerk, insert name, address, and description of principal.

Debt £ : :
Contra £ : :
£ : :

NOTE THIS.

(*f*) *State consideration* [*as*—Goods sold and delivered by me] [and my said partner] to him [or them] at his [or their] request between the dates of [*or* monies advanced by me in respect of the undermentioned bill of exchange], *or as the case may be.*

* Strike out the words not applicable.

(*g*) "My said "partners or any of "them" *or* "the "above-named cre-"ditor," *as the case may be.*

(*h*) "My" *or* "our" *or* "their" *or* "his" *as the case may be.*

(*i*) Here state the particulars of all securities held, and where the securities are on the property of the debtor, assess the value of the same, and if any bills or other negotiable securities be held, specify them in the schedule.

N.B.—Bills or other negotiable securities must be produced before the proof can be admitted.

PARTICULARS OF ACCOUNT REFERRED TO ON OTHER SIDE

(Credit should be given for contra accounts)

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

IN BANKRUPTCY.—*"This is the account marked with the letter 'A' referred to in the annexed proof of the debt made by in re sworn before me this day of* 19 .

(Signed)

Commissioner or Officer administering Oath."

Date	Consideration	Amount			Remarks
		£	*s.*	*d.*	*The vouchers (if any) by which the account can be substantiated should be set out here
					*

Signature of Deponent

NO. 61.—PROOF BY TRUSTEE IN PRIOR BANKRUPTCY (Rule 248)

(*Title*)

I,
of
make oath and say:—

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

2. There was at the date of the Receiving (*or* Administration) Order herein, namely the day of 19 , and still is an unsatisfied balance of the debts provable against the property of the bankrupt in the aforesaid bankruptcy, of which I am Trustee, amounting to £ , as shown in the Statement endorsed hereon [*or* annexed hereto marked "A"].

3. I claim to prove in the present proceedings for the said amount. Sworn etc.

Before me

Admitted to vote for £ the day 19 ,

Official Receiver *or* Trustee.

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

Official Receiver *or* Trustee.

No. 62 (Rule 249)

PROOF OF DEBT OF WORKMEN

(*Title*)

I(*a*) of

(*b*)

make oath and say:—

That(*c*) w at the date of the receiving order, viz., the day of 19 , and still justly and truly indebted to the several persons whose names, addresses, and descriptions appear in the schedule endorsed hereon in sums severally set against their names in the seventh column of the schedule for wages due to them respectively as workmen or others in(*d*) in respect of services rendered by them respectively to(*e*) during such periods before the date of the receiving order as are set out against their respective names in the fifth column of such schedule, and for accrued holiday remuneration so due to them in respect of the periods so set out in the sixth column of the schedule for which said sums, or any part thereof, I say that they have not, nor hath any of them had or received any manner of satisfaction, or security whatsoever.

Sworn, &c.,

(*a*) Fill in full name, address, and occupation of deponent.
(*b*) The above-named debtor *or* the foreman of the above-named debtor, *or* on behalf of the workmen and others employed by the above-named debtor.
(*c*) "I" *or* "the said."
(*d*) "My employ" *or* "the employ of the above-named debtor."
(*e*) "Me" *or* "the above-named debtor."

Schedule referred to on the other side

1	2	3	4	5	6	7		
No.	Full Name of Workman	Address	Description	Period over which wages due	Period over which accrued holiday remuneration due	Amount due		
						£	*s.*	*d.*

No. 63 (Rule 260)

NOTICE OF REJECTION OF PROOF OF DEBT

(*Title*)

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

And further take notice that if you are dissatisfied with my decision in respect of your proof, you may apply to the Court to reverse or vary the same, but subject to the power of the Court to extend the time, no application to reverse or vary my decision in rejecting your proof will be entertained after the expiration of (*b*) days from this date.

Dated this day of 19 .

Official Receiver
or Trustee.

To

(Address.)

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

(*b*) 21 days or 7 days as the case may be. See Rules 261 and 268.

No. 64 (Rules 263 to 265)

GENERAL PROXY

(Title)

I(*a*) of , a creditor, hereby appoint(*b*) to be (*c*) general proxy in the above matter [excepting as to the receipt of dividend(*d*)].

Dated this day of 19 .

(Signed)(*e*)

(Signature of witness)

(Address)

Notes

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

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

For the Company.
J.S. (duly authorised under the seal of the Company).

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

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

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

I, of , being a [*here state whether clerk or manager in the regular employment of the creditor or a commissioner to administer oaths in the Supreme Court*], hereby certify that all insertions in the above proxy are in my own handwriting, and have been made by me at the request of the above-named and in his presence, before he attached his signature [*or* mark] thereto.

Dated this day of 19 .

(Signature)

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

(*a*) If a firm, write "we" instead of "I," and set out the full name of the firm.
(*b*) Here insert *either* "Mr. of a clerk, manager, &c. in my regular employ," *or* "the Official Receiver in the above matter." The standing of the person appointed must be clearly set out.
(*c*) "My" or "our."
(*d*) *See* footnote 1.
(*e*) If a firm, sign the firm's trading title, and add "by *A.B.*, a partner" in the said firm. As to signature by agent, *see* footnotes 2 and 3.
(*f*) It is not intended that the Official Receiver shall in any case receive dividends on behalf of a creditor.
(*g*) The Official Receiver or Trustee may require the authority to sign to be produced for his inspection.

No. 65 (Rules 263 to 265)

SPECIAL PROXY

(*Title*)

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

Dated this day of 19 .

(Signed)(*e*)

(Signature of witness)

(Address)

(*a*) If a firm, write " we " instead of " I," and set out the full name of the firm.
(*b*) Here insert *either* " Mr. of " *or* " the Official Receiver in the above matter.
(*c*) " My " *or* " our."
(*d*) Here insert the word " for " or the word "against" as the case may require, and specify the particular resolution or name of proposed trustee, remuneration, or other matter.
(*e*) If a firm, sign the firm's trading title, and add " by *A.B.*, partner in the said firm." As to signature by agent *see* footnotes 2 and 3.
(*f*) The Official Receiver or Trustee may require the authority to sign to be produced for his inspection.

Notes

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

(*a*) for or against any specific proposal for a composition or scheme of arrangement;

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

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

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

" For the Company.

J.S. (duly authorised under the seal of the Company)."

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

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

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

I, , of , being a [*here state whether clerk or manager in the regular employment of the creditor or a commissioner to administer oaths in the Supreme Court*], hereby certify that all insertions in the above proxy are in my own handwriting, and have been made by me at the request of the above-named and in his presence before he attached his signature [*or* mark] thereto.

Dated this day of 19 .

(Signature)

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

No. 66 (Rule 188)

APPLICATION BY THE OFFICIAL RECEIVER FOR AN ORDER APPOINTING A SITTING FOR THE PUBLIC EXAMINATION OF THE DEBTOR

(*Title*)

A receiving order having been made in the above matter, application is hereby made to the Court by the Official Receiver for an order appointing the day of at or such other time and place as the Court shall direct for holding the public examination of the debtor, and that the debtor do attend such public examination.

Dated this day of 19 .

Official Receiver.

No. 67 (Rule 188)

ORDER APPOINTING A TIME FOR THE PUBLIC EXAMINATION OF THE DEBTOR

(*Title*)

Upon the application of the Official Receiver in the above matter, it is ordered that the pubilc examination of the above-named debtor be held at (*a*) on the day of at o'clock in noon.

(*a*) Insert the place for the examination.

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

Dated this day of 19 .

By the Court,

Registrar.

NOTE.—Notice is hereby given that if you, the above-named debtor, fail, without reasonable excuse, to attend at the time and place aforesaid you will be liable to be committed to prison without further notice.

No. 67A (Rule 195)

ORDER APPOINTING TIME FOR PROCEEDING WITH PUBLIC EXAMINATION ADJOURNED *Sine Die*.

(*Title*)

Upon the application of the Official Receiver (*or* debtor) in the above matter, it is ordered that the public examination of the above-named debtor which was adjourned *sine die* on the day of , 19 , be held at (*a*) on the day of at o'clock in the noon and it is ordered that the above-named debtor do attend at the time and place above mentioned.

(*a*) Insert the place for the examination.

Dated this day of , 19 .

By the Court,

Registrar.

NOTE. Notice is hereby given that if you, the above-named debtor, fail without reasonable excuse to attend at the time and place aforesaid you will be liable to be committed to prison without further notice.

No. 68 (Rule 83)

REPORT OF REGISTRAR WHERE DEBTOR OR WITNESS REFUSES TO ANSWER TO HIS SATISFACTION

(*Title*)

(*a*) The above-named debtor [or L.M., a witness in the above matter.]
(*b*) Here state question.
(*c*) Debtor or witness.
(*d*) Here insert answers (if any).

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

Q.(*b*)

The(*c*) refused to answer the said question.

(*or*) The(*c*) answered the said question as follows:—

A.(*d*)

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

Dated this day of 19 .

Registrar.

No. 69 (Rule 195)

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

(*Title*)

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

Dated this day of 19 .

(Signed)

Official Receiver.

No. 70 (Rule 69)

APPOINTMENT OF SHORTHAND WRITER TO TAKE EXAMINATION OF DEBTOR

(*Title*)

Before Mr. Registrar

Upon the application of the Official Receiver the Court hereby appoints of in the county of to take the examination of the said at his public examination this day pursuant to Rule 69 of the Bankruptcy Rules, 1952.

Dated this day of 19 .

By the Court,

Registrar.

No. 71

DECLARATION BY SHORTHAND WRITER

(*Title*)

Before Mr. Registrar

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

Dated this day of 19 .

[Declared before me at the time and place above-mentioned.]

Registrar.

No. 71A

DECLARATION BY OFFICIAL SHORTHAND WRITER

(*Title*)

Before Mr. Registrar

I, , of , one of the Official Shorthand Writers appointed to this Court do solemnly and sincerely declare that I will truly and faithfully take down the questions put to and the answers given by all persons whose examination, whether Public or Private, I shall from time to time be appointed by the Court to take down and will deliver true and faithful transcripts thereof as the Court may direct.

Dated this day of , 19 .

[Declared before me at the time and place above-mentioned] Registrar.

No. 72 (Section 15 (8) and Rule 69)

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

(*Title*)

Public examination of the Debtor

Before Mr. Registrar at the Court this day of 19 .

The above-named debtor, being sworn and examined at the time and place above-mentioned, upon the several questions following being put and propounded to him, gave the several answers thereto respectively following each question, that is to say:—

A.

These are the notes of the public examination referred to in the memorandum of public examination of , taken before me this day of 19 .

Registrar.

No. 73 (Section 15 (8))

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

(*Title*)

Public Examination of the Debtor.

Before Mr. Registrar at the Court this day of 19 .

The above-named debtor being sworn and examined at the time and place above-mentioned, upon his oath saith as follows:—

A.

These are the notes of the public examination referred to in the memorandum of public examination of , taken before me this day of 19 .

Registrar.

No. 74 (Section 15 (3))

ORDER OF ADJOURNMENT OF PUBLIC EXAMINATION

(*Title*)

This being the day appointed for the(*a*) public examination of the above named , and the said having submitted himself for such examination, now upon hearing Mr. , the Official Receiver in the above matter, and upon hearing and it appearing that

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

It is ordered that the said public examination be adjourned to the day of 19 , at in the noon at . And it is further ordered that the said do attend at the said Court on the said day of 19 for the purpose of being further examined as to his conduct, dealings, and property. And it is further ordered that the said (*a*)

(*a*) Set out any further order of the Court.

Dated the day of 19 .

Registrar.

No. 75 (Rule 196)

ORDER DISPENSING WITH PUBLIC EXAMINATION OF DEBTOR

(*Title*)

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

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

Dated this day of 19 .

By the Court,

Registrar.

No. 76 (Rule 196)

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

(*Title*)

Upon the application of the Official Receiver [*or*, of (*a*) of] in the above matter, and upon reading , and upon hearing , and it appearing to the Court that the debtor is suffering from physical disability which makes him unfit to attend a public examination in Court [*or, as the case may be*] it is ordered that instead of a public examination of the debtor(*b*) the debtor be examined on oath at (*c*) before the Registrar on the day of 19 at o'clock or such other time as having regard to the condition of the debtor may be convenient, and that the Official Receiver and Trustee and(*d*) be at liberty to attend such examination and take part therein.

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

Dated this day of 19 .

By the Court,

Registrar.

No. 77 (Section 15 (8))

MEMORANDUM OF PUBLIC EXAMINATION OF DEBTOR

(*Title*)

Memorandum.—That I,

the above-named debtor, being sworn and examined upon my oath, say that the notes of my public examination marked "A," and appended hereto, were read over by or to me and are correct.

And I further say, that at the time of this my examination, I have delivered up to the Official Receiver or the Trustee of my estate, all property, estate, and effects, and all books, papers, and writings relating thereto.

And I further say, that I have made a full disclosure of all my assets and of all my debts and liabilities of whatever kind, and that I have not removed, concealed, embezzled, or destroyed any part of my estate, real or personal, nor any books of accounts, papers, or writings relating thereto, with an intent to defraud my creditors, or to conceal the state of my affairs.

[*Here insert any special matter.*]

Dated this day of 19 .

Signature

No. 78 (Section 15 (9))

ORDER OF COURT THAT EXAMINATION IS CONCLUDED

(*Title*)

Whereas the above-named *A.B.* has duly attended before the Court, and has been publicly examined as to his conduct, dealings, and property;

And whereas the Court is of opinion that the affairs of the said *A.B.* have been sufficiently investigated, it is hereby ordered that the examination of the said *A.B.* is concluded.

Dated this day of 19 .

By the Court,

Registrar.

No. 79 (Section 16 (1))

PROPOSAL FOR A COMPOSITION

(*Title*)

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

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

[*Set out terms of proposal so far as relate to preferential claims.*]

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

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

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

[*Set out terms of composition.*]

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

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

Dated this day of 19 .

(Signed)(*a*)

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

No. 80 (Section 16 (1))

PROPOSAL FOR A SCHEME

(*Title*)

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

1. That—

[*Set out terms of scheme.*]

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

[*Set out or indicate by reference to the scheme how it is proposed to satisfy preferential claims.*]

3. That provision for payment of all the proper costs, charges, and expenses of and incidental to the proceedings, and all fees and percentages payable to the Official Receiver and the Board of Trade is provided for as follows:—

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

[*Set out any other terms.*]

Dated this day of 19 .

(Signed)(*a*)

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

No. 81 (Rule 200)

REPORT OF OFFICIAL RECEIVER TO CREDITORS ON PROPOSAL FOR COMPOSITION OR SCHEME AND VOTING LETTER

(*Title*)

The Official Receiver of the above estate hereby reports:—

That the debtor has lodged with him a proposal for a composition [*or* scheme] to be submitted to the creditors, of which the following is a copy:—

[*Here set out fully the terms of proposal.*]

That the liabilities, as shown by the debtor's statement of affairs, amount to the sum of £ , and the assets are estimated by the debtor at the sum of £ after payment of preferential debts.

That the value of the assets is [fairly estimated by the debtor] [*or, as the case may be*].

That the terms of the debtor's proposal [*set out particulars of proposal and observations on the proposal and the debtor's conduct*].

Dated this day of 19 .

Official Receiver.

(Address.)

VOTING LETTER (Section 16 (4))

(*Title*)

I, , of , a creditor in the above matter for the sum of £ , hereby request the Official Receiver of the said estate to record my vote(*a*) the acceptance of the proposal as set forth in the Report of the Official Receiver hereto annexed $\frac{\text{and}}{\text{or}}$ (*b*) any amendment thereof which shall, in the opinion of the Official Receiver, be calculated to benefit the general body of the creditors.

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

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

Dated this day of 19 .

Signature of Creditor,

Signature of Witness,

Address,

No. 82 (Section 16 (2))

RESOLUTION ACCEPTING COMPOSITION

(*Title*)

Minutes of resolutions come to and proceedings had at a meeting of creditors held at this day of 19 , , Chairman.

Resolved as follows:—(*a*)

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

F.K. Chairman.

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

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

NOTE.—When a resolution is carried unanimously the creditors need not sign, but when a division is taken all creditors and holders of proxies voting should sign. The signatures must be attached at the meeting. Resolutions should be put separately.

No. 83 (Section 16 (2))

RESOLUTION ACCEPTING A SCHEME OF ARRANGEMENT

(*Title*)

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

Resolved as follows:—(*a*)

That the debtor's proposal for a scheme of arrangement as set forth in the paper writing hereunto annexed, and marked with the letter "A," be accepted.

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

F.K., Chairman.

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

NOTE.—When a resolution is carried unanimously the creditors need not sign, but when a division is taken all creditors and holders of proxies voting should sign. The signatures must be attached at the meeting. Resolutions should be put separately.

No. 84

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

(*Title*)

Ex parte the Official Receiver.

The Official Receiver in the above matter reports to the Court—

That a(*a*) was on the day of , 19 , duly lodged by the debtor in the above matter.

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

That(*b*) in time to allow of the approval of the said(*a*) within fourteen days after the conclusion of the examination of the debtor as required by section 18 of the Bankruptcy Act, 1914.

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

Dated this day of 19 .

Official Receiver.

(*a*) "Composition" or "scheme of arrangement."

(*b*) "The prescribed "notices "cannot be "given"; or "the moneys "or securities "required for "the said (*a*) "have not been "lodged"; or as the case may be.

Order

Before Mr. Registrar.

