1983 No. 310

BANKRUPTCY

Bankruptcy Rules (Northern Ireland) 1983

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To be laid before Parliament

ARRANGEMENT OF RULES

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NOTE

The note in square brackets at the end of a rule does not form part of these Rules. It refers to a corresponding rule (with which it may not be identical) in the Bankruptcy Rules 1952, which apply in England and Wales.

The Lord Chancellor, in exercise of the powers conferred on him by Article 33(1) and (2) of the Bankruptcy Amendment (Northern Ireland) Order 1980(**a**), with the concurrence of the Department of Economic Development(**b**) and after consultation with the committee appointed under section 317(3) of the Companies Act (Northern Ireland) 1960(**c**), hereby makes the following Rules:—

PART I

PRELIMINARY

Citation and commencement

1. These Rules may be cited as the Bankruptcy Rules (Northern Ireland) 1983 and shall come into operation on 1st January 1984.

Interpretation

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

"the Acts" means the Bankruptcy Acts (Northern Ireland) 1857 to 1980(**d**);

"the Act of 1857" means the Irish Bankrupt and Insolvent Act 1857(**e**);

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

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

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

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

"arranging debtor" means a debtor who has presented an arrangement petition;

"arrangement matter" means a matter commenced by an arrangement petition;

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

"assignees" means the assignees of the estate and effects of a bankrupt and includes the Official Assignee and the creditors' assignee;

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

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

"the Court" means the High Court and includes the Master when exercising the powers of the Court;

"creditor" includes a corporation and a firm of creditors in partnership;

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

"the Department" means the Department of Economic Development;

"file" means file in the Office;

"Gazette" means the Belfast Gazette;

(a) S.I. 1980/561 (N.I. 4)
(b) Consent function transferred from the Department of Commerce by S.I. 1982/846 (N.I. 11) Art. 4
(c) 1960 c. 22 (N.I.) as substituted by S.I. 1978/1042 (N.I. 12) Art 96(1)
(d) 1857 c. 60; 1872 c. 58; 1929 c. 1 (N.I.); 1963 c. 23 (N.I.); S.I. 1980/561 (N.I. 4)
(e) 1857 c. 60
(f) 1872 c. 58
(g) 1929 c. 1 (N.I.)

"Judge" means the Chancery Judge or any Judge of the High Court or of the Court of Appeal for the time being acting as Chancery Judge;

"judgment" includes decree;

"Master" means the Master (Bankruptcy) and in relation to acts which are of an administrative and not of a judicial character includes an officer of the Office nominated by the Master;

"the Office" means the Bankruptcy and Companies Office;

"the Official Assignee" means the Official Assignee for bankruptcy for Northern Ireland or an Assistant Official Assignee for bankruptcy for Northern Ireland;

"the Order of 1980" means the Bankruptcy Amendment (Northern Ireland) Order 1980;

"prescribed fee" means a fee fixed by the Lord Chancellor under section 116 of the Judicature (Northern Ireland) Act 1978(**a**);

"prescribed form" means a form in the Appendix to these Rules, with such variations as the circumstances may require;

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

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

"regulations" means regulations made by the Department under Article 34 of the Order of 1980;

"sealed" means sealed with the official seal of the Office;

"sitting" means a sitting of the Court and includes an adjourned sitting and a composition meeting;

"Supreme Court Rules" means the Rules of the Supreme Court (Northern Ireland) 1980(**b**) for the time being in force;

"Taxing Master" means the Master (Taxing Office);

"trustee" means a trustee appointed by the creditors of a bankrupt or a deceased insolvent under the Act of 1872.

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

Revocation of previous Rules

3. Except as provided in the next following rule, Order 88 of and Appendix Y, Part 1, to the Rules of the Supreme Court (Northern Ireland) 1936 and all other Rules heretofore made under the Acts are hereby revoked.

Application of Rules

4.—(1) Subject to paragraph (2) and to Article 44 of the Order of 1980, these Rules shall apply to all matters arising under the Acts and to all proceedings taken in any such matter, whether commenced before or after the day on which these Rules come into operation.

(2) Where by the operation of the said Article 44 any of these Rules are not applicable to any proceedings, or where it is not practicable to apply any of these Rules to any proceedings pending on the day on which these Rules come into operation, the appropriate Rules in force immediately before that date shall, subject to any general or special order of the Court, continue to apply to the proceedings.

(**a**) 1978 c. 23
(**b**) S.R. 1980 No. 346

Application of Supreme Court Rules

5. Subject to Order 1, rule 2, of the Supreme Court Rules, those Rules shall not apply to matters arising under the Acts or to proceedings taken in any such matter, save where provisions thereof are applied by these Rules and where any such provisions are so applied they shall apply with any necessary variations.

[*E.r.* 390]

Use of forms in Appendix

6.—(1) The forms in the Appendix to these Rules, with such variations as circumstances may require, shall wherever applicable be used in proceedings under the Acts.

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

[*E.r.* 7]

Non-compliance with Rules

7. Non-compliance with any of these Rules, or with any rule of practice, shall not render any proceedings void unless the Court so directs, but the proceedings may be set aside wholly or in part, amended or otherwise dealt with in such manner and upon such terms as the Court thinks fit.

[*E.r.* 388]

Time: reckoning periods, extension or abridgment

8. Order 3, rules 1, 2, 4 and 5 of the Supreme Court Rules shall apply.

PART II

GENERAL PROCEDURE

Sittings, vacations and office hours

9. Order 64 of the Supreme Court Rules shall apply.

Title of proceedings (Form 1)

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

"IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
CHANCERY DIVISION (BANKRUPTCY)".

(2) The title of all applications and orders on applications shall identify the applicant.

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

[*E.r.* 12]

Documents for use in Court: paper, printing and copies

11.—(1) Subject to paragraph (2), Order 66, rules 1 to 4, of the Supreme Court Rules shall apply.

(2) No objection shall be allowed to any proof or proxy on account only of its being written or printed on paper of a size which does not comply with Order 66, rule 1, of the Supreme Court Rules.

[*E.r.* 13]

Hearings in court and chambers

12.—(1) Subject to section 354 of the Act of 1857 and paragraph (2), the following matters and applications shall be heard and determined in open court—

(*a*) the public examination of bankrupts;

(*b*) composition meetings and special sittings under section 149 of the Act of 1857;

(*c*) applications under section 76 of the Act of 1872 for the recovery of the treble value of the amount of any money, goods, chattels or security obtained or accepted by a creditor in the circumstances referred to in that section;

(*d*) applications under section 178 of the Companies Act (Northern Ireland) 1960 for leave to act as director or take part in the management of a company;

(*e*) applications under Article 12 of the Order of 1980 for an order dispensing with the public examination of a bankrupt;

(*f*) applications under Article 28 of the Order of 1980 for orders of discharge of bankrupts, except any unopposed applications which the Court may direct to be heard in chambers;

(*g*) applications by the Official Assignee under Article 30 of the Order of 1980 in respect of the adjudication of a bankrupt;

(*h*) applications for certificates of misfortune under section 6(3) of the Magistrates' Courts Act (Northern Ireland) 1964(**a**) or section 5(1) of the Local Government Act (Northern Ireland) 1972(**b**);

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

(*j*) applications for the committal of any person to prison for contempt;

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

(*l*) appeals from an order of the Master made in open court.

(2) In an arrangement matter all applications shall be heard and determined and all sittings held in chambers.

(3) Any other application may be heard and determined and any other sitting held in chambers.

(4) Subject to the provisions of the Acts and paragraph (2), any matter may at any time, if the Judge, or, as the case may be, the Master thinks fit, be adjourned from chambers into court or from court to chambers.

Trial by jury

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

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

[*E.r.* 90]

Exercise of jurisdiction by Master

14.—(1) Subject to any general or special directions of the Judge, the Master shall have power—

(**a**) 1964 c. 21 (N.I.)
(**b**) 1972 c. 9 (N.I.)

(*a*) to make orders under Article 12 of the Order of 1980 dispensing with the public examination of bankrupts;

(*b*) to hold the public examination of bankrupts;

(*c*) to hold composition meetings and special sittings under section 149 of the Act of 1857;

(*d*) to exercise the powers of the Court in relation to applications under Article 28 of the Order of 1980 for orders of discharge of bankrupts, and applications under Article 30(2) of the said Order;

(*e*) to make orders under Article 29(1) of the Order of 1980 providing for the automatic discharge of bankrupts;

(*f*) to grant certificates of misfortune under section 6(3) of the Magistrates' Courts Act (Northern Ireland) 1964 or section 5(1) of the Local Government Act (Northern Ireland) 1972;

(*g*) to make interim orders in case of urgency;

(*h*) to hear and determine any unopposed or ex parte application;

(*i*) to make any order or exercise any jurisdiction which may be made or exercised in chambers or at a meeting of creditors, except applications in an arrangement matter which in a bankruptcy would require to be made or exercised in open court.

(2) Any order made or act done by the Master in exercise of the said powers and jurisdiction shall be deemed the order or act of the Court.

(3) Order 32, rule 12, of the Supreme Court Rules shall apply to the reference to the Judge of any matter pending before the Master.

Default by person examined before Master

15.—(1) If any person examined before the Master refuses to answer any question to the satisfaction of the Master, the Master shall in writing report the refusal to the Judge, who shall have power to deal with such person in the same manner as if he had made default in answering before the Judge.

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

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

[*E.r.* 83]

Appeal from Master (Form 2)

16.—(1) Any person aggrieved by an order of the Master may appeal therefrom to the Judge, who may upon such terms as he thinks just—

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

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

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

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

(2) The appeal shall be brought by filing and serving on every person directly affected by the appeal a notice of appeal in the prescribed form.

(3) Unless the Court otherwise orders, the notice shall be filed within 21 days after the date of filing the order appealed against and served not less than 2 clear days before the day fixed for hearing the appeal.

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

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

(*b*) as to any evidence given orally, by the production of the certified transcript of the shorthand writer's notes or of the notes of the mechanical recording or a copy of the Master's notes or such materials as the Judge may deem expedient.

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

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

Issue of process and presentation of petitions: sealing of orders, process and certificates

17.—(1) Every process shall be issued out of and every petition presented in the Office.

(2) Every order of the Court and every process and certificate issued by the Court shall be sealed.

[*E.r.* 18]

Mode of application to the Court (Forms 3, 4, 5)

18.—(1) Except where the Acts or these Rules otherwise provide or the Court otherwise directs, every application to the Court shall—

(*a*) if made in open court be by motion;

(*b*) if made in chambers be by summons or, if ex parte, and subject to paragraphs (2) and (3), by affidavit or, in the case of an application by the Official Assignee, by his report to the Court under paragraph (6).

(2) Any application in chambers made ex parte may be directed to be made by summons.

(3) Subject to paragraphs (2) and (4), applications in chambers by the Official Assignee may be made personally and without notice or formality.

(4) The Court may order an application by the Official Assignee made without notice to be renewed and direct that such notice as it thinks fit shall be given to persons likely to be affected by the application.

(5) Subject to paragraphs (3) and (6), every application to the Court shall be supported by affidavit.

(6) Where evidence has to be given by the Official Assignee in support of or in opposition to an application, the evidence, instead of being given by affidavit, may, unless the Court otherwise directs, be given by his report to the Court, which, subject to rule 33(5), shall be evidence of the matters therein contained and may refer to correspondence, valuations or other documents produced therewith.

[*E.r's.* 31, 320]

Form and attestation of petitions (Forms 33, 35, 36, 86, 87, 95)

19.—(1) A petition shall be in the appropriate prescribed form.

(2) A petition shall be dated and signed by the petitioner or by some person authorised under rule 243 to act for the petitioner, or where the petitioner is a corporation, signed by the person so authorised or duly sealed with the seal of the corporation.

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

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

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

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

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

Service of process and other documents (Forms 6, 7, 8)

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

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

(3) Service of all summonses, notices and other documents not requiring personal service and for the service of which no special mode is prescribed by the Acts or these Rules may be effected—

(*a*) by personal service; or

(*b*) by leaving the document at the proper address of the person to be served; or

(*c*) by post in accordance with paragraph (4); or

(*d*) in such other manner as the Court may direct.

(4) Service by post shall be deemed to be effected by properly addressing, pre-paying and posting by ordinary post a sealed envelope containing the document and, unless the contrary is proved, to have been effected at the time at which such envelope would be delivered in the ordinary course of post.

(5) For the purposes of paragraph (3) or (4) the proper address of any person on whom a document is to be served in accordance with this rule shall, in relation to a document served in connection with proceedings in the Court, be the address for service of that person furnished by him or on his behalf under paragraph (1) or (2), but if at the time when service is effected that person had no address for service, and in relation to the service of any other document on any person, his proper address for the purposes aforesaid shall be—

(*a*) in the case of an individual, his usual or last known address; or

(*b*) in the case of a firm, the principal or last known place of business of the firm; or

(*c*) in the case of a body corporate, the registered or principal office of the body.

(6) Any document service of which is effected personally or by delivery after twelve noon on a Saturday or after four o'clock in the afternoon on any other weekday shall, for the purpose of computing any period of time after service of that document, be deemed to have been served on the Monday following that Saturday or on the day following that other weekday, as the case may be.

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

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

(9) An affidavit or certificate of service by post shall state whether the document was sent by the recorded delivery service or ordinary post, and whether by first or second class post.

Service out of the jurisdiction

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

[*E.r.* 86]

Substituted service

22.—(1) If, in the case of any document which by virtue of any provision of the Acts or these Rules is required to be served on any person personally or in any other specified manner, it appears to the Court that it is impracticable for any reason to serve that document on that person in accordance with such provision, the Court may make an order for substituted service of that document.

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

Notice of motion or summons

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

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

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

[*E.r.* 32]

Notice of proceedings re corrupt agreements with creditors

24. Notice of an application under section 76 of the Act of 1872 shall be served upon the creditor sought to be rendered liable thereunder.

Length of notice

25.—(1) Subject to these Rules and unless the Court gives leave to the contrary—

(*a*) a notice of motion shall be served on every party affected thereby not less than 8 days before the day appointed for hearing the motion;

(*b*) a summons shall be served on every party affected thereby not less than 2 clear days, or in the case of an application to the Judge, 8 days, before the day specified in the summons for the hearing thereof.

(2) Applications to serve short notice of motion or to abridge the time for service of a summons shall be made ex parte.

[*E.r.* 33]

Respondent's affidavit

26. Where a respondent intends to use an affidavit or, in the case of the Official Assignee, a report to the Court in opposition to a motion or an application to the Judge by summons he shall serve a copy on the applicant not less than 3 days before the day appointed for hearing the motion or specified in the summons for hearing the summons.

[*E.r.* 35]

Evidence

27.—(1) Subject to these Rules, the Court may in any matter take the whole or any part of the evidence either orally, or by interrogatories, or upon affidavit.

(2) Any party to a motion or an application to the Judge by summons may give notice to another that he intends to call oral evidence at the hearing and such evidence may be given unless the Court otherwise orders on an application by the party to whom such notice is addressed not later than 7 days after service of such notice.

Adjournments

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

[*E.r.* 37]

(2) Where an application or sitting is adjourned generally, it may, subject to any order of the Court, be restored to the list by the Official Assignee or any person interested on informal application to the Master, who shall direct what notice or advertisement, if any, is to be given.

Subpoena (Form 9)

29.—(1) Subject to section 67 of the Judicature (Northern Ireland) Act 1978(a) and to paragraph (2), the Court shall, at the instance of the assignees, trustee, a creditor, debtor, or applicant or respondent in any matter, issue a subpoena for the attendance of a witness.

(2) A subpoena for the attendance of a witness for the purpose of proceedings in chambers, other than on an application in an arrangement matter which in a bankruptcy would require to be made in open court, shall not be issued without the leave of the Judge or the Master.

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

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

(5) A sealed copy of the subpoena shall be served personally on the witness and the service shall not be valid unless effected within 12 weeks after the date of issue of the subpoena and not less than 4 days, or such other period as the Court may fix, before the day on which attendance before the Court is required.

[*E.r's.* 62, 63]

(a) 1978 c. 23

Production of documents

30. 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.

[*E.r.* 67]

Disobedience to subpoena or order for examination or production of documents

31. 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.

[*E.r.* 68]

Allowances to witnesses

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

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

(3) A witness, other than the bankrupt or arranging 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.

[*E.r.* 64]

Affidavits

33.—(1) Subject to these Rules, Order 41 of the Supreme Court Rules shall apply to affidavits and, where applicable, to a report to the Court by the Official Assignee under rule 18(6).

(2) The Official Assignee shall have authority to administer oaths and take affidavits for the purpose of proceedings under the Acts.

(3) For the purposes of any of his duties in relation to proofs of debt a trustee may administer oaths and take affidavits.

(4) Where any person has made an affidavit or the Official Assignee has made a report to the Court under rule 18(6), in support of or in opposition to any application to the Court, any other party may by notice require his attendance for cross-examination and in default the Court may order his attendance for such purpose.

(5) Where, after an order is made under paragraph (4), the person in question does not attend, his affidavit or report, as the case may be, shall not be used as evidence without the leave of the Court.

Discovery

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

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

(3) Order 24 of the Supreme Court Rules shall apply.

[*E.r.* 71]

Reading evidence taken in other causes or matters

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

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

Drawing up and filing of orders

36.—(1) Every order, whether made in court or in chambers, shall be drawn up and signed by the Master or an officer of the Office nominated by the Master and filed, unless in any proceedings, or classes of proceedings, and subject to paragraph (3), the Judge or the Master who makes the order directs that no order need be drawn up.

(2) Where a direction is given that no order need be drawn up, a note or memorandum of the order, signed or initialled by the Judge or the Master making the order and filed, shall be sufficient evidence of the order having been made.

(3) Where a direction has been given that no order need be drawn up, a party may, and if he wishes to appeal against the order shall, within 7 days after the order is made, apply to the Master to have the order drawn up, and on such application the order shall be drawn up and filed.

Clerical mistakes and accidental omissions in orders

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

Form and execution of warrants (Forms 10 to 16)

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

(2) Upon the making of an adjudication order a warrant of seizure shall be issued by the Court addressed to such officer of the Court or of the Department as the Court may direct.

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

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

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

(4) A debtor arrested under a warrant issued under section 78 of the Act of 1872 shall be safely kept by being lodged in the prison specified in the warrant.

[*E.r's.* 77-79]

Order of committal

39. Order 52 of the Supreme Court Rules shall apply to proceedings for committal for contempt of the Court.

Appointment of proxy

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

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

Form and signature of proxies (Forms 17, 18)

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

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

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

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

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

Lodgment and filing of proxies

42.—(1) A proxy shall be lodged at the Office or, as the case may be, with the chairman of the meeting of creditors not later than the day before the sitting or meeting at which it is to be used.

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

[*E.r.* 263]

Non-receipt of notice by creditor

43. The proceedings at a private sitting, composition meeting or other meeting of creditors shall, unless the Court otherwise orders, be valid, notwithstanding that some creditors have not received notice of the sitting or meeting.

[*E.r.* 242]

Nomination and appointment of shorthand writers (Forms 19, 20, 21)

44.—(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 any person examined at any public or private sitting.

(2) The Judge may in writing nominate one or more persons to be shorthand writers officially attached to the Court. Such person shall, before acting, make a declaration in the prescribed form and such declaration shall be kept as a record of the Court.

(3) Where no shorthand writer officially attached to the Court is available to act in the proceedings, the Court may appoint such other person as it thinks fit. Such person shall, before acting, make a declaration in the prescribed form.

(4) Where the Official Assignee 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.

[*E.r.* 69]

Remuneration of shorthand writers

45.—(1) 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, at the rates payable for taking a note of evidence and making a transcript for use in the Court of Appeal.

(2) The fees of a shorthand writer employed at the instance of the Official Assignee to take notes at the public examination of a bankrupt shall be deemed to be an expense incurred by the Official Assignee.

[*E.r's.* 70, 116]

Transcript of shorthand writer's notes

46.—(1) A shorthand writer shall make a transcript of his notes unless otherwise directed by the Court.

(2) The transcript shall be certified by the shorthand writer as a true and faithful record of the evidence given by the person or persons named in the certificate.

(3) The transcript shall be lodged by the shorthand writer in the Office.

(4) A copy of a transcript made under this rule may be supplied to the party at whose instance the shorthand writer was appointed, to the Official Assignee and to such other persons as the Court may authorise to receive it.

Mechanical recording

47.—(1) The Court may, instead of appointing a shorthand writer to take down evidence in accordance with rule 44, direct that the whole or part of such evidence be recorded by mechanical means.

(2) The expenses of the mechanical recording shall be paid by the party at whose instance it was made or out of the estate, as the Court may direct.

(3) The expenses of a mechanical recording of the public examination of a bankrupt made at the instance of the Official Assignee shall be deemed to be an expense incurred by the Official Assignee.

(4) Where evidence is recorded by mechanical means the person who operated the recording machine shall lodge the mechanical record so made in the Office, accompanied by a certificate attached to each recording that it is a complete recording or a continuous part of a complete recording taken at the proceedings to which it relates.

(5) When the Court directs that a transcript be made of evidence recorded by mechanical means the transcript shall be certified by the person responsible for transcribing the record as a correct and complete transcript of the mechanical record referred to in the certificate.

(6) A copy of a transcript made under this rule may be supplied to the party at whose instance the recording was made, to the Official Assignee and to such other persons as the Court may authorise to receive it.

Gazette and newspaper advertisements (Forms 22, 23)

48.—(1) A copy of every issue of the Gazette shall be preserved in the Office for a period of not less than 2 years.

(2) A copy of each newspaper in which any advertisement relating to any matter under the Acts is inserted shall be left by the person inserting the advertisement at the Office and the copy or an extract containing the advertisement shall be filed.

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

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

(5) Where an order which has been gazetted is annulled, revoked or rescinded, the Master shall forthwith send a copy of the order of annulment, revocation or rescission to the Official Assignee, who shall publish notice of it in the Gazette.

(6) Where an order is annulled, revoked or rescinded on the application of the Official Assignee or trustee, the expense of gazetting shall be paid out of the estate, and in any other case be paid by the party on whose application the order of annulment, revocation or rescission was made.

[*E.r.* 20]

Minors and patients

49. The Court shall have power to appoint a next friend or guardian ad litem of any minor or patient (as defined in the Mental Health Act (Northern Ireland) 1961(a)) who may be affected by any proceedings under the Acts, and Order 80 of the Supreme Court Rules shall apply.

Security

50.—(1) Subject to paragraph (4), the security required to be given by a person shall be in the form of a bond.

(2) Order 108 of the Supreme Court Rules shall apply.

(3) 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.

(4) 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 Master and signed by such person or his solicitor stating the conditions on which the money is deposited.

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

(6) Order 22 of the Supreme Court Rules shall apply to the payment into and out of court of money lodged in court under this rule.

[*E.r's.* 41-44]

Custody and inspection of proceedings (Form 24)

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

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

(3) Where, in the exercise of their functions under the Acts or these Rules, the Department or the Official Assignee requires to inspect the file of proceedings in any matter, the Master shall, unless the file is at the time required for use in court by him, on request transmit it to the Department or the Official Assignee, as the case may be.

[*E.r's.* 15, 20(5)]

PART III

BANKRUPTCY

DEBTOR'S SUMMONS

Application for summons (Form 25)

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

(a) 1961 c. 15 (N.I.)

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

(*b*) lodge—

(i) a copy of the particulars of the debt claimed served on the debtor or, where the debt is claimed on foot of a judgment, a copy of the judgment; and

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

Form of summons (Forms 26, 27)

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

(2) The particulars endorsed on or annexed to the summons shall be expressed with reasonable certainty as to the nature and amount of the debt claimed, but no objection shall be allowed to the particulars unless the Court is satisfied that the debtor was misled by them.

Sealing of copies

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

Service of summons (Form 28)

55. A debtor's summons shall be served personally within 2 months from the date of the summons.

Application to dismiss summons (Forms 29, 30)

56.—(1) The affidavit of dispute referred to in the debtor's summons shall be filed within 10 days after service of the summons and shall operate as an application to dismiss the summons under section 30 of the Act of 1872.

(2) The Master shall fix a time for hearing the application, and the debtor shall serve not less than 7 days' notice thereof on the creditor.

(3) The debtor shall file particulars of the grounds on which he disputes the debt claimed and serve a copy thereof on the creditor not less than 3 days before the date fixed for the hearing of the application.

Trial of disputed question

57.—(1) Where proceedings on a debtor's summons are stayed pending the trial of the question of the validity of the debt claimed therein upon terms requiring the debtor to provide security the creditor shall take or continue proceedings for the payment of the debt within 21 days of the date on which the security was completed and shall prosecute the same with effect and without delay, and if he fails to do so the debtor shall be entitled to have the debtor's summons dismissed with costs.

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

DECLARATION OF INABILITY TO PAY DEBTS

Form of declaration and verification (Forms 31, 32)

58.—(1) A declaration by a debtor of his inability to pay his debts shall be in the prescribed form signed by the debtor in the presence of a solicitor.

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

BANKRUPTCY PETITION

Verification (Forms 34, 37, 38)

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

(2) A petitioner 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.

[*E.r.* 150]

Deposit by petitioner

60.—(1) Before presenting a bankruptcy petition the petitioner shall deposit such sum (if any) as may be required by regulations.

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

(3) No bankruptcy petition shall be filed unless the petitioner produces a receipt for the deposit or a certificate from the Official Assignee that the payment of a deposit has been dispensed with pursuant to regulations.

(4) The Official Assignee shall account to the petitioner, or in the case of a debtor's petition, to the bankrupt's estate, for the sum deposited, and any money deposited by a petitioner other than a debtor shall, unless it is required by reason of insufficiency of assets for the payment of costs incurred by the Official Assignee, be repaid to him out of the proceeds of the estate in the order of priority prescribed by rule 235. [*E.r.* 146]

Notice of presentation of petition

61. Where a bankruptcy petition is presented and is not disposed of on the day of presentation, notice of such presentation shall be given by the petitioner to the Official Assignee and the Enforcement of Judgments Office.

Petition founded on deed of arrangement

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

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

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

Petition under Article 41 (2) of the Solicitors (Northern Ireland) Order 1976 (Form 36)

63.—(1) Where a bankruptcy petition is presented by the Law Society of Northern Ireland against a solicitor under Article 41(2) of the Solicitors (Northern Ireland) Order 1976(a), the Master shall appoint a time for hearing the petition and notice thereof shall be written on the petition and a copy for service.

(2) The petition shall be served personally on the solicitor against whom it is presented.

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

(4) Subject to paragraph (5), the petition shall not be heard until the expiration of 7 days from the service thereof.

(5) The Court may, on such terms, if any, as it thinks fit, hear the petition at an earlier date—

(a) where the Court is satisfied that the solicitor against whom the petition is presented has absconded; or

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

(6) Where the solicitor against whom the petition is presented intends to oppose the petition he shall—

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

(*b*) not later than 3 days before the day fixed for the hearing, send a copy of the notice to the petitioner.

Hearing of petition

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

(2) Paragraph (1) shall apply to the hearing of a petition by the Law Society of Northern Ireland under Article 41(2) of the Solicitors (Northern Ireland) Order 1976 in relation to the proof of the act of bankruptcy.

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

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

REFERENCE BY ENFORCEMENT OF JUDGMENTS OFFICE

Application for adjudication order upon a reference by the Enforcement of Judgments Office

65.—(1) Where the Enforcement of Judgments Office makes an order under Article 86(1) of the Judgments Enforcement (Northern Ireland) Order 1981(b) revoking an administration order made under Article 80 of that Order and referring

(a) S.I. 1976/582 (N.I. 12)
(b) S.I. 1981/226 (N.I. 6)

the matter of the administration of the debtor's estate to the High Court, the Chief Enforcement Officer shall apply to the Court by summons for an order of adjudication of bankruptcy.

(2) The summons shall be served personally on the debtor, together with copies of the said order of the Enforcement of Judgments Office and of the notes of the Master (Enforcement of Judgments) of his reasons for making the reference.

