

**BANKRUPTCY AND INSOLVENCY  
REGULATIONS 2015**

**ARRANGEMENT OF REGULATIONS**

**Regulation**

**PART I**

**PRELIMINARY**

1. Citation and commencement
2. Interpretation
3. Application of Rules of the Court
4. Formal defect not to invalidate proceedings
5. Forms

**PART II**

**GENERAL PROCEDURE**

*Court and Chambers*

6. Matters to be heard in open Court
7. Hearing in Chambers
8. Representation in Court
9. Intervention by Supervisor
10. Application by Supervisor
11. Adjournment from Chambers into Court and *vice versa*

*Proceedings*

12. Proceedings how entitled
13. Written proceedings
14. Records of Court

15. Notices to be in writing
16. Process to be sealed
17. Office copies
18. Filing of *Gazette* advertisement by Registrar

*Motions and Practice*

19. Application to be by motion
20. Notice of motion and *ex parte* application
21. Length of notice
22. Affidavits against motion
23. Notice not served on all proper parties
24. Adjournment
25. Personal service

*Affidavits*

26. Filing affidavits on motion
27. Endorsement and filing of affidavits
28. Form of affidavits

*Preparation of Orders*

29. Notice of appointment to settle Order
30. Preparation and settlement of Orders

*Security in Court*

31. Security by bond
32. Amount of bond
33. Deposit *in lieu* of bond
34. Money lodged in Court
35. Security of guarantee society
36. Notice of proposed securities
37. Justification by sureties

38. Execution of bond
39. Notice of deposit
40. Cancellation of stamp

*Witnesses and Depositions*

41. Depositions, etc.

**PART III**

**RECEIVING ORDERS, INTERIM ORDERS, SECURED CREDITORS AND RECEIVERS**

*Petition for a Receiving Order*

42. Joint petitioners
43. Deposit by petitioner
44. Verification and copies
45. Investigation of petition

*Service of Petition for Receiving Order*

46. Personal service
47. Service by officer of Court, substituted service etc.
48. Proof of service
49. Service out of jurisdiction
50. Service after death of debtor
51. Petition to be filed with Supervisor

*Interim Receiver*

52. Appointment of interim receiver
53. Contents of order appointing interim receiver
54. Deposit
55. Repayment of deposits to creditor
56. Damages if petition dismissed
57. Taxation of Accounts and discharge of interim receiver

- 58. Accounts of interim receiver deemed to be taxed
- 59. Hearing of objection

*Hearing of Petition*

- 60. Proceedings on petition
- 61. Timing of hearing
- 62. Several respondents
- 63. Debtor intending to show cause
- 64. Non-appearance of debtor
- 65. Non-appearance of creditors
- 66. Personal attendance of creditor when dispensed with
- 67. Application to dismiss
- 68. Application for extension of time
- 69. Order for extension of time
- 70. Adjournments of hearing

*Receiving Orders*

- 71. Form and contents
- 72. Preparation
- 73. Transmission of copy to trustee
- 74. Service of receiving order
- 75. Service where debtor abroad
- 76. Notice of application to rescind receiving order, etc.
- 77. Order annulling bankruptcy order to be *Gazetted*

*Secured Creditors and Receivers*

- 78. Notice of intention to enforce security
- 79. Initial report of receiver
- 80. Interim reports of receiver

81. Final report of receiver

**PART IV  
ASSIGNMENTS**

82. Certificate of appointment of trustee
83. Court filing by trustee

*Statement of Affairs*

84. How verified

**PART V  
PROPOSALS**

85. Form of proposal
86. Court filing by trustee
87. Notice to trustee
88. Fees on application
89. Correction of formal slips, etc.
90. Time to remedy default in proposal

**PART VI  
PROPERTY OF THE BANKRUPT**

91. Property exempt from seizure
92. Standards for determining excess income
93. Inquiry by Court
94. Parties to conveyance
95. Monies from sale
96. Examination of parties
97. Accounts, etc.