Upon reading the above report of the Official Receiver, and hearing it is ordered that the time for obtaining the approval of the said(*a*) in the above matter be extended to the day of 19 .

Dated this day of 19 .

By the Court,

Registrar.

No. 85 (Rule 197)

APPLICATION TO COURT TO APPOINT DAY FOR APPROVING COMPOSITION OR SCHEME

(*Title*)

Whereas at a meeting of creditors of the above-named debtor, held at on the day of 19 , a resolution to accept a(*a*) was duly passed by a majority in number representing three-fourths in value of all the creditors who have proved their debts.

And whereas the public examination of the said debtor was concluded on the day of 19 .

Now the (*b*) applies to the Court to fix a day for the consideration of the above-mentioned(*a*)

The gross amount of the(*c*) on which the ad valorem fee will be payable is £ .

Dated this day of 19 .

Debtor [or Official Receiver].

(*a*) Composition *or* scheme of arrangement.

(*b*) "Debtor" *or* "Official Receiver."

(*c*) "Estimated assets" (but not exceeding the gross amount of the unsecured liabilities) *or* "composition."

Order

Before Mr. Registrar.

Upon reading the above application, and hearing , it is ordered that the application for the consideration by the Court of the above-mentioned(*a*) shall be heard at on the day of 19 , at o'clock in the noon.

Dated this day of 19 .

By the Court,

Registrar.

No. 86 (Rule 197)

APPLICATION TO COURT TO APPOINT DAY FOR APPROVING COMPOSITION OR SCHEME IN A SUMMARY CASE

(*Title*)

SUMMARY CASE

Whereas an order for the summary administration of the estate of the above-named was made by the Court on the day of 19 .

And whereas at a meeting of creditors of the above-named debtor, held at on the day of 19 , a resolution to accept(*a*) was duly passed by a majority in number representing three-fourths in value of all the creditors who have proved their debts.

And whereas the public examination of the said debtor was concluded on the day of 19 .

Now the (*b*) applies to the Court to fix a day for the consideration of the above-mentioned (*a*).

The gross amount of the(*c*) on which the ad valorem fee will be payable is £ .

Dated this day of 19 .

Debtor [*or* Official Receiver].

(*a*) A composition *or* scheme of arrangement.

(*b*) "Debtor" *or* "Official Receiver."

(*c*) "Estimated assets" (but not exceeding the gross amount of the unsecured liabilities) *or* "composition."

Order

Before Mr. Registrar.

Upon reading the above application, and hearing , it is ordered that the application for the consideration by the Court of the above-mentioned(*a*) shall be heard at on the day of 19 , at o'clock in the noon.

Dated this day of 19 .

By the Court,

Registrar.

No. 87 (Rule 199)

NOTICE TO CREDITORS OF APPLICATION TO COURT TO APPROVE COMPOSITION OR SCHEME OF ARRANGEMENT

(*Title*)

Take notice that application will be made to the above Court sitting at , on the day of 19 , at o'clock in the noon to approve the composition [*or* scheme of arrangement] as proposed by the said debtor and duly accepted by the statutory majority of the creditors at a meeting held on the day of 19 .

Dated this day of 19 .

Official Receiver.

(Address)

No. 88 (Rule 199)

NOTICE TO CREDITORS OF APPLICATION TO COURT TO APPROVE COMPOSITION OR SCHEME OF ARRANGEMENT IN A SUMMARY CASE

(*Title*)

SUMMARY CASE

Take notice that application will be made to the above Court sitting at , on the day of 19 , at o'clock in the noon to approve the composition [*or* scheme of arrangement] as proposed by the said debtor and duly accepted by the statutory majority of creditors at a meeting held on the day of 19 .

Dated this day of 19 .

Official Receiver.

(Address)

No. 89 (Rule 198)

NOTICE TO OFFICIAL RECEIVER OF APPLICATION TO COURT BY DEBTOR TO APPROVE COMPOSITION OR SCHEME

(*Title*)

Take notice that application will be made to the Court on the day of 19 , at o'clock in the noon, to approve the composition [*or* scheme], accepted on the day of 19 , by the statutory majority of creditors.

Dated this day of , 19 .

G.H.

No. 90 (Section 16 (12))

ORDER ON APPLICATION TO APPROVE COMPOSITION OR SCHEME

(*Title*)

On the application of and on reading the report of the Official Receiver filed on the day of , 19 , and hearing the Official Receiver and , and the Court being satisfied that the creditors in the above matter have duly accepted a composition [*or* scheme] in the following terms, namely [*here insert terms if short; if not, insert* " in the terms contained in the paper writing marked A, annexed hereto "] and being satisfied that the said

terms are reasonable and calculated to benefit the general body of creditors and that the case is not one in which the Court would be required, if the debtor were adjudged bankrupt, to refuse an order of discharge.

[*and as the case may be.*]

And being satisfied—

(*a*) That no facts have been proved which would justify the Court in refusing, qualifying, or suspending an order of discharge,

or

(*b*) That facts have been proved which would justify the Court in refusing, qualifying, or suspending an order of discharge, but that having regard to the nature of such facts, and the composition [*or* scheme] providing reasonable security for payment of not less than five shillings in the pound on all the unsecured debts provable against the debtor's estate, the said composition [*or* scheme] is hereby approved, and it is ordered—

(*a*) That the receiving order made against the said on the day of , 19 , be and the same is hereby discharged,

or

(*b*) That the order of adjudication made against the said on the day of , 19 , be and the same is hereby annulled,

and

(*c*) That the registration of the receiving order in the register of Writs and Orders affecting land at the Land Charges Department of H.M. Land Registry on [*insert date of registration*] under Reference No. [*insert reference number*] be vacated upon application duly made in that behalf by the debtor under Land Charges Rules,

[*add, if so ordered*] *and*

(*d*) That the registration of the petition as a pending action at the said Department on [*insert date of registration*] under Reference No. [*insert reference number*] be vacated upon application made as aforesaid.

or after

and being satisfied that the said terms are not reasonable or calculated to benefit the general body of creditors

and (*or after* and being satisfied)

(*a*) That the case is one in which the Court would be required, if the debtor were adjudged bankrupt, to refuse his discharge.

or

(*b*) That facts have been proved which would, under the Act, justify the Court in refusing, qualifying, or suspending the debtor's discharge.

The Court doth refuse to approve the said composition [*or* scheme].

Dated this day of , 19 .

By the Court,

Registrar.

No. 91 (Rule 212)

APPLICATION FOR ENFORCEMENT OF PROVISION IN A COMPOSITION OR SCHEME

(*Title*)

In the matter of a composition [*or* scheme of arrangement] made by *A.B.*, of .

I, *L.M.*, of , do apply to this Court for an order for the enforcement of the provisions of the said composition [*or* scheme of arrangement] against , on the grounds set forth in the annexed affidavit.

Dated this day of , 19 .

L.M.

No. 92 (Rule 212)

AFFIDAVIT IN SUPPORT OF APPLICATION FOR ENFORCEMENT OF PROVISIONS OF A COMPOSITION OR SCHEME

(*Title*)

In the matter of a composition [*or* scheme of arrangement] made by *A.B.*, of

I, *A.M., of* , make oath and say:—

1. That I am interested in the said composition [*or* scheme of arrangement], having proved my debt as a creditor of the said *A.B.* [*or as the case may be*].

2. That [one of] the provisions of the said composition [*or* scheme of arrangement] is [*or* are] that [*here set it or them out*].

3. That has failed to comply with the said provisions [*or as the case may be.*]

Sworn at, &c.

L.M.

No. 93 (Rule 212)

ORDER FOR ENFORCEMENT OF PROVISION IN A COMPOSITION OR SCHEME

(*Title*)

In the matter of a composition [*or* scheme of arrangement] made by *A.B.*, of

Upon the application of *L.M.*, of , and reading [*here insert evidence*], and upon hearing the Court being of opinion that the provisions of the said composition [*or* scheme of arrangement] mentioned in the said affidavit should be enforced, it is ordered that [*here insert order*].

Dated this day of 19 .

By the Court,

Registrar.

To

Take notice that unless you obey the directions contained in this order, you will be deemed to have committed a contempt of Court.

No. 94 (Section 16 (14))

CERTIFICATE OF APPROVAL OF COMPOSITION OR SCHEME

(*Title*)

I hereby certify that a composition [*or* scheme of arrangement] between *A.B.*, of , the above-named debtor, and his creditors was duly approved by the Court on the day of 19 .

Dated this day of 19 .

Official Receiver.

No. 95

NOTICE TO DEBTOR OF INTENDED APPLICATION FOR ADJUDICATION

(*Title*)

Take notice, that, on behalf of the Official Receiver, application will be made to the Court sitting in Bankruptcy, at on day, the day of 19 , at o'clock in the noon for an order adjudging you, the above-named bankrupt.

(*a*) Here state the grounds on which the application will be made.

(*a*)

[And further take notice, that leave has been obtained to serve you with short notice of this Application.]

Dated this day of , 19 .

To the above-named

No. 96 (Rule 218)

APPLICATION FOR ADJUDICATION UNDER SECTION 14

(*Title*)

The Official Receiver in the above matter reports to the Court:—

That a receiving order was made against the above-named debtor on the day of ,19 .

That a copy of the form hereunto annexed was to the said debtor, on the day of 19 .

That the debtor has not submitted a statement of and in relation to his affairs as required by Section 14 of the Act, nor has he furnished the Official Receiver with any reasonable excuse for his failure to do so.

The Official Receiver accordingly, in pursuance of Section 14 of the Act, makes application to the Court to adjudge the said debtor bankrupt.

Dated this day of , 19 .

Official Receiver.

No. 97

APPLICATION FOR ADJUDICATION UNDER SECTION 14 AND RULE 218

(*Title*)

The Official Receiver in the above matter reports to the Court:—

That a receiving order was made against the above-named debtor on the day of 19 .

That the act of bankruptcy on which the petition was founded was the allegation that the debtor had within three months before the date of the presentation of the petition

That from inquiries made since the receiving order, the statement that the said debtor had appears to have been well founded, and the present place of residence of the debtor has not been ascertained.

That the debtor has failed to attend at the office of the Official Receiver to be examined in respect of his property and creditors, and to give necessary information relative to his estate, affairs, conduct, and dealings, and to receive instructions as to the preparation of a statement of and in relation to his affairs in accordance with the notice (a copy of which is hereto annexed) sent by post addressed to as aforesaid.

That the debtor has not submitted a statement of and in relation to his affairs in pursuance of Section 15 of the Act.

The Official Receiver accordingly, in pursuance of the provisions of Section 14 of the Act, and Rule 218 of the Bankruptcy Rules, 1952, makes application to the Court to adjudge the said debtor bankrupt.

Dated this day of 19 .

Official Receiver.

No. 98 (Rule 218)

APPLICATION FOR ADJUDICATION AFTER RESOLUTION FOR BANKRUPTCY OR BY CONSENT

(Title)

The Official Receiver of the estate of the above-named debtor hereby reports to the Court:—

That at the first meeting of the creditors of the said debtor , held at on the day of 19 , the following resolution was passed:—

"That , the above-named debtor, shall be adjudged bankrupt, and that the Official Receiver do apply to the Court to make the adjudication."

[And / Or that the debtor has, in writing, consented to be adjudged bankrupt.]

The Official Receiver accordingly, in pursuance of the provisions of Section 18 of the Act, makes application to the Court to adjudge the said debtor, , bankrupt.

Dated this day of , 19 .

Official Receiver.

No. 99 (Rule 218)

APPLICATION FOR ADJUDICATION; NO QUORUM; SUMMARY ADMINISTRATION

(Title)

SUMMARY CASE

The Official Receiver reports to the Court:—

That a receiving order was made against the above-named debtor on the day of 19 .

That an order for the summary administration of the estate of the debtor was made on the day of 19 .

That the first meeting of creditors was duly summoned to be held at , on the day of 19 .

That creditors qualified to vote not being present or represented thereat to form a quorum no resolution was passed.

That(*a*)

The Official Receiver accordingly, in pursuance of the provision of Section 18 of the Act, makes application to the Court to adjudge the said debtor, , bankrupt.

(*a*) "the debtor has, in writing, consented to the Court adjudging him bankrupt."

Dated this day of , 19 .

Official Receiver.

No. 100 (Rule 218)

APPLICATION FOR ADJUDICATION WHERE NO QUORUM AT ADJOURNED MEETING

(Title)

The Official Receiver reports to the Court:—

That a receiving order was made against the above-named debtor on the day of 19 .

That the first meeting of creditors was duly summoned to be held at , on the day of 19 .

That creditors qualified to vote not being present or represented thereat to form a quorum, the said meeting was adjourned to the day of 19 .

That at such adjourned meeting creditors qualified to vote not being present or represented to form a quorum no resolution was passed.

That(*a*)

The Official Receiver accordingly, in pursuance of section 18 of the Act, makes application to the Court to adjudge the said debtor, , bankrupt.

(*a*) Notice of this application was on the day the 19 , sent by post addressed to the debtor, *or*, the debtor has consented, in writing, to the Court adjudging him bankrupt.

Dated this day of , 19 .

Official Receiver.

No. 101 (Rule 217 and 218)

ORDER OF ADJUDICATION

(*Title*)

Pursuant to a petition, dated against [*here insert name, description, and address of debtor*] on which a receiving order was made, on the [*date*], and on the application of [*here insert "the Official Receiver" or "the debtor himself" or "A.B. of a creditor"*], and on reading and hearing it is ordered that the debtor be and the said debtor is hereby adjudged bankrupt.

Dated this day of , 19 .

By the Court,

Registrar.

Or,

Whereas pursuant to a petition dated against *A.B.*, a receiving order was made on the [*date*]. And whereas it appears to the Court that at the first meeting of creditors held on the [*date*], (or at an adjournment of the first meeting of creditors) at , it was duly resolved that the debtor be adjudged bankrupt. It is ordered that the debtor be and the said debtor is hereby adjudged bankrupt.

Dated this day of 19 .

By the Court,

Registrar.

No. 102

ORDER OF ADJUDICATION AFTER RECEIVING ORDER UNDER SECTION 107 (4) OF THE ACT

(*Title*)

Whereas a receiving order was made against the above-named debtor on the day of upon the hearing of an application for his commitment to prison for default in payment of moneys pursuant to an order of the Court, and in lieu of his commitment to prison for such default.

And whereas it appears to this Court that [*grounds of application for adjudication*].

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

Dated this day of 19 .

By the Court,

Registrar.

No. 103

APPLICATION TO ANNUL ADJUDICATION UNDER SECTION 29

(*Title*)

I, *R.S.*, of , being interested in this matter do hereby make application to the Court that the order of adjudication against *A.B.* be annulled [*here state grounds of application*].

Dated this day of , 19 .

R.S.

No. 104

ORDER ANNULLING ADJUDICATION UNDER SECTION 29

(*Title*)

On the application of *R.S.*, of , and on reading and hearing , it is ordered that the order of adjudication dated against *A.B.*, of , be and the same is hereby annulled.

[*add, if so ordered*]

And it is ordered that the registration of the petition as a pending action at the Land Charges Department of H.M. Land Registry on [*insert date of registration*] under Reference No. [*insert reference number*] and of the receiving order in the register of Writs and Orders affecting land at the said Department on [*insert date of registration*] under Reference No. [*insert reference number*] be vacated upon application duly made in that behalf by the debtor under Land Charges Rules.

Dated this day of , 19 .

By the Court,

Registrar.

No. 104A (Rule 184)

NOTICE TO OFFICIAL RECEIVER AND TRUSTEE OF APPLICATION FOR ANNULMENT OR RESCISSION ON PAYMENT OF DEBTS IN FULL

(*Title*)

The bankrupt (*or* the debtor) having applied to the Court for annulment of the order of adjudication (*or* rescission of the receiving order) made against him on the ground that he has paid his debts in full, the Court has fixed the day of , 19 , at o'clock in the noon at for hearing the application.

Dated this day of , 19 .

Registrar.

To the Official Receiver
(and Mr.
trustee of the estate of the bankrupt).

No. 105 (Rule 225)

APPLICATION FOR ORDER OF DISCHARGE

(*Title*)

I, *A.B.*, of , having been adjudged bankrupt on the day of 19 , and being desirous of obtaining my discharge, hereby apply to the Court to fix a day for hearing my application.

My public examination was concluded on the day of

Annexed hereto is the certificate of the Official Receiver specifying the number of my creditors of whom he has notice.

Dated this day of , 19 .

(Signed) *A.B.*

To the Registrar of the Court.

No. 106 (Rule 225)

CERTIFICATE OF NUMBER OF CREDITORS

(*Title*)

I certify that the creditors of the above bankrupt who require to be notified of his intention to apply for his discharge are in number.

Dated this day of , 19 .

G.H., Official Receiver.

No. 107 (Rule 226)

NOTICE TO OFFICIAL RECEIVER AND TRUSTEE OF APPLICATION FOR DISCHARGE

(*Title*)

The bankrupt having applied to the Court for his discharge, the Court has fixed the day of 19 , at o'clock in the noon at for hearing the application.

Dated the day of , 19 .

Registrar.

To the Official Receiver,
and Mr.
trustee of the estate of
the bankrupt.

No. 108 (Rule 226)

NOTICE TO CREDITORS OF APPLICATION FOR DISCHARGE

(*Title*)

TAKE NOTICE that the above-named Bankrupt has applied to the Court for his discharge, and that the Court has fixed the day of 19 , at o'clock for hearing the application.

Dated this day of , 19 .

Official Receiver.