ADJUDICATION ORDER

Form of adjudication order (Forms 39, 40)

66.—(1) When a bankruptcy petition is presented, three copies of an adjudication order in the appropriate prescribed form shall be prepared by the petitioner and lodged in the Office prior to the hearing of the petition.

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

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

Service and notice of adjudication order (Forms 41, 42)

67.—(1) When an adjudication order is made, two sealed copies thereof shall forthwith be sent by the Master to the Official Assignee, who shall forthwith serve one of the copies on the bankrupt—

(*a*) in the case of an order made on a creditor's petition, in accordance with section 129 of the Act of 1857; and

(*b*) in any other case, personally or by the recorded delivery service to the bankrupt's last known residence.

(2) An affidavit of service of an adjudication order shall be filed forthwith.

(3) The Official Assignee shall forthwith upon receipt of a copy of the adjudication order give notice thereof to the Enforcement of Judgments Office and, where the bankrupt is a solicitor, to the Registrar of Solicitors.

Showing cause against adjudication (Form 43)

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

(2) The Master shall thereupon appoint a time for hearing the cause and the person intending to show cause shall, not less than 7 days before the day so appointed, serve notice thereof on the petitioning creditor and the Official Assignee.

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

(4) Not less than 3 days before the day appointed for the hearing the person intending to show cause shall file particulars of the grounds upon which he disputes the petitioning creditor's debt or the act or acts of bankruptcy or both and serve a copy thereof on the petitioning creditor.

(5) At the hearing the petitioning creditor's debt and the act or acts of bankruptcy upon which the adjudication order was made, or whichever of such matters the person intending to show cause shall have given notice that he intends to dispute, shall again be proved by oral evidence, unless the Court otherwise orders; and if any new evidence of those matters, or either of them, shall be given or any witness to such

matters shall not be present for cross-examination, if required to attend, and further time shall be desired to show cause, the Court may, if it thinks the application reasonable, grant such further time as it may think fit.

Advertisement of adjudication order (Form 44)

69.—(1) Subject to section 131 of the Act of 1857 and paragraph (2), in the case of an adjudication order on a creditor's petition, immediately after the expiration of the time for showing cause against the validity of the adjudication or immediately after the disallowance of any cause, if cause has been shown, and in any other case, immediately after receipt of a copy of the adjudication order, the Official Assignee shall publish notice of the order in the Gazette and in such newspaper as he thinks fit.

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

Creditors' Assignee

Sitting for choice and appointment (Forms 44, 45, 46)

70.—(1) The Official Assignee shall, before advertising notice of an adjudication order in accordance with the preceding rule, apply to the Court for the appointment of a time and place for a sitting for the choice and appointment of a creditors' assignee.

(2) When the sitting has been appointed, the Official Assignee shall, not less than 7 days before the day so appointed,—

(*a*) give notice of the sitting to the petitioner; and

(*b*) publish notice of the sitting along with or in the same manner as the notice of the adjudication order.

Powers and duties

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

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

Removal and replacement

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

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

Statement of Affairs, Accounting Statement and Trading Account

Statement of affairs (Form 47)

73.—(1) The bankrupt's statement of affairs shall be in the prescribed form.

(2) Where an adjudication order is made against debtors who are partners the bankrupts shall submit a joint statement of their partnership affairs and each bankrupt shall submit a statement of his separate affairs.

(3) The bankrupt shall be furnished by the Official Assignee with instructions for the preparation of his statement of affairs and a notice in writing of the time within which it must be submitted.

(4) The Official Assignee shall not employ a person to assist in the preparation of the statement of affairs at the expense of the estate without the prior leave of the Court.

(5) Two copies of the statement of affairs, one of which shall be verified, shall be lodged by the bankrupt with the Official Assignee within 28 days after the date of the adjudication order.

(6) The Official Assignee shall file the verified statement of affairs.

(7) The bankrupt shall produce to the Official Assignee such information as he may require to vouch the statement of affairs.

Summary of statement of affairs, etc., to creditors

74.—(1) The notice to the creditors under rule 80 or 82 shall be accompanied by a summary of the bankrupt's statement of affairs and the reasons given by him for his failure and any observations thereon which the Official Assignee may think fit to make.

(2) Where, at the date of the notice referred to in paragraph (1), the bankrupt has not lodged his statement of affairs, the reference therein to the statement of affairs shall be read as a reference to such information as to the bankrupt's assets and liabilities as the Official Assignee is in a position to give.

Trading account

75.—(1) The bankrupt shall, on the request of the Official Assignee, furnish him with trading and profit and loss accounts and a cash and goods account for such period immediately preceding the date of the adjudication order as the Official Assignee shall direct.

(2) If the bankrupt fails to comply with the requirements of this rule, the Official Assignee shall report the failure to the Court, and the Court shall take such action upon the report as it thinks just.

[*E.r.* 329]

Accounting statement

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

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

EXAMINATION OF BANKRUPT

Preliminary examination (Form 48)

77.—(1) The bankrupt shall, unless the Court otherwise orders, attend at a time and place to be notified to him by the Official Assignee in writing to be examined as to his affairs by the Official Assignee or a clerk of the Official Assignee deputed by him.

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

Notes of preliminary examination (Forms 49, 50)

78.—(1) At the conclusion of the preliminary examination of the bankrupt the examiner shall prepare notes of such parts of the information given by the bankrupt as he considers necessary or desirable to place on record.

(2) Unless an order is made dispensing with the public examination of the bankrupt, a copy of such notes shall be served by the Official Assignee on the bankrupt sufficiently long before his public examination to enable him to be advised thereon, if he so wishes, and the copy of such notes shall be accompanied by a notice in the prescribed form.

Debtor unfit to attend public examination

79.—(1) Where a bankrupt is a person of unsound mind or is suffering from mental or physical affliction or disability rendering him unfit to attend a public examination, application may be made for an order under Article 11(12) of the Order of 1980 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 Assignee; or

(*b*) by a person who has been duly appointed to manage the affairs of or represent the bankrupt; or

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

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

(*a*) it may be made ex parte, and may be supported by evidence in the form of a report by the Official Assignee 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 Assignee within the meaning of rule 235.

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

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

(*b*) notice of the application shall be given to the Official Assignee and trustee if any;

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

[*E.r.* 196]

Order dispensing with public examination under Article 12 of the Order of 1980 (Form 51)

80.—(1) Not later than 3 months from the gazetting of notice of an adjudication order it shall be the duty of the Official Assignee to consider whether, having regard to the matters specified in Article 12 of the Order of 1980, reasonable grounds exist to warrant an application by him under the said Article for an order to dispense with the holding of a public examination of the bankrupt.

(2) Not later than 21 days before the day appointed for the hearing of the application, the Official Assignee shall give notice of the time and place thereof to the bankrupt by the recorded delivery service to his last known residence and to the creditors and such notice shall inform the creditors that any objections to the making of an order under the said Article 12 must be received by the Official Assignee not later than 14 days before the day so appointed.

(3) Any such application by the Official Assignee may be made notwithstanding that the public examination of the bankrupt has already been fixed under the next following rule and shall be made ex parte, supported by evidence in the form of a

report by him to the Court to be filed not less than 7 days before the day appointed for the hearing of the application and the report shall include a statement as to whether the Official Assignee has received from any creditor any objection to the making of an order under the said Article 12 and the substance of such objection.

(4) The application may, if the Court thinks fit, be heard in the absence of the bankrupt.

(5) The Official Assignee shall give notice of the outcome of the application to any creditor from whom he has received an objection to the making of an order under the said Article 12 who does not attend the hearing and to the bankrupt if he does not attend.

(6) When the Court rescinds an order made under the said Article 12 the Official Assignee shall apply to the Court for the appointment of a time and place for the public examination of the bankrupt and upon the application the Court shall make an order appointing a time and place for the examination and order the bankrupt to attend thereat.

[*E.r.* 196A]

Order fixing time for public examination (Forms 52, 53)

81.—(1) Not later than 3 months from the gazetting of notice of an adjudication order, unless the Court has by that date made an order under Article 11(12) or 12 of the Order of 1980 dispensing with the public examination of the bankrupt, the Official Assignee shall apply to the Court for the appointment of a time and place for such public examination.

(2) Where an application to dispense with the public examination of the bankrupt is pending, the time elapsing between the date of such application and the date at which such application is withdrawn or an order made refusing the application shall not be taken into account in calculating the period of 3 months referred to in paragraph (1).

(3) Upon an application under this rule the Court shall make an order appointing a time and place for the examination and ordering the bankrupt to attend thereat.

Notice to bankrupt, creditors, etc. (Form 54)

82. On the making of the order appointing a time and place for the public examination, the Official Assignee shall, not less than 7 days before the day so appointed,—

(*a*) serve a copy of the order on the bankrupt personally or by the recorded delivery service to his last known residence;

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

(*c*) publish notice of the order in the Gazette and in such newspaper as he thinks fit.

[*E.r.* 189]

General proxy-holders may question bankrupt

83. For the purpose of Article 11(4) of the Order of 1980 (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.

[*E.r.* 191]

Notes of public examination of bankrupt (Forms 50, 55, 56)

84.—(1) Subject to notice being given in accordance with rule 78(2), the bankrupt may adopt the notes of his preliminary examination under rule 77 as or as part of his evidence at his public examination, and, when so adopted, they shall be read out by the Official Assignee, signed by the bankrupt and filed as the notes or part of the notes of his public examination.

(2) The notes of the public examination of the bankrupt shall be attested in the appropriate prescribed form.

Adjournment other than sine die

85. In the exercise of its discretion to adjourn the public examination under Article 11(3) of the Order of 1980 the Court may have regard to the fact that criminal proceedings have been, or are likely to be, instituted in respect of any matter arising out of or connected with the bankruptcy proceedings.

[*E.r.* 191A]

Conclusion of public examination (Form 57)

86. Unless the Court otherwise directs, an order declaring that the examination of the bankrupt is concluded shall not be drawn up until the bankrupt—

(*a*) has made a deposition in the prescribed form; and

(*b*) has signed the notes of his public examination, after the same have been read over either to or by him.

Adjournment sine die

87. 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 bankrupt is not making a full and true disclosure of his affairs; or

(*b*) the bankrupt, 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.

[*E.r.* 192]

Application to proceed (Form 58)

88. The Court may, on the application of the Official Assignee or of the bankrupt, appoint a time and place for proceeding with a public examination which has been adjourned sine die.

[*E.r.* 193]

Costs of advertising date of adjourned examination

89. Where application is made by the bankrupt for the appointment of a time and place for proceeding with a public examination adjourned sine die, then, unless the Official Assignee 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 bankrupt;

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

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

[*E.r.* 194]

Notice of proceeding after adjournment sine die (Form 59)

90. On the making of an order appointing a time and place for proceeding with the public examination adjourned sine die, the Official Assignee shall, unless the Court otherwise orders, not less than 7 days before the day so appointed,—

(*a*) serve a copy of the order on the bankrupt personally or by the recorded delivery service to his last known residence;

(*b*) give notice of the order to any creditor who, or whose representative, questioned the bankrupt at the public examination; and

(*c*) publish notice of the order in the Gazette and in the newspaper in which notice of the order for the public examination was published pursuant to rule 82.

PRIVATE EXAMINATIONS — SECTIONS 305-311 OF THE ACT OF 1857

Summons for examination (Form 60)

91.—(1) An application to the Court for the issue of a summons under section 305, 307 or 308 of the Act of 1857 shall be in writing and shall state shortly the grounds upon which it is made.

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

(3) A summons under any of the said sections of the Act of 1857 shall be served personally on the person to whom it is directed not later than 7 days before the day on which attendance before the Court is required.

[*E.r.* 72]

COMPOSITION AFTER BANKRUPTCY UNDER THE ACT OF 1857

Preliminary meeting of creditors (Forms 61, 62)

92.—(1) Where a bankrupt intends to make an offer of composition under section 149 of the Act of 1857, not being an offer which provides for the immediate payment of all creditors in full, a preliminary meeting of creditors shall, unless the Court otherwise orders, be held at the office of his solicitor or other suitable place, to consider the terms of such offer.

(2) Seven days' notice of the time and place appointed for the meeting shall be sent by the bankrupt to each creditor named in the statement of affairs and to any other creditor who has proved a debt.

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

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

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

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

Convening of composition meeting (Forms 63, 64)

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

(2) An application for the convening of a composition meeting shall be made by the bankrupt filing a notice in Form No. 63.

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

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

(5) The bankrupt shall publish the said notice in the Gazette not less than 10 days before the day appointed for the meeting.

(6) The bankrupt shall, not less than 14 days before the day appointed for the meeting, send a notice in Form No. 64 to each creditor named in the statement of affairs and to any other creditor who has proved a debt.

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

(*a*) a copy of the Official Assignee's report provided for in the next following rule;

(*b*) a copy of any notice of dispute filed under the said rule;

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

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

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

Report of Official Assignee

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

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

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

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

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

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

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

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

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

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

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

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

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

(*m*) whether in his opinion, having regard to the nature and value of the estate, the security offered and other circumstances, the bankrupt's offer of composition is reasonable and calculated to benefit the creditors.

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

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

Composition meeting (Forms 65, 66)

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

(2) The meeting shall not be competent to act for any purpose except the proving of debts for the purpose of voting and the adjournment of the meeting, unless there are present, or represented thereat, at least two creditors other than fully secured or preferential creditors, or the sole such creditor if there is only one such creditor.

(3) Unless the Court otherwise directs, the meeting shall not be concluded until the public examination of the bankrupt is concluded or an order is made dispensing with such examination.

(4) The bankrupt may be examined by the Official Assignee, or any creditor who has proved a debt of £20 or more, concerning his affairs and his offer of composition, and any such person may address the Court with regard to whether the offer is reasonable and proper to be executed under the control of the Court.

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

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

(7) The resolution of the creditors accepting the offer of composition shall be recorded in the prescribed form and signed by each creditor voting in favour of the acceptance of the offer of composition or his proxy.

(8) In considering whether the offer of composition accepted by the statutory majority of creditors is reasonable and proper to be executed under the control of the Court, the Court shall take into consideration the report of the Official Assignee prepared pursuant to the preceding rule, which for this purpose shall be evidence of the matters contained therein.

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

Special sitting (Forms 67, 68, 69)

96.—(1) Subject to paragraphs (2) and (3), the provisions of rules 93 and 95 shall apply, with the necessary modifications, to a special sitting ordered to be held pursuant to section 149 of the Act of 1857.

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

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

Surety for composition offer (Form 70)

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

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

Waiver of right to composition (Form 71)

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

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

ANNULMENT OF ADJUDICATION ORDER FOLLOWING COMPOSITION

Application for annulment of adjudication order and vesting of property following composition (Form 72)

99.—(1) An application to the Court to annul an adjudication order under section 149 of the Act of 1857 shall be made by filing a notice of application in the prescribed form.

(2) An application for a vesting order under section 22 of the Act of 1929 may be joined with an application under paragraph (1).

(3) The Master shall fix a time and place for hearing the application and the bankrupt shall thereupon serve a copy of the notice on the Official Assignee.

(4) The Official Assignee shall, not less than 3 days before the day fixed for the hearing of the application, file a report as to whether all costs and preferential debts have been paid or provided for, and whether the composition agreed to be accepted by the creditors has been paid to them or has been made available to them or in what other manner the payment of such composition has been provided for.

(5) Where the bankrupt applies for a vesting order the Official Assignee's report shall state what estate or effects of the bankrupt remains in the possession of, or vested in, or otherwise subject to the control of the assignees.

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

Bankrupt's costs of composition proceedings

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

ANNULMENT OF ADJUDICATION ORDER — GENERAL

Application for annulment order

101.—(1) Unless the Court otherwise directs, no application to annul an adjudication order, other than an application to show cause under section 129 of the Act of 1857, shall be heard unless notice of the intended application and copies of any affidavits in support of it have been served on the Official Assignee not less than 10 clear days before the hearing of the application.

(2) Where the application is on the ground that all the creditors of the bankrupt consent to the annulment of the adjudication order—

(*a*) unless the Court otherwise directs, the application shall not be heard until the public examination of the bankrupt is concluded or an order is made dispensing with such examination;

(*b*) the Official Assignee shall, not less than 3 days before the day specified in the summons by which the application is made for the hearing thereof, file a report as to the conduct and affairs of the bankrupt, including his conduct during the proceedings, and serve a copy of the report on the bankrupt;

(*c*) on the hearing of the application the Court shall take into consideration the report of the Official Assignee, which for this purpose shall be evidence of the

matters contained therein, and hear any further evidence which may be adduced by any party.

Notice of annulment order (Form 73)

102. Where an adjudication order is annuled by the Court, the Official Assignee shall send notice of the order of annulment to the Enforcement of Judgments Office and, where the bankrupt is a solicitor, to the Registrar of Solicitors.

Undischarged Bankrupt acting as Director, etc.

Application for leave to act

103.—(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 Assignee notice of the intended motion and a copy of the affidavit in support thereof, and shall apply to the Court to fix a time for the hearing.

(2) The Master shall give to the Official Assignee not less than 28 days' notice of the time fixed for the hearing.

(3) The Official Assignee shall make a report to the Court and send a copy to the bankrupt by the recorded delivery service to his last known residence not less than 7 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 2 days before the day fixed for the hearing, file a notice specifying the statements which he intends to dispute, and serve a copy of the notice on the Official Assignee.

(5) An appeal to the Court of Appeal from the order made on the application shall lie at the instance of the bankrupt or of the Department.

(6) The report of the Official Assignee under this rule shall be evidence of the matters contained therein.

[*E.r.* 238]

Discharge

A. Discharge on Application of Bankrupt

Application for discharge (Forms 74, 75)

104.—(1) A bankrupt intending to apply for his discharge shall produce to the Office a certificate from the Official Assignee that the bankrupt has deposited with him the sum necessary for his costs of and incidental to the application.

(2) An application by a bankrupt for his discharge shall be made to the Court in the prescribed form.

Notice of hearing (Forms 76, 77)

105. When a day has been appointed for the hearing of the application, the Master shall give notice to the Official Assignee who shall, not less than 14 days before the day so appointed,—

(*a*) give notice of the time and place to the bankrupt, the creditors' assignee or trustee, if any, and to each creditor of whom the Official Assignee has notice; and

(*b*) publish notice of the time and place in the Gazette.

[*E.r.* 226]

Report of Official Assignee

106. Not less than 7 days before the day appointed for the hearing the Official Assignee shall file his report and send a copy to the bankrupt by the recorded delivery service to his last known residence.

[*E.r.* 228]

Evidence in answer to report

107.—(1) Where a bankrupt intends to dispute any statement with regard to his conduct or affairs contained in the Official Assignee's report, he shall, not less than 2 days before the hearing of the application for discharge, file 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 Assignee.

(2) Any creditor who intends to oppose the discharge of a bankrupt shall, not less than 2 days before the hearing of the application, file a notice in writing stating his intended opposition and the grounds thereof, and serve a copy of the notice upon the Official Assignee and upon the bankrupt.

[*E.r.* 229]

Costs of application

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

[*E.r.* 230]

Orders conditional on consent to judgment (Forms 78, 79)

109.—(1) Where the Court grants an order of discharge conditionally upon the bankrupt consenting to judgment being entered against him by the Official Assignee or 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 drawn up until the bankrupt has given the required consent in the prescribed form.

(2) The judgment shall be entered in the Queen's Bench Division.

(3) 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 Assignee or trustee, rescind the order or make such other order as it thinks fit.

(4) The summons by which an application by the Official Assignee or trustee under Article 28(6) of the Order of 1980 for leave to enforce a judgment entered under this rule is made shall be served on the bankrupt not less than 8 days before the day specified in the summons for the hearing thereof and shall be accompanied by a copy of the affidavit or report to the Court referred to in paragraph (5).

(5) The affidavit or report to the Court in support of such application shall state shortly the grounds on which the application is made.

[*E.r's.* 231, 235]

Order of discharge

110. 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 filed.

[*E.r.* 232]

Deferment of issue of order pending appeal: gazetting of order (Form 80)

111.—(1) The order on an application for discharge shall not be issued 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 against an order of discharge has expired or, as the case may be, when the appeal has been decided, the Master shall forthwith send a copy of the order to the Official Assignee who shall publish notice of it in the Gazette.

[*E.r.* 233]

Appeals

112. An appeal shall lie at the instance of the Department or of the trustee from any order of the Court made upon an application for discharge.

[*E.r.* 234]

Accounts of after-acquired property (Form 81)

113.—(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 Assignee 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 a statement, verified by affidavit, showing particulars of any property or income acquired by him after his discharge.

(2) The bankrupt shall send a copy of his statement to the Official Assignee.

(3) The Official Assignee 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.

(4) 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 Assignee or trustee, rescind the order of discharge.

[*E.r.* 236]

Application for modification of order (Form 82)

114. Where, after the expiration of 2 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 14 days' notice of the time and place fixed for hearing the application to the Official Assignee and to all creditors who have proved.

[*E.r.* 237]

B. Automatic Discharge

Consideration by the Court

115.—(1) When the Court makes an order which concludes or, under Article 12 of the Order of 1980, dispenses with the public examination of a bankrupt, the Court shall proceed to consider whether or not to make an order under Article 29(1) of that Order directing that paragraph (2) of that Article shall have effect.

(2) When the Court dispenses with the public examination of a bankrupt under Article 11(12) of the Order of 1980 it shall proceed to consider whether to make an order under Article 29(1) of that Order but may, if it thinks fit, adjourn such consideration for the purpose of receiving from the Official Assignee a report as to the conduct and affairs of the bankrupt, including his conduct during the proceedings, and such report shall be evidence of the matters contained therein.

[*E.r.* 237A]

Service of order by Official Assignee

116. If the Court thinks fit to make an order under Article 29(1) of the Order of 1980 not less than two sealed copies of the order shall forthwith be sent by the Master to the Official Assignee who shall serve one of the copies on the bankrupt.

[*E.r.* 237B]

Gazetting of discharge (Form 83)

117.—(1) Where an order made under Article 29(1) of the Order of 1980 has not been rescinded and the circumstances set out in paragraph (2) of that Article apply, the Official Assignee shall, subject to paragraph (2) of this rule, on the fifth anniversary of the date of the adjudication forthwith publish in the Gazette notice that the bankrupt has been discharged under the provisions of paragraph (2) of that Article.

[*E.r.* 237C]

(2) Where the assets of the estate are not sufficient to defray the expense of gazetting under this rule, the Official Assignee shall forthwith call upon the bankrupt to deposit with him the sum necessary to defray this expense and he shall not be obliged to publish the said notice until such sum has been so deposited.

Application by trustee to rescind order

118. Unless the Court otherwise directs, no application by a trustee to rescind an order made under Article 29(1) of the Order of 1980 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 Assignee and the bankrupt not less than 8 days before the hearing of the application.

[*E.r.* 237D]

Application by Official Assignee to rescind order

119. The Official Assignee shall apply to rescind an order made under Article 29(1) of the Order of 1980 if—

(*a*) he becomes aware of any misconduct on the part of the bankrupt which occurred before the making of the order and which was not known to the Official Assignee when the order was made but which, if it had been disclosed to the Court, would, in the opinion of the Official Assignee, have been likely to result in the order not being made; or

(*b*) the bankrupt is guilty of any misconduct which, if it had occurred before the making of the order and had then been known to the Court, would, in the opinion of the Official Assignee, have been likely to result in the order not being made; or

(*c*) the Court so directs when an application by the bankrupt for his discharge has been refused; or

(*d*) an application by the bankrupt for his discharge has been granted subject to a suspension or condition such that the bankrupt may still be an undischarged bankrupt on the fifth anniversary of the date of the adjudication; or

(*e*) the bankrupt has failed to co-operate with the Official Assignee or trustee; or

(*f*) the bankrupt has again been adjudged bankrupt; or

(*g*) the bankrupt has been convicted of any offence under the Debtors Act (Ireland) 1872 or the Acts or any other offence connected with his bankruptcy;

and any application by the Official Assignee under paragraph (*c*) or (*d*) above may be made without notice or formality immediately following the making of the order to which the said paragraph (*c*) or (*d*) relates.

[*E.r.* 237E]

C. Discharge on Application of Official Assignee

Notice of hearing (Forms 84, 85)

120. When a day has been appointed for the hearing of an application by the Official Assignee under Article 30 of the Order of 1980 in respect of the adjudication

of the bankrupt, the Official Assignee shall, not less than 14 days before the day so appointed,—

(*a*) give notice of the time and place—

(i) to the bankrupt by the recorded delivery service to his last known residence; and

(ii) to the creditors' assignee or trustee if any; and

(*b*) publish notice of the time and place in the Gazette.

[*E.r.* 237F]

Consequential provisions

121. Rules 106, 107, and 109 to 114 shall apply to proceedings under Article 30 of the Order of 1980 as they apply to proceedings under Article 28 of that Order except that it shall not be necessary to give notice to creditors of an application by the bankrupt under paragraph (8) of the said Article 30.

[*E.r.* 237G]

PART IV

ADMINISTRATION OF ESTATE OF DECEASED INSOLVENT

INTRODUCTION

Application of Part IV

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

PETITION

Verification (Form 37)

123. A petition for administration under section 21 of the Act of 1929 shall be verified by affidavit in the prescribed form.

[*E.r.* 299]

Deposit

124. Rule 60 which relates to the deposit payable on presentation of a bankruptcy petition shall, with the necessary modifications, apply to a petition for administration under section 21 of the Act of 1929.

[*E.r.* 300]

Time of hearing

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

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

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

[*E.r's.* 163, 302]

Service

126. The petition shall be served—

(*a*) unless the Court otherwise directs, personally on the legal personal representative of the debtor; and

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

[*E.r.* 301]

Several respondents

127. 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.

[*E.r's.* 164, 302]

Opposing petition (Form 88)

128. Where any person entitled to do so intends to oppose a petition he shall—

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

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

[*E.r's.* 166, 302]

Proof of debt of petitioning creditor

129. Rule 64(1) shall apply to the proof of the debt of a petitioning creditor.

ADMINISTRATION ORDER

Service and advertisement of administration order (Form 89)

130.—(1) When an administration order is made two sealed copies of the order shall be sent by the Master to the Official Assignee, who shall forthwith—

(*a*) serve one of the copies on the legal personal representative of the debtor personally or by the recorded delivery service to his last known residence; and

(*b*) publish notice of the order in the Gazette and in such newspaper as he thinks fit.

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

Transfer of administration proceedings

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

(2) Rule 124 shall apply to an application under this rule as if the applicant were a petitioner.

ACCOUNTS OF DECEASED INSOLVENT'S ESTATE

Filing and vouching of statement of affairs, etc. (Form 47)

132.—(1) Within 28 days after an administration order has been made the legal personal representative of the deceased insolvent shall lodge with the Official Assignee—

(*a*) two copies of a statement of affairs relating to the deceased's estate in the prescribed form, one of which copies shall be verified; and

(*b*) two copies of an account of his dealings with and administration of the deceased's estate in such form as the Official Assignee may direct, one of which copies shall be verified.

(2) The Official Assignee shall file the verified statement of affairs and account.

(3) The legal personal representative of the deceased insolvent shall produce to the Official Assignee such information as he may require to vouch the statement of affairs and account and such other particulars of the affairs of the deceased as he or the trustee may from time to time require.

Information to creditors

133. Not later than 3 months after the making of the administration order the Official Assignee shall send to the creditors a summary of the statement of affairs filed under the preceding rule or, if the statement of affairs has not by then been filed, such information as to the deceased insolvent's assets and liabilities as he is in a position to give, and in either case accompanied by any observations thereon which he may think fit to make.

PART V

WINDING UP OF ESTATE OF BANKRUPT OR DECEASED INSOLVENT BY A TRUSTEE AND COMMITTEE OF INSPECTION

INTRODUCTION

Application of Part V

134. This Part shall apply to proceedings in bankruptcy and in the administration of the estate of a deceased insolvent where the estate of the bankrupt or deceased insolvent is administered by a trustee and a committee of inspection under sections 87 to 122 of the Act of 1872.