*Warrants, Arrests, and Committal*

98. Custody and protection of debtor

- 99. Execution of warrant
- 100. Applications to commit for contempt
- 101. Notice and hearing of application
- 102. Suspension of issue of committal order

*Service and Execution of Process*

- 103. Address of attorney-at-law for service
- 104. Hours for service
- 105. Personal service
- 106. Service by post
- 107. Proof of service to be kept
- 108. Enforcement of order

**PART VII**

**ADMINISTRATION OF ESTATES**

*Meetings of Creditors*

- 109. Proof of notice
- 110. Copies of resolutions to be sent to Supervisor

*Proof of Debts*

- 111. Production of bills of exchange and promissory notes
- 112. Service of notice of disallowance
- 113. Procedure where creditor appeals
- 114. Notice of admission of proof

*Proxies and Voting Letters*

- 115. Signature or proxies
- 116. Filling in when creditor is blind, etc.

117. Minors not to be proxies

*Dividends*

118. Production of bills, notes, etc.

119. Dividends may be sent by post

120. Payment of dividends to a nominee

*Appropriation of Income and Salary*

121. Review of order

*Disclaimer of Lease*

122. Disclaimer of lease

*Proceedings by or Against Firm*

123. Public officer or agent of company, etc.

124. Attestation of signature of firm

125. Service on firm

126. Individual trading as firm

127. Service of creditor's petition in limited partnership

128. Receiving order against firm

129. Statement of affairs

130. Receiving order against limited partnership

131. Adjudication against partners

132. Rights of limited partners

133. Liability of limited partners

134. First meeting

135. Composition, etc.

136. Voting on composition

137. Bankruptcy: Trustee

138. Separate firm

139. Apportionment of trustee's remuneration

*Persons of Unsound Mind*

140. Persons of unsound mind

*Summary Administration*

141. Summary administration

142. Taxation of summary administration

143. Letter of comment

144. Where taxation not required

145. No objection by creditor

146. Where letter of comment requires taxation

147. Court to tax accounts

*Administration of Estate of Deceased Insolvents*

148. Duties of executor

149. Public trustee

**PART VIII**

**BANKRUPTS**

150. Filing in Court

151. Examination of bankrupt

152. Costs of application

153. Gazetting order

154. Execution on judgment in case of conditional discharge

*Counselling of Individual Bankrupts*

155. Counselling

*Mediation*



156. *Mediation*

**PART IX**  
**ADMINISTRATIVE OFFICIALS**

*Trustees*

157. Furnish statement of affairs

158. Proof of appointment of trustee

159. Evidence on application by trustee

160. Trading account of debtor

161. Costs where action against trustee

162. Trustee's code of ethics

*Remuneration of Trustees*

163. Remuneration of trustee

164. Trustee carrying on business

165. Costs of trustee

166. Passing of accounts by former trustee

*Fees and Disbursements of Trustees in Summary Administration*

167. Fees in summary administration

*Discharge of Trustees*

168. Taxation of trustee's remuneration and costs

169. Discharge application

*Application for Directions by Trustee*

170. Application for directions

*Inspectors*

171. Inspector not to purchase

*Security by Trustee*

172. Standing security

*Accounts, Books and Audit*

- 173. Record Book
- 174. Cash Book
- 175. Review by inspectors
- 176. Retention of records by trustee
- 177. Joint and separate estate accounts
- 178. Records of Supervisor

*Unclaimed Funds Undistributed Dividends*

- 179. Where dividends not required to be paid

**PART X**

**MISCELLANEOUS**

*Costs and Taxation of Legal Fees*

- 180. Awarding costs
- 181. Orders to be sealed, signed, and filed
- 182. Costs paid otherwise than out of estate
- 183. Legal bills to be taxed where cumulatively exceed \$2 000
- 184. Trustee's declaration on bill of costs
- 185. Certificate of employment
- 186. Notice of appointment
- 187. Lodgement of bill
- 188. Costs to be allowed
- 189. Court to sign statement
- 190. Filing bills of costs
- 191. Costs of Registrar or other officer of the court
- 192. Taxation of costs after deduction
- 193. Copy of bill of costs
- 194. Application for costs