(Address)

NOTE.—On the back of this notice the provisions of section 26 of the Bankruptcy Act, 1914, as amended by section 1 of the Bankruptcy (Amendment) Act, 1926, and section 27 of the Bankruptcy Act, 1914, should be printed.

No. 109 (Rule 232)

ORDER GRANTING DISCHARGE UNCONDITIONALLY

(*Title*)

On the application of *A.B.*, of &c., adjudged bankrupt on the day of , 19 , and upon taking into consideration the report of the Official Receiver as to the bankrupt's conduct and affairs, including the bankrupt's conduct during the proceedings under his bankruptcy, and upon hearing the Official Receiver, and *C.D.*, *E.F.*, &c., creditors, and *G.H.*, the trustee [*as the case may be*].

And whereas it has not been proved that the bankrupt has committed any of the misdemeanours or felonies mentioned in section 26 of the Bankruptcy Act, 1914, and proof has not been made of any of the facts mentioned in sub-section (3) of that section, as amended by section 1 of the Bankruptcy (Amendment) Act, 1926, or in section 27 of the Bankruptcy Act, 1914, or that the bankrupt has been guilty of any misconduct in relation to his property and affairs. It is ordered that he be and he hereby is discharged.

Dated this day of , 19 .

By the Court,

Registrar.

No. 110 (Section 26 (2))

ORDER REFUSING DISCHARGE

(*Title*)

On the application of

[*as in first paragraph of Form* 109]

And whereas it has been proved that the Bankrupt has committed the following misdemeanours (*or* felonies), namely,

[*Here state particulars*]

Or

And whereas it has not been proved that the bankrupt has committed any of the misdemeanours or felonies mentioned in section 26 of the Bankruptcy Act, 1914; but proof has been made of the following facts under sub-section 3 of that section, as amended by section 1 of the Bankruptcy (Amendment) Act, 1926, $\frac{\text{(or}}{\text{(and}}$ under section 27 of the Bankruptcy Act, 1914) namely

[*Here state particulars*]

$\frac{\text{or}}{\text{and}}$ that he has been guilty of misconduct in relation to his property and affairs, namely,

[*Here state particulars*]

It is ordered that the Bankrupt's discharge be and it is hereby refused.

Dated this day of , 19 .

By the Court,

Registrar.

No. 111 (Rule 232)

ORDER SUSPENDING DISCHARGE

(*Title*)

On the application of

[*as in first paragraph of Form* 109]

And whereas it has not been proved that the bankrupt has committed any of the misdemeanours or felonies mentioned in section 26 of the Bankruptcy Act, 1914, [*or* it has been proved that the bankrupt has committed the following misdemeanours $\frac{\text{(and}}{\text{(or}}$ felonies), namely (*set them out*)], $\frac{\text{and}}{\text{but}}$ proof has been made of the following facts under sub-section (3) of that section as amended by section 1 of the Bankruptcy (Amendment) Act, 1926, $\frac{\text{(or}}{\text{(and}}$ under section 27 of the Bankruptcy Act, 1914).

[*Here state particulars*]

$\frac{\text{or}}{\text{and}}$ that he has been guilty of misconduct in relation to his property and affairs, namely:—

[*Here state particulars*]

It is ordered that the Bankrupt's discharge be suspended until a dividend of not less than ten shillings in the pound has been paid to the creditors, with liberty to the bankrupt at any time after the expiration of two years from the date of this order to apply for a modification thereof, pursuant to section 26.

Or

It is ordered that the Bankrupt's discharge be suspended for and that he be discharged as from the day of 19 .

Dated this day of , 19 .

By the Court,

Registrar.

No. 113 (Rule 232)

ORDER OF DISCHARGE SUBJECT TO CONDITIONS AS TO EARNINGS, AFTER-ACQUIRED PROPERTY, AND INCOME

(*Title*)

On the application of

[*as in first paragraph of Form* 109]

(*a*) Here state particulars of the finding of the Court.

And whereas it has not been proved(*a*)

It is ordered that the bankrupt be discharged subject to the following conditions as to his future earnings, after-acquired property, and income:—

After setting aside out of the bankrupt's earnings, after-acquired property, and income the yearly sum of £ for the support of himself

and his family, the bankrupt shall pay the surplus, if any [*or such portion of such surplus as the Court may determine*], of such earnings, after-acquired property, and income to the Official Receiver [*or* trustee] for distribution among the creditors in the bankruptcy. An account shall, on the 1st day of January in every year, or within fourteen days thereafter, be filed in these proceedings by the bankrupt, setting forth a statement of his receipts from earnings, after-acquired property, and income during the year immediately preceding the said date, and the surplus payable under this Order shall be paid by the bankrupt to the Official Receiver [*or* trustee] within fourteen days of the filing of the said account.

Dated this day of , 19 .

By the Court,

Registrar.

No. 114 (Rule 231 & 232)

ORDER OF DISCHARGE SUBJECT TO A CONDITION REQUIRING THE BANKRUPT TO CONSENT TO JUDGMENT BEING ENTERED UP AGAINST HIM

(*Title*)

On the application of

[*as in first paragraph of Form* 109]

It is ordered that the bankrupt be discharged subject to the following condition to be fulfilled before his discharge takes effect, namely, he shall before the signing of this Order, consent to judgment being entered against him in the (*a*)

(*a*) Insert name of Court having jurisdiction in the bankruptcy.

by the Official Receiver [*or* trustee] for the sum of £ , being the balance [*or* part of the balance] of the debts provable in the bankruptcy which is not satisfied at the date of this Order, and for costs of judgment.

And it is further ordered, without prejudice and subject to any execution which may be issued on the said judgment with the leave of the Court, that the said sum of £ be paid out of the future earnings or after-acquired property of the bankrupt in manner following, that is to say, after setting aside out of the bankrupt's earnings, and after-acquired property a yearly sum of £ for the support of himself and his family, the bankrupt shall pay the surplus, if any [*or such portion of such surplus as the Court may determine*], to the Official Receiver [*or* trustee] for distribution among the creditors in the bankruptcy. An account shall on the 1st day of January in each year, or within fourteen days thereafter, be filed in these proceedings by the bankrupt, setting forth a statement of his receipts from earnings, after-acquired property, and income during the year immediately preceding the said date, and the surplus payable under this Order shall be paid by the bankrupt to the Official Receiver [*or* trustee] within fourteen days of the filing of the said account.

And it is further ordered that upon the required consent being given judgment may be entered against the bankrupt in the (*b*) for the said sum of £ , together with for costs of judgment.

(*b*) Insert name of Court.

Dated this day of , 19 .

By the Court,

Registrar.

No. 115 (Rule 231)

CONSENT OF BANKRUPT TO JUDGMENT BEING ENTERED FOR BALANCE OR PART OF BALANCE OF PROVABLE DEBTS

(Title)

Re

I, *A.B.*, of , the above-named bankrupt, do hereby consent to judgment being entered against me in the Queen's Bench Division of Her Majesty's High Court of Justice [*or as the case may be*] by the Official Receiver [*or* trustee] for the sum of £ , being the balance or part of the balance of the debts provable under my bankruptcy which is not satisfied at the date of my discharge; but this consent is subject to the provision contained in the Bankruptcy Act, 1914, with regard to the issue of execution on such judgment.

Dated this day of , 19 .

(Signed) *A.B.*

No. 116 (Rule 231)

JUDGMENT TO BE ENTERED PURSUANT TO CONSENT (IN THE HIGH COURT)

In the High Court of Justice,
Queen's Bench Division.

19 . No. .

Between

Plaintiff,

and

A.B., Defendant.

And in the matter of the bankruptcy of the said *A.B.*
The day of 19 .

Pursuant to the order of the High Court of Justice in Bankruptcy dated the day of , whereby it was ordered that

[*recite substance of order*]

And the consent mentioned in the said order having been given and filed in the matter of the said bankruptcy.

It is this day adjudged that the said plaintiff recover against the said defendant , together with for costs of judgment.

Dated this day of , 19 .

G.F.,
Solicitor for Plaintiff.

No. 117 (Rule 236)

AFFIDAVIT BY DEBTOR, WHOSE DISCHARGE HAS BEEN GRANTED CONDITIONALLY AS TO AFTER-ACQUIRED PROPERTY OR INCOME

(Title)

I, the above-named debtor, make oath and say as follows:—

1. I have since the date of my discharge resided and carried on business at , and I now reside and carry on business at .

2. The statement hereto annexed is a full, true, and complete account of all moneys earned by me and of all property and income acquired or received by me since the date of my discharge [*or*, since the date when last I filed a statement of after-acquired property and income in Court, namely, the day of 19].

Sworn at, &c.

(Signature of debtor)

No. 118 (Section 32 (2) of Bankruptcy Act, 1883, & Section 102 (3) of Bankruptcy Act, 1914)

CERTIFICATE FOR REMOVAL OF DISQUALIFICATION

(*Title*)

Whereas an order of discharge was, on the day of 19 , granted to *A.B.*, the above-named bankrupt, it is hereby certified that the bankruptcy of the said *A.B.* was caused by misfortune without any misconduct on his part.

Dated this day of , 19 .

By the Court,

Registrar.

No. 119 (Rule 332)

REQUEST BY CREDITORS TO BOARD OF TRADE TO NOTIFY OBJECTION TO TRUSTEE TO HIGH COURT

(*Title*)

We, the undersigned, being a majority in value of the creditors of the above-named *A.B.*, do hereby request the Board of Trade to notify to the High Court their objection to the appointment of *C.D.* as trustee of the property of the bankrupt.

Dated this day of 19 .

Signature of creditors. Amount of debt.

E.F.
G.H.
K.L.
&c.

No. 120 (Rule 331)

CERTIFICATE OF APPOINTMENT OF TRUSTEE

(*Title*)

This is to certify that *G.H.*, of , has been duly appointed and approved as trustee of the property of , who was adjudged bankrupt on the 19 .

Dated this day of 19 .

By the Board of Trade,

(Signed) *J.S.*

No. 121

REPORT OF APPOINTMENT OF TRUSTEE TO FILL A VACANCY CAUSED BY RESIGNATION, &C.

(*Title*)

It is reported to the Board of Trade as follows:—

1. That a meeting of creditors in this bankruptcy was held at on the day of at o'clock in the noon, for the purpose of receiving of *G.H.* his resignation of the office of trustee and of appointing a person to fill such office [*or* for the purpose of appointing a trustee in the place of *G.H.* who is dead, *or* who has resigned, *or* who has been removed, *or as the case may be*].

2. That the said *G.H.* resigned the office of trustee [*or as the case may be*], and by resolution at such meeting *N.O.*, of , was appointed to fill the office of trustee of the property of the bankrupt.

Dated this day of 19 .

F.K., Chairman.

No. 122 (Rule 310)

ORDER TRANSFERRING RECEIVERSHIP

(*Title*)

Whereas a receiving order was made against the above-named debtor on the day of 19 , whereby Mr. , one of the Official Receivers of this Court, was constituted receiver of the estate of the debtor.

And whereas it has appeared to the Board of Trade desirable that the estate of the said debtor should be transferred and assigned to Mr. as receiver [for the purpose of], and the Board of Trade have required that a transfer of the receivership of the said estate shall be effected.

It is hereby ordered that Mr. be the receiver of the estate of the said debtor in the place of Mr. [for the purpose of].

(*Where the debtor has been adjudged bankrupt and the Official Receiver is acting as trustee add* "and that the property of the debtor do vest in the said as trustee.")

Dated this day of 19 .

By the Court,

Registrar.

No. 123 (Rule 80)

APPLICATION BY TRUSTEE FOR COMMITTAL OF BANKRUPT OR OTHER PERSON

(*Title*)

I, the trustee of the property of the said bankrupt [*or as the case may be*], do apply to this Court for an order of committal for contempt of this Court against the said bankrupt [*or L.M.*,], on the ground set forth in the annexed affidavit.

Dated this day of 19 .

G.H., Trustee.

No. 124 (Rule 80)

AFFIDAVIT OF PERSON INTERESTED IN A COMPOSITION IN SUPPORT OF APPLICATION FOR COMMITTAL

(*Title*)

In the matter of a composition made by *A.B., of*

I, *L.M.*, of , make oath and say:—

1. That of was by an order of this Court made on the day of 19 , ordered to [*here set out the order*].
2. That a copy of the said order was duly served on the said
3. That the said has failed to obey such order.

Sworn at, &c.

L.M.

No. 125 (Rule 80)

AFFIDAVIT IN SUPPORT OF APPLICATION FOR COMMITTAL OF DEBTOR FOR CONTEMPT UNDER SECTION 22

(*Title*)

I, , the Official Receiver of the estate of the said debtor [*or* the trustee of the property of the said bankrupt] make oath, and say:—

Where debtor does not submit to examination.

That the said debtor did attend at the first meeting of his creditors held on the day of 19 , at , and wilfully refused to submit to be examined at such meeting in respect of his property [*or* his creditors], the submitting to examination being a duty imposed upon him by the Bankruptcy Act, 1914, Section 22.

or

[1. That the said [debtor] bankrupt did wilfully fail to attend a meeting of his creditors held on the day of 19 , at [*or* to wait on me at my office on the day of 19], the attending such meeting [*or* waiting on me] being a duty imposed upon him by the Bankruptcy Act, 1914, Section 22.]

Where debtor fails to attend a meeting other than the first.

[*or* 1. That the said [debtor] bankrupt has wilfully failed to execute [*here describe the deed, &c., that he has failed to execute*], the execution of such deed when required by me being a duty imposed upon him by the Bankruptcy Act, 1914, Section 22.]

Where debtor fails to execute a deed.

2. [That the said [debtor] bankrupt was on the day of 19 , duly served with a notice, a copy of which is hereunto annexed, by leaving the same at his usual place of residence, requiring him to attend the said meeting], [*or* to execute the above-mentioned *deed, &c.*]

or

1. That the said [debtor] bankrupt has wilfully failed to perform the duty imposed upon him by the Bankruptcy Act, 1914, Section 22, [*here insert any act he has been required to do by any special order of the Court, stating the day on which the order was made.*]

Where debtor fails to obey special orders of Court.

2. That the said [debtor] bankrupt was duly served with a copy of such order by leaving the same at his usual place of residence on the day of 19 .].

or

That the said [debtor] bankrupt has failed to deliver up possession of [*here state the property he has failed to deliver up*], which property is divisible amongst his creditors under the said Act, and which said property was [*or* is] in his possession or control, he having been required by me to deliver up the said property by notice, a copy of which is hereunto annexed, and which notice was duly served upon him on the day of 19 , at .

Where debtor has failed to deliver up property.

Sworn at, &c.

Official Receiver
or Trustee.

No. 126 (Rule 80)

AFFIDAVIT OF TRUSTEE UNDER SECTION 48 (6)

(Title)

I, *G.H.*, the trustee of the property of the said *A.B.*, a bankrupt, make oath and say:—

1. That I believe that *L.M.*, of , hath in his possession or power as [*here set out the capacity in which the person stands to the bankrupt*] certain moneys [and securities] belonging to the bankrupt, that is to say [*here set out and describe the particular moneys and securities*].

2. That on the day of 19 , I did apply personally to the said *L.M.* to pay and deliver to me the said moneys [and securities], and that he did not then, nor has he since paid or delivered to me the same [*or*, That I, on the day of , posted a letter to the said *L.M.*, addressed to him at , calling upon him to, &c., and that on the day of 19 , I posted another letter, by which I again called upon him to, &c., and that he has failed to pay and deliver the same].

3. That I firmly believe that the said *L.M.* is not entitled by law to retain such moneys [and securities] as against the bankrupt or against me as the trustee of the property of the bankrupt.

Sworn at, &c.

Trustee.

No. 127 (Rule 81)

NOTICE OF APPLICATION FOR COMMITTAL UNDER SECTIONS 16 OR 21

(*Title*)

To

Take notice that *C.D.*, of , will on the day of 19 , at o'clock in the noon, apply to this Court for an order for your committal to prison for contempt of this Court, you having disobeyed the order of this Court made on the day of 19 [*here set out order*]. And further take notice that you are required to attend the Court on such day at the hour before stated, to show cause why an order for your committal should not be made.

Dated this day of 19 .

Registrar.

No. 128 (Rule 81)

NOTICE OF APPLICATION FOR COMMITTAL UNDER SECTION 22

(*Title*)

To the said *A.B.*, bankrupt

Take notice that the trustee [*or* Official Receiver] of the property of the said bankrupt will on the day of 19 , at o'clock in the noon, apply to this Court for an order for your committal to prison for contempt of this Court, you having failed to perform the duty imposed on you by the Bankruptcy Act, 1914, Section 22 [*here set out the duty he has failed to perform*]. And further take notice that you are required to attend the Court on such day at the hour before stated to show cause why an order for your committal should not be made.

Dated this day of 19 .

Registrar.

No. 129 (Rule 81)

NOTICE OF APPLICATION FOR COMMITTAL UNDER SECTION 48 (6)

(*Title*)

To [*here insert name, address, and description of the person to whom the notice is to be sent*].

Take notice that the trustee [*or* Official Receiver] of the property of the bankrupt will on the day of 19 , at o'clock in the noon, apply to this Court for an order for your committal to prison for contempt of this Court, you having failed to pay and deliver to him certain moneys [and securities] belonging to the bankrupt in your possession or power as [*here state whether as treasurer, banker, &c.*], that is to say [*here set out and describe the particular moneys and securities*]. And further take notice that you are required to attend the Court on such day at the hour before stated to show cause why an order for your committal should not be made.

Dated this day of 19 .