MEETINGS OF CREDITORS

Order for first meeting of creditors

135.—(1) An application under section 87 of the Act of 1872 for an order to summon the first meeting of creditors shall be made within 10 days of the publication in the Gazette of notice of the adjudication or administration order and, in a bankruptcy, before the day appointed for the sitting for the choice and appointment of a creditors' assignee.

(2) The choice and appointment of a creditors' assignee in a bankruptcy shall be postponed until the hearing of the application.

Convening of first meeting of creditors (Form 90)

136.—(1) The first meeting of creditors shall be summoned by the Official Assignee publishing notice of the time and place of the meeting in the Gazette and sending such notice to the bankrupt or the personal representative of the deceased insolvent by the recorded delivery service to his last known residence and to each creditor who has proved 10 days before the date fixed for the meeting.

(2) The notice shall be sent at the expense of the applicant for the order for the meeting and where the Court subsequently orders that the estate be wound up by a trustee and a committee of inspection the costs of sending the notice shall be repaid out of the estate.

Meetings of creditors

137.—(1) Meetings of creditors subsequent to the first meeting shall be summoned by sending 10 days before the date appointed for the meeting notice of the time and place thereof to each creditor.

(2) The costs of summoning a meeting of creditors by any person other than the trustee shall be paid by the person at whose instance it is summoned, to be repaid to him out of the estate if the trustee or the committee of inspection or the Court shall so direct.

(3) Where the Court orders a meeting of creditors to be summoned under section 94 of the Act of 1872, the meeting shall be summoned as the Court directs, and in default of any direction the Master shall transmit a sealed copy of the order to the trustee, who shall, not less than 7 days before the meeting, send a copy of the order to each creditor.

(4) The proceedings at a meeting shall, unless the Court otherwise orders, be valid, notwithstanding that some creditors have not received the notice summoning the meeting.

(5) The chairman of a meeting may, with the consent of the meeting, adjourn the meeting from time to time and from place to place.

(6) A meeting shall not be competent to act for any purpose, except the election of a chairman, the proving of debts for the purpose of voting and the adjournment of the meeting, unless there are present, or represented thereat, at least three creditors other than fully secured or preferential creditors, or all such creditors if their number does not exceed three.

(7) If within half an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than 7 nor more than 21 days.

(8) The chairman of every meeting shall cause minutes of the proceedings at the meeting to be drawn up and the minutes shall be signed by him or by the chairman of the next ensuing meeting.

(9) The trustee shall file a copy, certified by him, of every resolution of a meeting of creditors.

TRUSTEE

Notice of appointment of trustee (Forms 91, 92)

138. When the appointment of a trustee has been certified, the trustee shall forthwith publish notice of the appointment in the Gazette and in a newspaper directed by the Master.

[*E.r.* 331]

Expenses of trustee

139. Where a trustee acts without remuneration, he shall be allowed out of the estate such proper expenses incurred by him in or about the proceedings as the creditors may, with the sanction of the Department, approve.

Legal proceedings by trustee

140. The trustee may not bring, institute or defend any action or other legal proceeding relating to the property of the bankrupt or deceased insolvent except with the consent of the committee of inspection.

Trustee's record book and cash book

141.—(1) Subject to paragraph (2), the trustee shall keep a book to be called the "Record Book" in which he shall record the minutes 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.

(2) He shall not be bound to insert in the record any document of a confidential nature and may refuse inspection of such document to any person other than a member of the committee of inspection.

(3) The trustee shall keep a book to be called the "Cash Book", which shall be in such form as the Department may direct, and shall from day to day enter the receipts and payments made by him.

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

[*E.r's.* 362, 363, 367]

Transmission of trustee's accounts to Department (Form 93)

142.—(1) Subject to paragraph (2), the trustee shall, at the expiration of 6 months from the date of his appointment and at the expiration of every 6 months thereafter until his release, send to the Department—

(*a*) a copy in duplicate of the Cash Book for the immediately preceding 6 months; or

(*b*) if no receipts or payments have been made by him during that period, a statutory declaration to this effect.

(2) When the estate has been fully realised and distributed, or if an adjudication order is annulled or upon the trustee resigning or being removed from his office, he shall forthwith send his accounts to the Department.

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

[*E.r.* 369]

Trustee resigning or being removed

143.—(1) 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 7 days' notice of the meeting to the Official Assignee.

(2) Upon resigning or being released or removed from his office the trustee shall deliver over to the Official Assignee or, as the case may be, the new trustee, all books, papers, documents and accounts in his possession relating to the office of trustee.

(3) The release of a trustee shall not take effect until the provisions of paragraph (2) have been complied with.

[*E.r's.* 340, 343, 344]

Release of trustee (Forms 127, 128, 129)

144. Rules 227 and 228 shall apply to the release of the trustee, with the substitution for references to the Official Assignee of references to the trustee.

Committee of Inspection

Committee of inspection

145.—(1) The committee of inspection shall meet at such times as it shall from time to time appoint, and failing such appointment, at least once in every 3 months; and the trustee or any member of the committee may also call a meeting of the committee as and when he thinks necessary.

(2) The committee may act by a majority of its members present at a meeting, but shall not act unless the quorum fixed by resolution of the creditors is present or, if no quorum has been fixed, unless a majority of the committee is present.

COMPOSITION OR SCHEME OF ARRANGEMENT

Composition or scheme of arrangement (Form 94)

146.—(1) An application to the Court to approve a composition or scheme of arrangement under section 102 of the Act of 1872 shall be made by notice in the prescribed form.

(2) A copy of the notice shall be sent by the bankrupt to the Official Assignee forthwith.

(3) Not less than 7 days before the date appointed for hearing the application, the bankrupt shall send notice of the application to each creditor who has proved.

(4) The Court shall, before approving the composition or scheme, receive a report from the Official Assignee as to the terms thereof and as to the conduct of the bankrupt and any objections which may be made by or on behalf of any creditor.

(5) The Official Assignee shall file his report not less than 4 days before the day appointed for the hearing.

(6) The Official Assignee and the trustee shall be entitled to be heard on the application.

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

(8) The trustee under the composition or scheme or the Official Assignee shall admit or reject the proof.

(9) 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.

[*E.r's.* 199, 200, 215]

PART VI

ARRANGEMENT UNDER THE CONTROL OF THE COURT

PETITION

Affidavit grounding petition (Forms 96, 97)

147. An arrangement petition shall be supported by an affidavit in the appropriate prescribed form.

PROTECTION ORDER

Deposit by petitioner

148.—(1) Before presenting an arrangement petition the petitioner shall deposit such sum as may be required by regulations.

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

(3) No arrangement petition shall be filed unless the petitioner produces a receipt for the deposit.

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

Preparation and notice of order (Forms 98, 99)

149.—(1) When an arrangement petition is presented, two copies of a protection order in the prescribed form shall be prepared by the petitioner and lodged with the Master prior to the hearing of the petition.

(2) When a protection order is made the arranging debtor shall forthwith—

(*a*) give notice of the order to the Official Assignee, together with a copy of the petition and supporting affidavit; and

(*b*) give notice of the order to the Enforcement of Judgments Office and to the solicitor of any creditor who has taken proceedings against him, or to the creditor if suing in person.

PRELIMINARY MEETING OF CREDITORS

Preliminary statement of affairs (Form 100)

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

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

(3) A copy of the preliminary statement of affairs and list of creditors shall be filed not later than the time of filing the statement of affairs.

Convening and conduct of preliminary meeting (Form 101)

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

(2) Not less than 7 days' notice of the time and place appointed for the meeting shall be sent by the arranging debtor to the creditors.

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

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

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

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

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

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

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

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

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

STATEMENT OF AFFAIRS

Filing and vouching of statement of affairs (Form 47)

152.—(1) Not later than 16 days before the day appointed for the private sitting and before notice of the sitting is filed the arranging debtor shall file his statement of affairs in accordance with section 345 of the Act of 1857, in the prescribed form.

(2) The arranging debtor shall, prior to the private sitting, produce to the Official Assignee such information as the Official Assignee may require to vouch the statement of affairs.

(3) Where the arranging debtors are partners they shall submit a joint statement of their partnership affairs and each debtor shall submit a statement of his separate affairs.

PRIVATE SITTING

Alteration of day of sitting

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

Notice of sitting (Form 102)

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

(2) A copy of the notice shall be sent to each creditor named in the arranging debtor's statement of affairs not less than 14 days before the day appointed for the sitting.

(3) The notice shall be accompanied by—

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

(*b*) a copy of the report provided for by the next following rule;

(*c*) a form of proof of debt; and

(*d*) a form of special proxy.

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

Report to creditors

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

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

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

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

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

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

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

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

Proceedings at sitting (Form 103)

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

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

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

(4) The resolution of the creditors assenting to the arranging debtor's proposal shall be recorded in the prescribed form and signed by each creditor voting in favour of the proposal or his proxy.

Investigation by direction of the Court

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

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

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

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

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

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

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

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

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

SPECIAL SITTING

Notice of sitting (Form 104)

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

(2) A copy of the notice shall be sent to each creditor named in the arranging debtor's statement of affairs and to any other creditor who has proved, except any creditor who has been paid in full, not less than 14 days before the day appointed for the sitting.

(3) The notice shall be accompanied by—

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

(*b*) a form of special proxy.

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

Proceedings at sitting (Form 105)

159. Rule 156 shall apply, with the necessary modifications, to a special sitting ordered under section 351 of the Act of 1857.

Surety for Proposal

Application of rule 97 (Form 106)

160. Rule 97 shall apply, with the necessary modifications, to an arranging debtor's proposal for the future payment or the compromise of his debts or engagements.

Waiver of Composition or Dividend

Application of rule 98 (Form 107)

161. Rule 98 shall apply to a waiver by a creditor of an arranging debtor of his right to the composition or dividend payable to him in respect of his debt.

Dismissal of Petition, etc.

Application for dismissal of petition

162. An application for the dismissal of an arrangement petition may be made by the Official Assignee or any creditor.

Notice to creditors of termination of arrangement proceedings (Form 108)

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

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

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

(*c*) an order is made that no further proceedings be had in the arrangement matter,

the Master shall send a copy of the order to the Official Assignee, who shall give notice of the order to every creditor who received notice of the arrangement proceedings and to the Enforcement of Judgments Office.

Property of Arranging Debtor

Lodgment by arranging debtor of money, etc.

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

Particulars of stock and insurance policies

165. The arranging debtor shall, if required by the Official Assignee, send to him—

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

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

(*c*) all subsisting policies of insurance against fire and theft, public and employer's liability and motor insurance policies, together with the latest premium receipts.

Insurance of property

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

Arranging debtor not to dispose of property

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

Possession of estate by Official Assignee

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

(2) Upon taking such possession the Official Assignee shall cause an inventory of such estate and effects to be made.

ARRANGING DEBTOR'S CERTIFICATE

Application for certificate and vesting order (Form 109)

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

(2) An application for a vesting order under section 65 of the Act of 1872 may be joined with an application under paragraph (1).

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

(4) Subject to paragraph (5), the arranging debtor shall, not less than 14 days before the day fixed for the hearing of the application, give notice of the time and place to each creditor who has proved.

(5) Where the Official Assignee has sent a notice to creditors pursuant to rule 218(2), he shall, upon receipt of the notice of the application, furnish to the arranging debtor a list of creditors who, in response to the first mentioned notice, have notified him that they wish to be informed of the application, and the notice under the preceding paragraph need only be sent to such creditors.

Report of Official Assignee

170.—(1) The Official Assignee shall, not less than 21 days before the day fixed for the hearing, file a report in writing stating—

(*a*) whether all costs and preferential debts have been paid or provided for;

(*b*) what dividend or composition has been paid to the creditors, or made available to them;

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

(*d*) where the arranging debtor applies for a vesting order under section 65 of the Act of 1872, what estate or effects of the arranging debtor remains in the possession of or vested in or otherwise subject to the control of the Official Assignee or any trustee under the arrangement.

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

Hearing of application

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

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

Form and notice of certificate (Form 110)

172.—(1) The certificate under section 64 of the Act of 1872 shall be in the prescribed form.

(2) Notice of the granting of the certificate shall be given by the Official Assignee to the Enforcement of Judgments Office.

ADJUDICATION OF ARRANGING DEBTOR

Application for adjudication of arranging debtor

173. An application for an order adjudging an arranging debtor bankrupt may be made by the Official Assignee or any creditor who has proved.

Consequences of adjudication

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

(2) Any sums standing to the credit of the account of the arranging debtor shall, subject to any order of the Court, be transferred by the Official Assignee to the credit of the account of the bankrupt.

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

(4) All debts proved in the arrangement matter shall be deemed to have been proved in the bankruptcy, subject to any application to expunge a proof or to reduce its amount.

(5) Subject to paragraph (6), the Court may order payment out of the bankrupt's estate of the costs of the arranging debtor in the arrangement matter incurred solely for the purpose of complying with the Acts, these Rules and the orders of the Court.

(6) No such costs incurred after the arranging debtor or his solicitor became aware that the arranging debtor's proposal would not be assented to by the statutory majority of his creditors shall be allowed under paragraph (5).

PART VII

DEED OF ARRANGEMENT — PROCEEDINGS UNDER SECTION 2 OF THE BANKRUPTCY AMENDMENT ACT (NORTHERN IRELAND) 1929

Mode of application to the Court (Form 111)

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

Notice of application

176. A copy of the notice of application shall be sent by the applicant to the creditors 10 days before the day fixed for the hearing.

Documents to be filed

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

Stay of proceedings on debtor's summons

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

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

PART VIII

PROPERTY AND INCOME OF BANKRUPT, ETC.

INTRODUCTION

Application of Part VIII

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

(2) This Part shall, where applicable and with the necessary modifications, apply to the property of a deceased insolvent and to the property of an arranging debtor vested in the Official Assignee under section 349 of the Act of 1857 by a resolution of the creditors of such debtor.

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

POSSESSION AND REALISATION OF PROPERTY

Possession of property

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

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

Sale of property

181.—(1) Without prejudice to the powers of the Court under section 116 of the Act of 1857 and subject to any other provision of the Acts and these Rules and to the control of the Court, the property of the bankrupt may be sold or otherwise disposed of in accordance with this rule.

(2) The Official Assignee may, immediately after the adjudication order, sell or otherwise dispose of such part of the bankrupt's property as is of a perishable nature.

(3) Where, on the application of the Official Assignee, the Court is satisfied that it is in the interests of the creditors that other property of the bankrupt ought to be sold or otherwise disposed of without delay, it may authorise such sale or disposal before the sitting for choice and appointment of a creditors' assignee.

(4) The Official Assignee may, but in a bankruptcy subject to paragraph (3), not until after the sitting for choice and appointment of a creditors' assignee, sell all or any part of the property of the debtor (including the goodwill of the business, if any, and the book debts due or growing due to the debtor), by public auction or private contract, with power to transfer the whole thereof to any person or to sell the same in parcels.

CERTIFICATE OF VESTING

Form of certificate (Form 112)

182. A certificate of the vesting of the property of a bankrupt in the assignees shall be in the prescribed form.

SALE OF MORTGAGED LAND

Order for sale

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

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

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

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

(5) The Court shall direct inquiries to be made and accounts taken to ascertain—

(*a*) what incumbrances affect the land or any and what parts thereof subsequent as well as prior to or contemporaneous with the applicant's demand;

(*b*) what are the priorities of the incumbrances affecting the land;

(*c*) the principal, interest and costs due to each such incumbrancer; and

(*d*) the rents and profits, interest or other proceeds received by any such incumbrancer who has been in possession of the land or any part thereof.

(6) Order 43, rules 3 to 9 of the Supreme Court Rules shall apply to the manner of taking accounts and making inquiries under this rule.

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

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

[*E.r's.* 73, 76]

Manner of carrying out sale: certifying result: reference to conveyancing counsel

184. Order 31, rules 2, 3, 5 and 6 of the Supreme Court Rules shall apply to a sale ordered under the preceding rule.

Possession of land sold

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

Proceeds of sale

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

(*a*) first, in payment of the costs of the assignees or trustee of and occasioned by the application to the Court, and of the sale; and

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

and the balance, if any, shall be paid to the Official Assignee or trustee for the credit of the bankrupt's estate.

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

[*E.r.* 74]

SALE OF LAND BY ASSIGNEES OR TRUSTEE BY ORDER OF THE COURT

Order for sale, etc.

187.—(1) Where it appears expedient that any land of the bankrupt vested in the assignees or trustee should be sold under the directions of the Court and no application is made by a mortgagee under rule 183 the Court may, on the application of the assignees or trustee, subject to paragraph (4), order that land to be sold.

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

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

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

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

(6) Rules 183(5), (6), (7) and (8), 184, 185 and 186(2) shall apply to a sale under this rule, with the necessary modifications.

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

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

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

and the balance, if any, shall be paid to the Official Assignee or trustee for the credit of the bankrupt's estate.

REGISTERED LAND OR CHARGE

Particulars to be furnished (Forms 113, 114)

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

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

DISCLAIMER

Leave to disclaim land

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

APPROPRIATION OF PAY, SALARY, PENSIONS, ETC.

Application for order

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

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

Notice of proposed order

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

[*E.r.* 275]

Review of order

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

[*E.r.* 277]

PART IX

PROOF AND ADMISSION OF DEBTS

MODE OF PROOF

Mode of proof of debts (Forms 115, 116, 117)

193.—(1) A debt may be proved by delivering or sending by post to the Official Assignee or the trustee, as the case may be—

(*a*) in any case in which the Official Assignee or trustee so requires, an affidavit verifying the debt;

(*b*) in any other case, an unsworn claim to the debt in Form No. 116.

(2) The proof may be made by the creditor himself, or by some person authorised by or on behalf of the creditor. If made by a person so authorised, it shall state his authority and means of knowledge.

(3) The proof shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers, if any, by which the same can be substantiated. The Official Assignee or trustee may at any time call for the production of the vouchers.

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

(5) Unless the Official Assignee or the trustee, as the case may be, shall in any special case otherwise direct, formal proof of the debts mentioned in Article 19(*b*) of the Order of 1980 shall not be required.

Costs of Proof

Costs of proving debt

194. A creditor shall bear the costs of proving his debt, unless the Court otherwise specially orders.

Future Debts

Debts payable at a future time

195. The rebate to be deducted from a debt payable at a future date pursuant to Article 14(2) of the Order of 1980 shall be at the rate payable on judgment debts at the date of declaration of dividend unless the Court otherwise orders.

Interest

Rate of interest on certain debts

196. Interest on debts provable under section 260 of the Act of 1857 shall be at the rate payable from time to time on judgment debts.

Transmission of Proofs to Official Assignee

Transmission of proofs to Official Assignee

197.—(1) Proofs received at the Office for the purpose of a sitting or meeting of creditors before the Court shall, after the sitting or meeting has been concluded, be sent by the Master to the Official Assignee.

(2) Proofs accepted by the Court at a sitting held solely for proof of debts under section 246 of the Act of 1857 before the commencement of Article 16 of the Order of 1980 shall be sent by the Master to the Official Assignee upon receipt of a request in writing from the Official Assignee.

(3) Where an undisputed debt has been admitted by the Court without proof under section 247 of the Act of 1857 a memorandum recording such admission, signed by the Master, shall be deemed to be a proof for the purpose of paragraph (2).

EXAMINATION OF PROOFS

Examination of proofs by creditors

198. Every creditor who has lodged a proof shall be entitled to see and examine the proofs of other creditors at all reasonable times.

TIME FOR LODGMENT OF PROOFS

Notice to prove (Form 120)

199. The notice under rule 216 of intention to declare a dividend or to make a payment of composition shall specify the latest date up to which proofs may be lodged, which shall not be less than 14 days from the date of the notice.

[*E.r.* 267(2)]

PRODUCTION OF BILLS OF EXCHANGE, ETC.

Production of bills of exchange, etc.

200. 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 Court, chairman of a meeting, the Official Assignee or trustee, as the case may be, before the proof can be admitted, either for voting or for dividend or composition.

[*E.r.* 250]

ADMISSION OR REJECTION OF PROOFS

Time for admission or rejection of proofs by Official Assignee

201. The Official Assignee shall, within 14 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 received by him, or require further evidence in support thereof.

[*E.r.* 258]

Time for admission or rejection of proofs by trustee

202.—(1) Subject to paragraph (2), a trustee shall, within 28 days after receiving a proof which has not previously been dealt with by the Official Assignee, in writing either admit or reject it, wholly or in part, or require further evidence in support thereof.

(2) Where the trustee has given notice of his intention to declare a dividend he shall, within 14 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.

[*E.r.* 259]

Notice of admission or rejection of proof (Form 118)

203.—(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.

[*E.r.* 260]

Time for appealing against rejection of proof

204. No application to the Court to reverse or vary the decision of the Official Assignee or trustee rejecting a proof shall be entertained unless it is made and notice thereof given to the Official Assignee or trustee within 21 days from the date of service of the notice of rejection against which the appeal is made.

[*E.r.* 261]

APPEALS AGAINST REJECTION OF PROOFS

Procedure where creditor appeals

205.—(1) The Official Assignee or the trustee, as the case may be, shall within 3 days after receiving notice from a creditor of his intention to appeal against a decision rejecting a proof, lodge such proof with the Master, 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 Assignee or trustee.

[*E.r.* 257]

Costs of appeal against rejection of proof

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

[*E.r.* 262]

ADMISSION OR REJECTION OF PREFERENCE CLAIMS

Application of Rules

207. The provisions of these Rules as to the admission and rejection of proofs and appeals against rejection of proofs shall apply, with the necessary modifications, to any claim by a creditor to priority under Article 19 of the Order of 1980.

TRANSMISSION OF PROOFS TO TRUSTEE

Transmission of proofs to trustee

208. Where a trustee is appointed under section 90 of the Act of 1872 the Official Assignee shall—

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

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

[*E.r.* 253]

FILING OF PROOFS

Filing of proofs

209.—(1) The Official Assignee shall, at the expiration of 6 months after—

(*a*) the final payment has been made in a composition by a bankrupt or arranging debtor; or

(*b*) the final dividend has been declared in a bankruptcy, administration of a deceased insolvent's estate or arrangement under the control of the Court;

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

(2) A trustee shall—

(*a*) at the expiration of 6 months after—

(i) the final payment has been made in a composition by a bankrupt; or

(ii) the final dividend has been declared in a bankruptcy or administration of a deceased insolvent's estate; or

(*b*) upon the granting of his release;

whichever event first occurs, file a certified list of all proofs received by him from the Official Assignee or otherwise tendered in the proceedings, distinguishing proofs admitted, rejected and held over for further consideration and file all proofs admitted or rejected.

[*E.r's.* 254, 255]

Admission of Debts for Voting

Admission of debts for the purpose of voting

210.—(1) Subject to the Acts and these Rules, a person shall be entitled to vote as a creditor at any sitting or meeting of creditors in respect of a debt due to him from the bankrupt, arranging debtor or deceased insolvent and admitted under Article 16 of the Order of 1980 or paragraph (2) of this rule.

(2) For the purpose of voting, the Court or the chairman of a meeting of creditors, as the case may be, shall have power to admit a debt in whole or in part or to reject it.

(3) The decision of the chairman of a meeting to admit or reject a debt shall be subject to appeal to the Court. If he is in doubt whether a debt shall be admitted or rejected he shall mark the proof as objected to, and shall allow the creditor to vote, subject to the vote being declared invalid in the event of the objection being sustained.

(4) A person, other than a creditor whose debt has been admitted under Article 16 of the Order of 1980, shall not be entitled to vote as a creditor at any sitting or meeting of creditors unless the proof of his debt has been duly lodged before the time appointed for the sitting or meeting.

(5) A creditor shall not vote in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained.

(6) For the purpose of voting, a secured creditor shall, unless he surrenders his security, state in his proof the particulars of his security, the date when it was given and the value at which he assesses it, and shall be entitled to vote only in respect of the balance (if any) due to him, after deducting the value of his security.

Part X
Joint and Separate Estates

Introduction

Application of Part X

211.—(1) This Part shall apply to the administration of the property of a partner adjudged bankrupt.

(2) This Part shall, with the necessary modifications, apply to the administration of the property of a partner under an administration order and, with the exception of paragraph (2) of the next following rule, to the administration of the property of partners vested in the Official Assignee under section 349 of the Act of 1857, by a resolution of creditors of arranging debtors, subject to the terms of such resolution.

Accounts

Accounts of joint and separate estates (Form 119)

212.—(1) Distinct accounts shall be kept of the joint 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 published in the Gazette.

[*E.r.* 371]

ADMINISTRATION

Administration of joint and separate estates

213.—(1) The joint estate shall be applied in the first instance in payment of the joint debts of the partners and the separate estate of each partner shall be applied in the first instance in payment of his separate debts.

(2) If there is a surplus of the separate estates, it shall be dealt with as part of the joint estate and if there is a surplus of the joint estate, it shall be dealt with as part of the respective separate estates in proportion to the right and interest of each partner in the joint estate.

(3) Dividends of the joint and separate estates shall, unless otherwise ordered by the Court, on the application of any person interested, be declared together and the expenses of and incidental to such dividends shall be fairly apportioned by the Official Assignee or trustee between the joint and separate estates, regard being had to the work done for and the benefit received by each estate.

(4) Where the joint estate is insufficient to defray the costs properly incurred in respect of the same, the Court, on the application of the Official Assignee or trustee, may order such costs to be paid out of the separate estates, or one or more of them, in such proportions as it thinks fit.

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

SEPARATE FIRMS

Separate firms

214.—(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.

[*E.r.* 295]

PART XI
DIVIDENDS

Application of Part XI

215.—(1) This Part shall apply to dividends in a bankruptcy and, with the necessary modifications, in an administration of a deceased insolvent's estate and, subject to rules 216, 218 and 219, in an arrangement matter.

(2) In this Part "dividend" includes a composition payment, and references to a dividend being declared include references to a composition becoming payable.

(3) The requirement in rule 218(1)(*a*) to send with a notice of a dividend a statement showing the position in the estate shall not apply to notice of the payment of a composition.

Notice of intended dividend (Forms 120, 121, 122)

216. Notice of intention to declare a dividend in accordance with Article 22(4) and (7) of the Order of 1980 shall be sent to creditors and, except in an arrangement matter, published in the Gazette, not more than 3 months nor less than 21 days before the dividend is declared.

[*E.r.* 267(1)]

Calculation of dividend

217.—(1) Where a creditor has applied to the Court within the time prescribed by rule 204 to reverse or vary the decision of the Official Assignee or trustee rejecting a proof the Official Assignee or trustee shall make provision for the dividend payable upon the proof and the probable costs of appeal in the event of the proof being admitted.

(2) If no such application is made within the prescribed time, the Official Assignee or trustee shall exclude the proof which has been rejected from participation in the dividend.

[*E.r.* 268(1)(*b*) *and* (2)]

Declaration of dividend (Forms 123, 124, 125)

218.—(1) As soon as practicable after the expiration of the time fixed by rule 204 for appealing against the decision of the Official Assignee or trustee rejecting a proof he shall proceed to declare a dividend and—

(*a*) send a notice of dividend to each creditor whose proof has been admitted, accompanied by a statement showing the position in the estate; and

(*b*) except in an arrangement matter, publish the notice in the Gazette.

(2) In an arrangement matter the notice of a final dividend shall be accompanied by a notice in Form No. 124.

[*E.r.* 269]

Postponement of declaration of dividend

219. If it becomes necessary, in the opinion of the Official Assignee or the trustee, as the case may be, to postpone the declaration of the dividend beyond the limit of 3 months prescribed by rule 216(1), he shall, except in an arrangement matter, publish a fresh notice of his intention to declare a dividend in the Gazette, and thereafter the same procedure shall be followed as in the case of the original notice, except that no fresh notice need be given to creditors mentioned in the bankrupt's statement of affairs who have not proved their debts.

[*E.r.* 270]

Production of bills of exchange, etc.

220. Subject to 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 Official Assignee or the trustee, as the case may be, before payment of any dividend thereon, and the amount of dividend paid shall be endorsed on the instrument.

[*E.r.* 271]

Payment of dividends to a nominee (Form 126)

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

[*E.r.* 273]

(a) 1882 c. 61

PART XII

OFFICIAL ASSIGNEE

Seal of Official Assignee

222. Judicial notice shall be taken of the official seal of the Official Assignee and every document purporting to be a document bearing that seal and signed as provided in regulations shall, unless the contrary is proved, be received in evidence and be deemed to be such a document without further proof.

Employment of solicitor

223. Subject to section 64 of the Act of 1857, the Official Assignee may employ a solicitor to take any proceedings or do any business requiring the employment of a solicitor.

Employment of person to assist Official Assignee

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

Application for directions

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

[*E.r.* 323]

Liability for costs and damages

226. The following provisions shall apply to any proceedings taken against the Official Assignee in respect of any act or default of his when acting in pursuance of the provisions of the Acts or these Rules or in the bona fide and reasonable belief that he is so acting or exercising powers given to the Official Assignee by the Acts or these Rules—

(1) Subject to the provisions of the next following paragraphs, any damages or costs which the Official Assignee may have to pay or to which he may be put in the proceedings shall be paid out of the estate of the bankrupt, deceased insolvent or arranging debtor, as the case may be.

(2) The Official Assignee shall forthwith report the commencement of the proceedings to the Department which shall determine whether the proceedings shall be resisted.

(3) Unless the Department determines that the proceedings shall be resisted, the Official Assignee shall not be entitled to be paid out of the estate any costs for which he may be liable in consequence of resisting the proceedings, unless the Court otherwise orders.

(4) Pending the determination of the Department the Official Assignee shall, if necessary, apply to the appropriate court for an adjournment of the proceedings.

[*E.r.* 330]

Application for release (Forms 127, 128)

227. Before applying to the Department for his release, the Official Assignee shall send notice of his intention so to do, accompanied by a summary of his receipts and payments, to all creditors whose debts have been admitted and to the bankrupt, arranging debtor or personal representative of the deceased insolvent, as the case may be.

[*E.r.* 341]

Advertisement of release (Form 129)

228. The Official Assignee shall, except in an arrangement matter, cause notice of the order of the Department granting the release to be advertised in the Gazette at the expense of the estate.

[*E.r.* 342]

PART XIII

COSTS AND TAXATION

Costs of petition, etc.

229.—(1) Subject to section 135 of the Act of 1857 and paragraph (3), the costs of all proceedings under the Acts, in a bankruptcy up to and including the sitting for the choice and appointment of a creditors' assignee and, in the administration of the estate of a deceased debtor, up to and including the advertisement of the administration order, shall be borne by the party taking the proceedings.

(2) Unless the Court otherwise orders, the costs of a bankruptcy petition by a creditor shall include the costs of a debtor's summons sued out by him.

(3) The Court may, at or after the sitting for the choice and appointment of a creditors' assignee in a bankruptcy or on or after the making of an administration order, order that the costs of the petitioner be paid out of the estate.

(4) Subject to rule 174(5), the costs of an arrangement petition shall not be paid out of the estate except in pursuance of a resolution of creditors under the Acts.

(5) If the proceeds of the estate are not sufficient for the payment of any costs necessarily incurred by the Official Assignee, in excess of the amount deposited under rule 60 up to and including, as the case may be,—

(*a*) the sitting for the choice and appointment of a creditors' assignee; or

(*b*) the conclusion of the first meeting of creditors under section 89 of the Act of 1872; or

(*c*) the advertisement of the administration order; or

(*d*) the private sitting;

the Court may order such costs to be paid by the party taking the proceedings.

Filing of bills of costs

230. Every bill of costs incurred in proceedings under the Acts or these Rules, when taxed, shall be transmitted by the Taxing Master to the Office to be filed.

Taxation of costs payable out of estate (Form 130)

231.—(1) Subject to paragraph (9) and rule 233(2), the costs of a solicitor payable out of the estate of a bankrupt, deceased insolvent or arranging debtor shall, except where a fixed sum is awarded as costs by an order of the Court, be taxed in accordance with Order 62, rule 27(4) of the Supreme Court Rules, without an order directing the taxation of such costs.

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

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

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

(5) The costs of the legal personal representative of a deceased insolvent of preparing, verifying and filing the statement of affairs and account required by rule 132 and any costs reasonably and properly incurred by him in furnishing to the Official Assignee or the trustee other particulars of the affairs of the deceased, pursuant to the said rule, shall be allowed out of the estate of the deceased.

(6) Subject to rule 174(5), costs which are not beneficial to the administration of the estate shall not be allowed.

(7) The costs of a case to counsel (except a case to advise proofs) or of a consultation or conference with counsel shall not be allowed against the estate without the previous sanction of the Master.

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

(9) The costs of a solicitor employed by the assignees or trustee may, if they are within the scale usually allowed by the Taxing Master and if the total amount payable on foot of the solicitor's retainer, excluding any fixed sum awarded as costs by an order of the Court, does not exceed £500, be paid and allowed by the Official Assignee or trustee, as the case may be, without taxation.

Accountants' remuneration

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

(2) Subject to paragraph (7), accountants' remuneration shall be measured by the Taxing Master.

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

(4) Upon receiving the notice referred to in paragraph (3) the accountant shall attend on the Taxing Master in accordance therewith and shall produce such evidence as the Taxing Master may require.

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

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

(7) The remuneration of an accountant employed by the Official Assignee or trustee may, if it is within the scale usually allowed by the Taxing Master and if the total amount of the charges does not exceed £500, be paid and allowed by the Official Assignee or trustee, as the case may be, without measurement.

Neglect or delay in taxation

233.—(1) Without prejudice to Order 62, rule 20(3) of the Supreme Court Rules, if it appears to the Master that the distribution of any estate is being or may be delayed by the failure of any solicitor or accountant to lodge his bill of costs or charges for taxation or measurement he may, on the application of the Official Assignee or trustee or any creditor who has proved a debt, or without any such application, report such failure to the Taxing Master, who shall make an order for the lodgment of the bill within such time and subject to such conditions as he may think fit.

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

Payment on account of costs

234. The Court may, on the application of a solicitor or accountant employed by the assignees or trustee, authorise the payment on account of costs or remuneration of a sum not exceeding 80 per cent. of the minimum amount which the solicitor or accountant certifies in writing that he expects to result from the taxation or measurement of his bill of costs or charges, upon the applicant undertaking unconditionally—

(*a*) to lodge his bill of costs or charges for taxation or measurement with all due despatch;

(*b*) to repay forthwith the sum, if any, by which the amount allowed on taxation or measurement is exceeded by the total of the payments made to him on account together with interest at the rate applicable from time to time on judgment debts calculated from the date of overpayment to the date of repayment.

Order of payment of costs payable out of estate

235.—(1) The assets in every matter remaining after payment of the expenses properly incurred in preserving, realising and getting in any of the assets shall, subject to any order of the Court, be liable to the following payments, which shall be made in the following order of priority—

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

(*b*) the fees payable under regulations and any other fees payable to, or costs incurred or authorised by, the Official Assignee, other than costs within items (*e*), (*h*) or (*i*);

(*c*) the deposit or deposits lodged by a petitioner other than a debtor pursuant to these Rules;

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

(*e*) the costs of any person employed by the Official Assignee to assist a bankrupt in the preparation of his statement of affairs;

(*f*) the costs of the legal personal representative of a deceased insolvent of preparing and vouching a statement of affairs and accounts pursuant to rule 132;

(*g*) the charges of a shorthand writer appointed by the Court on the application of some person other than the Official Assignee;

(*h*) the necessary disbursements of the Official Assignee or a trustee, other than expenses of preserving, realising and getting in heretofore provided for;

(*i*) the costs of any person employed by the Official Assignee under rule 224 or by a trustee with the sanction of the committee of inspection or of the Court;

(*j*) any allowance made to a bankrupt under section 301 of the Act of 1857 or section 106 of the Act of 1872;

(*k*) the remuneration of a trustee;

(*l*) the actual out of pocket expenses necessarily incurred by a committee of inspection, subject to the approval of the Department;

(*m*) any costs payable out of the estate of a bankrupt, deceased insolvent or arranging debtor by order of the Court or under the terms of a resolution of creditors under the Acts, not herein provided for.

(2) Where more than one person is entitled to a payment within any item under paragraph (1) and the estate is insufficient to meet all payments within the same item after providing for prior charges, such payments shall abate in equal proportions.
[*E.r.* 115]

PART XIV

MISCELLANEOUS

Orders or directions of Department or Official Assignee

236. Where a default is made by a trustee, bankrupt, arranging debtor or other person in obeying any order or direction given by the Department or the Official Assignee, the Court may, on the application of the Department or of the Official Assignee, order such defaulting trustee, bankrupt, arranging debtor or person to comply with the order or direction so given.

Appeals from decisions of Department

237. An appeal to the Court against a decision of the Department under Article 24(4) or 27(1) of the Order of 1980 shall be brought within 21 days from the time when the decision appealed against is pronounced or made.

Supervision of trading of bankrupt or arranging debtor

238.—(1) Where a bankrupt in respect of whom an order has been made under section 276 of the Act of 1857 or an arranging debtor carries on any trade or business—

(*a*) he shall furnish to the Official Assignee each week or at such other intervals as the Official Assignee may direct, an account of his receipts and disbursements in the form directed by the Official Assignee and shall vouch each item to the satisfaction of the Official Assignee;

(*b*) the Official Assignee may visit the premises on which such trade or business is carried on and may require the bankrupt or arranging debtor to produce his books of account and cash takings and to furnish information relating to the trade or business.

(2) Paragraph (1) shall apply to a bankrupt appointed by the trustee to carry on a trade or business for the benefit of the creditors under section 100 of the Act of 1872, with the substitution for references to the Official Assignee of references to the trustee.

Allowance of certain expenses to bankrupts and other persons

239. The Official Assignee or the trustee, as the case may be, shall pay out of the estate of a bankrupt or deceased insolvent or out of the estate of an arranging debtor

vested in the Official Assignee for realisation the out of pocket expenses reasonably and properly incurred by the bankrupt, personal representative of a deceased insolvent or arranging debtor in attending the Court or the office of the Official Assignee or trustee.

Delay in proceedings

240.—(1) The Official Assignee, creditors' assignee, trustee, bankrupt, personal representative of a deceased insolvent, arranging debtor or any creditor shall be at liberty to bring before the Master informally any matter in which it appears that any unnecessary delay has taken place in any proceedings.

(2) On a matter being brought to the attention of the Master under paragraph (1), or if at any time it shall appear that any unnecessary delay has occurred, the Judge or the Master may require notice to be served on any person calling upon such person to explain the delay to the Court, and may give such directions as may be appropriate to hasten the proceedings.

(3) Where the Judge or the Master is satisfied that any delay is wholly or partly attributable to the neglect or default of any solicitor, accountant or other person engaged in the matter and who is or may be entitled to costs or remuneration out of the estate, he may, after hearing that person or giving him an opportunity of being heard, order that all or part of such costs or remuneration be disallowed.

No lien on books of account

241. No person shall, as against the Official Assignee or trustee, be entitled to withhold possession of the books of account belonging to the bankrupt, deceased insolvent or arranging debtor, or to set up any lien thereon.

[*E.r.* 386]

Bankrupt or arranging debtor leaving Northern Ireland

242.—(1) Subject to paragraph (2), an undischarged bankrupt or an arranging debtor who has not obtained his certificate under section 64 of the Act of 1872 shall not leave Northern Ireland without the leave of the Court, which may be granted on such terms as the Court thinks just.

(2) A bankrupt or arranging debtor may, with the written consent of the Official Assignee, travel to Great Britain or the Republic of Ireland in connection with his employment or business, to seek employment or on holiday.

(3) A bankrupt or arranging debtor remaining out of Northern Ireland with the leave of the Court or the consent of the Official Assignee for a period exceeding 2 weeks shall inform the Official Assignee in writing of his address and of every change of address, if any.

Representation of corporations, etc.

243.—(1) For the purposes of the Acts and these Rules—

(*a*) a corporation may act by any person duly authorised in that behalf by the corporation;

(*b*) a partnership may act by any of its members or a duly authorised agent;

(*c*) a patient may act by a person authorised or empowered by law to act for him; and

(*d*) any person may act by his agent duly authorised in that behalf.

(2) A person duly authorised to act on behalf of a corporation for the purposes of the Bankruptcy Act 1914(**a**) shall be deemed to be so authorised for the purposes of the Acts and these Rules.

(a) 4 & 5 Geo. 5 c. 59

(3) The Court may require proof of the authority of any person purporting to act for another under this rule.

Rate of interest to be paid out of surplus

244. Interest on debts payable out of surplus assets in bankruptcy and in the administration of the estate of a deceased insolvent shall be at the rate payable from time to time on judgment debts.

Court registers (Forms 131-134)

245.—(1) The Master shall keep registers of—

(*a*) debtors' summonses;

(*b*) bankruptcy petitions and adjudication orders;

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

(*d*) arrangement petitions and protection orders.

(2) Subject to paragraph (3), the registers shall be open to the public for inspection on payment of the prescribed fee.

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

[*E.r's.* 359, 360]

Returns by Master (Form 135)

246. The Master shall on or before 31st January in every year make a return to the Department in the prescribed form of the business of the Office for the preceding year.

Dated 3rd October 1983 *Hailsham of St. Marylebone, C.*

The Department of Economic Development hereby concurs to the foregoing Rules.

Sealed with the Official Seal of the Department of Economic Development on 5th October 1983.

(L.S.) *William Thomas McCrory*
Assistant Secretary

APPENDIX

RULE 6(1)

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No. 1 RULE 10

General Title

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
CHANCERY DIVISION (BANKRUPTCY)

IN THE MATTER of [1] ....., [2] .....
[Application of [3]]

NOTES

[1] Insert full name of debtor, deceased debtor, bankrupt, arranging debtor or deceased insolvent, as the case may be. Add trade name, if any.

[2] In a bankruptcy or proceedings for administration of the estate of a deceased insolvent, before an adjudication or administration order has been made insert "debtor" *or* "deceased debtor" and after such an order has been made "bankrupt" *or* "deceased insolvent". In arrangement proceedings, insert "arranging debtor".

[3] In an application to the Court and documents filed and orders made thereon, insert description of applicant as "the debtor", "the bankrupt", "the arranging debtor", "the Official Assignee", "the assignees", "X.Y., a creditor" *or* "the trustee", as the case may be.

No. 2 RULE 16

Notice of Appeal from Master

(Title)

TAKE NOTICE that the appeal of [the above-named] A.B. of against the order of Master made on 19 that (*state order appealed against*) will be heard by the Judge sitting in Bankruptcy [in chambers] at the Royal Courts of Justice, Chichester Street, Belfast, on day 19 , at a.m./p.m.

At the hearing the appellant will apply for an order that (*state the precise form of the order applied for*).

The grounds of the appeal are (*state grounds*)

Dated 19 .

Solicitor for the above-named
(Address)

To the above-named and to his solicitor.

No. 3 RULE 18

Notice of Motion

(Title)

TAKE NOTICE that this Court will be moved before the Judge/Master sitting in bankruptcy at the Royal Courts of Justice, Chichester Street, Belfast, on day 19 , at a.m./p.m., or as soon thereafter as counsel or solicitor for (*applicant's name, address and description*) may be heard for an order that (*specify the relief sought*) or that such other order may be made as to the Court may seem just.

Dated 19 .

(Name and address)
Solicitor for the applicant.

To (*Name of person to be served*)
and to of
(*address*), his solicitors.

No. 4 RULE 18

Ex Parte Summons

(Title)

Let all parties concerned attend before the Judge/Master in chambers at the Royal Courts of Justice, Chichester Street, Belfast, on day 19 , at a.m./p.m., on the hearing of an application by
for [1]

Dated 19 .

This summons was taken out by
of
solicitor for the applicant.
[*or, where the applicant is acting in person*, — This summons was taken out by the said applicant who resides (*or* carries on business) at
and (*if the applicant does not reside or carry on business in Northern Ireland*) whose address for service is
]

NOTE

[1] State concisely the order or other relief required.

No. 5 RULE 18

Summons — Requiring Service

(Title)

Let C.D. of
attend before the Judge/Master in chambers at the Royal Courts of Justice, Chichester Street, Belfast, on day
19 , at a.m./p.m. on the hearing of an application by
for [1]

Dated 19 .

This summons was taken out by
of
solicitor for the applicant.
[*or, where the applicant is acting in person,* — This summons was taken out by the said applicant who resides (*or* carries on business) at
and (*if the applicant does not reside or carry on business in Northern Ireland*) whose address for service is
]

To C.D. [2]

NOTICE TO RESPONDENT

You may attend in person or by your solicitor or counsel. If you fail to attend, such order will be made as the Court may think just and expedient.

NOTES.

[1] State concisely the order or other relief required.
[2] Set out the name and address of the person to be served.

No. 6 RULE 20

Affidavit of Personal Service of Notice of Motion, Summons, Subpoena or Order

(Title)

I, of
make oath and say as follows:
1. I did on day 19 , at
a.m./p.m. at
personally serve
with a true copy of the notice of motion [*or* summons *or* subpoena] in this matter, which appeared to me to have been regularly issued out of the Bankruptcy and Companies Office on the application of and which was dated 19 , [*or* a true copy of the order in this matter dated 19 .]

2. At the time aforesaid I paid to the said
the sum of to defray his expenses of attending, pursuant to the said notice of motion [*or* summons *or* subpoena *or* order].

Sworn etc.

Affidavit of Service by Post
(Title)

I, of make oath and say as follows:

1. I did, on day 19 , send to *(full name)* [*or*, to the above-named bankrupt/arranging debtor] [*or*, to each of the creditors named in the statement of affairs of the above-named bankrupt/arranging debtor/deceased insolvent *or* to each of the creditors of the above-named bankrupt/arranging debtor/deceased insolvent who have proved *or* to each of the known creditors of the above-named bankrupt/arranging debtor/deceased insolvent [1] [*or* to each of the creditors [2] named in the Schedule hereto] a notice [*or other specified document*] in the form hereunto annexed marked "A", [together with] [and also to the above-named bankrupt/arranging debtor].]

2. Such notice(s) [*or other specified document(s)*] was/were enclosed in (a) sealed envelope(s) duly pre-paid and properly addressed to the said [bankrupt/arranging debtor] at [*or* at the addresses written opposite to each name in the third column of the said Schedule, being the last known address of such creditor [2] [*or* to the said creditors at their last known addresses] [and to the bankrupt/arranging debtor at his last known address/residence].

3. I posted the said notice(s) [*or other document(s)*] by ordinary [1] first/second class post before the hour of a.m./p.m. on the said day.

SCHEDULE

No.	Name	Address

Sworn etc.

NOTES
[1] Or as the case may be.
[2] *Or* person(s).

No. 8 RULE 20

Certificate of Service by Post

(Title)

I, of
clerk in the office of the Official Assignee for bankruptcy for Northern Ireland hereby certify as follows—

1. [*As Form No. 7*].
2. [*As Form No. 7*].
3. [*As Form No. 7*].

SCHEDULE

[*As Form No. 7*]

Dated 19

Clerk in the office of the Official Assignee.

No. 9 RULE 29

Subpoena

(Title)

Elizabeth the Second, by the Grace of God, &c.
To [1] greeting: We command you to attend before our Court, at the Royal Courts of Justice, Chichester Street, Belfast, on day the day of 19 , at the hour of in the noon, and so from day to day until the above matter is heard, to testify the truth according to your knowledge in the above matter [and also to bring with you and produce at the time and place aforesaid [2]].

Dated this day of 19 .

This subpoena is issued at the instance of
solicitor for

(*Seal*)

NOTES

[1] The names of up to 3 witnesses may be inserted.
[2] Specify documents to be produced.

No. 10 RULE 38

Warrant of Seizure

(Title)

To and his assistants.

WHEREAS on 19 , an order of adjudication of bankruptcy was made against the above-named bankrupt, who resides at
and carries on business at
and formerly resided at
and formerly carried on business at

THESE ARE THEREFORE to require, authorise and empower you, and every one of you to whom this warrant is directed, forthwith to enter into and upon the house and houses, and other the premises of the said bankrupt and also into all other place and places belonging to the said bankrupt where any of goods and money are, or are reputed to be; and there seize all the ready money, jewels, plate, household stuff, goods, merchandise, books of accounts, and all other things whatsoever belonging to the said bankrupt except articles which a bankrupt is entitled to retain as excepted articles under section 298 of the Irish Bankrupt and Insolvent Act 1857; and such things as you shall so seize you shall cause to be inventoried; and what you shall so seize you shall safely detain and keep in your possession until you shall receive other orders for the disposal thereof from the Official Assignee; and in case of resistance, or of not having the key or keys of any door or lock of any premises, door, trunk or chest of the said bankrupt where any of goods are, or are reputed to be, the same you shall break open, or cause to be broken open for the better execution of this warrant.

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

Master (Bankruptcy).

No. 11 RULE 38

Search Warrant — Section 326 Irish Bankrupt and Insolvent Act 1857

(Title)

To and his assistants.

WHEREAS it hath been made to appear to the satisfaction of this Court that there is reason to believe that property of the above-named bankrupt is concealed in the house of one X.M. [*or other place, describing it, as the case may be*] of such house [*or place*] not belonging to the said bankrupt.

THESE ARE THEREFORE to authorise and require you to whom this warrant is directed to enter, in the daytime, into the said house of the said X.M. situate at aforesaid [*or other place, describing it*] and there diligently to search for the said property, and if any property of the said bankrupt shall be found by you on such search, that you seize the same, to be disposed of and dealt with according to law.

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

Master (Bankruptcy).

No. 12 RULE 38

Warrant to Apprehend Debtor about to Abscond after Debtor's Summons — Section 78 Bankruptcy (Ireland) Amendment Act 1872

(Title)

To

1. The Chief Constable of the Royal Ulster Constabulary.
2. The Governor of Her Majesty's Prison at

WHEREAS a debtor's summons dated the day of 19 , has been granted against the above-named debtor of

AND WHEREAS it has been made to appear to this Court that there is probable reason for believing that the said debtor is about to go abroad with a view of avoiding the presentation of a petition of bankruptcy against him, or of avoiding examination in respect of his affairs, or otherwise avoiding, delaying, or embarrassing proceedings in bankruptcy.

THESE ARE THEREFORE to authorise and require you, to whom this warrant is firstly directed, immediately upon the receipt hereof, to cause the said [1] to be arrested, taken into custody and delivered to the Governor of Her Majesty's Prison at

who is hereby authorised and required to receive him and keep him safely until he shall be discharged by this Court, and for so doing this shall be your sufficient warrant.

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

Master (Bankruptcy).

NOTE

[1] Full name of debtor.

No. 13 RULE 38

Warrant to Apprehend Debtor about to Abscond after Petition of Bankruptcy — Section 124 Irish Bankrupt and Insolvent Act 1857

(Title)

To

1. The Chief Constable of the Royal Ulster Constabulary.
2. The Governor of Her Majesty's Prison at
3. [*Person directed to seize books, etc.*].

WHEREAS it has been proved to the satisfaction of this Court that there is probable cause for believing that the above-named debtor of

has quitted Northern Ireland, [*or* is about to quit Northern Ireland, *or* has removed goods or chattels in his possession above the value of £120 without the leave of the Official Assignee, *or* is about to remove or conceal some of his goods or chattels] with intent to defraud his creditors.

THESE ARE THEREFORE to authorise and require you, to whom this warrant is firstly directed, immediately upon the receipt hereof, to cause the said [1] to be arrested, taken into custody and delivered to the Governor of Her Majesty's Prison at who is hereby authorised and required to receive him and keep him safely in the said prison until he shall be discharged by this Court, and for so doing this shall be your sufficient warrant.

And these are further to authorise you the said to seize the books, papers, moneys, securities for moneys, goods and chattels of the said [1] and what you shall so seize you shall keep safely until this Court shall make order touching the same, and for so doing this shall be your sufficient warrant.

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

Master (Bankruptcy).

NOTE

[1] Full name of debtor.

Warrant to Apprehend Bankrupt — Section 125 Irish Bankrupt and Insolvent Act 1857

(Title)

To

1. The Chief Constable of the Royal Ulster Constabulary.
2. The Governor of Her Majesty's Prison at

WHEREAS it hath been proved to the satisfaction of this Court that the above-named bankrupt of is keeping out of the way, and cannot be personally served with a summons, and that due pains have been taken to effect such personal service, [*or* that there is probable cause for believing that the said bankrupt is about to quit Northern Ireland, *or* to remove or conceal some of his goods and chattels unless he be forthwith apprehended].

THESE ARE THEREFORE to authorise and require you, to whom this warrant is firstly directed, immediately upon the receipt hereof, to cause the said [1] to be arrested, taken into custody and brought before this Court at such time and place as this Court shall direct, in order to his being examined, and in the meantime to keep him safely or deliver him to the Governor of Her Majesty's Prison at and forthwith, after such taking and delivery, to report the same to this Court, and obtain its direction or order fixing a day, time and place for the examination of the said bankrupt, and you the said Governor to receive the said [1] and keep him safely in the said prison and in your custody to await the direction or order of this Court, and to produce him before this Court at such time and place as shall be specified in such direction or order, and for so doing this shall be your sufficient warrant.

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

Master (Bankruptcy).

NOTE

[1] Full name of bankrupt.

Warrant to Apprehend a Person Summoned under Section 305, 307 or 308, Irish Bankrupt and Insolvent Act 1857

(Title)

To

1. The Chief Constable of the Royal Ulster Constabulary.
2. The Governor of Her Majesty's Prison at

WHEREAS by summons dated 19 and directed to [1] of the said [1] was required personally to be and appear before this Court on 19 at a.m./p.m. to be examined [*and/or* produce such document as hereinafter mentioned], which said summons was afterwards, on the 19 , as has been proved upon oath, duly served upon the said and a reasonable sum was tendered him for his expenses. And whereas the said [1] , having no lawful impediment made known to and allowed by this Court at the time of its sitting, hath not appeared before this Court at the time appointed [*and/or* hath not produced a document in his custody or power relating to the bankrupt, his trade, dealings or estate, which this Court has required him to produce.]

THESE ARE THEREFORE to authorise and require you, to whom this warrant is firstly directed, immediately upon receipt hereof, to cause the said [1] to be arrested, taken into custody and brought before this Court at such time and place as this Court shall direct, in order to his being examined as aforesaid, and in the meantime to keep him safely or deliver him to the Governor of Her Majesty's Prison at , and forthwith, after such taking and delivery, to report the same to this Court, and obtain its direction or order fixing a day, time and place for the examination of the said [1] and you the said Governor to receive the said [1] and keep him safely in the said prison and in your custody to await the direction or order of this Court, and to produce him before this Court at such time and place as shall be specified in such direction or order, and for so doing this shall be your sufficient warrant.

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

Master (Bankruptcy).

NOTE

[1] Full name of person summoned.

Warrant to bring Bankrupt or Other Person in Custody before the Court — Section 73 Bankruptcy (Ireland) Amendment Act 1872

(Title)

To the Governor of Her Majesty's Prison
at

WHEREAS [1]
is now in your custody pursuant to warrant dated
19 .

THESE ARE THEREFORE to require and authorise you to cause the said [1] to be brought in custody before this Court at the Royal Courts of Justice, Chichester Street, Belfast, on day 19 , at the hour of o'clock in the noon, for examination before the Court, and afterwards to be taken back to the said prison to be there kept safely pursuant to the said warrant, and for so doing this shall be your sufficient warrant.

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

Master (Bankruptcy).

NOTE
[1] Full name of person in custody.

No. 17 RULE 41

General Proxy [4]
(Title)

I, [1]
of a creditor,
hereby appoint
to be my/our general proxy in the above matter, excepting as to receipt of dividends. [2]

Dated , 19 .
[To be signed below at A, B, C or D as appropriate.]

A. Personal creditor .....*(signature of creditor)*

B. Agent for personal creditor .....*(signature of authorised agent),* duly authorised to sign on behalf of ..... *(name of creditor in block letters).*

C. Partnership creditor .....
.....*(firm name in block letters)*
a firm, by .....
(signature of partner or authorised agent)
a partner in the said firm/duly authorised agent for the said firm. [3]

D. Limited Company creditor .....*(signature of authorised person)* for .....
ltd./p.l.c. *(name of Company in block letters)* duly authorised by the company.