Registrar.

No. 130

ORDER OF COMMITTAL UNDER SECTIONS 16 OR 21

(*Title*)

Whereas by an order of this Court made on the day of 19 , [*here recite the order*]. Now upon the application of *C.D.*, of , and upon hearing *A.B.* (*or, as the case may be*), [*or if he does not appear*] reading the affidavit of [*here insert name and description of person by whom the order was served on A.B.*], and upon reading the affidavit of [*enter evidence*], the Court being of opinion that the said *A.B.* has been guilty of a contempt of this Court by his disobedience of the said order, it is ordered that the said *A.B.* do stand committed to [*here insert prison*] for his said contempt.

Dated this day of 19 .

By the Court,

Registrar.

No. 131

ORDER OF COMMITTAL UNDER SECTION 22

(*Title*)

Upon the application of the trustee [*or* Official Receiver] of the property of the bankrupt [*or* debtor], and upon hearing the bankrupt [*or if he does not appear*], and reading the affidavit of [*here insert name and description of person by whom the notice to show cause was served*] and upon reading the affidavit of [*enter evidence*], the Court being of opinion that the bankrupt [*or* debtor] has been guilty of a contempt of this Court by having failed to [*here follow the notice*], it is ordered that the bankrupt [*or* debtor] do stand committed to [*here insert prison*] for his said contempt.

Dated this day of 19 .

By the Court,

Registrar.

No. 132

ORDER OF COMMITTAL UNDER SECTION 48 (6)

(*Title*)

Upon the application of the trustee of the property of the bankrupt, and upon hearing *L.M.* [*or if L.M. does not appear*], and reading the affidavit of [*here insert name and description of person by whom the notice to show cause was served*] and upon reading the affidavit of [*enter evidence*] the Court being of opinion that *L.M.* has been guilty of a contempt of this Court by having failed to pay and deliver to the said trustee certain moneys [and securities] [*here follow the notice*], it is ordered that the said *L.M.* do stand committed to [*here insert prison*] for the said contempt.

Dated this day of 19 .

By the Court,

Registrar.

No. 133 (Rule 80)

AFFIDAVIT OF NON-COMPLIANCE WITH ORDER UNDER SECT. 105 (5)

(*Title*)

I, *L.M.*, of make oath and say:—

1. That *G.H.* of was by an order of the [Board of Trade] made on the day of , 19 , ordered to [*here set out order*].

2. That [a copy of] the said order was duly served on the said *G.H.*

3. That the said *G.H.* has failed to obey the order.

Sworn, &c.

No. 134 (Rule 77)

WARRANT OF COMMITTAL FOR CONTEMPT

(*Title*)

To *X.Y.*, officer of this Court [*or where warrant issues from a County Court,* To the Registrar and bailiffs of the said Court] and to the governor or keeper of the [*here insert the prison*].

Whereas by an order of this Court bearing date the day of 19 , it was ordered that the said debtor [*or L.M.* of] should stand committed for contempt of this Court.

These are therefore to require you the said *X.Y.* [*or* bailiffs], and others, to take the said debtor [*or L.M.*] and to deliver him to the governor or keeper of the above-named prison, and you the said governor or keeper to receive the said debtor [*or L.M.*] and him safely to keep in the said prison and in your custody until such time as this Court shall order; and you the said governor or keeper shall, while the said debtor [*or L.M.*] is in your custody, at all times when the Court shall so direct produce the said debtor [*or L.M.*] before the Court.

Dated this day of 19 .

By the Court,

Registrar.

No. 135

ORDER FOR DISCHARGE FROM CUSTODY ON CONTEMPT

(*Title*)

Upon application made this day of , 19 , for the said debtor [*or L.M.*] who was committed to prison for contempt by order of this Court, dated the day of , 19 , and upon reading his affidavit showing that he has cleared [*or* is desirous of clearing] his contempt and has paid the costs occasioned thereby, and upon hearing the trustee [*or* Official Receiver] [*or C.D.* of], it is ordered that the governor or keeper of [*here insert name of prison*] do discharge the said debtor [*or L.M.*] out of his custody, as to the said contempt.

Dated this day of 19 .

By the Court,

Registrar.

No. 136 (Rules 65 & 78)

ORDER FOR PRODUCTION OF PERSON IN PRISON FOR EXAMINATION BEFORE THE COURT

(*Title*)

Upon application made this day of by [*applicant*] for an order for the production of the said debtor [*or L.M.*] who was committed to prison for contempt by order of this Court dated the day of , 19 , for examination before this Court; it is ordered that the governor or keeper of [*insert name of prison*] do cause the said debtor [*or L.M.*] to be brought in custody before the Court at on the day of , 19 , for examination before the Court, and afterwards to be taken back to the said prison to be there safely kept pursuant to the said order.

Dated this day of 19 .

By the Court,

Registrar.

No. 137 (Rule 77)

SEARCH WARRANT

(*Title*)

To *X.Y.*, the officer of this Court and his assistants [*or where warrant issues from a County Court* To the Registrar and bailiffs of the Court]

Whereas by evidence duly taken upon oath it hath been made to appear to the Court that there is reason to suspect and believe that property of the said debtor is concealed in the house of one *X.M.* [*or other place, describing it, as the case may be*] of in the county of such house [*or* place] not belonging to the said debtor.

These are therefore to require you to enter in the daytime into the house of the said *X.M.* situate at aforesaid [*or other place, describing it*] and there diligently to search for the said property, and if any property of the said debtor shall be there found by you on such search, that you seize the same, to be disposed of and dealt with according to the provisions of the Bankruptcy Act, 1914.

Dated this day of 19 .

Registrar.

No. 138 (Rule 77)

WARRANT OF SEIZURE

(*Title*)

To *X.Y.*, the officer of this Court and his assistants [*or where warrant issues from a County Court* To the Registrar and bailiffs of the Court]

Whereas on the day of 19 , a receiving order was made against the said debtor.

These are therefore to require you forthwith to enter into and upon the house and houses, and other the premises of the said debtor, and also in all other place and places belonging to the said debtor where any of his goods and moneys are, or are reputed to be; and there seize all the ready money, jewels, plate, household stuff, goods, merchandise, books of accounts, and all other things whatsoever, belonging to the said debtor, except his necessary wearing apparel, bedding and tools, as excepted by the Bankruptcy Act, 1914.

And that which you shall so seize you shall safely detain and keep in your possession until you shall receive other orders in writing for the disposal thereof from the trustee [*or* Official Receiver]; and in case of resistance or of not having the key or keys of any door or lock of any premises belonging to the said debtor where any of his goods are or are suspected to be, you shall break open, or cause the same to be broken open for the better execution of this warrant.

Dated this day of 19 .

Registrar.

No. 139 (Rule 77)

WARRANT AGAINST DEBTOR ABOUT TO QUIT ENGLAND, &C.

(*Title*)

To *X.Y.*, the officer of this Court [*or where warrant issues from a County Court*, to the Registrar and bailiffs of the said Court] and all peace officers within the jurisdiction of the said Court, and to the Governor or keeper of the [*here insert the prison*].

Whereas, by evidence taken upon oath, it hath been made to appear to the satisfaction of the Court that there is probable reason to suspect and believe that the said debtor has absconded and gone abroad [*or* quitted his place of residence], *or* is about to go abroad [*or* quit his place of residence] [with a view of avoiding service of a bankruptcy petition] [*or* of

avoiding appearing to a bankruptcy petition], [*or* of avoiding examination in respect of his affairs, or otherwise delaying or embarrassing the proceedings in bankruptcy] [*or* of avoiding payment of a judgment debt in respect of which a bankruptcy notice has been issued].

[*Or* that there is probable cause to suspect and believe that the said debtor is about to remove his goods or chattels with a view to preventing or delaying such goods or chattels being taken possession of by the trustee of the property of the bankrupt] [*or* that the said debtor has concealed *or* is about to conceal or destroy his goods or chattels, or some of them, or his books, documents, or writings, or some or one of them, which may be of use to the creditors in the course of the bankruptcy of the said debtor.]

[*Or* whereas, by evidence taken upon oath, it hath been made to appear to the satisfaction of this Court that the said debtor has removed certain of his goods and chattels in his possession, above the value of five pounds, without the leave of the Official Receiver or trustee, that is to say (*here describe the goods or chattels*).]

[*Or* that the said debtor did without good cause fail to attend at this Court on the day of 19 , for the purpose of being examined, according to the requirements of an order of this Court made on the day of 19 , directing him so to attend.]

These are therefore to require you the said [*or* bailiffs and others], to take the said debtor and to deliver him to the governor or keeper of the above-named prison, and you the said governor or keeper to receive the said debtor, and him safely to keep in the said prison until such time as this Court may order.

Dated this day of 19 .

By the Court,

Registrar.

No. 140

ORDER TO POSTMASTER-GENERAL UNDER SECTION 24

(*Title*)

Upon the application of the Official Receiver [*or* the trustee] of the property of the above debtor, it is ordered that for a period of three months from the day of 19 all post letters telegrams and postal packets directed or addressed to the said debtor, at(*a*)

shall be re-directed, sent or delivered by the Postmaster-General, or officers acting under him, to(*b*)

except any letter on which there is a specific direction signed by the Official Receiver [*or* trustee] that it is to be delivered as addressed, if possible, and that a sealed duplicate of this order to be forthwith transmitted by the Official Receiver [*or* trustee] to the Postmaster-General, or officers acting under him.

(*a*) Here insert the full address or addresses.
(*b*) " the said Official Receiver (*or* trustee) at

or otherwise " as the Court may direct.

Dated this day of 19 .

By the Court,

Registrar.

No. 141 (Rule 62)

SUBPŒNA (HIGH COURT)

(*Title*)

Elizabeth the Second, by the Grace of God, &c. to [*the names of three witnesses may be inserted*] greeting: We command you to attend before at on day the day of 19 , at the hour of in the noon, and so from day to day until the above matter is heard, to give evidence on behalf of [*insert name*].

Dated this day of 19 .

Registrar.

No. 142 (Rule 62)

SUBPŒNA DUCES TECUM (HIGH COURT)

(*Title*)

Elizabeth the Second, by the Grace of God, &c. to [*the names of three witnesses may be inserted*] greeting: We command you to attend before at on day the day of 19 , at the hour of in the noon, and so from day to day until the above matter is heard, to give evidence on behalf of , and also to bring with you and produce at the time and place aforesaid [*specify documents to be produced*].

Dated this day of 19 .

Registrar.

No. 143 (Rule 62)

SUBPŒNA TO WITNESS IN COUNTY COURT

(*Title*)

To *X.Y.* of

You are hereby required to attend at the Court-house in on the day of , in the noon to give evidence in the above matter [*add where issued at instance of petitioning creditor* on behalf of *C.D.*, of , by whom the said petition has been presented], and then and there to have and produce [*state any particular documents required*]: hereof fail not at your peril.

Dated this day of 19 .

Registrar.

No. 144

SUMMONS UNDER SECTION 25

(*Title*)

To , of .

You are hereby required to attend at the Court holden at on the day of 19 , at o'clock in the noon, to give evidence in the above matter, and then and there to have and produce(*a*) hereof if you fail, having no lawful impediment to be then made known to the Court, and allowed by it, the Court may by warrant cause you to be apprehended and brought up for examination.

Dated this day of 19 .

Registrar.

NOTE.—This summons is issued on the application of the Official Receiver and trustee, and take notice, that if the sum of £ , stated to be due by you to this estate, be paid to , Official Receiver, at , on or before the day of , this summons will be discharged.

(*a*) 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 £ .

No. 145 (Section 25 (4))

ADMISSION OF DEBT BY DEBTOR OF BANKRUPT

(*Title*)

In the matter of *A.B.*, of , a bankrupt.

I, the undersigned *J.K.* of , do hereby admit that I am indebted to the said bankrupt in the sum of pounds, upon the balance of accounts between myself and the said bankrupt.

Dated this day of 19 .

J.K.

Witness,
C.D., Registrar,
[*or* Official Receiver].

No. 146 (Section 25 (4))

ORDER TO PAY ADMITTED DEBT

(*Title*)

Whereas *J.K.*, of , in his examination taken this day, and signed and subscribed by him, has admitted that he is indebted to the said debtor in the sum of pounds, on the balance of accounts between him and the debtor; it is ordered that the said *J.K.* do pay to the trustee of the property of the debtor, in full discharge of the sum so admitted, the sum of pounds forthwith [*or if otherwise, state the time and manner of payment*], and do further pay to the said trustee the sum of pounds for costs.

Dated this day of 19 .

By the Court,

Registrar.

No. 147 (Rule 79)

WARRANT TO APPREHEND A PERSON SUMMONED UNDER SECTION 25

(*Title*)

To *X.Y.* and his assistants of this Court [*or where warrant issues from a County Court,* to the Registrar and bailiffs of the Court] and to the Governor or Keeper of the [*here insert prison*].

Whereas by summons dated the day of , and directed to *A.B.*, of , the said *A.B.* was required personally to be and appear on the day of at o'clock in the noon at this Court to be examined [*and/or* produce such document as hereinafter mentioned] which said summons was afterwards on the day of as hath been proved upon oath duly served upon the said *A.B.* and a reasonable sum was tendered him for his expenses, and where the said *A.B.* having no lawful impediment made known to and allowed by this Court at the time of its sitting hath refused to appear before the Court at the time appointed [*and/or* hath refused to produce a document in his custody or power relating to the debtor, his dealings, or property, which this Court has required him to produce]. These are, therefore, to require and authorise you and every of you, the said *X.Y.* and your assistants [*or* the Registrar and bailiffs of the Court] immediately upon receipt hereof to take the said *A.B.* and bring him before this Court at such time and place as this Court shall direct, in order to his being examined as aforesaid, and in the meantime him safely to keep or deliver to the Governor or Keeper of the above-named prison, and forthwith, after such taking and delivery, to report the same to this Court, and obtain its direction or order fixing a day, time, and place for the examination of the said *A.B.* and you the said Governor or Keeper to receive the said *A.B.* and him safely keep in the said Prison and in your custody to await the direction or

order of this Court, and to produce him before this Court at such time and place as shall be specified in such direction or order, and for so doing this shall be a sufficient warrant to you and every of you.

Dated this day of , 19 .

By the Court,

Registrar.

No. 148 (Rule 79)

ORDER FOR PRODUCTION OF PERSON APPREHENDED UNDER WARRANT UNDER SECTION 25 FOR EXAMINATION BEFORE THE COURT

(*Title*)

Upon report made to the Court the day of , that *A.B.* has been apprehended under a Warrant issued by this Court on the day of , it is ordered that the Governor or Keeper of [*insert name of prison*] do cause the said *A.B.* to be brought in custody before the Court sitting at on the day of at o'clock in the noon for examination before the Court, and in the meantime to be safely kept, and afterwards if the Court shall so direct to be taken back to the said prison and there safely kept pursuant to the said Warrant.

Dated this day of , 19 .

By the Court,

Registrar.

No. 149 (Rule 274)

NOTICE TO BANKRUPT UNDER SECTION 51

(*Title*)

To *A.B.*

Take notice that I intend to apply to this Court on the day of 19 , at o'clock in the noon, for an order under Section 51 of the Bankruptcy Act, 1914, for the payment of a part of your salary [*or* income] to me as trustee for the benefit of the creditors under your bankruptcy. On the application you are at liberty to show cause against such order being made.

Dated this day of 19 .

G.H., Trustee.

No. 150

NOTICE OF APPLICATION TO SET ASIDE INCOME OF SEPARATE PROPERTY OF BANKRUPT MARRIED WOMAN UNDER SECTION 52

(*Title*)

Take notice that I intend to apply to this Court on the day of , 19 , at o'clock in the noon for an order pursuant to Section 52 of the Bankruptcy Act, 1914, that the whole, or such part as the Court may determine, of the income of the separate property of the said *A.B.* arising under an Indenture of Settlement dated the day of , and made between and [*or as the case may*], notwithstanding the restraint on anticipation to which such income is subject, may be paid to me as trustee for distribution among the creditors.

Dated this

To

Trustee.

(Address)

No. 151 (Rule 275)

ORDER SETTING ASIDE PAY OR SALARY UNDER SECTION 51 (1)

(*Title*)

Whereas it appears to the Court that the bankrupt is [*or, here state what the bankrupt is*], and as such is in the enjoyment of the annual pay [*or* salary] of pounds; and whereas upon the application of *G.H.* of the trustee of the property of the bankrupt, it appears to the Court just and reasonable that the annual sum of pounds, a portion of the said pay [*or* salary], ought to be paid to the said trustee during the bankruptcy, in order that the same may be applied in payment of the debts of the bankrupt, and that such payment ought to be made out of the first moneys which shall be due after the day of 19 , and be continued until this Court shall make order to the contrary: it is ordered, with the written consent of [*here insert the official title of the chief officer of the department under which the pay or salary is enjoyed*], that such portion of the [*here insert pay or salary*] shall be paid to the trustee accordingly.

Dated this day of 19 .

By the Court,

Registrar.

I consent to the above order.

Dated this day of 19 .

F.K. [*add title and office*].