NOTES

[1] If a firm or company, write "we" instead of "I" and set out the full name of the firm or company.

[2] If it is desired that dividends be paid to someone other than the creditor, a separate form of request to this effect must be lodged with the Official Assignee or trustee.

[3] Delete whichever alternative does not apply.

[4] The completed proxy must be lodged with the Master (Bankruptcy) or, as the case may be, the chairman of the meeting, not later than the day before the sitting or meeting at which it is to be used.

No. 18 RULE 41

Special Proxy [5]
(Title)

I, [1]
of a creditor,
hereby appoint [2]
as my/our proxy at the sitting/meeting of creditors to be held on
19 , or at an adjournment thereof, to vote for me/us and on
my/our behalf IN FAVOUR OF [3] the proposal set out in the notice of
AGAINST
the sitting/meeting or any modification thereof made with leave of the Court.

Dated 19
[To be signed below at A, B, C or D as appropriate.]

A. Personal creditor .....*(signature of creditor)*

B. Agent for personal creditor .....*(signature of authorised agent)*, duly authorised to sign on behalf of .....
(name of creditor in block letters).

C. Partnership creditor .....
.....*(firm name in block letters)*
a firm, by .....
(signature of partner or authorised agent)
a partner in the said firm/duly authorised agent for the said firm. [4]

D. Limited Company creditor .....*(signature of authorised person)*, for .....
ltd./p.l.c. *(name of Company in block letters)* duly authorised by the company.

NOTES

[1] If a firm or company, write "we" instead of "I" and set out the full name of the firm or company.

[2] If no name has been inserted here before the form is sent to the creditor, the creditor must insert the name of the person who will attend and vote on his behalf. IF A NAME HAS BEEN INSERTED AND THE CREDITOR WISHES SOME OTHER PERSON TO VOTE FOR HIM, HE MUST STRIKE OUT SUCH NAME AND INSERT THE NAME OF THE PERSON WHO WILL ATTEND AND VOTE ON HIS BEHALF.

[3] Strike out the words "IN FAVOUR OF" or the word "AGAINST" (as the case may require); UNLESS OTHERWISE INDICATED THE ABOVE PROXY WILL BE USED IN FAVOUR OF THE PROPOSAL.

[4] Delete whichever alternative does not apply.

[5] The completed proxy must be lodged with the Master (Bankruptcy) or, as the case may be, the chairman of the meeting, not later than the day before the sitting or meeting at which it is to be used.

No. 19 RULE 44

Appointment of Shorthand Writer to take Examination

(Date and title)

Before Master

UPON THE APPLICATION of the Official Assignee for bankruptcy for Northern Ireland *(or as the case may be)* the Court hereby appoints of to take the examination of the above-named bankrupt *(or as the case may be)* at his/her [public] examination this day pursuant to Rule 44 of the Bankruptcy Rules (Northern Ireland) 1983.

By the Court,
Master (Bankruptcy).

No. 20 RULE 44

Declaration by Official Shorthand Writer

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
CHANCERY DIVISION (BANKRUPTCY)

Before Master

I, , of , an Official Shorthand Writer attached to the 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.

Declared before me on
19 .

(Signature)

Master (Bankruptcy).

No. 21 RULE 44

Declaration by Shorthand Writer other than Official Shorthand Writer

(Title)

Before Master

I, , of the shorthand writer appointed by the Court to take down the examination of the above-named bankrupt *(or as the case may be)*, do solemnly and sincerely declare that I will truly and faithfully take down the questions and answers put to and given by the said bankrupt *(or as the case may be)* in this matter, and will deliver true and faithful transcripts thereof as the Court may direct.

Declared before me on
19 .

(Signature)

Master (Bankruptcy).

No. 22 RULE 48

Gazette Notice of Order Annulling, Revoking or Rescinding Order
(Heading as Form No. 44)

The order dated 19 [*state concisely the nature of the order annulled, revoked or rescinded, e.g. adjudicating the above-named a bankrupt*] was by order dated 19 annulled [*or* revoked *or* rescinded] on [*state concisely the grounds of annulment, revocation or rescission, e.g. acceptance by creditors of an offer of composition*].

Official Assignee for bankruptcy.

No. 23 RULE 48

Memorandum of Advertisements in Gazette and Newspapers
(Title)

NOTICE of the sitting [*or* meeting of creditors] to be held on 19 , has been published in the Belfast Gazette dated 19 , and in the newspaper dated 19 , and in the newspaper dated 19 .

An extract from [*or* a copy of] [each of] the said newspaper(s) containing the said advertisement is attached hereto

for Master (Bankruptcy).

No. 24 RULE 51

Search and Requisition to Inspect Documents

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
CHANCERY DIVISION (BANKRUPTCY)

Name of matter	Record No.	Document required

In what right applicant claims to inspect document/s—

Applicant's name

Address

Dated 19

Affidavit for Debtor's Summons
(Title)

I, of
make oath and say as follows:-

1. The above-named debtor, of
is justly and truly indebted to the above-named creditor, of
in the sum of £ for [1]

2. [*Where the whole sum is claimed on foot of a judgment, with or without interest*]. Application was made to the debtor for payment of the sum payable on foot of the said judgment by letter dated 19 [from] [*or* by notice of intention to enforce the said judgment dated 19] sent to the debtor by post addressed to him at his address aforesaid, being his last known residence/place of business [2].

2. [*In any other case*]. An account in writing of the particulars of the debt claimed was, on or about 19 sent to the debtor by post addressed to him at his address aforesaid, being his last known residence/place of business [2], and payment of the same has been required of him on more than one occasion, namely by [3] on 19 and by on 19 .

[4] [3. To the best of the creditor's knowledge, information and belief the debtor has not disputed his liability to pay the said sum or any part thereof [*or*, the debtor has disputed his liability to pay the said sum [*or* £ , part of the said sum] on the ground that [5] .]]

4. I depose to the truth of the facts stated in paragraph 1 [*or* paragraphs 1 and [6]] from my own knowledge and to the truth of the facts stated in paragraph(s) [partly from my own knowledge and partly] from information given to me by .

[7] [5. I am and am duly authorised by the creditor to make this affidavit.]

Sworn etc.

NOTES

[1] State the nature of the debt claimed with certainty and precision. If the debt or any part thereof arises under a judgment, state the name of the Court and the date of the judgment.

[2] Or as the case may be.

[3] Specify the dates and modes of applications for payment, or other efforts made to obtain payment, simultaneous with or after the date of furnishing particulars of the debt claimed, and by whom made. If not made by the creditor personally, state that the person requiring the payment was duly authorised by the creditor to do so.

[4] This paragraph may be omitted where the whole debt is claimed on foot of a judgment, with or without interest.

[5] State the grounds (if known) on which the debtor disputes his liability to pay the debt claimed or part thereof.

[6] Here refer to any other paragraph to which the deponent can depose of his own knowledge. The facts stated in paragraph 1 must always be within the personal knowledge of the deponent. (Rule 52(a)).

[7] This paragraph should be omitted where the deponent is the creditor or a member of the creditor partnership firm.

No. 26 RULE 53

Debtor's Summons

ATTENTION IS DIRECTED TO THE NOTE AT THE FOOT OF THIS FORM

(Title)

To , of

You are hereby warned that, unless within 10 days after the service of this summons on you, you do pay to the above-named creditor of

the sum of £ being the sum claimed of you by according to the particulars endorsed hereon, or hereunto annexed, or unless you shall secure or compound for the same to satisfaction, you will have committed an act of bankruptcy, in respect of which you may be adjudged a bankrupt on a petition being presented against you by the said creditor, unless you shall have, within the time aforesaid, applied to the Court to dismiss this summons, on the ground that you are not indebted to the said creditor in any sum, or that you are only indebted to in a sum less than £200, or that before service of this summons upon you, you had obtained the protection of the Court.

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

Master (Bankruptcy).

INDORSEMENT OF NOTICE

YOU ARE SPECIALLY TO NOTE:

The consequences which will follow any neglect to comply with the requisitions contained in the summons are that you may be adjudged a bankrupt on a petition of bankruptcy being presented against you by the said creditor, without further notice.

If, however, you are not indebted to the said creditor in any sum, or are only indebted to in a sum less than £200, you must make application to the Court within 10 days after service hereof, to dismiss this summons, by filing in the Bankruptcy and Companies Office, Royal Courts of Justice, Chichester Street, Belfast, an affidavit in the prescribed form, stating that you are not so indebted, or only so to a less amount than £200, or that before service of this summons upon you, you had obtained the protection of the Court, and thereupon a day will be fixed for the hearing of your application.

PARTICULARS OF DEBT CLAIMED

Solicitor for the said

(Address)

NOTE

The consequences of bankruptcy proceedings could be very serious. If you are in any doubt as to what you should do in regard to this summons you ought, as quickly as possible, to seek professional advice, e.g., from a solicitor or accountant, or contact your local Citizens Advice Bureau.

No. 27 RULE 53

Debtor's Summons — Two or More Creditors not Partners

ATTENTION IS DIRECTED TO THE NOTE AT THE FOOT OF THIS FORM

(Title)

To , of

You are hereby warned that, unless within 10 days after the service of this summons on you, you do pay to the above-named creditor of the sum of £ , and to the above-named creditor of the sum of £ , being the sums claimed of you by them according to the particulars endorsed hereon, or hereunto annexed, or unless you shall secure or compound for the same to their satisfaction respectively, you will have committed an act of bankruptcy, in respect of which you may be adjudged a bankrupt on a petition being presented against you by the said and the said , unless you shall have, within the time aforesaid, applied to the Court to dismiss this summons, on the ground that you are not indebted to the said or to the said in any sum, or that you are only indebted to them in a sum less than £200, or that before service of this summons upon you, you had obtained the protection of the Court.

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

Master (Bankruptcy).

INDORSEMENT OF NOTICE

YOU ARE SPECIALLY TO NOTE:

The consequences which will follow any neglect to comply with the requisitions contained in the summons are that you may be adjudged a bankrupt on a petition of bankruptcy being presented against you by the said and the said , without further notice.

If, however, you are not indebted to the said or to the said in any sum, or are only indebted to them in a sum less than £200, you must make application to the Court within 10 days after service hereof, to dismiss this summons, by filing in the Bankruptcy and Companies Office, Royal Courts of Justice, Chichester Street, Belfast, an affidavit, in the prescribed form, stating that you are not so indebted, or only so to a less amount than £200, or that before service of this summons upon you, you had obtained the protection of the Court, and thereupon a day will be fixed for the hearing of your application.

PARTICULARS OF DEBT CLAIMED BY

PARTICULARS OF DEBT CLAIMED BY

Solicitor for the said
(Address)

NOTE

The consequences of bankruptcy proceedings could be very serious. If you are in any doubt as to what you should do in regard to this summons you ought, as quickly as possible, to seek professional advice, e.g., from a solicitor or accountant, or contact your local Citizens Advice Bureau.

No. 28 RULE 55

Affidavit of Service of Debtor's Summons

(Title)

I,
of
make oath and say that I did on 19 , at a.m./p.m.
at
personally serve the above-named with
a sealed copy of the debtor's summons [and sealed copy of the particulars of debt claimed, thereto annexed] which appeared to me to have been regularly issued out of the Bankruptcy and Companies Office on the application of the above-named creditor(s) and which was dated 19 .

Sworn etc.

No. 29 RULE 56

Affidavit to Ground Application to Dismiss Debtor's Summons

(Title)

I, the above-named make oath and say as follows:

1. A debtor's summons issued on the application of (*name of creditor(s)*) against me was served on me on 19 .

2. I am not indebted to the said creditor(s) in any sum amounting to £200 [*or* Before such service I had obtained the protection of the Court].

Sworn etc.

No. 30 RULE 56

Notice of Application to Dismiss Debtor's Summons

(Title)

Notice is hereby given that an affidavit of the above-named debtor has been filed in the Bankruptcy and Companies Office and that the application of the said debtor to dismiss the debtor's summons issued on the application of the above-named creditor(s) against the said debtor will be heard by the Court on day, 19 , at a.m./p.m.

Dated 19 .

Master (Bankruptcy).

To

No. 31 RULE 58

Declaration of Inability to Pay Debts
(Title)

I (We) the undersigned, of do hereby declare, that I (we) am (are) unable to pay my (our) debts.

Dated , 19

(Signature)

Signed in the presence of

(Signature of witness)

(Address)

Solicitor

Received 19 at a.m./p.m.

No. 32 RULE 58

Affidavit Verifying Declaration of Inability to Pay Debts
(Title)

I, of solicitor, make oath and say as follows:

1. I was present and did see the said sign the declaration of inability to pay debts, dated 19 , to which I have subscribed my name as witness.

2. Previously to the said signing the said declaration I explained to him the nature and purport thereof, and that when the same should be filed in the Bankruptcy and Companies Office he would have committed an act of bankruptcy.

3. The name subscribed as a witness to the said declaration is my proper name and handwriting.

Sworn etc.

No. 33 RULE 19

Bankruptcy Petition by a Debtor

(Title)

I, [1]
residing at [2]
and carrying on business at [2]
[under the trade name of]
[and formerly residing at [3]
and formerly carrying on business at [3]
[under the trade name of]]
being unable to pay my debts, hereby petition the Court that I may be adjudged bankrupt.

Dated , 19 .

(Signature)

Signed by the debtor in my presence:

(Signature of witness) [4]

(Address)

(Description)

Received 19 at a.m./p.m.

NOTES

[1] Full name and description of debtor.
[2] Address of present residence and place(s) of business.
[3] Any other address or addresses at which unsatisfied debts or liabilities have been incurred.
[4] Attesting witness must be a solicitor or other person authorised to take affidavits.

No. 34 RULE 59

Affidavit Verifying Petition by a Debtor to be Adjudged Bankrupt

(To be indorsed on the back of the petition)

I, the petitioner named in the petition on the other side hereof, make oath and say that the said petition contains a full and correct description of me as to my name, trade or profession, present place(s) of residence and business, and former place(s) of residence and business (if any), and that the statement in the said petition that I am unable to pay my debts is true.

Sworn etc.

Bankruptcy Petition by a Creditor
(Title)

I, C.D. [1] of
[*or* We, C.D. of and E.F. of
] hereby petition the Court that A.B. [2]
residing at [3]
and carrying on business at [3]
[under the trade name of]
[and formerly residing at [4]
and formerly carrying on business at [4]
[under the trade name of]]
may be adjudged bankrupt, and say as follows:

1. The said A.B. is justly and truly indebted to me [*or* us] [in the aggregate] in the sum of £ for [*or* being] [5]

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

Or,

I [*or* We] hold security for the payment of [*or* part of] the said sum [but I [*or* we] 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 [*or* we] estimate the value of such security at the sum of £].

Or,

I, C.D., one of your petitioners, hold security for the payment of, *etc.*

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

3. A.B. within six months before the date of the filing of this petition has committed the following act [*or* acts] of bankruptcy, namely [6]

Dated , 19

(Signed) C.D.
[E.F.]

Signed by [*or* on behalf of] the petitioner in my presence:

(Signature of witness) [7]

(Address)

(Description)

Received 19 at a.m./p.m.

NOTES

[1] Where the petitioner is a limited company, insert "We, C.D. Limited, whose registered office is situate at ", and, where the petition is signed by an officer of the company duly authorised by the company, add "by J.S. secretary [*or as the case may be*] of the said company duly authorised by the said company to sign and present this petition".

Where the petition is by a firm, insert "We, C.D. & Co. of by C.D. a partner in the said firm", *or* "We, C.D. & Co. of by J.S., secretary [*or as the case may be*] of the said firm, duly authorised agent of the said firm".

[2] Full name and description of debtor.

[3] Address of present residence and place(s) of business.

[4] Other address or addresses at which the debtor has formerly resided or carried on business and at which he may have incurred debts or liabilities still unpaid or unsatisfied. The address at which the debtor was residing or carrying on business when the petitioning creditor's debt was incurred should in all cases appear in the petition.

[5] The consideration for the debt or debts.

[6] The nature and date or dates of the act or acts of bankruptcy relied on.

[7] Attesting witness must be a solicitor or other person authorised to take affidavits. Where the petition is sealed by a company, no attestation is required.

No. 36 RULES 19, 63

Bankruptcy Petition by the Law Society of Northern Ireland under Article 41(2) of the Solicitors (Northern Ireland) Order 1976

(Title)

We, the Law Society of Northern Ireland, of

(hereinafter referred to as "the Society"), hereby petition the Court that A.B.

residing at

and practising as a solicitor [under the name of]
[in partnership with another/others under the name of]
at
[and formerly residing at

and formerly practising as a solicitor under the name of]
[in partnership with another/others under the name of
at]
may be adjudged bankrupt, and say that the said A.B., within six months before the date of the filing of this petition, has committed the following act of bankruptcy, namely that on 19 , he being a solicitor, the Society have been appointed his attorney by virtue of Part III of the Solicitors (Northern Ireland) Order 1976.

Dated 19 .

(Signed)

Secretary of the Society, duly authorised
to sign and present this petition.

Signed by the said Secretary in my presence:

(Signature of witness)

(Address)

(Description)

Received 19 at a.m./p.m.

No. 37 RULES 59, 123

Affidavit Verifying Petition of Bankruptcy by a Creditor or the Law Society of Northern Ireland or Petition for Administration of Estate of Deceased Debtor

(Title)

I [*or* I,J.K. of *(residence and description)*, secretary of the above-named C.D. & Co. Limited [1]] the petitioner(s) named in the petition hereunto annexed [*or* I,P.Q. of *(residence and description)* being a person having knowledge of the facts to which the petition hereunto annexed relates] make oath and say as follows:

1. The several statements in the said petition are, to the best of my knowledge, information and belief, true. [2]

[2. I am authorised by the petitioner(s) to sign and present the said petition and to make this affidavit on its/their behalf.] [2]

Sworn etc.

NOTES

[1] Or as the case may be.

[2] If the petitioner or the person authorised to make this affidavit on his behalf 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. 38 RULE 59

Affidavit Verifying Petition of Bankruptcy by Joint Creditors
(Title)

We, C.D., E.F., G.H., &c., the petitioners named in the petition hereto annexed, severally make oath and say as follows:

And I the said C.D. for myself say as follows:

1. A.B. is justly and truly indebted to me in the sum of £ as stated in the said petition, and I do not hold any security for the said sum as stated in paragraph 2 of the said petition. [1]

And I further say that to the best of my knowledge, information and belief—

2. The said A.B. committed the act [or acts] of bankruptcy stated to have been committed by him in the said petition.

And I the said E.F. say as follows:

3. A.B. is justly and truly indebted to me in the sum of £ as stated in the said petition, and I do not hold any security for the said sum as stated in paragraph 2 of the said petition. [1]

And I the said G.H. say as follows:

4. A.B. is &c.

(Signed) C.D.
E.F.
G.H.

Sworn by the deponents C.D., E.F., and G.H. &c.

NOTE

[1] Or as otherwise stated in paragraph 2 of the petition.

No. 39 RULE 66

Adjudication Order on Debtor's Petition
(Date and Title)

On the petition of the above-named debtor filed this day, AND upon hearing the solicitor for the petitioner IT IS ORDERED that [1]

be and he is hereby adjudged bankrupt.

By the Court,

Master (Bankruptcy).

NOTE

[1] Full name, addresses and description of debtor as set out in petition.

Adjudication Order on Creditor's Petition
(Date and Title)

ON the petition dated 19 , of [1]
, a creditor, filed this day,
AND upon reading the affidavit of filed this day,
AND upon hearing the solicitor for the petitioner,
AND proof satisfactory having been given of the debt of the petitioner and that the following act of bankruptcy has been committed by the debtor, namely: [2]
IT IS ORDERED that [3]

be and he is hereby adjudged bankrupt.
By the Court,

Master (Bankruptcy).

Solicitor for the petitioning creditor
(Address)

[To be indorsed on reverse of copy order]

NOTICE TO BANKRUPT

To [4]
TAKE NOTICE that overleaf is a copy of the order made by this Court whereby you have been adjudged bankrupt.
You are allowed 7 days [5] from the service of this copy order upon you to dispute the adjudication by showing cause to the Court against its validity.
If you intend to dispute the adjudication you are required to file in the Bankruptcy and Companies Office, Royal Courts of Justice, Chichester Street, Belfast, a notice in the prescribed form (obtainable from the Government Bookshop, Belfast) stating whether you intend to dispute the petitioning creditor's debt or the act or acts of bankruptcy on which the order of adjudication was made or both. A date and time for hearing the cause will then be fixed by the Master and you are required to serve notice thereof on the petitioning creditor's solicitor at the address shown above [*or* on the petitioning creditor at the address in the order of adjudication] not less than 7 days before the date so fixed, and not less than 3 days before such date to file in the Bankruptcy and Companies Office and serve on the petitioning creditor's solicitor [*or* on the petitioning creditor] particulars of the grounds upon which you are disputing the adjudication.

NOTES
[1] Name and address of petitioning creditor.
[2] Nature and date or dates of the act or acts of bankruptcy on which the order is made.
[3] Full name, addresses and description of debtor as set out in the petition.
[4] Name of debtor.
[5] Or otherwise, as directed.

Affidavit of Service of Copy of Adjudication Order
(Title)

I,
make oath and say as follows:
1. I did on day 19 , at a.m./p.m. at
personally serve the above-named bankrupt with a true copy of the adjudication order made against him on 19 .
[*Or* I did on day 19 , at a.m./p.m. serve the above-named bankrupt with a true copy of the adjudication order made against him on 19 , by leaving the same at , being the usual or last known place of abode [*or* place of business] of the said bankrupt].
[*Or* I did on day 19 , serve the above-named bankrupt with a true copy of the adjudication order made against him on 19 , by posting the same on day 19 , before the hour of a.m./p.m. by the recorded delivery service addressed to him at being his last known residence.

I refer to the certificate of delivery of the envelope containing the said copy order, now produced and shown to me marked .]

2. The said copy order of adjudication so served as aforesaid had indorsed thereon when so served a notice in the prescribed form informing the bankrupt that the time for showing cause against the validity of the said adjudication order was 7 [1] days from the service of the said copy order, and of the procedure for showing cause.

Sworn, etc.

NOTE
[1] Or otherwise as provided for in the notice indorsed on the adjudication order.

No. 42 RULE 67

Notice of Adjudication Order to Enforcement of Judgments Office and Registrar of Solicitors

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
CHANCERY DIVISION (BANKRUPTCY)

IN THE MATTER OF *(full name, address and description of bankrupt as set out in adjudication order)* bankrupt.

TAKE NOTICE that the above-named was adjudicated bankrupt on 19 , [on the petition of presented on 19].

Dated 19 .

Official Assignee for bankruptcy.

To the Enforcement of Judgments Office,
(Address)
[*And where the bankrupt is a solicitor,*
To the Registrar of Solicitors, the Law Society of Northern Ireland
(Address)]

No. 43 RULE 68

Notice to Show Cause Against Validity of Adjudication
(Title)

NOTICE is hereby given that the above-named [1] intends to show cause to the Court against the validity of the adjudication of bankruptcy made on 19 , against him, and that it is intended to dispute [2]

Dated 19 .

Solicitor for the said bankrupt

(Address)

day 19 , at a.m./p.m., has been fixed for the hearing by the Court of the cause against the adjudication on the above notice.

Dated , 19 .

Master (Bankruptcy).

To [3]
and the Official Assignee for bankruptcy
(Address)

NOTES

[1] Name of bankrupt.

[2] "the petitioning creditor's debt" *or* "the act of bankruptcy alleged" *or* "both the petitioning creditor's debt and the act of bankruptcy alleged".

[3] Name of petitioning creditor and address of his solicitor (if any) and, if none, the petitioning creditor's address for service.

No. 44 RULES 69, 70

Notice of Adjudication and of Sitting for Choice and Appointment of Creditors' Assignee

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
CHANCERY DIVISION (BANKRUPTCY)

IN THE MATTER of *(here insert, as concisely as possible, name, principal address(es) and description of bankrupt)*

Adjudicated bankrupt on 19

Sitting for choice and appointment of creditors' assignee at Royal Courts of Justice, Chichester Street, Belfast, on day 19 , at a.m./p.m.

Creditors' claims to be sent to, and all debts due to the estate to be paid to, the Official Assignee (*Address*) from whom forms of proof may be obtained.

No. 45 RULE 70

Application by the Official Assignee for Appointment of a Sitting for the Choice and Appointment of a Creditors' Assignee

(Title)

APPLICATION IS HEREBY MADE to the Court by the Official Assignee for bankruptcy for Northern Ireland for an order appointing day 19 , at a.m./p.m. at the Royal Courts of Justice, Chichester Street, Belfast, or such other time and place as the Court shall direct, for a sitting for the choice and appointment of a creditors' assignee.

Dated 19 .

Official Assignee for bankruptcy.

day 19 , is hereby appointed for a sitting of the Court for the choice and appointment of a creditors' assignee in the above matter.

Dated 19 .

Master (Bankruptcy).

No. 46 RULE 70

Memorandum of Choice and Appointment of Creditors' Assignee

(Date and Title)

BE IT REMEMBERED that at the sitting for the choice and appointment of a creditors' assignee in this matter, we, the creditors whose names are hereunto subscribed, do hereby choose and appoint [1]
to be creditors' assignee of the estate and effects, real and personal, of the above-named bankrupt, jointly with the Official Assignee for bankruptcy for Northern Ireland.

Creditor's name	Amount of creditor's debt £	Signature of creditor or proxy

I, the said do hereby accept the office and appointment of creditors' assignee in this matter, and consent to act therein.

Creditors' Assignee.

NOTE

[1] Full name, address and description.

No. 47 RULES 73, 132, 152

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
CHANCERY DIVISION (BANKRUPTCY)

THE STATEMENT OF AFFAIRS of

(*name, address and description*)
BANKRUPT
ARRANGING DEBTOR
DECEASED INSOLVENT

NOTE

It is the duty of the bankrupt, arranging debtor or legal personal representative of a deceased insolvent to prepare a statement of affairs in this form (subject, in the case of a deceased insolvent's estate, to such modifications as may be required) and to be accurate in making the statements for which the several columns are intended. Particular attention is required as to dates and amounts.

This statement must be lodged with the Official Assignee—

(1) in the case of a bankrupt, within 28 days after the adjudication order;
(2) in the case of an arranging debtor, not less than 16 days before the day appointed for the private sitting;
(3) in the case of a deceased insolvent, within 28 days after the administration order.

ARRANGING DEBTOR'S PROPOSAL (if any)

SCHEDULE OF LISTS USED	
List	No. of sheets attached (If none write none)
A	
B	
C	
D	
E/F	
G/H	
I	
J/K	
L	
M	

Solicitor for Bankrupt/Arranging Debtor/Personal Representative of Deceased Insolvent

Adjudicated/Protection granted/Date of Death*

IN THE MATTER OF
(*name only*)

BANKRUPT
ARRANGING DEBTOR*
DECEASED INSOLVENT

Statement of the affairs of the said bankrupt/arranging debtor/deceased insolvent* at the date of the adjudication/protection order/deceased's death.*

Gross Liabilities	Liabilities (as stated and estimated by Deponent)	Expected to rank	Assets (as stated and estimated by Deponent)	Estimated to produce
£	Unsecured creditors as list A	£	Surplus from Securities in the hands of fully secured creditors (per contra)	£
	Preferential creditors as list B deducted contra £		Unencumbered Freehold and Leasehold Estates as list G	
	Fully secured creditors as list C £ Estimated value of Securities		Annuities, Policies of Life Assurance, Investments, etc., as list H	
	Surplus		Cash, etc., and Movable Chattels as list I	
	Less amount carried to list D		Movable Chattels subject to Hire Purchase Agreement as list J £	
	Balance to contra			
	Partly secured creditors as list D £		Estimated value of interest of Debtor	
	Less estimated value of securities		Reversionary or other similar Interests under wills, etc., as list K	
	Liabilities on Bills discounted other than Debtor's own acceptances for value as list E £		Book debts as list L viz.: Good £ Doubtful Bad	
	Of which it is expected will rank against the estate for dividend		Estimated to produce	
	Contingent or other liabilities as list F £		Deduct preferential creditors (per contra)	
	Of which it is expected will rank against the estate for dividend			
	Surplus*		Deficiency*	

I of

(*name, address and description*) make oath and say that the above statement and the several lists hereunto annexed and signed by me are, to the best of my knowledge and belief, a full, true and complete statement of my affairs/the affairs of the deceased insolvent* at the date of the adjudication/protection order/deceased's death.*

Sworn at .....

Signature .....

.....

*Delete inapplicable words.

on .....19 .....

before me

A

Unsecured Creditors

The names to be arranged in alphabetical order and numbered consecutively.

No.	Name, Address, Postcode and Occupation	Amount of Debt	Date when contracted	Consideration
	Non-preferential portion of Claims in list B	£		

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 on the contra account should be shown in the second column, and the balance only be inserted under the heading "Amount of Debt" thus— Total amount of claim £
   Less contra account £

   No such set off should be included in list "L"

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.

Signature .....

B

Preferential Creditors

for rates, taxes, national insurance and graduated contributions, salaries, wages and holiday remuneration

No.	Name, Address, Postcode and Occupation	Nature of Claim	Date when due	Total amount of claim	Preferential portion of Claim	Non-preferential portion of Claim (to be carried to list A)
				£	£	£

NOTE:

Only debts payable in priority under Article 19 of the Bankruptcy Amendment (Northern Ireland) Order 1980 should be included as preferential.

Signature .....

C

Fully Secured Creditors

No.	Name, Address, Postcode and Occupation	Amount of Debt	Date when contracted	Consideration	Particulars of Security	Date when given*	Estimated value of Security	Estimated surplus from Security
		£					£	£

*NOTE: In the case of an order charging land, the dates of the judgment and of the registration of the order must also be stated.

Signature .....

D

Partly Secured Creditors

No.	Name, Address, Postcode and Occupation	Amount of Debt	Date when contracted	Consideration	Particulars of Security	Date when given*	Estimated value of Security	Balance of Debt Unsecured
		£					£	£

*NOTE: In the case of an order charging land, the dates of the judgment and of the registration of the order must also be stated.

Signature .....

E

Liabilities of Debtor on Bills Discounted other than his own Acceptances for Value

No.	Acceptor's Name, Address, Postcode and Occupation	Whether liable as drawer or indorser	Date when due	Amount		Holder's Name, Address, Postcode and Occupation (if known)	Amount expected to rank against estate for dividend
				Accommodation Bills	Other Bills		
				£	£		£

F

Contingent or other Liabilities

[Full Particulars of all Liabilities not otherwise Scheduled to be given here]

No.	Name, Address, Postcode and Occupation	Amount of Liability or Claim	Amount expected to rank for dividend	Date when liability incurred	Nature of liability
		£	£		

Signature .....

G

Unencumbered Freehold and Leasehold Estates

No.	Parcels described by names and quantities and where situate	Estate or interest therein	Annual rents receivable, if any	Annual rents payable, if any	Present estimated value
			£	£	£

H

Annuities, Policies of Life Assurance, Investments in Building Societies, National Savings Bank, Trustee Savings Banks, Friendly Societies, Government or other Securities, Shares in Public or Private Companies, Pensions, Savings Certificates, Premium Bonds and other like Property

No.	Description	Documents relating thereto including reference numbers	Name, Address and Postcode of chargeable person or fund	Original Consideration	Annual premium or proceeds if any	Present estimated value
					£	£

Signature .....

I

Cash, etc., and Movable Chattels

Other than chattels subject to hire purchase agreements

Full description	Where to be found	Name, Address, Postcode and Description of the person in whose possession or custody the chattels now are	Estimated value	
Cash at bank (current or deposit accounts)			£	
Cash in hand				
Cash deposited with solicitor				
Bills of exchange, promissory notes, etc., available as assets				
Stock-in-trade				
Trade fixtures, fittings and utensils				
Plant used in trade				
Household goods and furniture (see note below)				
Motor vehicles (give model, year and registration number)				
Livestock, viz.:				
Other movable chattels, viz.:				

NOTE:

Estimated values should not include articles which a bankrupt is entitled to retain or articles belonging to third parties.

Signature .....

J

Movable Chattels subject to Hire Purchase Agreement

No.	Full Description	Where to be found	Owner's Name, Address and Postcode	Estimated value	Estimated value of any interest of Bankrupt/A D
				£	£

K

Reversionary or other similar Interests under Wills, etc.

No.	Full Description	Vested or contingent	Name, Address, Postcode and Description of the persons now in enjoyment	Present estimated value
				£

Signature .....

L

Debts due to the Estate

No.	Name, Present Address and Postcode of debtor	Amount of Debt			Folio of Ledger or other Book where particulars to be found	Date when contracted	Estimated to produce	Nature and consideration of the debt and particulars of any securities held for debt
		Good	Doubtful	Bad				
		£	£	£			£	

NOTE:

If any debtor to the estate is also a creditor, but for a less amount than his indebtedness, the gross amount due to the estate and the amount of the contra account should be shown in the second column, and the balance only be inserted under the heading "Amount of Debt" thus Due to estate £ .

Less contra account £ £

No such claim should be included in list "A"

Signature .....

M

Books, Papers, Writings and Documents relating to Dealings

Description of Books (as ledger, cashbook, day book, counter book, etc.)	Period covered	In whose possession and where to be found

Description of Papers, Writings, etc. (as correspondence, accounts, invoices, etc. not to be set out in detail)	Period covered	In whose possession and where to be found

Signature .....

No. 48 RULE 77

Notice to Bankrupt to Attend for Preliminary Examination

(Title)

To the above-named bankrupt,

TAKE NOTICE that you are required to attend at (*Address*) on day 19 , at a.m./p.m., to be examined as to your affairs, and to receive instructions for the preparation of your statement of affairs.

You must be prepared to give to the examiner details of everything you own or have on hire or hire-purchase, and of your liabilities. Full information will also be required of the manner in which you have conducted your affairs and the reasons for your bankruptcy.

IN PARTICULAR YOU ARE REQUIRED TO BRING WITH YOU:—

(1) a list of all your creditors (persons to whom you owe money) and the amount owing to each, and

(2) a list of all your debtors (persons who owe money to you) and the amount owing by each.

YOU ARE ALSO REQUIRED TO BRING WITH YOU ANY OF THE FOLLOWING ITEMS NOT ALREADY HANDED OVER:—

(1) all books of account, invoices, statements from creditors, receipts, letters and other documents relating to your affairs,

(2) bank pass sheets or bank statements of account,

(3) life assurance policies (or premium receipts if the policies are not in your possession),

(4) all title deeds to property in your possession and the name of any bank, solicitor or other person holding title deeds of your property, and

(5) any trading, profit and loss accounts and balance sheets relating to any business carried on by you solely or in partnership with others.

If you are unable to attend on the day and time specified you must communicate with me at once, preferably by calling at my office or by telephone, stating your reasons, so that, if accepted, another appointment may be made for you.

YOU ARE HEREBY WARNED NOT TO SELL, GIVE AWAY OR OTHERWISE DISPOSE OF ANY OF YOUR ASSETS, NOR TO COLLECT ANY DEBTS DUE TO YOUR ESTATE, NOR TO LEAVE NORTHERN IRELAND WITHOUT LEAVE OF THE COURT. THESE RESTRICTIONS WILL REMAIN IN FORCE AS LONG AS YOUR BANKRUPTCY CONTINUES.

You are required to sign and return to me in the enclosed envelope the attached acknowledgement of receipt of these instructions.

Dated 19 .

Official Assignee for bankruptcy

I, the above-named bankrupt, acknowledge receipt of notice dated 19 from the Official Assignee and will attend at his office at the day and time therein stated.

Dated 19 .

(*Signature*) .....

No. 49 RULE 78

Notice to Bankrupt to Accompany Notes of Preliminary Examination

(Title)

To the above-named bankrupt,

A copy of the notes of your preliminary examination is attached.

At your public examination in Court on day 19 , you will be invited to accept these notes as your evidence. You are therefore asked to read them carefully and to indicate any alterations or additions you think should be made. If there is anything in these notes which you do not understand, or if you wish to make any alterations or additions, you should call with the examiner before your public examination.

If you have any doubts as to whether you should agree to adopt these notes as your evidence, you are advised to consult a solicitor, and if you have already instructed a solicitor to represent you at your public examination you should show these notes to him in any event.

Dated 19

Official Assignee for bankruptcy.

No. 50 RULES 78, 84

Notes of Preliminary Examination of Bankrupt Adopted as Evidence

(Date and Title)

Public examination of the bankrupt

I, the above-named bankrupt, having been sworn before the Court at the sitting for my public examination held this day, say—

(1) I have, prior to this sitting, been given a copy of the notes of my preliminary examination by Mr. , examiner.
(2) The said notes have been read over to me at this sitting and are correct.
(3) I wish to adopt these notes as my evidence and understand that, when signed by me, they will be filed.

(Signature)

No. 51 RULE 80

Notice of Application by Official Assignee to Dispense with Public Examination of Bankrupt under Article 12 of the Bankruptcy Amendment (Northern Ireland) Order 1980

(Title)

TAKE NOTICE that the application of the Official Assignee for bankruptcy for Northern Ireland for an order under Article 12 of the Bankruptcy Amendment (Northern Ireland) Order 1980 dispensing with the public examination of the above-named bankrupt will be heard on day 19 , at a.m./p.m. at the Royal Courts of Justice, Chichester Street, Belfast.

The grounds of the application are [1]

Any objection to the making of an order under the said Article must be received by the said Official Assignee not later than 14 days before the said date.

Dated 19 .

Official Assignee for bankruptcy.

NOTE

[1] State grounds briefly.

No. 52 RULE 81

Application by the Official Assignee for the Appointment of a Sitting for the Public Examination of the Bankrupt

(Title)

APPLICATION IS HEREBY MADE to the Court by the Official Assignee for bankruptcy for Northern Ireland for an order appointing day 19 , at a.m./p.m. at the Royal Courts of Justice, Chichester Street, Belfast, or such other time and place as the Court shall direct, for holding the public examination of the bankrupt, and that the bankrupt do attend such public examination.

Dated 19 .

Official Assignee for bankruptcy.

No. 53 RULE 81

Order Appointing Time and Place for the Public Examination of a Bankrupt

(Date and Title)

Before Master

UPON THE APPLICATION of the Official Assignee for bankruptcy for Northern Ireland, IT IS ORDERED that the public examination of the above-named bankrupt be held at the Royal Courts of Justice, Chichester Street, Belfast, on day 19 , at a.m./p.m.,

AND IT IS ORDERED that the above-named bankrupt do attend at the time and place above-mentioned.

By the Court,

Master (Bankruptcy).

NOTICE IS HEREBY GIVEN that if you, the above-named bankrupt, fail, without reasonable excuse, to attend at the time and place aforesaid, you will be liable to be committed to prison.

No. 54 RULE 82

Notice of Appointment of Public Examination of Bankrupt

(Heading as Form No. 44)

The public examination of the above-named bankrupt will be held at the Royal Courts of Justice, Chichester Street, Belfast, on day 19 , at a.m./p.m.

Dated 19 .

Official Assignee for bankruptcy.

No. 55 RULE 84

Notes of Public Examination of Bankrupt where a Shorthand Writer is Appointed

(Date and Title)

Before Master

PUBLIC EXAMINATION OF BANKRUPT

The above-named bankrupt, being sworn and examined at his public examination held this day, upon the several questions following being put and propounded to him, gave the several answers thereto respectively following each question, that is to say:—

Q. 1.
A. 1.
etc.

(At conclusion of notes.)

I certify that the foregoing is a true and faithful record of the evidence given by the above-named bankrupt at his public examination on 19

(Signed)
Shorthand Writer.

I have read the foregoing notes of my public examination on 19 , on each page of which I have signed my name, and I say that the said notes are correct.

(Signature of bankrupt)

No. 56 RULE 84

Notes of Public Examination of Bankrupt where a Shorthand Writer is not Appointed

(Date and Title)

PUBLIC EXAMINATION OF BANKRUPT

The above-named bankrupt, being sworn and examined at his public examination held this day, upon his oath says as follows:—

I have read the foregoing notes of my public examination on 19 , on each page of which I have signed my name, and I say that the said notes are correct.

(Signature)

No. 57 RULE 86

Public Examination Deposition by Bankrupt

(Date and Title)

I, the above-named bankrupt, being sworn and examined before the Court upon my oath, say as follows—

1. I have delivered up to the Official Assignee [*or* the trustee of my estate] all my property, estate and effects, except what I am entitled to retain, and all books, papers and writings relating thereto.

2. I have made a full disclosure of all my assets and of all my debts and liabilities of whatever kind.

3. I have not removed, concealed or destroyed any part of my estate, real or personal, nor any books of accounts, papers or writings relating thereto, with an intent to defraud my creditors or to conceal the state of my affairs.

4. I undertake to inform the Official Assignee [and the trustee] of any change in my address, whilst I remain an undischarged bankrupt.

(Signature)

Sworn in Court at Belfast, the day and year above written,

Master (Bankruptcy).

No. 58. RULES 88,90

Order Appointing Time and Place for Proceeding with Public Examination Adjourned Sine Die

(Date and Title)

Before Master

UPON THE APPLICATION of the Official Assignee for bankruptcy for Northern Ireland (*or* the bankrupt),

IT IS ORDERED that the public examination of the above-named bankrupt, which was adjourned sine die on 19 , be held at the Royal Courts of Justice, Chichester Street, Belfast, on day 19 , at a.m./p.m.,

AND IT IS ORDERED that the above-named bankrupt do attend at the time and place above mentioned.

By the Court,

Master (Bankruptcy).

NOTICE IS HEREBY GIVEN that if you, the above-named bankrupt, fail, without reasonable excuse, to attend at the time and place aforesaid, you will be liable to be committed to prison.

No. 59 RULE 90

Notice of Day for Proceeding with Public Examination

(Heading as Form No. 44)

The Court has appointed day 19 , at a.m./p.m. at the Royal Courts of Justice, Chichester Street, Belfast, for proceeding with the public examination of the above-named bankrupt, which on 19 , was adjourned sine die.

Dated 19 .

Official Assignee for bankruptcy.

No. 60 RULE 91

Summons under Section 305, 307 or 308, Irish Bankrupt and Insolvent Act 1857

(Title).

To
of

You are hereby required personally to be and appear before the Court, at the Royal Courts of Justice, Chichester Street, Belfast, on day, 19 , at a.m./p.m. to be examined in the above matter, and then and there to have and produce [1]

If you fail to do so, having no lawful impediment to be then made known to the Court, and allowed by it, the Court may by warrant cause you to be apprehended and brought before the Court for examination.

[TAKE NOTICE that if the sum of £ , stated to be due by you to this estate, be paid to the Official Assignee, at (*Address*) on or before 19 , this summons will be discharged.] [2]

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

(*Seal*)

NOTES

[1] State any particular documents required, e.g. "all ledgers and books of account, invoices, statements of account, letters, books, papers, and documents of every kind, in any manner relating to your dealings and transactions with A.B. a bankrupt, touching a debt alleged to be due by you to the said bankrupt's estate amounting to the sum of £ ."

[2] Delete if inapplicable.

No. 61 RULE 92

Composition after Bankruptcy — Notice of Preliminary Meeting of Creditors

(Title)

TAKE NOTICE that the above-named bankrupt, who was adjudicated on 19 , intends to make the following offer of composition to his creditors:—

You are invited to attend in person or by a representative at a preliminary meeting of creditors to be held at on day 19 , at a.m./p.m. to consider the terms of the proposed offer. The bankrupt will attend the meeting unless prevented by illness or other sufficient cause.

Unless the bankrupt decides not to proceed with the proposed offer, you will in due course receive notice of a meeting of creditors to be held in Court at which creditors will be invited to vote on the offer, and a form of proxy and, in the case of a creditor who has not already proved his debt, a form of proof of debt, will be forwarded with this later notice. Should the bankrupt decide not to proceed with the offer you will be notified accordingly.

Dated 19 .

Solicitor for the bankrupt,
(Address).

No. 62 RULE 92

Composition after Bankruptcy — Notice of Intention not to Proceed with Proposed Offer

(Title)

TAKE NOTICE that the above-named bankrupt no longer intends to proceed with the proposed offer of composition referred to in the notice dated 19 .

Dated 19 .

Solicitor for the bankrupt,
(Address).

Composition after Bankruptcy — Notice of Meeting of Creditors to Consider Offer

(Heading as Form No. 44)

A meeting of creditors will be held before the Court at the Royal Courts of Justice, Chichester Street, Belfast, on day 19 , at a.m./p.m. to consider the following offer of composition by the bankrupt:—

Dated 19 .

Solicitor for the bankrupt,
(Address)

No. 64 RULE 93

Composition after Bankruptcy — Notice to Creditors of Meeting to Consider Offer

(Title)

[WHEREAS a preliminary meeting of creditors of the above-named bankrupt was held on 19 , to consider an offer of compositon by the bankrupt,] [1]

[NOW][1] TAKE NOTICE that a meeting of creditors will be held before the Court at the Royal Courts of Justice, Chichester Street, Belfast, on day 19 , at a.m./p.m. to consider the following offer of composition by the bankrupt:—

A creditor may vote at this meeting in person or by proxy. A form of proxy accompanies this notice.

A creditor who wishes to vote must prove his debt. If you have not already proved your debt and wish to vote, you should complete the proof of debt which accompanies this notice. [2]

Proxies (and proofs of debt of creditors who have not already proved their debts) must be lodged with the Master (Bankruptcy) before the meeting. They may be sent to the under-named solicitor, who will lodge them with the Master provided they are received in time.

If three-fifths in value of all creditors present at this meeting in person or by proxy and three-fifths in number of those creditors who have proved debts of at least £20 so present shall agree to accept such offer of composition, or any modification thereof made with leave of the Court, the Court, unless it shall be shown that the offer is not reasonable and proper to be executed under the control of the Court, may thereafter annul the adjudication of bankruptcy, and every creditor shall be bound to accept such composition.

A creditor who votes in respect of any debt to which priority is given by Article 19 of the Bankruptcy Amendment (Northern Ireland) Order 1980 for or against acceptance of the bankrupt's offer of composition shall by so voting be deemed to have abandoned any rights under the said Order.

Dated 19 .

Solicitor for the bankrupt,
(Address)

NOTES

[1] Delete words in [ ] where no preliminary meeting of creditors was held.

[2] This paragraph may be omitted from notices to creditors who have already proved debts.

No. 65 RULE 95

Composition after Bankruptcy — Resolution of Creditors

(Date and Title)

At a meeting of the creditors of the above-named bankrupt held this day, we, the undersigned, being three-fifths in number and value of the creditors computed according to section 150 of the Irish Bankrupt and Insolvent Act 1857, now present or duly represented at this meeting, do hereby resolve to accept the following offer of composition made by the bankrupt:—

Creditor's name	No. of claim in statement of affairs	Amount of debt proved £	Signature of creditor or proxy

No. 66 RULE 95

Composition after Bankruptcy — Notice to Creditors where Offer is not Accepted, etc.

(Title)

TAKE NOTICE that at the meeting of creditors held before the Court on 19 , the bankrupt's offer of composition referred to in the notice dated 19 , was not accepted by the requisite majority of his creditors [*or* the Court declared that the bankrupt's offer of compositon referred to in the notice dated 19 , and accepted by the requisite majority of his creditors, was not reasonable and proper to be executed under the control of the Court, and refused to annul the adjudication of the bankrupt]. Accordingly, the bankruptcy continues.

Dated 19 .

Solicitor for the bankrupt,
(Address)

Composition after Bankruptcy — Gazette Notice of Special Sitting

(Heading as Form No. 44)

By order dated 19 , a special sitting of the Court will be held at the Royal Courts of Justice, Chichester Street, Belfast, on day 19 , at a.m./p.m. to consider a proposal by the bankrupt that the resolution accepting his offer of composition made at a meeting of creditors held on 19 , be annulled and the following offer of composition accepted in its place:—

Dated 19 .

Solicitor for the bankrupt,
(Address)

Composition after Bankruptcy — Notice of Special Sitting
(Title)

WHEREAS at a meeting of creditors of the above-named bankrupt held before the Court on 19 , three-fifths in number and value of the creditors then present or represented, computed according to section 150 of the Irish Bankrupt and Insolvent Act 1857, resolved to accept an offer of composition by the bankrupt as set out in the notice of the said meeting, dated 19 [1].

NOW TAKE NOTICE that by order dated 19 , a special sitting of the Court will be held at the Royal Courts of Justice, Chichester Street, Belfast, on day 19 , at a.m./p.m., to consider a proposal by the bankrupt that the resolution of the creditors accepting his offer of composition be annulled and the following offer of composition accepted in its place:—[2]

A creditor may vote at this sitting in person or by proxy. A form of proxy accompanies this notice.

A creditor who wishes to vote must prove his debt. If you have not already proved your debt and wish to vote, you should complete the proof of debt which accompanies this notice.[3]

Proxies (and proofs of debt of creditors who have not already proved their debts) must be lodged with the Master (Bankruptcy) before the sitting. They may be sent to the under-named solicitors, who will lodge them with the Master provided they are received in time.

If three-fifths in value of all creditors present at this sitting in person or by proxy and three-fifths in number of those creditors who have proved debts of at least £20 so present resolve to confirm, alter or annul the whole or any part of such acceptance of the offer of composition, such resolution shall be as valid as if it had been part of the original resolution; provided that if one-third in value of the creditors so present and one-third in number of those creditors who have proved debts of at least £20 so present do not attend such sitting the resolution thereof shall not be valid unless confirmed or approved by the Court.

A creditor who votes in respect of any debt to which priority is given by Article 19 of the Bankruptcy Amendment (Northern Ireland) Order 1980 for or against the acceptance or confirmation of the bankrupt's offer of composition shall by so voting be deemed to have abandoned any rights under the said Order.

Dated 19 .

Solicitor for the bankrupt,
(Address)

NOTES

[1] If terms corrected or modified at meeting, add "as corrected/modified at the said meeting, with leave of the Court".

[2] Or other proposal to confirm, alter or annul the offer of composition.

[3] This paragraph may be omitted from notices to creditors who have already proved debts.

No. 69 RULE 96

Composition after Bankruptcy — Resolution of Creditors at Special Sitting

(Date and Title)

WHEREAS at a meeting of creditors of the above-named bankrupt held before the Court on 19 , three-fifths in number and value of the creditors then present or represented, computed according to section 150 of the Irish Bankrupt and Insolvent Act 1857, resolved to accept an offer of composition by the bankrupt, and the resolution to that effect was testified in writing.

AND WHEREAS by order dated 19 , the Court ordered a special sitting of the Court to be held this day pursuant to section 149 of the said Act,

NOW WE, the undersigned, being three-fifths in number and value of the creditors computed according to the said section 150 of the said Act, now present or duly represented at this special sitting, hereby resolve that the resolution of the creditors accepting the said offer of composition be annulled and the following offer of composition accepted in its place [1]:—

Creditor's name	No. of claim in statement of affairs	Amount of debt proved £	Signature of creditor or proxy

NOTE

[1] Or other proposal to confirm, alter or annul the offer of composition.

Composition after Bankruptcy—Consent and Undertaking by Surety
(Title)

WHEREAS an offer of composition has been made by the above-named bankrupt in the following terms:—

Now I, [1]
do hereby agree and consent to the said offer so far as the same relates to me; and I do hereby, in consideration of the said offer being agreed to by the creditors of the said bankrupt, undertake to fulfil the same, so far as the same relates to any matter or thing therein expressed to be done or performed by me as a surety; and I undertake to do all acts in that behalf which shall be directed by this Court; and I consent and agree that this consent may be filed and made a rule or order of this Court.

Dated this day of 19 .

(Signature)

Signed in the presence of

(Signature of witness) [2]

(Address)

(Description)

And I certify that the said proposed surety is personally known to me.

NOTES

[1] Full name, address and occupation of proposed surety.

[2] The signature of the proposed surety must be witnessed by a justice of the peace, solicitor, commissioner to administer oaths or bank manager.

No. 71 RULE 98

Composition after Bankruptcy — Waiver by Creditor

(Title)

I , of a creditor in this matter, do hereby consent to waive my right to the composition payable to me in respect of my debt, according to the offer of composition accepted by the creditors on the day of 19 [except the instalment(s) of in the £ payable on 19 and 19] and I further consent to the annulment by the Court of the adjudication of bankruptcy of the above-named bankrupt; provided that if the adjudication of bankruptcy should not be annulled and the realisation of the estate be continued nothing therein contained shall affect my right as a creditor.

This consent may, if required, be made a rule or order of this Court.

Dated this day of 19 .

(Signature)

Signed in the presence of
(Signature of witness) [1]
(Address)
(Description)

And I certify that the said creditor is personally known to me.

NOTE

[1] The signature of the creditor must be witnessed by a justice of the peace, solicitor, commissioner to administer oaths or bank manager.

No. 72 RULE 99

Composition after Bankruptcy—Notice of application for Annulment of Adjudication

(Title)

NOTICE is hereby given that on day 19 , the above-named bankrupt intends to apply to the Court for an order under section 149 of the Irish Bankrupt and Insolvent Act 1857 annulling the adjudication of bankruptcy made on 19 , against him [and for an order vesting property in him].

Dated 19 .

Solicitor for the bankrupt,
(Address)

To the Official Assignee for bankruptcy.

Notice of Annulment of Adjudication Order to Enforcement of Judgments Office and Registrar of Solicitors

(Heading as Form No. 44)

TAKE NOTICE that by order dated 19 the order of adjudication made against the above-named bankrupt on 19 has been annulled.

Dated 19 .

Official Assignee for bankruptcy.

To the Enforcement of Judgments Office,
(Address)
[*and, where the bankrupt is a solicitor,*
To the Registrar of Solicitors,
The Law Society of Northern Ireland,
(Address)]

No. 74 RULE 104

Application for Order of Discharge

(Title)

I, of , having been adjudged bankrupt on 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 19 .

Annexed hereto is the certificate of the Official Assignee for bankruptcy for Northern Ireland of the deposit by me of the sum necessary for his costs of and incidental to this application.

Dated 19 .

(Signed)

To the Master (Bankruptcy)

No. 75 RULE 104

Certificate of Deposit of Sum for Costs of Application for Discharge

(Title)

I certify that the above-named bankrupt has deposited with me the sum necessary for my costs of and incidental to his application for discharge.

Dated 19 .

Official Assignee for bankruptcy.

No. 76 RULE 105

Notice to Official Assignee of Application for Discharge

(Title)

The bankrupt having applied to the Court for his discharge, the Court has fixed day 19 , at a.m./p.m. at the Royal Courts of Justice, Chichester Street, Belfast, for hearing the application.

Dated 19 .

Master (Bankruptcy).

To the Official Assignee for bankruptcy.

No. 77 RULE 105

Notice to Creditors and Gazette Notice of Application for Discharge

(Heading as Form No.44)

The above-named bankrupt has applied to the Court for his discharge, and the Court has fixed day 19 , at a.m./p.m. at the Royal Courts of Justice, Chichester Street, Belfast, for hearing the application.

Dated 19 .

Official Assignee for bankruptcy.

No. 78 RULE 109

Consent of Bankrupt to Judgment being entered for Balance or Part of Balance of Provable Debts

(Title)

I, of ,
the above-named bankrupt, do hereby consent to judgment being entered against me in the Queen's Bench Division of the High Court of Justice in Northern Ireland by the Official Assignee for bankruptcy for Northern Ireland (*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 Article 28(6) of the Bankruptcy Amendment (Northern Ireland) Order 1980 with regard to the enforcement of such judgment.

Dated 19 .

(Signed)

No. 79 RULE 109

Judgment to be Entered Pursuant to Consent

19 No.

In the High Court of Justice in Northern Ireland

Queen's Bench Division

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 19 , 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 defendant do pay to the plaintiff the sum of £ .