No. 152 (Rule 276)

ORDER SETTING ASIDE SALARY OR INCOME UNDER SECTION 51 (2)

(*Title*)

Whereas it appears to the Court that the bankrupt is in receipt of [*or* entitled to] a salary [*or* income, half-pay, pension, or compensation granted by the Treasury, *as the case may be*] of about pounds, as [*here set forth the circumstances under which the salary or income is received*]: And whereas upon the application of the trustee of the property of the bankrupt, and upon hearing the bankrupt it appears to the Court just and reasonable, that the annual sum of pounds, a portion of the said salary [*or* income, &c.], ought to be paid by the bankrupt by monthly [*or* quarterly] payment [*according as the bankrupt receives his salary or income, &c.*] to the trustee during the bankruptcy, in order that the same may be applied in payment of the debts of the said bankrupt, and that the first of such payments ought to be made on the day of 19 , and be continued monthly [*or* quarterly] until this Court shall make order to the contrary: it is ordered that the said sum shall be paid by in manner aforesaid out of the bankrupt's said salary [*or* income, &c.].

Dated this day of 19 .

By the Court,

Registrar.

No. 153

ORDER FOR PAYMENT TO TRUSTEE IN BANKRUPTCY UNDER SECTION 52 OF INCOME OF SEPARATE PROPERTY OF BANKRUPT MARRIED WOMAN, NOTWITHSTANDING RESTRAINT ON ANTICIPATION

(*Title*)

WHEREAS it appears to the Court that the bankrupt under and by virtue of an Indenture of Settlement, dated the day of , and made between and [*or as the case may be*] is entitled to separate property, the income whereof is subject to a restraint on anticipation, and whereas upon the application of the

trustee in the bankruptcy and having regard to the means of subsistence available for the bankrupt and her children it appears to the Court just and reasonable that the whole [*or* the annual sum of £ part] of such income should be paid to the trustee in the bankruptcy during the bankruptcy for distribution among the creditors by equal monthly [*or* quarterly *or* half-yearly] payments of £ , and that the first of such payments ought to be made on the day of , 19 , and be continued monthly [*or* quarterly *or* half-yearly] until this Court shall make an order to the contrary. It is ordered that the said income [*or* part of income] shall be paid by to the trustee in the bankruptcy in manner aforesaid.

Dated this day of , 19 .

By the Court,

Registrar.

No. 154 (Rule 278)

NOTICE TO LANDLORD OF INTENTION TO DISCLAIM LEASEHOLD PROPERTY NOT SUBLET OR MORTGAGED

(*Title*)

Take notice that I intend to disclaim the(*a*) dated whereby(*b*)
was let to the above-named bankrupt at a rent of £ .

If you require the matter to be brought before the Court, you must give notice thereof to me in writing within seven days of the receipt by you of this notice.

(*a*) Lease *or* tenancy *as the case may be.*
(*b*) Here specify property let.

Dated this day of 19 .

, Trustee.

To , (Address)
The landlord of the above-mentioned property.

No. 155 (Rule 278)

NOTICE OF INTENTION TO DISCLAIM LEASEHOLD PROPERTY SUBLET OR MORTGAGED

(*Title*)

Take notice that I intend to disclaim the lease dated whereby(*a*)
was let to(*b*) at a rent of £ .

If you require the matter to be brought before the Court, you must give notice thereof to me in writing within fourteen days of the receipt by you of this notice.

(*a*) Here insert particulars of demised property.
(*b*) The above-named bankrupt *or as the case may be.*

Dated this day of 19 .

, Trustee.

To (Address)
The landlord of the above mentioned premises *and*

To
The mortgagee *or* sub-tenant.

No. 156 (Rule 278)

DISCLAIMER WITHOUT NOTICE OF INTENTION TO DISCLAIM

(*Title*)

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

Notice of this disclaimer has been given to(*d*) .

Dated this day of 19 .

Trustee.

(Address)

(*a*) Lease dated the *or as the case may be.*
(*b*) Insert description of the property.
(*c*) On a tenancy *or* for a term of years *or as the case may be.*
(*d*) Insert names and addresses of persons to whom notice given.

No. 157 (Rule 278)

DISCLAIMER OF LEASEHOLD PROPERTY AFTER NOTICE TO LANDLORD, MORTGAGEES, &C.

(*Title*)

Pursuant to notice dated the day of 19 addressed to(*a*) I, the trustee of the property of the above-named bankrupt, hereby disclaim the lease dated the day of 19 , whereby(*b*) were let to(*c*) at a rent of £ for a term of

Notice of this disclaimer has been given to(*d*)

Dated this day of 19 .

, Trustee.

(Address)

(*a*) Here insert names and addresses of persons to whom notice of intention to disclaim has been given.
(*b*) Here insert particulars of demised property.
(*c*) The above named bankrupt *or as the case may be.*
(*d*) Insert names and addresses of persons to whom notice of disclaimer has been given.

No. 158 (Rule 278)

DISCLAIMER OF LEASE WITH LEAVE OF COURT

(*Title*)

Pursuant to an order of Court dated the day of 19 , I, the trustee of the property above-named bankrupt, hereby disclaim all interest in the lease dated the day of 19 , whereby the premises(*a*) were demised to at a rent of £ per annum, for a term of

Notice of this disclaimer has been given to .

Dated this day of 19 .

Trustee.

(Address)

(*a*) Insert description of the property disclaimed.

No. 159 (Rule 278)

NOTICE OF DISCLAIMER WITHOUT LEAVE OF COURT

(*Title*)

Take notice that, by writing under my hand, bearing date the day of , 19 , I, , the trustee of the property of the above-named bankrupt, disclaimed(*a*) of the premises known as(*b*) which were let to (*c*) at a rent of £ per (*d*)

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

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

Dated this day of 19 .

Trustee.

(Address)

NOTE.—On the back of this notice the provisions of Section 54 (2) and (6) of the Bankruptcy Act, 1914, should be printed.

(*a*) The lease dated the day of *or as the case may be.*
(*b*) Insert description of property disclaimed.
(*c*) On a tenancy *or* for a term of years *or as the case may be.*
(*d*) *Add where necessary* " pursuant to " notice dated " the day of " 19 ."

No. 160 (Rule 278)

NOTICE OF DISCLAIMER OF LEASE WITH LEAVE OF COURT

(*Title*)

Take notice that pursuant to an Order of Court dated the day of 19 , I , the trustee of the property of the above-named bankrupt, by writing under my hand bearing date the day of , 19 , disclaimed all interest in the lease dated the day of , 19 , whereby the premises(*a*) were demised to at a rent of £ per annum, for a term of .

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

Dated this day of 19

To

Trustee.

(Address)

(*a*) Insert description of Property disclaimed.

No. 161 (Rule 278)

FORM OF NOTICE BY LANDLORD OR OTHER PERSON REQUIRING TRUSTEE TO BRING MATTER OF INTENDED DISCLAIMER OF PROPERTY BURDENED WITH ONEROUS COVENANTS BEFORE THE COURT

(*Title*)

To Mr. ,

Trustee of the property of the above-named bankrupt.

SIR,

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

I am, &c.,

(Signed) *A.B.*

[State how interested in the property.]

SCHEDULE to Notice when given by Lessor

Date of Lease	Names, Addresses, and Descriptions of Parties to Lease	Full Description of Property leased	Term and Rent	Date of Assignment to Bankrupt (if any)	Names and Addresses of Parties to Assignment (if any)	Particulars of any Notices of Mortgage of Lease by Bankrupt

SCHEDULE to Notice when given by Mortgagee or Assignee

Date of Lease	Names and Addresses of Parties to Lease	Full Description of Property leased	Term and Rent	Date of Mortgage	Names and Addresses of Parties to Mortgage	Term conveyed by Mortgage	Amount secured by Mortgage	Particulars of any Transfer of Mortgage, with Dates and Names and Descriptions of Parties thereto

No. 162 (Rule 348)

APPLICATION FOR DIRECTIONS BY TRUSTEE

(*Title*)

I desire to make application to the Court for its directions [*here state the particular matter in relation to which they are sought*].

Trustee.

Let this application be heard on the day of , 19 , at o'clock in the noon, and let the trustee give notice to [*here insert the persons to whom it is to be given*].

Dated this day of 19 .

Registrar.

No. 163 (Rule 348)

ORDER ON APPLICATION OF TRUSTEE FOR DIRECTIONS

(*Title*)

Whereas at a Court held this day the trustee of the property of the bankrupt applied to this Court for its directions [*here state the particular matter in relation to which they are sought*]. Now upon hearing *C.D.*, of , on the matter, it is ordered [*here set out the order*], and that the trustee do pay out of his own moneys [*or* out of the property of the bankrupt] the sum of the costs of this order, and the sum of to *C.D.* for his costs [*or* that *C.D.* do pay the sum of the costs of this order, and also the sum of to the trustee for his costs].

Dated this day of 19 .

By the Court,

Registrar.

No. 164 (Rule 90)

ISSUES OF FACT FOR TRIAL BY JURY (HIGH COURT)

(*Title*)

On the application of and on hearing it is ordered that the following issues of fact be tried before and a jury at [*add any other necessary directions*].

Issues

1.
2.

Dated this day of 19 .

By the Court,

Registrar.

No. 165 (Rule 299)

CREDITOR'S PETITION FOR ADMINISTRATION OF ESTATE OF DECEASED DEBTOR UNDER SECTION 130

(Title)

I, *C.D.*, of [*or* we, *C.D.*, of , and *E.F.*, of], hereby petition the Court that an order be made for the administration in bankruptcy of the estate of the late [*here insert name and description of deceased debtor*], who died on the day of 19 and say:—

1. That the said *A.B.* for the greater part of the six months next preceding his decease resided [*or* carried on business] at within the district of this Court [*or, as the case may be, following the terms of Section* 98].

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

3. That [I] do not nor does any person on [my] behalf hold any security on the said deceased debtor's estate, or on any part thereof, &c. [*or, as in Form No.* 11, *Creditor's Petition*].

4. That the estate of the said *A.B.* is according to my information and belief insufficient to pay his debts.

5. That the will of the said AB. was on the day of 19 , proved by *J.S.*, of , and *G.H.*, of

Or,

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

Dated this day of 19 .

(Signed) *C.D.*
E.F.

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

Indorsement

This petition having been presented to the Court on the day of 19 , it is 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.

No. 166 (Rule 299)

PETITION BY LEGAL PERSONAL REPRESENTATIVE FOR ORDER OF ADMINISTRATION UNDER SECTION 130

(Title)

I, *C.D.*, of [*or* we, *C.D.*, of , and *E.F.*, of], hereby petition the Court that an order be made for the administration in bankruptcy of the estate of the late [*here insert name and description of deceased debtor*], who died on the day of 19 and say:—

1. That I am [*or* we are] the legal personal representative [*or* representatives] of the said [*debtor*] and that his Will was on the day

of 19 , proved by [*or* that letters of Administration of his estate were on the day of 19 , granted to].

2. That the said [*debtor*] for the greater part of the six months next preceding his decease resided [*or* carried on business] at within the district of this Court [*or as the case may be, following the terms of Section* 98 *of the Act*].

3. That the estate of [*debtor*] is according to my [*or* our] information and belief insufficient to pay his debts.

(Signed)

Signed by the petitioner in my presence.

Signature of witness.

Address.

Description.

No. 167 (Section 130)

ORDER FOR ADMINISTRATION IN BANKRUPTCY OF ESTATE OF DECEASED DEBTOR UPON PETITION

(*Title*)

Upon the petition of *C.D.*, dated , and numbered of 19 , and upon reading and hearing , it is ordered that the estate of *A.B.*, of , who died insolvent, be administered in bankruptcy, and that the Official Receiver [*or, Mr. G.H.*, an Official Receiver,] of this Court be the trustee, and that the costs of this application be .

Dated this day of 19 .

By the Court,

Registrar.

No. 168

ORDER FOR ADMINISTRATION OF ESTATE OF DECEASED DEBTOR ON TRANSFER OF PROCEEDINGS UNDER SECTION 130 (3)

(*Title*)

Whereas proceedings for the administration of the estate of *A.B.*, late of , deceased, were commenced in the [*here set out Court in which proceedings commenced*] on the day of 19 .

And whereas that Court did on the day of 19 , transfer such proceedings to this Court.

It is hereby ordered that the estate of the said *A.B.*, deceased, shall be administered according to the law of bankruptcy pursuant to Section 130 of the Act, and that *G.H.*, the Official Receiver of this Court, be the trustee of the property of the said *A.B.*, deceased.

Dated this day of 19 .

By the Court,

Registrar.

No. 169 (Rules 269 & 341)

STATEMENT TO ACCOMPANY NOTICE OF DIVIDEND, AND APPLICATION FOR RELEASE

THE BANKRUPTCY ACT, 1914

In the Court , No. of 19

In the matter of , of [*here state address and description of debtor*], under Receiving Order dated day of 19

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

Dr. Cr.

	Estimated to produce per debtor's statement			Receipts				Payments		
	£	s.	d.	£	s.	d.		£	s.	d.
To total receipts from date of receiving order, viz.:— (*State particulars under the several headings specified in the debtor's Statement of Affairs.*)							By Board of Trade and Court fees (including stamp of £5 on petition) ...			
Receipts per trading account							Law costs of petition ...			
Other receipts							Other law costs			
Total							Trustee's remuneration, as fixed by the (*a*) viz.:			
Less:	£	s.	d.				per cent. on £ assets realised			
Deposit returned to petitioner							per cent. on £ assets distributed in dividend			
Payments to redeem securities							Special manager's charges			
Costs of execution ...							Person appointed to assist debtor under s. 74 of the Act			
Payments per trading account							Auctioneer's charges as taxed ...			
							Other taxed costs			
							Costs of possession			
							Costs of notices in Gazette and local papers			
							Incidental outlay			
							Total cost of realisation ...£			
			£				Allowance to debtor ...			
							Creditors, viz.:—	£	s.	d.
							(*b*) Preferential			
							(*b*) Unsecured			
							(*c*) dividend now declared of *s.* *d.* in the £ on £			
							Dividends previously declared			
							The debtor's estimate of amount expected to rank for dividend was £			
Net realisations ... ...£							Balance			
			£							£

(*a*) Creditors *or* committee of inspection *or* Board of Trade, *as the case may be.*

(*b*) Insert number of creditors.

(*c*) 1st, *or as the case may be.*

By s. 82 (2) of the Bankruptcy Act, 1914, it is provided that "if one "fourth in number or value of the creditors dissent from the resolution, "or the bankrupt satisfies the Board of Trade that the remuneration is "unnecessarily large, the Board of Trade shall fix the amount of the "remuneration."

Assets not yet realised estimated to produce £ .

(*Add here any special remarks trustee thinks desirable.*)

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

Dated this day of 19 .

(*Signature of Trustee*)

(*Address*)

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

No. 170 (Rule 256)

CERTIFIED LIST OF PROOFS FILED UNDER RULE 255 AND APPLICATION FOR ISSUE OF DIVIDEND PAYABLE ORDERS

(*Title*)

BANKRUPTCY ESTATES ACCOUNT.

Ledger Folio.

I hereby certify that the following list has been compared with the proofs filed, and that the names of the creditors and the amounts for which the proofs are admitted (total £) are correctly stated.

(*a*)*Signature*

(*a*) If the proceedings are in a County Court, to be signed by the Registrar. If the proceedings are in the High Court, to be signed by the Trustee.

Dated the day of 19 .

I certify that by my books the sum of £ stands to the credit of the above estate with the Bankruptcy Estates Account at the Bank of England, and that the sum of is required to meet the undermentioned dividends, on proofs which have been duly made and admitted to rank for dividend upon the estate, and I have to request that payable orders may be issued to me for distribution among the creditors entitled thereto.

The dividend is payable on the day of , 19 , and notice of declaration thereof was forwarded to the Board of Trade, for insertion in the London Gazette, on the day of , 19 .

Date , 19 .

Trustee.

..... } Address to which dividend payable orders should be sent.

.....

TO THE BOARD OF TRADE.

No. (For use at the Board of Trade)	Payee		Amount of Proof			Amount of Dividend		
	Surname	Christian Name	£	*s.*	*d.*	£	*s.*	*d.*

No. 171 (Rule 256)

CERTIFIED LIST OF PROOFS FILED UNDER RULE 255 LOCAL BANK CASE

(*Title.*)

I hereby certify that the following list has been compared with the proofs filed, and that the names of the creditors and the amounts for which the proofs are admitted (total £ : :) are correctly stated.

(*a*) If the proceedings are in a County Court, to be signed by the Registrar. If the proceedings are in the High Court to be signed by the trustee.

(*a*)(Signature)

Dated this day of 19 .

I hereby certify that a dividend of in the £ has been declared, and that the creditors whose names are set forth below are entitled to the amounts set opposite their respective names.

Dated this day of 19 .

Trustee.

To

The Board of Trade.

Surname	Christian Name	Amount of Proof	Amount of Dividend

No. 172 (Rule 267)

NOTICE TO CREDITORS OF INTENTION TO DECLARE DIVIDEND

(*Title*)

(*a*) *Insert here* "first" *or* "second," *or* "final," *or as the case may be.*

A(*a*) dividend is intended to be declared in the above matter. You are mentioned in the debtor's statement of affairs, but you have not yet proved your debt.

If you do not prove your debt by the day of 19 you will be excluded from this dividend.

Dated this day of 19 .

G.H.,
Trustee.

To X.Y.

Address.

No. 173 (Rule 267 and Section 67)

NOTICE TO PERSONS CLAIMING TO BE CREDITORS OF INTENTION TO DECLARE FINAL DIVIDEND

(*Title*)

Take notice that a final dividend is intended to be declared in the above matter, and that if you do not establish your claim to the satisfaction of the Court on or before the day of 19 , or such later day as the Court may fix, your claim will be expunged, and I shall proceed to make a final dividend without regard to such claim.

Dated this day of 19 .