Proper Officer.

NOTE

This judgment is not to be enforced without leave of the Court in the said bankruptcy.

No. 80 RULE 111

Gazette Notice of Granting of Order of Discharge

(Heading as Form No. 44)

TAKE NOTICE that the above-named, adjudged bankrupt on 19 , was on 19 , granted an order of discharge [suspended until (*summary of terms of suspension*)] [conditional upon (*summary of conditions imposed*)].

Dated 19 .

Official Assignee for bankruptcy.

No. 81 RULE 113

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 from bankruptcy 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, 19 .]

Sworn etc.

(Signature of debtor)

No. 82 RULE 114

Notice of Application by Debtor for Modification of Order of Discharge

(Title)

TAKE NOTICE that the application of the above-named debtor to modify the terms of the order of discharge made on 19 , on the ground that there is no reasonable probability of his being in a position to comply with its terms, will be heard on day 19 , at a.m./p.m., at the Royal Courts of Justice, Chichester Street, Belfast.

Dated 19 .

Solicitor for the debtor.

No. 83 RULE 117

Gazette Notice of Discharge under Article 29(2) of the Bankruptcy Amendment (Northern Ireland) Order 1980

(Heading as Form No. 44)

The above-named, adjudged bankrupt on 19 , was on 19 , discharged under the provisions of Article 29(2) of the Bankruptcy Amendment (Northern Ireland) Order 1980.

Dated 19 .

Official Assignee for bankruptcy.

No. 84 RULE 120

Application by Official Assignee for the Appointment of a Day to Consider Discharge of Bankrupt under Article 30 of the Bankruptcy Amendment (Northern Ireland) Order 1980

(Title)

APPLICATION IS HERBY MADE to the Court by the Official Assignee for bankruptcy for Northern Ireland for the appointment of day 19 at a.m./p.m. at the Royal Courts of Justice, Chichester Street, Belfast, or such other time as the Court shall direct, for the hearing of an application for the consideration of the discharge of the bankrupt under Article 30 of the Bankruptcy Amendment (Northern Ireland) Order 1980.

Dated 19

Official Assignee for bankruptcy.

No. 85 RULE 120

Notice of Application by Official Assignee under Article 30 of the Bankruptcy Amendment (Northern Ireland) Order 1980 to Consider Discharge of Bankrupt

(Heading as Form No. 44)

The application of the Official Assignee for bankruptcy for Northern Ireland for the consideration of the discharge of the above-named bankrupt under Article 30 of the Bankruptcy Amendment (Northern Ireland) Order 1980 will be heard at the Royal Courts of Justice, Chichester Street, Belfast, on day 19 , at a.m./p.m.

Dated 19 .

Official Assignee for bankruptcy.

[NOTICE TO BANKRUPT

Although the Court may hear this application in your absence, it is in your interest to attend. If in doubt, you are advised to contact the Official Assignee before the date of the hearing.] [1]

NOTE

[1] Words in [ ] to be omitted from Gazette notice.

No. 86 RULE 19

Petition by Personal Representative for Administration of Estate of Deceased Debtor

(Title)

I, C.D. of [*or* we, C.D. of and E.F., of], hereby petition the Court that an order be made for the administration in bankruptcy of the estate of the late [1] , who died on 19 , and say—

1. The said A.B. lately resided at and carried on business at [under the trade name of] [and formerly resided at [2] and formerly carried on business at [2] [under the trade name of]].

2. I am [*or* we are] the legal personal representative [*or* representatives] of the said A.B. and his will was on 19 , proved by [*or* letters of administration intestate [*or*, with will annexed] of his estate were on 19 , granted to].

3. The estate of A.B. is, according to my [*or* our] information and belief, insufficient to pay his debts.

Dated 19 .

(*Signed*) C.D.
[E.F.]

Signed by the petitioner(s) in my presence

(*Signature of witness*) [3]

(*Address*)

(*Description*)

NOTES

[1] Full name and description of deceased debtor.

[2] Any other known addresses at which the deceased debtor has or may have incurred unsatisfied debts or liabilities.

[3] Attesting witness must be a solicitor or other person authorised to take affidavits.

No. 87 RULE 19

Creditor's Petition for Administration of Estate of Deceased Debtor

(Title)

I, C.D. of [*or* we, C.D. of and E.F., of], hereby petition the Court that an order be made for the administration in bankruptcy of the estate of the late A.B. [1] , who died on 19 , and say as follows:

1. The said A.B. lately resided at and carried on business at [under the trade name of] [and formerly resided at [2] and formerly carried on business at [2] [under the trade name of]].

2. The estate of the said A.B. is justly and truly indebted to me [*or* us in the aggregate] in the sum of £ for [3]

3. I(we) do not nor does any person on my(our) behalf hold any security on the said deceased debtor's estate, or any part thereof for the payment of the said sum.[4]

4. The estate of the said A.B. is, according to my(our) information and belief, insufficient to pay his debts.

5. The will of the said A.B. was on 19 , proved by J.S. of

or

Letters of administration intestate [*or,* with will annexed] of his estate were on 19 , granted to X.Y. of

Dated 19 .

(*Signed*) C.D.
[E.F.]

Signed by the petitioner(s) in my presence
(*Signature of witness*) [5]
(*Address*)
(*Description*)

Indorsement

This petition having been presented to the Court on the day of 19 , it is ordered that it be heard at the Royal Courts of Justice, Chichester Street, Belfast, on day 19 , at a.m./p.m.

If you, the said J.S. [*or* X.Y.] intend to show cause against the petition, you must file at the Bankruptcy and Companies Office 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 3 days before the day fixed for the hearing.

To J.S.
[*or* X.Y.]

NOTES

[1] Full name and description of deceased debtor.

[2] Any other known address or addresses at which the deceased debtor has incurred unsatisfied debts or liabilities.

[3] Set out the consideration for the debt or debts.

[4] Or, as in paragraph 2 of Form 35 (Creditor's bankruptcy petition).

[5] Attesting witness must be a solicitor or other person authorised to take affidavits.

No. 88 RULE 128

Notice to Oppose Petition for Administration of Estate of Deceased Debtor

(Title)

I [1]
hereby give notice that I intend to oppose the petition dated
19 , presented by [2]
for an order for the administration in bankruptcy of the estate of the above-named deceased, and that I intend to deny or dispute [3]

Dated 19 .

Solicitor for
(*Address*)

NOTES

[1] Name, address and description of person issuing the notice.

[2] Name and address of petitioner.

[3] Here set out the statements in the petition which it is intended to deny or dispute.

No. 89 RULE 130

Notice of Order for Administration of Estate of Deceased Debtor

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
CHANCERY DIVISION (BANKRUPTCY)

IN THE MATTER OF—(*here insert, as concisely as possible, name, principal address(es) and description of deceased insolvent*).

An order for the administration in bankruptcy of the estate of the above-named deceased, who died on 19 , was made on 19 . Creditors' claims to be sent to, and all debts due to the estate to be paid to, the Official Assignee (*Address*) from whom forms of proof may be obtained.

No. 90 RULE 136

Notice of First Meeting of Creditors

(Heading as Form No. 44 or 89)

The first meeting of creditors is hereby summoned to be held at the Royal Courts of Justice, Chichester Street, Belfast, on day 19 , at a.m./p.m. for the purpose of obtaining their sanction to the estate of the above-named being wound up by a trustee and a committee of inspection.

Creditors may vote personally or by proxy.

Dated 19 .

Official Assignee for bankruptcy.

No. 91 RULE 138

Certificate of Appointment of Trustee

(Title)

IT IS HEREBY CERTIFIED that of , has been duly appointed trustee of the property of the above named who was adjudged bankrupt on 19 [*or* whose estate was ordered to be administered in bankruptcy on 19].

Dated 19 .

(*Seal*)

No. 92 RULE 138

Notice of Appointment of Trustee

(Heading as Form No. 44 or 89)

of , has been appointed trustee of the property of above-named.

Creditors' claims to be sent to and all debts due to the estate to be paid to the said trustee from whom forms of proof may be obtained.

Dated 19 .

Trustee.

No. 93 RULE 142

Declaration Verifying Trustee's Account

(Title)

I, of , the trustee of the property of the above-named, do solemnly and sincerely declare:

That [1] *the account hereunto annexed and marked 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 estate* from 19 to 19 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.*

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835.

(*Signature of trustee*) Declared at

on 19

before me,

(*Signature of Commissioner for Oaths or other person authorised to take affidavits.*)

NOTE

[1] If no receipts or payments, strike out the words in italics.

No. 94 RULE 146

Notice of Application to Court to Approve Composition or Scheme of Arrangement

(Title)

TAKE NOTICE that application will be made to the Court at the Royal Courts of Justice, Chichester Street, Belfast, on day 19 , at a.m./p.m. to approve the composition [*or* scheme of arrangement] as proposed by the bankrupt and duly accepted by the statutory majority of creditors at a meeting held on 19 .

Dated 19 .

Solicitor for the bankrupt,
(*Address*)

Arrangement Petition
(Title)

I, [1]
residing at [2]
and carrying on business at [2]
[under the trade name of]
[and formerly residing at [3]
and formerly carrying on business at [3]
[under the trade name of]]
hereby petition the Court that my person and property may be protected from process until further order, and say as follows:

1. I am unable to meet my engagements with my creditors.

2. I desire to lay the state of my affairs before my creditors, under the control of the Court, to make a bona fide arrangement with all my creditors and to submit myself to the jurisdiction of the Court.

3. The true cause(s) of my inability to meet my engagements with my creditors is(are)—

Dated 19 .

(*Signature*)

Signed by the debtor in my presence,
(*Signature of witness*) [4]
(*Address*)
(*Description*)
Received 19 , at a.m./p.m.

NOTES

[1] Full name and description of debtor.

[2] Address of present residence and place(s) of business.

[3] Any other address or addresses at which unsatisfied debts or liabilities have been incurred.

[4] Attesting witness must be a solicitor or other person authorised to take affidavits.

No. 96 RULE 147

Affidavit to Accompany Arrangement Petition

(Title)

I, A.B. the above-named debtor of (*Address*) the petitioner named in the petition herein dated 19 , make oath and say as follows:

1. The several statements in the said petition are, to the best of my knowledge, information and belief, true.

2. I have for the past years carried on the business of at the address(es) shown in the said petition.

3. The title [*or* titles] of the firm [*or* firms] under which I carry on business is [*or* are]

4. The total estimated value of my property (other than my interests in chattels held under hire-purchase agreements) is £ , and the net value thereof, after deducting £ , being the value of securities held by creditors and required to cover debts due to them, is £ . Particulars of such property are set forth in the First Schedule hereto.

5. The total estimated value of my interests in chattels as hirer under hire-purchase agreements, after allowing for the outstanding balances due to the owners, is £ .

6. The total estimated amount of my liabilities is £ , and the net amount thereof, after deducting £ , being the amount covered by securities held by creditors, is £ .

7. The names of my creditors, with their addresses, and the amount of debt due or claimed by each of such creditors and the amount covered by the value of securities held are set out in the Second Schedule hereto.

8. None of my creditors has instituted any proceedings for the recovery of his debt[,except [1]].

9. I am not the registered owner of any land or charge registered in the Land Registry[,except [2]].

10. P.Q., my solicitor, has received from me [3]
the sum of £ for or on account of these proceedings.

11. Save as aforesaid, I have no money or other property, nor has any person for me or on my behalf any money or other property whatever, as a trustee or otherwise.

12. I depose to the truth of the facts herein stated partly from my own knowledge and partly from information given to me by my solicitor [3]
and which I believe to be true.

FIRST SCHEDULE

Particulars of property	Estimated value £
	TOTAL

SECOND SCHEDULE

Name of creditor	Address of creditor	Amount due or claimed £	Amount covered by value of securities held £
Preferential debts			
		TOTAL	TOTAL
Other debts			
		TOTAL	TOTAL

Sworn etc.

NOTES

[1] Here set out what proceedings have been instituted, by which creditors, the present stage in such proceedings and the names and addresses of the creditors' solicitors, if any.

[2] Here set out the folio number(s) and County, distinguishing between land and charges.

[3] Or as the case may be.

No. 97 RULE 147

Affidavit to Accompany Joint Arrangement Petition

(Title)

We, A.B. of (*Address*) and C.D. of (*Address*) the above-named debtors, the petitioners named in the petition herein dated 19 , jointly and severally make oath and say as follows:

1. The several statements in the said petitions are, to the best of our knowledge, information and belief, true.

2. We have for the past years carried on business in partnership as under the firm name of at the address(es) shown in the said petition.

3. The total estimated value of the said partnership property (other than our partnership interests in chattels held under hire-purchase agreements) is £ , and the net value thereof after deducting £ , being the value of securities held by partnership creditors and required to cover debts due to them, is £ . Particulars of such property are set forth in Part 1 of the First Schedule hereto.

4. The total estimated value of the partnership interests in chattels as hirers under hire-purchase agreements, after allowing for the outstanding balances due to the owners, is £

5. The total estimated amount of the liabilities of the said partnership is £ , and the net amount thereof, after deducting £ , being the amount covered by securities held by creditors, is £ .

6. The names of the creditors of the partnership, with their addresses and the amount of debt due or claimed by each of such creditors and the amount covered by the value of securities held are set out in Part 1 of the Second Schedule hereto.

7. None of the partnership creditors has instituted any proceedings for the recovery of his debt [except [1]].

8. We are not registered as co-owners of any land or charge registered in the Land Registry [except [2]].

9. P.Q., the solicitor acting for us, has received the sum of £ for or on account of these proceedings, from the assets of the said partnership [3].

10. Save as disclosed in this affidavit, we have no money or other property, nor has either of us, nor has any person for us or on our behalf or for either of us or on behalf of either of us any money or other property whatever, as a trustee or otherwise.

11. We depose to the truth of the foregoing facts partly from our own knowledge and partly from information given to us by our solicitor [3] and which we believe to be true.

And I the said A.B. for myself say as follows:

12. The total estimated value of my separate property (other than my interests in chattels held under hire-purchase agreements) is £ , and the net value thereof, after deducting £ , being the value of securities held by creditors and required to cover debts due to them, is £ . Particulars of such property are set forth in Part 2 of the First Schedule hereto.

13. The total estimated value of my interests in chattels as hirer under hire-purchase agreements, after allowing for the outstanding balances due to the owners, is £ .

14. The total estimated amount of my separate liabilities is £ and the net amount thereof, after deducting £ , being the amount covered by securities held by creditors, is £ .

15. The names of my separate creditors, with their addresses, and the amounts of debt due or claimed by each of such creditors and the amount covered by the value of securities held are set out in Part 2 of the Second Schedule hereto.

16. None of my separate creditors has instituted any proceedings for the recovery of his debt [except [1]].

17. I am not the registered owner of any land or charge registered in the Land Registry [except [2]].

18. I depose to the truth of the foregoing facts partly from my own knowledge and partly from information given to me by my solicitor [3] and which I believe to be true.

And I the said C.D. for myself say as follows:

19. The total estimated value of my separate property (other than my interests in chattels held under hire-purchase agreements) is £ , and the net value thereof, after deducting £ , being the value of securities held by creditors and required to cover debts due to them, is £ . Particulars of such property are set forth in Part 3 of the First Schedule hereto.

20. The total estimated value of my interests in chattels as hirer under hire-purchase agreements, after allowing for the outstanding balances due to the owners, is £ .

21. The total estimated amount of my separate liabilities is £ and the net amount thereof, after deducting £ , being the amount covered by securities held by creditors, is £ .

22. The names of my separate creditors, with their addresses, and the amount of debt due or claimed by each of such creditors and the amount covered by the value of securities held are set out in Part 3 of the Second Schedule hereto.

23. None of my separate creditors has instituted any proceedings for the recovery of his debt [except [1]].

24. I am not the registered owner of any land or charge registered in the Land Registry [except [2]].

25. I depose to the truth of the foregoing facts partly from my own knowledge and partly from information given to me by my solicitor [3] and which I believe to be true.

FIRST SCHEDULE

Particulars of property	Estimated value £
Part 1 Partnership Property	
	TOTAL
Part 2 Property of A.B.	
	TOTAL
Part 3 Property of C.D.	
	TOTAL

SECOND SCHEDULE

Name of creditor	Address of creditor	Amount due or claimed £	Amount covered by value of securities held £
Preferential debts			
	Part 1 Partnership creditors		
		TOTAL	TOTAL
	Part 2 Separate creditors of A.B.		
		TOTAL	TOTAL
	Part 3 Separate creditors of C.D.		
		TOTAL	TOTAL
Other debts			
	Part 1 Partnership Creditors		
		TOTAL	TOTAL
	Part 2 Separate creditors of A.B.		
		TOTAL	TOTAL
	Part 3 Separate creditors of C.D.		
		TOTAL	TOTAL

Sworn etc.

NOTES

[1] Here set out what proceedings have been instituted, by which creditors, the present stage in such proceedings and the names and addresses of the creditors' solicitors, if any.

[2] Here set out folio number(s) and County, distinguishing between land and charges.

[3] Or as the case may be.

Arrangement — Protection Order
(Date and Title)

ON THE petition of the above-named arranging debtor of [1]
filed this day,
AND upon reading the affidavit of the debtor filed this day,
AND upon hearing the solicitor for the debtor,
IT IS ORDERED as follows:—

1. The person and property of the debtor shall be protected from process until the day of 19 , or until further order.

2. A private sitting of the Court shall be held at the Royal Courts of Justice, Chichester Street, Belfast, on the said date, at which sitting the debtor is to submit a proposal for the future payment or the compromise of his debts or engagements.

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

4. No publication of the affairs of the debtor or of the proceedings in this matter shall take place without the sanction of the Court.

By the Court,

Master (Bankruptcy).

NOTE
[1] Full address(es) of debtor as set out in petition.

No. 99 RULE 149

Arrangement — Notice of Protection Order

(Title)

TAKE NOTICE that on 19 , the above-named arranging debtor, who resides at
and carried on business at
[under the trade name of]
[and lately resided at
and carried on business at
[under the trade name of]]
presented a petition to the Court under section 343 of the Irish Bankrupt and Insolvent Act 1857, and on 19 , an order was made that his person and property be protected from process until 19 , or until further order.

Dated 19 .

Solicitor for the arranging debtor,
(*Address*)

To the Official Assignee for bankruptcy
(*Address*)
and the Enforcement of
Judgments Office
(*Address*)

Arrangement — Preliminary Statement of Affairs

PRELIMINARY STATEMENT OF AFFAIRS OF A.B. AS AT 1st JUNE 1981 [1]

LIABILITIES

	£	£	£
Unsecured creditors as list [2] ...			24,000
Partly secured creditors:			
M.J.J. & Co., 234 Cromac Way, Ballymena ...		12,500	
Safe Bank Ltd., 92 Aran Way, Ballymena ...		19,000	
		31,500	
Short particulars of freehold and leasehold property mortgaged or charged and estimated amount of realisation:			
Factory and lands at Knots Hill, Ballymena— fee simple ...	11,500		
Factory at 34 Church Road, Ballymena— 20 years lease ...	12,500	24,000	
Balance unsecured ...			7,500
Postponed creditors [3]			
Mrs. A.B.		...	3,000
Estimate of contingent liabilities which may be proved		...	6,000

There is no equity in the undernoted chattels which are held under hire-purchase agreements. The estimated liability to the owners is included with the unsecured creditors.

	Estimated value	O/s H.P. balance	
	£	£	
Ford Escort (1978) 9484 PIA ...	1,500	2,070	
Ford Transit Van (1977) 8586 SOI ...	2,400	2,550	
	3,900	4,620	
			40,500

ASSETS

	£	£	£
Short particulars of unincumbered freehold and leasehold property:			
Flats at 11 Albert Road, Ballymena — 91 years lease	...	4,000	
4 acres of land at Galgorm Road, Ballymena — fee simple	...	5,000	9,000
Short particulars of other unincumbered securities:			
Life Assurance policy dated 3/1/60 with S. Insce. Co. Ltd.	...	300	
200 Ordinary shares of £1 each in K.B. Ltd.	...	900	
£750 3½% War Loan	...	190	1,390
Short particulars of chattels not held under hire-purchase agreements or subject to any charge:			
Stock in trade (cost £9,000)	...	6,000	
Trade Fixtures and Fittings	...	3,000	
Plant and Machinery	...	2,400	
Household Furniture	...	900	
Morris Marina (1975) DOI 7684	...	300	12,600
Debts due — £9,000 estimated to produce	...		3,000
Cash in hands of solicitor (on account of costs)	...		300
Cash in hands of debtor	...		Nil
Cash in bank	...		150
Short particulars of incumbered freehold and leasehold property and estimated amount of realisation:			
Dwelling House at 36 Road Ends, Ballymena — 900 years lease	...	15,000	
		15,000	
Fully secured creditors:			
Bingley National Building Society	...	12,000	
Surplus			3,000
Short particulars of property held under hire-purchase agreements and estimated amount of realisation:			
(1) 4 oil fired heaters	...	1,200	
(2) Sanding Machine	...	1,500	
		2,700	
Hire-purchase creditors [2]:			
R. T. Hire Purchase Co. Ltd., 91 Grosvenor Walk, Belfast (re (1) above)	600		
M.S. Hire Purchase Co. Ltd., 83 Milford Road, Belfast (re (2) above)	900	1,500	
Surplus	...		1,200
Total Assets	...		30,640
Preference creditors as list	...	6,000	
Estimated expenses of arrangement:			
Court fees	270		
Official Assignee's fees, expenses, etc.	4,230		
Legal costs	600	5,100	11,100
Net Assets	...		19,540
Deficiency	...		20,960
			40,500

NOTES

[1] Names and figures, etc., inserted for illustration only.

[2] Amounts due under credit-sale agreements and under hire-purchase agreements where there is no equity in the chattels hired should be included with other unsecured liabilities.

[3] Under "Postponed creditors" there should be shown creditors whose claims would be postponed to ordinary unsecured creditors in a bankruptcy.

No. 101 RULE 151

Arrangement—Notice of Preliminary Meeting of Creditors

(Title)

TAKE NOTICE that on the petition of the above-named arranging debtor who resides at
and carries on business at
[under the trade name of]
[and formerly resided at
and formerly carried on business at
[under the trade name of]
]
an order was made by the Court on 19 , under section 343 of the Irish Bankrupt and Insolvent Act 1857, that his person and property be protected from process until 19 , or until further order.

You are invited to attend in person or by a representative a preliminary meeting of creditors to be held at
on day 19 , at a.m./p.m.

The debtor will attend the meeting unless prevented by illness or other sufficient cause and may be examined as to his business, course of trading, causes of failure, the proposal which he intends to submit to his creditors and other relevant matters.

A preliminary statement of the debtor's affairs and a list of his creditors will be produced at the meeting.

You will in due course receive a notice of the private sitting of the Court at which creditors will be invited to vote on the debtor's proposal, and forms of proof of debt and proxy, together with a report on the debtor's proposal, will be forwarded with this later notice.

Your attention is directed to the provisions of section 353 of the above-mentioned Act under which the Court may at any time, on the application of the Official Assignee or any creditor, appoint a sitting of the Court for the purpose of inquiry and summon the arranging debtor or any other person and examine him upon oath.

Dated 19 .

Solicitor for the arranging debtor,
(Address)

No. 102 RULE 154

Arrangement — Notice of Private Sitting

(Title)

WHEREAS a preliminary meeting of creditors of the above-named arranging debtor was held on 19 ,

NOW TAKE NOTICE that a private sitting of the Court will be held at the Royal Courts of Justice, Chichester Street, Belfast, on day 19 , at a.m./p.m. to consider the following proposal of the debtor for the future payment or the compromise of his debts or engagements:—

A creditor may vote at this sitting in person or by proxy. A form of proxy accompanies this notice.

A creditor who wishes to vote must prove his debt. A form of affidavit of proof of debt accompanies this notice.

Proxies must be lodged at the Bankruptcy and Companies Office before the sitting. They may be sent to the under-named solicitor, who will lodge them in the said Office provided they are received in time.

If three-fifths in number and value of the creditors who have proved debts of at least £10 shall, in person or by proxy, assent to such proposal, or any modification thereof made with leave of the Court, the terms thereof shall be reduced into writing and signed by or on behalf of the said creditors as a resolution and, if approved and confirmed by the Court, such resolution shall henceforth be binding and of full force against the debtor and all persons who were creditors on 19 , (*date of the protection order*) and who had notice of this sitting; otherwise the debtor will be adjudged bankrupt.

A creditor who votes in respect of any debt to which priority is given by Article 19 of the Bankruptcy Amendment (Northern Ireland) Order 1980, for or against acceptance of the debtor's proposal or any modification thereof shall by so voting be deemed to have abandoned any rights under the said Order.

Dated 19 .

Solicitor for the arranging debtor,
(*Address*)

No. 103 RULE 156

Arrangement — Resolution of Creditors at Private Sitting

(Date and Title)

At a private sitting of the Court in this matter held this day, we, the undersigned, being three-fifths in number and value of the creditors who have proved debts of at least £10, do hereby assent the following proposal of the above-named arranging debtor for the future payment or the compromise of his debts or engagements:—

Creditor's name	No. of claim in statement of affairs	Amount of debt proved £	Signature of creditor or proxy

No. 104 RULE 158

Arrangement — Notice of Special Sitting

(Title)

WHEREAS at a private sitting of the Court held on 19 , three-fifths in number and value of the creditors of the above-named arranging debtor who have proved debts of at least £10 assented to the proposal of the debtor for the future payment or the compromise of his debts or engagements as set out in the notice of the said sitting, dated 19 , [1] and the resolution to that effect was approved and confirmed by the Court,

NOW TAKE NOTICE that by order dated 19 , a special sitting of the Court will be held at the Royal Courts of Justice, Chichester Street, Belfast, on day 19 , at a.m./p.m., to consider a proposal by the debtor that the said resolution be annulled and that the following resolution be adopted in its place [2] :—

If the majority in number and value of the creditors present at this sitting in person or by proxy who have proved debts of at least £10 resolve to confirm, alter or annul the whole or any part of such resolution or agreement such resolution shall be as valid as if it had been part of the original resolution; provided that if one-third in number and value of the creditors do not attend such sitting the resolution thereof shall not be valid unless approved and confirmed by the Court.

A creditor who votes in respect of any debt to which priority is given by Article 19 of the Bankruptcy Amendment (Northern Ireland) Order 1980, for or against the acceptance or confirmation of the debtor's proposal shall by so voting be deemed to have abandoned any rights under the said Order.

Dated 19 .

Solicitor for the arranging debtor,
(Address)

NOTES

[1] If terms modified at sitting, add "as modified at the said sitting".

[2] Or other resolution to confirm, alter or annul the resolution of the creditors.

Arrangement — Resolution of Creditors at Special Sitting
(Date and Title)

WHEREAS at a private sitting of the Court held on 19 , three-fifths in number and value of the creditors of the above-named arranging debtor who have proved debts of at least £10 assented to the proposal of the arranging debtor for the future payment or the compromise of his debts or engagements and the resolution to this effect was confirmed by the Court,

AND WHEREAS by order dated , 19 , the Court ordered a special sitting of the Court to be held this day pursuant to section 351 of the Irish Bankrupt and Insolvent Act 1857,

NOW WE, the undersigned, being the majority in number and value of the creditors present or duly represented at this special sitting, who have proved debts of at least £10, hereby resolve that the said resolution be annulled and that the following resolution be adopted in its place [1] :—

Creditor's name	No. of claim in statement of affairs	Amount of debt proved £	Signature of creditor or proxy

NOTE

[1] Or other resolution to confirm, alter or annul the resolution of the creditors at the private sitting.

Arrangement — Consent and Undertaking by Surety
(Title)

WHEREAS the above-named debtor has made a proposal for the future payment or the compromise of his debts or engagements in the following terms—

Now I, [1]
do hereby agree and consent to the said proposal so far as the same relates to me; and I do hereby, in consideration of the said proposal being agreed to by the creditors of the said debtor, undertake to fulfil and perform the same, so far as the same relates to any matter or thing therein expressed to be done or performed by me as a surety; and I undertake to do all acts in that behalf which shall be directed by this Court; and I consent and agree that this consent may be filed and made a rule or order of this Court.

Dated this day of 19 .

(*Signature*)

(*Signature of witness*) [2]

(*Address*)

(*Description*)

And I certify that the said proposed surety is personally known to me.

NOTES

[1] Full name, address and occupation of proposed surety.

[2] The signature of the proposed surety must be witnessed by a justice of the peace, solicitor, commissioner to administer oaths or bank manager.

Arrangement — Waiver by Creditor
(Title)

I of

a creditor in this matter, do hereby consent to waive my right to the composition payable to me in respect of my debt, according to the resolution of creditors dated the day of 19 , [except the instalment(s) of in the £ payable on 19 and 19] and I further consent to the grant by the Court of a certificate to the arranging debtor; provided that if the arranging debtor shall, during the course of the arrangement, be adjudged bankrupt, or shall fail to obtain his certificate, nothing herein contained shall affect my rights as a creditor.

This consent may, if required, be made a rule or order of this Court.

Dated day of 19 .

(Signature)

Signed in the presence of

(Signature of witness) [1]

(Address)

(Description)

And I certify that the said creditor is personally known to me.

NOTE

[1] The signature of the creditor must be witnessed by a justice of the peace, solicitor, commissioner to administer oaths or bank manager.

No. 108 RULE 163

Notice to Creditors of Termination of Arrangement Proceedings

(Title)

TAKE NOTICE that by order dated 19 , the Court ordered that the petition of the arranging debtor be dismissed. Such dismissal is an act of bankruptcy on which the arranging debtor may be adjudged bankrupt on a petition presented by a creditor to the amount of at least £200. The debtor is no longer protected from process and creditors may proceed as they may be advised.

[*or* the arranging debtor was adjudged bankrupt on the ground that the requisite majority of his creditors had not assented to his proposal referred to in the notice dated 19 (*or as the case may be*)]

[*or* it was ordered that no further proceedings be had in this arrangement matter because of the failure of the arranging debtor to carry into effect the resolution of his creditors assenting to his proposal referred to in the notice dated 19 . Accordingly, the debtor is no longer protected from process and creditors may proceed as they may be advised.]

Dated 19 .

Official Assignee for bankruptcy.

No. 109 RULE 169

Arrangement — Notice of Application by Debtor for Certificate

(Title)

TAKE NOTICE that on day 19 at a.m./p.m., at the Royal Courts of Justice, Chichester Street, Belfast, an application will be made to the Court by the above-named arranging debtor for a certificate under section 64 of the Bankruptcy (Ireland) Amendment Act 1872 to the effect that the arranging debtor's proposal for the future payment or the compromise of his debts or engagements, accepted by a resolution of the requisite majority of his creditors at a private sitting of the Court on 19 and approved and confirmed by the Court, has been carried into effect and that the creditors have been satisfied according to the tenor thereof. Such certificate, if granted, will thenceforth operate to all intents and purposes as if the same were an absolute order of discharge from bankruptcy.

[An application will also be made at the same time and place for an order vesting property in the arranging debtor under section 65 of the said Act.]

Dated 19 .

Solicitor for the arranging debtor,
(*Address*)

No. 110 RULE 172

Certificate to Arranging Debtor

(Title)

WHEREAS the above-named
of
, being a debtor unable to meet his engagements with his creditors, did on
19 , present a petition to this Court under section 343 of the Irish Bankrupt and Insolvent Act 1857, and a protection order was granted on
19 ,

AND WHEREAS at a private sitting of the Court on
19 , the proposal of the said arranging debtor for the future payment or the compromise of his debts or engagements was accepted by a resolution of the requisite majority of his creditors and approved and confirmed by the Court.

AND WHEREAS the said resolution has been carried into effect, and the creditors of the said arranging debtor have been satisfied according to the tenor thereof,

NOW THIS COURT DOTH HEREBY CERTIFY the several matters aforesaid.

Given under the seal of the Court at the Royal Courts of Justice, Belfast, this
day of , 19 .

(Seal)

No. 111 RULE 175

Notice of Application under Section 2 of the Bankruptcy Amendment Act (Northern Ireland) 1929

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
CHANCERY DIVISION (BANKRUPTCY)

IN THE MATTER OF a deed of arrangement between [1] and his creditors, dated 19 , and registered under the Deeds of Arrangment Act 1887 on 19

Trustee [2]

Application of [3]

TAKE NOTICE that on day 19 , at a.m./p.m. at the Royal Courts of Justice, Chichester Street, Belfast, an application will be made to the Court by the above-named [4] for an order under section 2(1)(*b*) of the Bankruptcy Amendment Act (Northern Ireland) 1929 declaring that he (*or*, the above-named debtor) has obtained the assent to the above-mentioned deed of three-fifths in number and value of those of his creditors to whom he is indebted to the amount of £10 and upwards and that in all the circumstances of the case the proposals contained in the said deed are, in the opinion of the Court, reasonable and proper.

Dated 19 .

Solicitor for [3]
(*Address*)

NOTES

[1] Name, address and description of debtor.

[2] ,, ,, ,, ,, ,, of trustee appointed by the deed.

[3] Here insert "the debtor" *or* "the trustee", as the case may be.

[4] ,, ,, "debtor" *or* "trustee", ,, ,, ,, ,, ,, .

No. 112 RULE 182

Certificate of Vesting of Estate and Effects of Bankrupt, Deceased Insolvent or Arranging Debtor in Assignees or Trustee

THIS IS TO CERTIFY that all the estate and effects, real and personal, of the above-named bankrupt *or* deceased insolvent *or* arranging debtor [1] , have vested in the Official Assignee for bankruptcy for Northern Ireland [and in , the creditors' assignee in this matter chosen and appointed on 19] [*or* in trustee, whose appointment was certified on 19].

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

(*Seal*)

NOTE

[1] Full name, addresses and description of bankrupt, deceased insolvent or arranging debtor as set out in adjudication order, administration order or protection order.

No. 113 RULE 188

Statement concerning Registered Land or Charge by Petitioning Debtor or Personal Representative of Deceased Debtor

I am not [*or* the above-named deceased debtor is not] registered in the Land Registry as owner of any land or charge, save as follows:—

Folio No.	County	Registered owner of land (in case of charge only)	Whereabouts of Land Certificate or Certificate of Charge

Dated 19 .

(*Signed*)
Petitioner

No. 114 RULE 188

Statement by Official Assignee concerning Registered Land or Charge of Bankrupt or Deceased Insolvent

(Title)

The above-named bankrupt [*or* deceased insolvent] is registered in the Land Registry as the owner of the land-charge of which the particulars are as follows:—

Folio No.	County	Registered owner of land (in case of charge only)	Whereabouts of Land Certificate or Certificate of Charge

Dated 19 .

Official Assignee for bankruptcy.

Affidavit of Proof of Debt (General Form)

(Title)

STUDY NOTES BELOW BEFORE COMPLETING THIS FORM

I [1] of
make oath and say as follows:

[1. I am duly authorised by the under-mentioned creditor to make this affidavit, and it is within my own knowledge that the debt hereinafter mentioned was incurred, and for the consideration stated, and that such debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.] [2]

SEE NOTE [2] BELOW RE JOINT DEBTORS

2. The above-named [3] was, at the date of the adjudication [*or* protection] order in this matter, [4] viz. 19 , and still is justly and truly indebted to [5]

in the sum of £ , for [6]
as shown by the particulars of account endorsed hereon [*or* account hereto annexed, *or* account furnished to the [3] on 19 , a copy of which will be forwarded to the Official Assignee or trustee if required].

SEE NOTES [7] AND [8] BELOW RE ANY SECURITY HELD

3. No manner of satisfaction or security whatsoever for the said sum or any part thereof has to my knowledge or belief been had or received, save and except the following [7]

Date	Particulars of Security	(*Where security is on debtor's property*) Value or net amount realised £

4. I hold no bills or other negotiable securities for the said sum or any part thereof save and except the following [8]

Date	Drawer	Acceptor	Amount	Due date

[9] [5. The facts herein stated are within my own knowledge as [10].]

(Deponent's signature) Sworn &c. [11]

FOR USE OF COURT, CHAIRMAN OF MEETING, OFFICIAL ASSIGNEE OR TRUSTEE ONLY

Admitted to vote for £ 19

Admitted to rank for dividend for £
Admitted to rank for preferential payment for £ 19

Particulars of Account Referred to on Other Side
(Credit should be given for contra accounts)

Date debt due	Nature of debt	Amount £	Remarks. The vouchers (if any) by which the account can be substantiated should be set out here.

Deponent's signature.....

[NOTE: *Deponent must also sign at foot of page overleaf.*]

NOTES

[1] Insert full name, address and description of deponent.

[2] Where proof is made by the creditor personally, delete this paragraph.

[3] "bankrupt", "arranging debtor" or "deceased insolvent". In the case of joint bankrupts, etc., the proof will be treated as against the joint estate of the co-bankrupts, etc., unless otherwise shown [e.g., "bankrupt A.B. only"].

[4] If the proof is being made against the estate of a deceased insolvent, for "the adjudication [*or* protection] order in this matter" substitute "his death" and insert date of death instead of date of order. Relevant date should be inserted before form is sent to creditor.

[5] Insert "me" if proof made by creditor in person, otherwise insert the full name and address of the creditor.

[6] State the nature of the debt, e.g., "goods sold and delivered", or as the case may be.

[7] State here or on a separate sheet the particulars of all securities held, including date security granted and where the security is on the property of the debtor and the creditor does not wish to surrender the security, assess the value of the same or, where it has been realised, state the net amount realised.

[8] If any bills or other negotiable securities are held, specify these here or on a separate sheet.

[9] This paragraph may be struck out where paragraph 1 applies.

[10] State position with or relationship to creditor giving deponent personal knowledge of facts deposed to.

[11] An affidavit may be sworn before a commissioner for oaths, a solicitor, the Official Assignee, the trustee or any person mentioned in Order 41, rule 12 or 13 of the Rules of the Supreme Court (Northern Ireland) 1980.

No. 116 RULE 193

Proof of Debt (Unsworn) General Form

(Title)

Date of Adjudication/Protection Order/Deceased's Death [1] 19 .

STUDY NOTES BELOW BEFORE COMPLETING THIS FORM

Name of creditor	
Address of creditor	
SEE NOTE [2] BELOW RE JOINT DEBTORS Total amount of claim as at date mentioned above	[2] £
Particulars of how debt(s) arose and date(s) incurred (use space overleaf if necessary)	
Particulars of any security held	No security held [except the securities described in the particulars shown overleaf (*or* attached)] [3] IF NO SECURITY HELD, STRIKE OUT WORDS IN BRACKETS
SEE NOTE [3] BELOW RE ANY SECURITY HELD (*Where security is on debtor's property*) Value of security or net amount realised	

Please attach any documentary evidence of claim or refer to particulars previously furnished to debtor, with date(s)

N.B. Bills or other negotiable securities must be produced before the proof can be admitted.

Signature of creditor [or person authorised to sign on his/its behalf and having personal knowledge of above particulars]

.....

[Name of person authorised to sign, in block letters [4]] SEE NOTE [4] BELOW

.....

Position with or relationship to creditor giving person authorised personal knowledge of above particulars [4]

.....]

FOR USE OF COURT, CHAIRMAN OF MEETING, OFFICIAL ASSIGNEE or TRUSTEE ONLY

Admitted to vote for £

19

Admitted to rank for dividend for £

Admitted to rank for preferential payment for £

19

Official Assignee *or* Trustee.

NOTES

[1] Words not applicable should be struck out and relevant date inserted.

[2] In the case of joint bankrupts, etc., the proof will be treated as against the joint estate of the co-bankrupts, etc., unless otherwise shown [e.g., "against separate estate of A.B. only"].

[3] If security held, attach brief particulars including date security granted. Where security is on the property of the debtor and the creditor does not wish to surrender the security, the value at which the creditor assesses such security or, where it has been realised, the net amount realised, must be stated in the space below. If any bills or other negotiable securities are held, specify them, giving date, drawer, acceptor, amount and due date.

[4] Particulars within square brackets apply only where the claim is made by a person authorised by the creditor. A creditor making the claim himself is only required to sign his name.

Affidavit of Proof of Debt Wages etc., due to Several Employees
(*Title*)

I [1] of
[2]
on behalf of the under-mentioned creditors make oath and say—

1. [3]
was at the date of the adjudication [*or* protection] order in this matter, [4] viz. 19 , and am(is) still justly and truly indebted to the several persons whose names, addresses and descriptions appear in the Schedule hereto attached and signed by me in sums severally set against their names in the seventh column of the Schedule for wages or salary due to them respectively as employees in respect of services rendered by them respectively to [5]
during such periods before the said date as are set out against their respective names in the fifth column of such Schedule, and for accrued holiday remuneration so due to them in respect of the periods so set out in the sixth column of the Schedule, for which said sums, or any part thereof, I say that they have not, nor have any of them received any manner of satisfaction or security whatsoever.

2. In the eighth column of the said Schedule I have set out against the respective names of the said persons the amount for which priority is claimed under Article 19 of the Bankruptcy Amendment (Northern Ireland) Order 1980.

3. The facts herein stated are within my own knowledge.

(Deponent's signature) Sworn &c.

NOTES

[1] Insert full name, address and description of deponent.

[2] "the above-named bankrupt *or* arranging debtor *or* the foreman (*or as the case may be*) of the above-named bankrupt *or* arranging debtor *or* deceased insolvent".

[3] "I" *or* "The said bankrupt *or* arranging debtor *or* deceased insolvent".

[4] If the proof is being made against the estate of a deceased insolvent, for "the adjudication [*or* protection] order in this matter" substitute "his death" and insert date of death instead of date of order.

[5] "me" *or* "the bankrupt" *or* "the arranging debtor" *or* "the deceased insolvent".

Schedule Referred to in Affidavit of

1. No.	2. Full name of employee	3. Address	4. Description	5. Period over which wages or salary due	6. Period over which accrued holiday remuneration due	7. Total amount due £	8. Amount claimed as preferential £

Debtor's signature .....

No. 118 RULE 203

Notice of Rejection of Proof of Debt

(Title)

TAKE NOTICE that I have this day rejected your claim against the above estate [1] [*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 21 days from the date of service of this notice.

Dated 19 .

Official Assignee for bankruptcy
or Trustee.

To X. Y.
(*Address*)

NOTE

[1] If proof wholly rejected strike out words in italics.

No. 119 RULE 212

Gazette Notice of Transfer of Separate Estate to Joint Estate

(Heading as Form No. 44)

NOTICE IS HEREBY GIVEN that there being in the hands of the Official Assignee for bankruptcy for Northern Ireland [*or* the trustee] in the above bankruptcy a surplus estimated at £ arising from the separate estate of [*name separate partner*] one of the bankrupts, and there being no separate creditors of such bankrupt, it is the intention of the Official Assignee [*or* the trustee], at the expiration of days from the appearance of this notice in the Belfast Gazette, to transfer such surplus to the credit of the joint estate in the said bankruptcy.

Dated 19 .

Official Assignee for bankruptcy
or Trustee.

No. 120 RULES 199, 216

Notice to Creditors of Intention to Declare Dividend or Pay Composition

(Title)

TAKE NOTICE that a dividend is intended to be declared [*or* a composition is payable] in the above matter.

You are mentioned in the statement of affairs of the bankrupt [*or* arranging debtor *or* deceased insolvent], but you have not yet proved your debt.

If you do not prove your debt by 19 , you will be excluded from this dividend [*or* composition payment].

Dated 19 .

Official Assignee for bankruptcy.

To X.Y.
(Address)

No. 121 RULE 216

Notice to Persons Claiming to be Creditors of Intention to Declare Final Dividend or Pay Final Composition

(Title)

TAKE NOTICE that a final dividend is intended to be declared [*or* a final instalment of a composition is intended to be paid] in the above matter, and that if you do not establish your claim to the satisfaction of the Court on or before 19 , or such later day as the Court may fix, your claim will be expunged, and I shall proceed to make a final dividend [*or* make a final payment of composition] without regard to such claim.

Dated 19 .

Official Assignee for bankruptcy.

To X.Y.
(Address)

No. 122 RULE 216

Gazette Notice of Intended Dividend or Composition

(Heading as Form No. 44)

A dividend is intended to be declared [*or* a composition is intended to be paid] in the above matter.

The last day for receiving proofs from creditors is 19 .

Official Assignee for bankruptcy
or Trustee
(Address)

No. 123 RULE 218

Notice of Dividend or Composition and Accompanying Statement

(Title)

NOTICE IS HEREBY GIVEN that a dividend of p. in the £ has been declared [*or* a payment of the instalment of composition (being p. in the £) is being paid] in this matter. A payable order for the amount payable to you is attached. This should be presented to a bank for payment. The form of receipt on the reverse of the payable order must be signed by you. [*Or* a cheque for the amount payable to you is attached].

The following statement shows the position of the estate at the date of the declaration of the said dividend.

Dr.				Cr.
	Estimated by bankrupt/ arranging debtor to produce	Receipts		Payments
	£	£		£
Receipts viz:			Official Assignee's Fees	
Deposit			Court Fees paid by Official Assignee	
(Amounts received under several headings specified in the Statement of Affairs)			Legal costs of Petition; Legal costs of Assignees/ Trustees; Other Legal Costs (including Court Fees and other outlays paid by solicitor)	
			Cost of notices in Gazette and newspapers	
			Auctioneers', Surveyors' and Valuers' charges	
			Incidental outlay, viz; Travelling expenses; Other incidentals; Other expenses, viz:	
Other receipts, viz:				
			Total costs and charges £	
			Allowance to bankrupt/ arranging debtor	
			Creditors, viz:	
Less:				
Deposit returned to petitioner			Preferential Dividend now declared of p. in the £ on £	
Payments to redeem securities			Dividends previously declared	
			Balance	
Net realisations	£			£

Assets not realised, estimated to produce £

[*Here add any remarks by the Official Assignee or trustee.*]

Creditors can obtain any further information by inquiry at the office of the Official Assignee [*or* the trustee].

Dated 19 .

Official Assignee for bankruptcy
or Trustee
(*Address*)

NOTE:—When this statement accompanies a declaration of a second or subsequent dividend, it shall incorporate the figures of the preceding statement under their respective headings. The statement should be omitted where a composition payment is being made.

No. 124 RULE 218

Notice to Accompany Notice of Final Dividend in an Arrangement Matter

(Title)

The payment of the dividend/composition which accompanies this notice completes this arrangement.

The arranging debtor is now entitled to apply to the Court under section 64 of the Bankruptcy (Ireland) Amendment Act 1872 for a certificate to the effect that his proposal for the future payment or the compromise of his debts or engagements, accepted by a resolution of the requisite majority of his creditors at a private sitting of the Court on 19 and approved and confirmed by the Court, has been carried into effect and that the creditors have been satisfied according to the tenor thereof. Such certificate, if granted, will henceforth operate to all intents and purposes as if the same were an absolute order of discharge from bankruptcy.

As a creditor you are entitled to attend the Court and be heard on any such application by the arranging debtor. If you wish to be informed of the time and place of any such application you should notify me accordingly in writing. Only such creditors as do notify me will receive notice of the application.

Dated 19 .

To X.Y.
(Address)

Official Assignee for bankruptcy
(Address)

No. 125 RULE 218

Gazette Notice of Dividend or Composition

(Heading as in Form No. 44)

A dividend [*or* composition] of p. per £ is now payable in the above matter.

Dated 19 .

Official Assigneee for bankruptcy
or Trustee
(*Address*)

No. 126 RULE 221

Authority to Official Assignee or Trustee to Pay Dividends or Composition to Another Person

(Title)

To the Official Assignee for bankruptcy for Northern Ireland
[*or* trustee of the above-named]

Sir,

I/We hereby authorise and request you to pay to
of
, all dividends [composition payments] in this matter, which may become due and payable to me/us in respect of the debt for the sum of £ for which I/we have been admitted as [a] creditor[s] in this matter.

And I/we further request that the cheques or payable orders issued in respect of such dividends [payments of composition] may be made payable to the said whose receipt shall be a sufficient discharge for the same.

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

Dated 19

(Signature)

Signed in the presence of

(Signature of witness)

(Address)

Notice to Creditors of Intention to Apply for Release
(Title)

TAKE NOTICE that I, the Official Assignee for bankruptcy for Northern Ireland [*or* the trustee of the property of the bankrupt] intend to apply to the Department of Economic Development for my release, and further take notice that any objection you may have to the granting of my release must be notified to the Department of Economic Development within 21 days of the date hereof.

A summary of my receipts and payments as trustee is hereto annexed.

[Statement as in Form No. 123]

Dated 19 .

Official Assignee for bankruptcy
or Trustee
(*Address*)

NOTE—Article 27(3) of the Bankruptcy Amendment (Northern Ireland) Order 1980 enacts that "An order of the Department releasing the Official Assignee [*or* 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, 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. 128 RULE 227

Application to Department of Economic Development for Release

(Title)

I, G.H., the Official Assignee for bankruptcy for Northern Ireland [*or* the trustee of the property of the bankrupt] do hereby report to the Department of Economic Development as follows:

1. That the whole of the property of the bankrupt [*or* deceased insolvent] has been realised for the benefit of his creditors [and a dividend to the amount of pence in the pound has been paid as shown by the statement hereto annexed]; [*or* That so much of the property of the bankrupt [*or* deceased insolvent] as can be realised without needlessly protracting the bankruptcy, [*or* administration of the deceased insolvent's estate] has been realised, as shown by the statement hereunto annexed, and a dividend to the amount of pence in the pound has been paid];
[*or* That I have completed my duties in relation to the administration of the offer of compositon after bankruptcy accepted by the creditors of the said bankrupt so far as practicable without needlessly protracting the administration].

2. I therefore request the Department of Economic Development to cause a report on my accounts to be prepared, and to grant me a certificate of release.

Dated 19 .

Official Assignee for bankruptcy
or Trustee.

No. 129 RULES 144, 228

Gazette Notice of Release of Official Assignee or Trustee

(Heading as Form No. 44)

By order dated 19 the Department of Economic Development has granted a release to the Official Assignee for bankruptcy for Northern Ireland [*or* to X.Y., trustee of the estate of the above-named] in respect of his administration of the estate of the above-named.

Dated 19 .

Official Assignee for bankruptcy
or Trustee.

No. 130 RULE 231

Certificate of Credits by Solicitor

(Title)

I of solicitor [one of the principals in the firm of solicitors] hereby certify as follows—

1. I [*or* my said firm] have [has] not, nor has any person for me [*or* my said firm] received any money or any securities for money from the above-named[1] or from any other person, in respect of, or on account of the bill of costs in this matter, save as set forth in the Schedule hereto.

2. I [*or* my said firm] have [has] made due enquiries on the subject, and so far as I know, or as I believe, neither the said [1] nor any other person has given any money or any securities for money to any solicitor or accountant or to any other person than myself [*or* my said firm] for doing, or causing to be done, or in respect of, or on account of the work comprised in the said bill of costs, save as set forth in the said Schedule.

3. I did not, nor did any other solicitor or any accountant, or any other person for, or on my behalf [*or* on behalf of my said firm] receive from the said [1] or from any person acting on his behalf since or immediately before filing of the petition in this matter any money or any securities for money save as set forth in the said Schedule.

SCHEDULE

Amounts paid	Date of each payment	To whom paid and for what purpose

Dated 19

(Signed)

Solicitor.

[1] "bankrupt" *or* "arranging debtor".

Register of Debtors' Summonses

Summons No.	Name and Address of Debtor	Name and Address of Creditor	Date of Summons	Solicitor for Creditor	Date of Filing Affidavit of dispute by Debtor and Court decision

No. 132 RULE 245

Bankruptcy Register

Petition No.	Date of Filing	Name, Address and Description of Debtor	Petitioner ("Debtor" or Name and Address of other Petitioner)	Solicitor for Petitioner	Act of Bankruptcy and Date	Date of Adjudication Order	Date of Dismissal of Petition	Name and Address of Creditors' Assignee or Trustee	Solicitor for Assignees or Trustee	Date of Public Examination or of Order Dispensing with Public Examination	Date of Acceptance of Composition	Date of Annulling of Adjudication and Ground	Date of Order for Automatic Discharge	Date of Application of Bankrupt for Discharge	Date of Application of O.A. for Review	Nature of Order on Application for Discharge or Review

Register of Estates of Deceased Debtors

Petition No.	Date of Filing	Name, Address and Description of Deceased Debtor	Date of Death	Name and Address of Petitioner and whether Personal rep of Deceased or Creditor	Solicitor for Petitioner	Date of Administration Order	Date of Dismissal of Petition	Name and Address of Trustee	Solicitor for O.A. or Trustee

Arrangements Register

Petition No.	Date of Filing	Name, Address and Description of Debtor	Solicitor for Petitioner	Date of Protection Order	Date of Dismissal of Petition	Date of Approval of Proposal	Solicitor for O.A.	Date of Approval of Amended Resolution (Special Sitting)	Date of Adjudication of Bankruptcy	Date of Certificate

Annual Return by Master (Bankruptcy)

PART I — BANKRUPTCIES

A. PROCEEDINGS OTHER THAN DISCHARGE

Debtors' petitions

Creditors' petitions

Petitions dismissed

Adjudication orders on bankruptcy petitions

Adjudication orders following arrangement petitions

Adjudication orders annulled on cause shown

Adjudication orders annulled under general jurisdiction

Net new cases administered

Creditors' assignees appointed

Trustees appointed

Compositions accepted

Adjudication orders annulled on payment of composition

B. Discharge Proceedings

Orders for automatic discharge under Article 29(1) of Bankruptcy Amendment (Northern Ireland) Order 1980.

Applications by bankrupts for discharge orders under Article 28 of 1980 Order and results:

Applications

Number made during [19]	
Pending at end of [19]	
Number dealt with in [19]	
Pending at end of [19]	

Results

Refused	
Adjourned generally	
Withdrawn	
Granted unconditionally	
Granted with conditions	
Granted subject to suspension and conditions	
Granted subject to suspension	

Applications made by Official Assignee for review of adjudication under Article 30 of 1980 Order and results:

Applications

Number made during [19]	
Pending at end of [19]	
Number dealt with in [19]	
Pending at end of [19]	

Results

Refused	
Adjourned generally	
Withdrawn	
Granted unconditionally	
Granted with conditions	
Granted subject to suspension and conditions	
Granted subject to suspension	

PART II — ARRANGEMENTS UNDER THE CONTROL OF THE COURT

Petitions

Petitions dismissed

Protection orders

Resolution of creditors approved

Amended resolutions of creditors approved (Special Sittings)

Arranging debtors adjudged bankrupt

Net new cases administered

Certificates granted

PART III — ADMINISTRATION OF ESTATES OF DECEASED DEBTORS

Petitions by personal representatives of deceased

Petitions by creditors

Petitions dismissed

Administration orders

Net new cases administered

Trustees appointed

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules lay down the procedure to be followed under the Bankruptcy Acts (Northern Ireland) 1857 to 1980. They replace Order 88 of and Appendix Y, Part I, to the Rules of the Supreme Court (Northern Ireland) 1936.

The Rules give effect to changes in bankruptcy law made by the Bankruptcy Amendment (Northern Ireland) Order 1980. Among the principal changes are the following:—

(*a*) Replacement of the two public sittings prescribed by the Irish Bankrupt and Insolvent Act 1857, for the bankrupt to "surrender and conform", by a single public sitting for his examination.

(*b*) Introduction of a power whereby the Court may dispense with the public examination of a bankrupt in certain circumstances.

(*c*) New provisions for the discharge of bankrupts.

(*d*) Transfer of functions from the Court to the Official Assignee in relation to—

(i) the admission of debts (subject to a right of appeal to the Court); and

(ii) the declaration of dividends.

(*e*) Provision for the release of the Official Assignee

(*f*) Transfer of responsibility for auditing the Official Assignee's accounts from the Court to the Department of Economic Development.