G.H.,
Trustee.

To X.Y.

Address.

No. 174

NOTICE TO CREDITOR OF INTENTION TO PAY COMPOSITION

(*Title*)

Notice is hereby given that a composition is intended to be paid in the above matter.

Your name is included in the list of creditors in the debtor's statement of affairs, but you have not yet proved your debt.

The last day for receiving proofs is the day of 19 .

Dated this day of 19 .

Official Receiver.

(Address)

No. 175 (Rule 269)

NOTICE OF DIVIDEND

(Title)

[Please bring this Dividend Notice with you]

DIVIDEND OF IN THE £

Address

Date 19

NOTICE IS HEREBY GIVEN that a (*a*) dividend of in the £ has been declared in this matter and that the same may be received at my office, as above, on the day of 19 , or on any subsequent between the hours of and

(*a*) *Insert here* "first" *or* "second" *or* "final," *or as the case may be.*

Upon applying for payment, this Notice must be produced entire, together with any bills of exchange, promissory notes or other negotiable securities held by you. If you desire the dividend to be paid to some other person you can sign and lodge with the Trustee an authority in the prescribed form No. 176, otherwise, if you do not attend personally you must fill up and sign the subjoined forms of receipt and authority when a dividend payable order in your favour will be delivered in accordance with the authority.

(Signed) G. H., *Trustee.*

NOTE.—Dividend payable orders are cancelled at the expiration of six months from date of issue, but will be re-issued, after that period, on application to the Board of Trade.

A fee of 2*s.* 6*d.* is chargeable on the re-issue of each dividend payable order, the fee being payable in bankruptcy stamps.

RECEIPT

19

RECEIVED of G.H., Trustee of the above-mentioned estate, the sum of pounds shillings and pence, being the amount payable to $\frac{\text{me}}{\text{us}}$ in respect of the dividend of in the £ on $\frac{\text{my}}{\text{our}}$ claim against this estate.

Creditor's signature.

[EXEMPT FROM STAMP DUTY.]

£ : :

AUTHORITY

SIR,

Please deliver to $\left\{\begin{array}{l}\frac{\text{me}}{\text{us}} \text{ by post at } \frac{\text{my}}{\text{our}} \text{ risk.} \\ \text{the Bearer, Mr.}\end{array}\right.$

(*Strike out words inapplicable.*)

the dividend order for the dividend payable to $\frac{\text{me}}{\text{us}}$ in this matter.

Creditor's Signature.

To G.H., Trustee.

Date 19

No. 176 (Rule 273)

AUTHORITY TO TRUSTEE TO PAY DIVIDENDS TO ANOTHER PERSON

(Title)

To

The Trustee

SIR,

$\frac{\text{I}}{\text{we}}$ hereby authorise and request you to pay to

of

, all dividends as they are declared in the above-named matter, and which may become due and payable to $\frac{\text{me}}{\text{us}}$ in respect of the proof of debt for the sum of £ , against the above estate made by $\frac{\text{me}}{\text{us}}$ [*or* by , on $\frac{\text{my}}{\text{our}}$ behalf].*

*Strike out words inapplicable

And $\frac{\text{I}}{\text{We}}$ further request that the dividend payable order or orders issued in respect of such dividends may be made payable to the said whose receipt shall be sufficient authority to you for the issue of such order or orders in his name.

It is understood that this authority is to remain in force until revoked by $\frac{\text{me}}{\text{us}}$ in writing.

Witness to the signature Signature

of

Date

No. 177 (Section 68)

APPLICATION BY CREDITOR FOR ORDER FOR TRUSTEE TO PAY DIVIDEND WITHHELD AND ORDER THEREON

(Title)

I, *F.K.*, of , make application to this Court for an order to be made upon the trustee to pay the dividend in this bankruptcy due to me, with interest thereon for the time it has been withheld from me, that is to say, from the day of 19 , on which day I applied to the trustee for its payment to me, and also to pay to me the costs of this application.

Dated this day of 19 .

F.K.

Order

Upon the reading of this application, and upon hearing it is ordered that the trustee do forthwith pay to the said *F.K.* the sum of pounds, the amount of such dividend.

And it is further ordered that the trustee do pay to the said creditor at the same time the sum of , for interest on such dividend, being at the rate of £5 per cent. per annum for the time that its payment has been withheld, together with a further sum of for the costs of this application.

Dated this day of 19 .

By the Court,

Registrar.

(If the Court does not order payment, then, after the words " it is ordered," insert the order made.)

No. 178 (Section 83 (4))

REQUEST TO DELIVER BILL FOR TAXATION

(*Title*)

I hereby request that you will within seven days of this date, or such further time as the Court may grant, deliver to me for taxation by the taxing officer your bill of costs (*or* charges) as (*a*) failing which, I shall, in pursuance of the statute, proceed to declare and distribute a dividend without regard to any claim you may have against me or against the estate of the debtor.

(*a*) Here state capacity in which person employed or engaged.

Dated this day of 19 .

G.H.,
Trustee.

(Address)

No. 179

ALLOCATUR (Rules 94 & 104)

(*Title*)

I hereby certify that I have taxed the bill of costs [*or* charges] [*or* expenses] of *C.D.* [*here state capacity in which employed or engaged*] [*where necessary add* " pursuant to an order of the Court dated the day of 19 "], and have allowed the same [*in case of solicitor's costs state whether on higher or lower scale*] at the sum of pounds shillings and pence [*where necessary add* " which sum is to be paid to the said *C.D.* by as directed by the said order "]

Dated this day of 19 .

(Signed)

£ : :

No. 180 (Rules 94, 102 & 104)

ALLOCATUR FOR COSTS OF DEBTOR'S PETITION

(*Title*)

I hereby certify—

(1.) That I have taxed the bill of costs of , the debtor's solicitor, for filing the petition herein, and have allowed the same at the sum of pounds shillings and pence.

(2.) That the deposit of pounds paid to the Official Receiver on the filing of the petition (*a*) included in the above-mentioned sum.

(*a*) " is " *or* " is not."

(3.) That credit has been given in the said Bill for the sum of received on account of such costs.

(4.) That for the purpose of the taxation the assets were certified as likely to realise *l.*, but not to exceed *l.*

Dated this day of 19 .

£ : :

(Signed)

No. 181 (Rule 105)

REGISTER TO BE KEPT BY TAXING OFFICER

The Bankruptcy Act, 1914

Name of Debtor	Solicitors' Bills			Auctioneers' Bills			Trustees' or Managers' Bills			Accountants' Bills			Other Bills		
	Gross Amount of Bill	Amount Taxed off	Net Amount Allowed	Gross Amount of Bill	Amount Taxed off	Net Amount Allowed	Gross Amount of Bill	Amount Taxed off	Net Amount Allowed	Gross Amount of Bill	Amount Taxed off	Net Amount Allowed	Gross Amount of Bill	Amount Taxed off	Net Amount Allowed

NOTE.—A similar register should be kept of Bills taxed under other Bankruptcy Acts.

No. 182 (Rule 105)

RETURN BY TAXING OFFICER

The Bankruptcy Act, 1914

In the High Court, &c.
[*or* the County Court].

RETURN of BILLS taxed during the year ending 31st December, 19 .

	The Bankruptcy Act, 1914				Other Bankruptcy Acts			
	Number of Bills Taxed	Gross Amount of Bills	Amount struck off on Taxation	Net Amount Allowed	Number of Bills Taxed	Gross Amount of Bills	Amount struck off on Taxation	Net Amount Allowed
Solicitors' Bills ...								
Auctioneers' Bills ...								
Trustees' or Managers' Bills ...								
Accountants' Bills...								
Other Bills ...								
Totals								

(Signed)

No. 183 (Rule 346)

APPLICATION TO BOARD OF TRADE TO AUTHORISE ACCOUNT AT LOCAL BANK

(*Title*)

We, the committee of inspection, being of opinion that Mr. of , the trustee in the above matter, should have an account at a local bank for the purpose of (*a*) hereby apply to the Board of Trade to authorise him to make his payments into and out of the bank.

(*a*) Here insert grounds of application.

All cheques will be countersigned by a member of the committee of inspection, and by .

Dated this day of 19 .

} Committee of Inspection.

No. 184 (Rule 346)

APPLICATION TO THE BOARD OF TRADE TO AUTHORISE ACCOUNT AT LOCAL BANK WHERE THERE IS NO COMMITTEE OF INSPECTION

(*Title*)

I, the [Official Receiver] *or* [Trustee] in the above matter being of opinion that it is desirable in the interests of the estate that I should have an account at a local bank for the purpose of(*a*) hereby apply to the Board of Trade to authorise me to make any payments into and out of the Bank.

(*a*) Here insert grounds of application.

All cheques will be countersigned by .

Dated this day of 19 .

Official Receiver or Trustee.

No. 185 (Rule 346)

ORDER OF BOARD OF TRADE FOR LOCAL ACCOUNT

(*Title*)

You are hereby authorised to make your payments in the above matter into, and out of, the bank.

All cheques shall be countersigned by a member of the committee of inspection, and by

Dated this day of . 19 .

By order of the Board of Trade.

To

Trustee.

No. 186 (Rule 346)

ORDER OF BOARD OF TRADE FOR LOCAL ACCOUNT WHERE THERE IS NO COMMITTEE OF INSPECTION

(*Title*)

You are hereby authorised to make your payments in the above matter into, and out of, the bank.

All cheques shall be countersigned by

Dated this day of 19 .

By Order of the Board of Trade.

To

Official Receiver or Trustee.

No. 187 (Rule 368)

CERTIFICATE BY COMMITTEE OF INSPECTION AS TO AUDIT OF TRUSTEES' ACCOUNTS

We, the undersigned, members of the committee of inspection in the matter of , a bankrupt, hereby certify that we have examined the foregoing account with the vouchers, and that to the best of our knowledge and belief the said account contains a full, true, and complete account of the trustee's receipts and payments on account of the estate.

Dated this day of 19 .

A.B.
C.D. } Committee of Inspection.
E.F.

No. 188 (Rule 369 (4))

AFFIDAVIT VERIFYING TRUSTEE'S ACCOUNT

(*Title*)

I, *G.H.*, of , the trustee of the property of the above-named bankrupt, make oath and say:

That **the account hereunto annexed marked B. is a true copy of the estate cash book and contains a full and true account of my receipts and payments on account of the bankrupt's estate* from the day of to the day of inclusive, **and that* I have not, nor has any other person by my order or for my use during such period, received or paid any moneys on account of the said estate **other than and except the items mentioned and specified in the said account.*

Sworn at, &c.

**NOTE.—If no receipts or payments, strike out the words in italics.*

No. 189 (Rule 364)

TRUSTEE'S TRADING ACCOUNT

(*Title*)

G.H., the trustee of the property of the bankrupt in account with the estate.

Date					*Date*				

G.H., Trustee.

(Date)

We have examined this account with the vouchers and find the same correct, and we are of opinion that the expenditure has been proper.

Dated this day of 19 .

Committee of Inspection
[*or* member of the Committee of Inspection].

No. 190 (Rule 364)

PROFIT AND LOSS ACCOUNT (TRADING ACCOUNT)

(*Title*)

PROFIT and LOSS ACCOUNT

Dr.					*Cr.*				
Stock on hand on day of 19					Sales				
Purchases					Other receipts, if any...				
Trade expenses, viz.:—					Stock on hand on day of 19 ...				
Rent and taxes									
Wages ...									
Miscellaneous									
Balance being profit ...									

G.H., Trustee.

(Date)

NOTE.—This account is to be submitted when the committee of inspection require, and in any case at the end of the trading business carried on by the trustee.

No. 191 (Rule 364)

AFFIDAVIT VERIFYING TRUSTEE'S TRADING ACCOUNT

(*Title*)

I, *G.H.*, of the trustee of the property of the above-named bankrupt, make oath and say that the account hereto annexed is a full, true, and complete account of all money received and paid by me or by any person on my behalf in respect of the carrying on of the trade or business of the bankrupt, and that the sums paid by me as set out in such account have, as I believe, been necessarily expended in carrying on such trade or business.

Sworn at, &c.

G.H., Trustee.

No. 192 (Rule 366)

STATEMENT OF ACCOUNTS UNDER SECTION 85

(*Title*)

Receipts				Payments			
Date	Of whom received	Nature of Receipt	Amount	Date	To whom paid	Nature of Payment	Amount

Signature

Dated this day of 19 .

No. 193 (Rule 354)

AFFIDAVIT BY SPECIAL MANAGER

(*Title*)

I, of , make oath and say as follows :—

1. The account hereto annexed marked with the letter A, produced and shown to me at the time of swearing this my affidavit, and purporting to be my account as special manager of the estate or business of the above-named debtor, contains a true account of all and every sums and sum of money received by me or by any other person or persons by my order or to my knowledge or belief for my use on account or in respect of the said estate or business.

2. The several sums of money mentioned in the said account hereby verified to have been paid or allowed have been actually and truly so paid and allowed for the several purposes in the said account mentioned.

3. The said account is just and true in all and every the items and particulars therein contained according to the best of my knowledge and belief.

Sworn, &c.

No. 194 (Rule 341)

NOTICE TO CREDITORS OF INTENTION TO APPLY FOR RELEASE

(*Title*)

Take notice that I, the trustee of the property of the bankrupt, intend to apply to the Board of Trade for my release, and further take notice that any objection you may have to the granting of my release must be notified to the Board of Trade within twenty-one days of the date hereof.

A summary of my receipts and payments as trustee is hereto annexed.

Dated this day of 19 .

G.H.,
Trustee.

(Address)

To

K.L.,
Creditor.

NOTE.—Section 93 of the Bankruptcy Act, 1914, enacts that "An order of the Board releasing the trustee shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the bankrupt, or otherwise in relation to his conduct as trustee, but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact."

No. 195 (Rule 341)

APPLICATION BY TRUSTEE TO BOARD OF TRADE FOR RELEASE

(*Title*)

I, *G.H.*, the trustee of the property of the bankrupt, do hereby report to the Board of Trade as follows:—

1. That the whole of the property of the bankrupt has been realised for the benefit of his creditors [and a dividend to the amount of shillings in the pound has been paid as shown by the statement hereto annexed];

[*or* That so much of the property of the bankrupt as can, according to the joint opinion of myself and the committee of inspection, hereunto annexed in writing under our hands, be realised without needlessly protracting the bankruptcy, has been realised, as shown by the statement hereunto annexed, and a dividend to the amount of shillings has been paid];

[*or* That a composition [*or* scheme] under Section 21 of the Act has been duly approved by the Court].

2. I therefore request the Board of Trade to cause a report on my accounts to be prepared, and to grant me a certificate of release.

Dated this day of 19 .

G.H.,
Trustee.

No. 196 (Rule 359)

REGISTER OF BANKRUPTCY NOTICES TO BE KEPT BY THE BANKRUPTCY REGISTRARS IN THE HIGH COURT OR A REGISTRAR OF A COUNTY COURT

No.	Debtor	Creditor	When Filed	Solicitor	Result of Notice

No. 197 (Rule 359)

REGISTER OF PETITIONS TO BE KEPT BY THE SENIOR BANKRUPTCY REGISTRAR OF THE HIGH COURT, AND THE REGISTRARS OF THE COUNTY COURTS HAVING JURISDICTION IN BANKRUPTCY

No. of Petition	Debtor		Date of Filing Petition	Petitioning Creditor		Solicitor	Act of Bankruptcy alleged	Date of dismissal of Petition	Date of Receiving Order	Registrar
	Name	Residence and Description		Name	Residence and Description					

No. 198 (Rule 359)

REGISTER OF RECEIVING ORDERS TO BE KEPT BY THE SENIOR BANKRUPTCY REGISTRAR OF THE HIGH COURT, AND THE REGISTRARS OF THE COUNTY COURTS HAVING JURISDICTION IN BANKRUPTCY

Debtor		Petition		Receiving Order			Date of Public Examination	Date of approval of Composition or Scheme	Adjudication		Trustee			Discharge of Bankrupt			Proceedings consolidated or transferred	Date of Order for Summary Administration (S. 129)	Date of Order for Administration of deceased Debtor's estate (S. 130)	Registrar
Name	Residence and Description	No.	Date of Filing	No.	Date of Order	Date of Discharge or recission of Order			Date of Order	Date of Annulment	Name and Address	Date of Appointment	Date of Release	Date of hearing Application	Date of Order	Nature of Order				

No. 199 (Rule 371)

NOTICE OF TRANSFER OF SEPARATE ESTATE TO JOINT ESTATE FOR GAZETTE

(*Title*)

Notice is hereby given that there being in the hands of the trustee in the above bankruptcy a surplus estimated at £ arising from the separate estate of [*name of separate partner*] one of the bankrupts, and there being no separate creditors of such bankrupt, it is the intention of such trustee, at the expiration of days from the appearance of this notice in the London Gazette, to transfer such surplus to the credit of the joint estate in the said bankruptcy.

Dated this day of 19 .

(Signed)

Trustee.

No. 200

NOTICES FOR 'LONDON GAZETTE'

THE BANKRUPTCY ACT, 1914

(1) RECEIVING ORDER (Rule 177)

Debtor's Name (Surname first) Address
Description Court Date of Filing
Petition Number of Matter Date of
Receiving Order Number of Receiving Order
Whether Debtor's or Creditor's Petition Act or Acts of
Bankruptcy proved in Creditor's Petition

(2) ADMINISTRATION ORDER IN THE CASE OF DECEASED DEBTOR (Rule 303)

Name of Deceased (Surname first) Address
Description Date of Death Court
Number of Matter Date of Order Date of Filing
Petition or of Transfer Whether Will or other Testamentary
Disposition (with date thereof) or letters of Administration
Date when proved or granted

(3) FIRST MEETING AND PUBLIC EXAMINATION (Rules 189, 239)

Debtor's Name (Surname first) Address
Description Court Number of Matter
Date of First Meeting Hour Place
Date of Public Examination Hour Place
Date of Order, if any, for Summary Administration

(4) NOTICE OF DAY APPOINTED FOR PROCEEDING WITH PUBLIC EXAMINATION ADJOURNED SINE DIE (Rule 195)

Debtor's Name (Surname first) Address
Description Court Number of Matter
Date fixed for proceeding with Examination Hour
Place

(5) ORDER ON APPLICATION TO APPROVE COMPOSITION OR SCHEME (Rule 205)

Debtor's Name (Surname first) Address
Description Court Number of Matter
Date of Order Nature of Scheme or Composition sanctioned
or Order made

(6) ADJUDICATION (Rule 221)

Debtor's Name (Surname first) Address
Description Court Number of Matter
Date of Order Date of Filing Petition

(7) ADJUDICATION ANNULLED (Rule 358)

Debtor's Name (Surname first) Address
Description Court Number of Matter
Date of Adjudication Date of Annulment Grounds of Annulment

(8) APPLICATION FOR DISCHARGE (Rule 226)

Debtor's Name (Surname first) Address
Description Court Number of Matter
Day fixed for hearing Hour Place

(9) ORDER MADE ON APPLICATION FOR DISCHARGE (Rule 233)

Debtor's Name (Surname first) Address
Description Court Number of Matter
Date of Order Nature of Order made Grounds named in Order for refusing an absolute Order of Discharge

(10) APPOINTMENT OF TRUSTEE (Rule 331)

Debtor's Name (Surname first) Address
Description Court Number of Matter
Trustee's Name (Surname first) Address
Description Date of Certificate of Appointment

(11) NOTICE OF RELEASE OF TRUSTEE (Rule 342)

Debtor's Name (Surname first) Address
Description Court Number of Matter
Trustee's Name (Surname first) Address
Description Date of Release

(12) NOTICE OF INTENDED DIVIDEND (Rule 267)

Debtor's Name (Surname first) Address
Description Court Number of Matter
Last Day for Receiving Proofs Name of Trustee (Surname first) Address

(13) NOTICE OF DIVIDEND (Rule 269)

Debtor's Name (Surname first) Address
Description Court Number of Matter
Amount per £ First, or Final, or otherwise When payable Where payable

(14) ORDER ANNULLING, REVOKING, OR RESCINDING ORDER (Rule 358)

Debtor's Name (Surname first) Address
Description Court Number of Matter
Nature and Date of Order Annulled, Revoked or Rescinded
Date of Annulment, Revocation or Rescission Grounds of Annulment, Revocation or Rescission

(15) NOTICE TO DEBTOR IN LIEU OF PERSONAL SERVICE OF BANKRUPTCY NOTICE AND PETITION, AND OF APPLICATION TO COMMIT FOR CONTEMPT OF COURT (Rules 81, 154)

Debtor's Name (Surname first) Address
Description Court Number of Matter
Nature of Notice of which Substituted Service directed Date thereof If a Petition or Application to Commit, date of Hearing Name and Description of Person serving Bankruptcy Notice, or by whom Petition is presented, or by whom Application to Commit is being made.

(16) NOTICE IN LIEU OF PERSONAL SERVICE OF APPLICATION TO COMMIT A PERSON OTHER THAN DEBTOR FOR CONTEMPT OF COURT (Rule 81)

Name of Person against whom Application made (Surname first)
Address Description Name of Debtor
in whose case Application made (Surname first) Address
Description Court Number of Matter
Date on which Application will be heard

No. 201 (Rule 20 (3))

MEMORANDUM OF ADVERTISEMENT OR GAZETTING

(Title)

Name of Paper	Date of Issue	Date of Filing	Nature of Order, &c.

(Signed)

A.B., Registrar.

No. 202

CERTIFICATE TO SPEAKER OF THE HOUSE OF COMMONS UNDER SECTION 106 (2)

(Title)

In the Matter of the said *A.B.*, of , a bankrupt.

It is hereby certified by this Court to the Right Honourable the Speaker of the House of Commons that the said *A.B.*, being a member of the Commons House of Parliament, was by an order made by this Court on the day of 19 adjudged a bankrupt; And that although six months have expired since the date of the said order of adjudication, the said order of adjudication hath not been annulled, nor have the debts of the creditors who proved debts under the bankruptcy been fully paid or satisfied.

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

By the Court,

Registrar.

Rules 98(4), 100.

APPENDIX II

SCALE OF SOLICITORS' COSTS

PART I

Petitioning Debtor's Solicitor's Bill of Costs

Summary Cases under Section 129

Item No.		£	*s.*	*d.*
1	Instructions for petition, search for prior petition, drawing and attesting petition, attending presentation and hearing thereof, attending Official Receiver with deposit, on giving him all necessary information after order made, and upon preliminary examination of debtor, attending public examination, drawing bill of costs, obtaining appointment to tax, and copy notice of and attendance at taxation (exclusive of court fees and other proper disbursements)—			
	(*a*) where the assets are certified as not likely to realise more than £100	3	0	0
	(*b*) where the assets are certified as likely to realise £100 but not to exceed £200	4	0	0
	Note.—Where the solicitor resides at a distance there may be allowed in addition, for the attendance on presentation of the petition either by the solicitor or by an agent, such sum as the Taxing Officer thinks reasonable not exceeding 12*s.*			
2	Preparing order of adjudication on application of debtor under Rule 217—			
	(*a*) where the assets are certified as not likely to realise more than £100	0	10	0
	(*b*) where the assets are certified as likely to realise £100 but not to exceed £200	0	13	4
	Notes to Items 1 *and* 2:—			
	Note 1.—Items 1 and 2 are not to be subject to reduction under Rule 100.			
	Note 2.—Where the assets are certified by the Official Receiver as likely to realise more than £200 but not to exceed £300, three-fifths of the following charges shall be allowed in accordance with the provisions of Rule 100.			
	Non-Summary Cases			
3	Instructions for petition:—			
	Where the assets are certified—			
	(*a*) As not likely to realise more than £500	3	3	0
	(*b*) As likely to exceed £500 but not to exceed £1,000 ...	4	4	0
	(*c*) " " " " £1,000 " " " " £2,000 ...	5	5	0
	(*d*) " " " " £2,000 " " " " £3,000 ...	6	6	0
	(*e*) " " " " £3,000 " " " " £4,000 ...	7	7	0
	(*f*) " " " " £4,000 " " " " £5,000 ...	8	8	0
	(*g*) " " " " £5,000 " " " " £7,500 ...	9	9	0
	(*h*) " " " " £7,500 " " " " £10,000 ...	10	10	0
	Note 1.—Where the assets are certified as likely to exceed £10,000, the costs allowed in item 3 (*h*) shall be increased by one guinea for every additional £2,500 or fraction of £2,500 beyond the first £10,000.			
	Note 2.—The allowance for instructions for petition is to be made in accordance with the certificate of the Official Receiver as to the value which the assets are likely to realise, and the certificate must be produced to the Taxing Officer.			

Item No.		£ s. d.
	Note 3.—If the assets realise a sum in excess of or less than the value certified by the Official Receiver, the amount of the costs may be recalculated on the sums actually realised and— (*a*) where there is an increase in the amount, the difference shall be recoverable out of any assets available after payment of all costs, charges and fees, if claimed in writing before the assets have been distributed by the trustee; (*b*) where there is a decrease in the amount, the difference, if paid, shall be repaid to the trustee. *Note* 4.—Where a composition is accepted and confirmed by the court the value of the assets shall be taken at the amount payable to the trustee or otherwise required for the purposes of composition.	
4	Search for prior petition	0 6 8
5	Drawing and attesting petition	0 13 4
6	Attending Official Receiver with deposit	0 6 8
7	Attending presentation and hearing of petition	0 10 0
	Note.—Where the solicitor resides at a distance he may be allowed such additional sum as the Taxing Officer thinks reasonable not exceeding £1 0s. 0d.	
8	Drawing receiving order and copy and attending passing ...	0 10 0
9	Preparing order of adjudication on application by debtor under Rule 217...	1 0 0
10	Attending Official Receiver on receiving order being made, and giving him all necessary information	0 13 4
11	Letters, messengers, &c.	0 6 0
	Debtor's Solicitor's Costs on consenting to a Receiving Order on Creditor's Petition	
12	Instructions for and drawing consent to receiving order (if a receiving order is made by consent within five days after service of petition):— Where the assets are certified by the Official Receiver— (*a*) As not likely to realise more than £500	1 1 0
	(*b*) As likely to exceed £500, but not to exceed £1,000	1 11 6
	(*c*) „ „ £1,000, „ „ £2,500	2 2 0
	(*d*) „ „ £2,500	3 3 0
13	Preparing order of adjudication on application by debtor under Rule 217...	1 0 0
14	Attending Official Receiver on receiving order being made, and giving him all necessary information	0 13 4
15	Letters, messengers, &c.	0 6 0
	Note to Items 12 *to* 15:— These items shall not be allowed in summary cases where the assets do not exceed £200 in value.	
	Debtor's Solicitor's Costs on filing a Declaration of Inability to Pay	
16	Instructions for drawing and attesting declaration of inability to pay, including affidavit of identity of debtor where requisite	0 13 4
17	Attending filing	0 6 8

Item No.		£	s.	d.

Notes to Items 16 *and* 17:—

Note 1.—These items shall not be allowed in summary cases where the assets do not exceed £200 in value, or if the debtor subsequently files his own petition.

Note. 2.—The expense of an assignment shall not be allowed where a declaration of inability would answer the purpose.

PART II

Petitioning Creditor's Solicitor's Bill of Costs

Where the Act of Bankruptcy is Non-compliance with a Bankruptcy Notice

1	Instructions for and preparing notice, and preparing request to issue	0	13	4
2	Attending filing	0	6	8
3	Notice and two fair copies	0	6	8
4	Attending sealing notice and copies	0	6	8
5	Service of notice	0	5	0
6	Affidavit of service of notice (where necessary) and attending swearing	0	6	8
7	Attending court on hearing of notice and drawing order ...	0	13	4

Note to Items 1 *to* 7:—

If the debtor sets up a counter-claim or otherwise disputes the validity of the notice, there shall be allowed in addition to these items all necessary charges for perusals of affidavits, affidavits in reply or procuring *viva voce* evidence, and where it is necessary to instruct counsel the usual charges for brief and counsel's fees.

Proceedings on Petition

8	Instructions for petition	1	0	0
9	Examining particulars of petitioning creditor's account ...	0	6	8

Note to Item 9:—

This item shall not be allowed if the act of bankruptcy is default made upon a bankruptcy notice issued by the solicitor to the petitioner.

10	Search for prior petition ... ... and in addition if the solicitor resides at a distance:—	0	6	8
	(*a*) Writing agent to search for prior petition	0	3	6
	(*b*) Agent's writing result of search	0	3	6
11	Drawing bankruptcy petition	0	10	0
12	Engrossing, where the petition exceeds 7 folios, per folio ...	0	0	4
13	Attesting signature of petitioning creditor:—			
	(*a*) Where petitioning creditor is a company or corporation acting by an officer authorized under seal to sign petitions	0	13	4
	(*b*) In any other case, for each petitioning creditor ...	0	6	8
	Note.—Where two or more petitioning creditors are in partnership they shall be treated as one petitioner.			
14	Drawing and fair copy affidavit verifying petition	0	3	4
15	Attending petitioner to be sworn	0	6	8

Item No.		£	*s.*	*d.*
16	Two copies of petition for sealing, per folio	0	0	4
17	Preparing subpoena and serving witnesses, or arranging with witnesses for their attendance on presentation of petition when necessary	0	13	4
18	Payment of witnesses (*see* para. 18 of Part VII).			
	Note.—The petitioning creditor shall not be regarded as a witness; he shall not be paid for loss of time, but shall be allowed his expenses of travelling and subsistence.			
19	Attending Official Receiver with deposit	0	6	8
	Note.—The amount of deposit is to be charged in the petitioning creditor's bill of costs.			
20	Attending on presentation of petition and investigation of the statements therein by the court, and for clerk	1	0	0
21	Attending as in preceding item by agent	2	0	0
	Note to items 20 *and* 21:—			
	Where the solicitor resides at a distance from the court his travelling expenses may be allowed, provided the total charge does not exceed costs of attendance by agent.			
22	Drawing order for hearing petition	0	3	4
23	Service of petition (*see* Part VI).			
24	Affidavit as to act of bankruptcy, including drawing and attending swearing	0	6	8
25	Affidavit of petitioner's debt, including drawing and attending swearing	0	6	8
26	Where the debtor consents to an immediate receiving order, and does not employ his own solicitor:—			
	(*a*) Drawing and attesting consent, including affidavit of identity (when requisite):—			
	Where the assets are certified—			
	(i) As not likely to realise more than £500 ...	1	1	0
	(ii) As likely to exceed £500 but not to exceed £1,000	1	11	6
	(iii) As likely to exceed £1,000 but not to exceed £2,500	2	2	0
	(iv) As likely to exceed £2,500	3	3	0
	(*b*) Attending court on hearing petition	1	0	0
	(*c*) Attending by agent	2	0	0
	(*d*) Drawing receiving order and copy and attending passing	0	10	0
	(*e*) Attending Official Receiver after receiving order made, and giving him all necessary information	0	13	4
	Note.—More than one attendance at the presentation or hearing of a bankruptcy petition shall not be allowed unless ordered and certified by the court at the time.			
27	Attending court where adjournment ordered	0	13	4
28	Attending as in preceding item by agent	1	0	0
29	On application for appointment of interim receiver:—			
	(*a*) Instructions for appointment of interim receiver ...	0	13	4
	(*b*) Drawing and copy application	0	5	0
	(*c*) Instructions for necessary affidavits in support of application, each	0	6	8
	(*d*) Drawing affidavits, per folio	0	1	0

Item No.		£	s.	d.
	(*e*) Fair copy of affidavit, per folio	0	0	4
	(*f*) Attending deponents, each	0	6	8
	(*g*) Attending filing affidavits	0	6	8
	(*h*) Attending court on hearing application	1	0	0
	(*i*) Attending as in (*h*) by agent	2	0	0
	(*j*) Drawing order in duplicate and attending to pass ...	0	6	8
	(*k*) Attending Official Receiver with order, paying deposit, and giving all necessary information	0	13	4
30	Letters, messengers, &c. (in discretion of Taxing Officer).			
	Note to Items 8 *to* 30:— Where the act of bankruptcy arises under sub-sections (1) (*a*), (*b*), (*c*), (*d*), (*e*) or (*h*) of section 1 of the Act, special attendances (where necessary) to examine witnesses as to the facts they can prove shall be allowed; the charges for the attendances, and for summoning witnesses, or for affidavits, shall be in the discretion of the Taxing Officer. Where it is necessary to instruct counsel to support the petition, the usual charges for brief and counsel's fees shall be allowed.			
	Costs for Substituted Service where the Debtor keeps out of the way to avoid Service			
31	Preparing and making application to the court for substituted service, including previous attendances to serve which have been without effect because the debtor was keeping out of the way and could not be personally served (inclusive charge)	0	15	0
32	Drawing affidavit of facts, showing that due pains had been taken to effect personal service, per folio	0	1	0
33	Fair copy of affidavit, per folio	0	0	4
34	Attending to swear and file affidavit and to obtain order for substituted service and drawing up order	0	13	4
	Where the Debtor disputes the Statements in the Petition			
35	Attending petitioner where the debtor has served notice of disputing the statements in the petition	0	6	8
	Note.—Special attendances (where necessary) shall be allowed to examine witnesses as to the facts they can prove; the charges for the attendances and for summoning witnesses shall be in the discretion of the Taxing Officer. Where it is necessary to instruct counsel to support the petition, the usual charges for brief and counsel's fees shall be allowed.			
36	Attending court when the receiving order is made	1	0	0
37	Attending as in previous item by agent...	2	0	0
	Where the Debtor is required by the Court to enter into a Bond			
38	Attending to make inquiries as to sufficiency of sureties ...	0	13	4
	Note.—This item may be increased according to the distance of the sureties' residence; and, where necessary, agency charges for making such inquiries shall be allowed.			
39	Drawing exceptions to sureties	0	3	4
40	Service thereof on debtor's solicitor	0	5	0
41	Attending court when sureties allowed or disallowed... ...	0	13	4
	Note to Items 39, 40 *and* 41:— The costs of the affidavits in opposition to the allowance of the bond for want of sufficiency of sureties shall be the same as of other special affidavits.			

Item No.		£ *s.* *d.*
	General Note to Part II:—	
	The petitioning creditor's solicitor may be allowed all proper charges at the rate specified in the scale—	
	(*a*) for work necessarily and usefully done between the presentation of the petition and the date of the receiving order in the interest of the creditors generally and for the protection or benefit of the estate; and	
	(*b*) in exceptional cases for special services rendered prior to the presentation of the petition in the interests of the creditors generally where the services have been of substantial advantage to the estate;	
	if the Official Receiver certifies that the work was necessary and useful, or, as the case may be, the special services were of substantial advantage. The Official Receiver's certificate may be endorsed at the foot of the bill of costs.	

PART III

Special Costs

1	On application for appointment of special manager:—	
	(*a*) Instructions for appointment of a special manager ...	0 13 4
	(*b*) Drawing and copy application...	0 5 0
	(*c*) Instruction for affidavits in support, not exceeding three in number, unless the Taxing Officer considers that further affidavits were necessary, each	0 6 8
	(*d*) Drawing affidavit, per folio	0 1 0
	(*e*) Fair copy of affidavits, per folio	0 0 4
	(*f*) Attendances on deponents, each	0 6 8
	(*g*) Attending Official Receiver to lodge papers, and to obtain appointment to hear application	0 6 8
	(*h*) Attending Official Receiver on hearing application	0 13 4
	Note.—Proper charges for further attendances on creditors and other work necessarily done by a solicitor in connection with the appointment of a special manager shall be allowed, but no costs shall be allowed on an unsuccessful application unless the Official Receiver certifies that the costs of the application should be allowed.	
2	Attendance at public examination where the court certifies that the attendance is necessary	1 1 0
3	Attending Official Receiver upon preliminary examination of debtor	0 13 4
4	Attendance at first meeting of creditors	0 13 4
	Note to Items 3 *and* 4:—	
	These items may only be allowed if the Official Receiver certifies in writing that the attendance was necessary in the interest of the estate, and the amounts may not be exceeded except by special authority of the Official Receiver.	

PART IV

Taxation of Petitioner's Costs

1	On a debtor's petition, drawing bill of costs and copy, and notice of and attendance at taxation	0 15 0
	Note.—No charges other than those included under Parts I to III of this Scale may be allowed.	

Item No.		£	*s.*	*d.*
2	On creditor's petition, drawing bill of costs and copy, and notice of and attendance at taxation:—			
	(*a*) Where the costs do not exceed £10	0	15	0
	(*b*) Where the costs exceed £10 ... ... plus an allowance of 5 per cent. on the total amount of the bill, is allowed.	0	15	0

Note to Item 2 (*b*):—

The maximum charge allowable under this item shall be £5 0s. 0d.

General Notes to Item 2:—

Note 1.—Where the petition is unopposed, no charges other than those included under Parts II, III and VI of this Scale may be allowed unless the Taxing Officer considers that for special reasons additional items should be allowed.

Note 2.—Where the petition is opposed, additional costs may be allowed for necessary matters not provided for under Parts II, III or VI of this Scale. The allowance shall be made as far as possible to conform with any item of a similar nature in the Scale or in the scales of costs allowed in the Supreme Court.

PART V

Debtor's Solicitor's Costs

Where the Court allows Costs to the Debtor on a Bankruptcy Notice being set aside

1	Instructions to apply to set aside bankruptcy notice	0	6	8
2	Perusing and considering bankruptcy notice	0	5	0
3	Instructions for affidavit of counter-claim	0	6	8
4	Drawing affidavit, per folio	0	1	0
5	Fair copy of affidavit, per folio	0	0	4
6	Attending to file, and drawing application for appointment to hear and notice	0	6	8

Note to Items 1 *to* 6:—

Costs of further affidavits, or of procuring *viva voce* evidence, and of other incidental charges properly incurred, including where necessary usual charges for brief and fees to counsel, shall be allowed in the discretion of the Taxing Officer.

7	Attending court on application:—			
	(*a*) If heard	1	1	0
	(*b*) If adjourned	0	10	6
8	Drawing order and copy, and attending to pass	0	6	8
9	Letters, messengers, &c. (in discretion of Taxing Officer).			

Where the Court allows Costs to the Debtor on Dismissal of Petition

10	Attending debtor served with copy of petition and taking instructions to show cause	0	6	8
11	Drawing notice to show cause	0	5	0
12	Two fair copies of notice for service	0	2	0
13	Attending filing	0	6	8

Item No.		£	s.	d.
14	Service on creditor, including postage	0	2	6
15	Service on creditor's solicitor	0	2	6
16	Perusing and considering petition	0	6	8
	Note to Items 10 *to* 16:— Special attendances (where necessary) shall be allowed to examine witnesses as to the facts they can prove. The charges for the attendances and for summoning witnesses shall be in the discretion of the Taxing Officer. Where it is necessary to instruct counsel, the usual charges for brief and counsel's fees shall be allowed.			
17	Attending court on petition:—			
	(*a*) If heard	1	1	0
	(*b*) If adjourned	0	10	6
18	Drawing order and copy, and attending to pass	0	6	8
19	Letters, messengers, &c. (in discretion of Taxing Officer).			
	General Note to Part V:— The debtor shall be allowed his travelling expenses and compensation for loss of time in accordance with the provisions of para. 18 of Part VII of this scale.			

PART VI

Miscellaneous and General Costs

Costs of the day on Adjournment where no fixed amount is named in the Order

1	Attendance in court	0	13	4
2	Drawing order and passing	0	6	8
3	Attending counsel...	0	6	8
4	Notice to witnesses, each...	0	2	6
5	Payment to witnesses (*see* para. 18 of Part VII).			
	Warrants			
6	Warrant, warrant of seizure, or search warrant	0	7	0
	Note.—If warrant is of more than four folios, 1s. 4d. shall be allowed for each additional folio.			
	Service			
7	Service of petition, order, notice, or other process, each service	0	5	0
	Note.—If the distance is more than two miles, there may be allowed on the further distance 1*s.* per mile or a sum in the discretion of the Taxing Officer.			
8	Service by post, including postage	0	2	6
	Notes to Items 7 *and* 8:— *Note* 1.—Allowance for special service under an order shall be in the discretion of the Taxing Officer. *Note* 2.—In cases of great distance, the service shall be by agent, unless otherwise sanctioned by the court or the Taxing Officer.			
	Instructions			
9	For statement of facts, or special case for the opinion of the court, Judge, or Registrar	0	13	4
10	For record for trial	0	13	4
11	For motion...	0	6	8
12	For motion on appeal	0	13	4

Item No.		£	*s.*	*d.*
13	For any proceeding or application not otherwise provided for	0	6	8
14	For application for directions	0	6	8
15	For application for substituted service	0	6	8
16	To appear on hearing of a matter under Rule 67	0	13	4
17	For special affidavits	0	6	8
18	For proposal for scheme of arrangement or composition ...	0	6	8
19	For case for opinion of counsel	0	6	8
20	For brief on hearing, trial, or determination of any petition, issue of fact, special case, or motion other than an interlocutory motion before the court or a Judge or a Registrar of the High Court ... ... *Note.*—When witnesses are to be examined or cross-examined, such charge may be allowed for item 20 and for brief on hearing of an appeal as the Taxing Officer shall think fit, having regard to all the circumstances of the case, and to other allowances (if any) for attendances on witnesses and procuring evidence.	1	1	0
21	For brief on hearing of any interlocutory motion ... ... *Note.*—This item may be increased at the discretion of the Taxing Officer.	0	6	8
22	For brief on any other proceeding not otherwise provided for, such fee as the Taxing Officer may allow.			
	Drawing Documents			
23	Commission or order for examination of witnesses abroad, per folio	0	1	0
24	Other orders where necessary, per folio	0	1	0
25	Proposal for scheme of arrangement or composition, per folio	0	1	0
26	Application for an appointment before a Judge or Registrar, and copy	0	5	0
27	Briefs and cases for opinion of counsel, per folio	0	1	0
	Perusals			
28	Of notice of motion by the solicitor of the party on whom it is served:—			
	(*a*) If not exceeding 20 folios	0	6	8
	(*b*) If exceeding 20 folios, per folio	0	0	4
29	Of documents (by London agent) on an appeal	1	1	0 to 2 2 0
30	Of affidavits, depositions, and exhibits by the solicitor of the party against whom the same can be read, per folio ...	0	0	4
31	Of other documents where necessary, per folio	0	0	4
	Attendances			
32	At court on application to prosecute a petition in a particular district, or to transfer petition from one district to another	0	13	4
33	On application for directions	0	13	4
34	At court on application for warrant, warrant of seizure, or search warrant	0	13	4
35	Instructing officer as to execution of warrant, warrant of seizure, or search warrant	0	6	8
36	To file affidavits	0	6	8

Item No.		£	s.	d.
37	General attendances, each	0	6	8
38	Long and special attendances	0	13	4
	Note.—This item may be increased at the discretion of the Taxing Officer.			
39	At meetings of creditors (other than first meetings) or of committees of inspection when duly authorised and necessary, per hour	0	10	0
	Letters, Telegrams, &c.			
40	Writing letters:—			
	(*a*) Special, each	0	5	0
	(*b*) Common, each	0	3	6
41	Circular letters:—			
	(*a*) Writing original letter—			
	(i) Special	0	5	0
	(ii) Common	0	3	6
	(*b*) For each copy including addressing and despatching, not exceeding 10	0	1	0
	Note.—If above 10 in number, letters shall be printed, and there shall be allowed for each copy addressed and despatched in addition to printer's charges	0	0	6
42	Preparing and attending to despatch necessary telegrams ...	0	5	0

General Note to Part VI:—

Where the Official Receiver employs the petitioning creditor's solicitor or the debtor's solicitor or any other solicitor to take any steps for the protection or benefit of the estate or in other matters not included in Parts I, II and III of this Scale, the costs of work done in the employment shall, unless specially agreed with the Official Receiver, be subject to taxation under this Part of this Scale.

Part VII

General

1. Except as in this Scale provided, all costs properly incurred under the provisions of the Act or these Rules shall be allowed on the lower scale in Appendix N to the Rules of the Supreme Court, 1883.

2. In respect of business connected with sales, purchases, leases, mortgages, and other matters of conveyancing, and in respect of other business not being contentious business, a solicitor's remuneration shall, unless otherwise agreed, be regulated by any general orders under the Solicitors Act, 1932, for the time being in force: Provided that, in respect of the sale of mortgaged property, the remuneration of the trustee's solicitor shall be payable only out of the proceeds of sale unless the committee of inspection, by a resolution setting out special reasons, authorises the remuneration to be paid out of the general estate.

3. Court fees and other proper disbursements shall be allowed in addition to the remuneration provided in this Scale.

4. Where the court, on the hearing of the matter to which the charge relates so orders and certifies, an extra allowance for length of sitting or any other allowance not inconsistent with this Scale may be allowed.

5. On taxation no payment shall be allowed unless the requisite vouchers are produced.

6. Bills of costs shall be written lengthwise, distinguishing, in separate columns, out-of-pocket expenses from charges for work done and time expended. Dates shall be given for each item but shall not be written in the margin, which is to be left clear for taxation.

7. The charge allowed for drawing any affidavit or other document shall include any copy made for the use of the solicitor, agent, or for counsel to settle.

8. No instructions for an affidavit shall be allowed when the solicitor or his clerk makes the affidavit.

9. The charges for instructions and drawing an affidavit in answer to interrogatories and other special affidavits, and for attending the deponent to be sworn, shall include all attendances on the deponent to settle and read over.

10. The charges allowed for delivery of documents, service, and notices shall not be allowed when the same solicitor is acting for both parties, unless the delivery, service or notice is necessary for the purpose of making an affidavit of service.

11. The charges allowed for perusals shall not apply where the same solicitor is acting for both parties.

12. Where the same solicitor is employed for two or more persons having the same interest, and separate papers are delivered or separate proceedings taken by or for two or more such persons separately, the Taxing Officer shall consider in the taxation, whether between party and party or between solicitor and client, whether such separate papers or proceedings were necessary or proper, and if he is of opinion that any part of the costs occasioned thereby has been unnecessarily or improperly incurred, that part shall be disallowed.

13. A folio comprises 72 words, every figure comprised in a column or authorised to be used being counted as one word.

14. In special cases where counsel are not instructed to appear in court and the solicitor acts as advocate, a charge by the solicitor for the preparation of minutes of fact or evidence for his own use may be allowed, and in addition such special charge as the Taxing Officer may think fit, having regard to the nature and importance of the case and the questions involved.

15. All fees, charges and allowances which are discretionary shall, unless otherwise provided, be allowed at the discretion of the Taxing Officer, who in the exercise of his discretion is to take into consideration other fees and allowances to counsel and the solicitor in respect of the work to which the allowance applies, the nature and importance of the matter, the amount involved, the interest of the parties, the estate or person to bear the costs, the general conduct and costs of the proceedings, and all other relevant circumstances.

16.—(1) Any person who is dissatisfied with the allowance or disallowance by the Taxing Officer of the whole or any part of any items, may, within such period as the Taxing Officer may direct or, if no direction is given, at any time before the certificate or allocatur is signed, bring before the Taxing Officer an objection in writing to the allowance or disallowance, setting out, in a short and concise form, a list of the items or parts thereof objected to, and the grounds for the objection, and may thereupon apply to the Taxing Officer to review the taxation.

(2) Upon the application the Taxing Officer shall reconsider the allowance or disallowance objected to, and may, if he thinks fit, receive further evidence in respect thereof, and if so required by the solicitor or any person interested he shall state, either in his certificate of taxation or allocatur or by reference to the objection, the grounds for his decision and any special facts or circumstances relating thereto.

17. (1) Any person who is dissatisfied with the certificate or allocatur of the Taxing Officer as to any item or part of an item which has been reconsidered may, within fourteen days from the date of the certificate or allocatur or such other time as the court or Judge, or Taxing Officer at the time he signs

his certificate or allocatur, may allow, apply to the Judge for an order to review the taxation of the item or part thereof, and the Judge may thereupon make such order as he thinks just.

(2) The application shall be heard and determined by the Judge upon the evidence brought before the Taxing Officer and no further evidence shall be received unless the Judge otherwise directs.

(3) Subject to the provisions of Rule 114 relating to the review of county court taxation at the instance of the Board of Trade, the certificate or allocatur of the Taxing Officer shall be final and conclusive as to all matters which have not been objected to in manner aforesaid.

18. The allowances to witnesses in bankruptcy proceedings in the High Court shall be in accordance with those ordinarily made in other proceedings in the High Court. In a county court the allowances shall be in accordance with the scale in force in county courts.

APPENDIX III

Rule 100.

Scale of Allowances to Auctioneers and Brokers

The following charges shall be subject to reduction by agreement with the Official Receiver or the trustee, or to increase with the sanction of the committee of inspection and the Board of Trade.

Chattels

	£	s.	d.
For inventory only, not exceeding 5 folios, and one copy ...	1	10	0
For every additional folio beyond 5 up to 20, and one copy...		4	0
For each folio above 20, and one copy		3	0

For inventory and valuation:—

	£	s.	d.	
On the first £300	5	0	0	per cent.
On the next £200	2	10	0	,,
Above £500	1	15	0	,,

For sales by private contract based on the valuation, half the above charges for inventory and valuation.

For sales by auction, in addition to such out-of-pocket expenses as may be authorised at the time by the Official Receiver or trustee:—

	£	s.	d.	
On the first £100	7	10	0	per cent.
On the next £400	5	0	0	,,
On the next £500	4	0	0	,,
Above £1,000	2	10	0	,,

Where the sale is held on the auctioneers' premises, an inclusive charge to include all out-of-pocket expenses except costs of removal:—

	£	s.	d.	
On the first £1,000	12	10	0	per cent.
Above £1,000	10	0	0	,,

Land

For valuation of property and reporting thereon, a fee to be fixed by agreement but not to exceed:—

	£	s.	d.	
On the first £1,000	1	1	0	per cent.
On the next £9,000		10	6	,,
Above £10,000		5	0	,,

For sales by auction, including prior valuations, for determining amount of reserve bids and for sales by private contract, including prior valuation:—

	£	s.	d.	
On the first £300	5	0	0	per cent.
On the next £1,700	2	10	0	,,
Above up to £5,000	1	10	0	,,
Above £5,000	1	0	0	,,

Costs of surveys, dilapidations and specifications in discretion of Taxing Officer	Not exceeding 5 guineas per £100 on the amount of the settlement or on the estimated cost of complying with the schedule. Minimum fee 2 guineas.

The foregoing charges are to be in addition to such out-of-pocket expenses as may be authorised at the time by the Official Receiver or trustee.

General

Allowances for travelling by the auctioneer or broker shall be in the discretion of the Taxing Officer but shall not exceed the actual expenses incurred.

An auctioneer who uses his own car instead of travelling by rail or hired vehicle shall be entitled, if the Taxing Officer is satisfied that such use was reasonable, to an allowance not exceeding 8d. per mile.

Fees for services not provided for in this Scale may be fixed by agreement with the trustee, with the consent of the committee of inspection and the Board of Trade.

EXPLANATORY NOTE

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

These Rules consolidate the Bankruptcy Rules, 1915, and all subsequent Rules made under the Bankruptcy Act, 1914. The opportunity has been taken to make a number of minor amendments, of which the following are the most important—

(1) In county court proceedings, service of documents may in future be effected by the bailiff of any county court, whether it has jurisdiction in bankruptcy or not (Rule 87).

(2) An address for service within three miles of the Royal Courts of Justice will no longer be necessary in the case of proceedings in the High Court.

(3) In case of an appeal in bankruptcy proceedings, seven days will be allowed for the sending of a copy of the notice of appeal to the court appealed from (Rule 130).

(4) The deposit payable on a bankruptcy petition in a county court may be paid to the Registrar instead of the Official Receiver (Rule 146).

(5) Where a committee of inspection has authorised the employment of a solicitor, but has failed to fix a limit for his costs or to increase a limit previously fixed, the trustee may apply to the court for relief (Rule 106).

(6) Official Receivers are authorised to make allowances out of estates for the support of families of deceased debtors (Rule 313).