*Appeals*

- 195. Restriction on appeal
- 196. Time for appeal
- 197. Security for costs
- 198. Appeal not to operate as stay of proceedings
- 199. Procedure on appeal

*Miscellaneous Fees*

- 200. Fees for counselling
- 201. Filing costs
- 202. Cost of licence
- 203. Inspector's fees
- 204. Fee in receiverships
- 205. Falsification of documents
- 206. Effect of non-compliance with these Regulations
- 207. Abridgement of enlargement of time
- 208. Saving of existing law

*Fees and Percentage*

- 209. Fees and percentages

**SCHEDULE 1** Forms

**SCHEDULE 2** Miscellaneous Fees

SAINT VINCENT AND THE GRENADINES

STATUTORY RULES AND ORDERS

2015 NO. 8

---

(Gazetted 13th March, 2015)

---

IN EXERCISE of the powers conferred by section 267 of the Bankruptcy and Insolvency Act, Chapter 136 of the Laws of Saint Vincent and the Grenadines, Revised Edition, 2009 the Minister makes the following Regulations:

**BANKRUPTCY AND INSOLVENCY REGULATIONS 2015**

**PART I  
PRELIMINARY**

1. (1) These Regulations may be cited as the Bankruptcy and Insolvency Regulations, 2015.

**Citation and  
commencement**

(2) These Regulations shall come into force on the same date as the Bankruptcy Act comes into force.

2. In these Regulations-

**Interpretation**

“CPR 2000” means the Eastern Caribbean Supreme Court Civil Procedure Rules, 2000;

“certified copy” means a copy certified as true by the Court, the Supervisor, or the trustee as the case may be;

“Court” means the High Court and includes a judge sitting in chambers on matters of bankruptcy;

“Court Office” shall have the meaning prescribed in Part 2.4 of CPR 2000;

“forms” means the forms set out in the Schedule 1;

“sealed” means sealed with the seal of the Court.

3. (1) In cases not provided for in the Act or these Regulations, the Court shall apply its ordinary procedure pursuant to CPR 2000 to the

**Application of  
Rules of the  
Court**

extent that that procedure is not inconsistent with the Act or these Regulations.

(2) The computation of time pursuant to these Regulations shall be determined in accordance with Part 3 of CPR 2000.

Formal defect  
not to  
invalidate  
proceedings

4. No proceeding in bankruptcy shall be invalidated by any formal defect or any irregularity unless the Court is of the opinion that substantial injustice has been caused by the defect or irregularity and that the injustice cannot be remedied by any order of the Court.

Forms  
Schedule 1

5. (1) The forms shall be used, with necessary modification, where applicable in proceedings under the Act.

(2) Where a prescribed form referenced in the Act or these Regulations does not appear within Schedule 1 by reason of it not having been prescribed and approved for use, parties involved in proceedings under the Act shall submit or propose necessary forms to the Supervisor for review.

(3) The Supervisor, in his sole discretion, may approve, reject or seek necessary amendment of the form submitted or proposed pursuant to subregulation (2).

**PART II**

**GENERAL PROCEDURE**

*Court and Chambers*

Matters to be  
heard in open  
Court

6. Subject to regulation 11, the following matters and applications shall be heard and determined in open Court-

- (a) applications to approve a proposal;
- (b) applications for an order of discharge or a certificate of removal of disqualifications;
- (c) applications to set aside or avoid any settlement, conveyance, transfer, security, or payment, or to declare for or against the title of the trustee to any property adversely claimed;
- (d) applications for the committal of any persons to prison for contempt;
- (e) applications against the rejection of a proof, or applications to disallow or value a claim, when the amount in question exceeds four thousand; and

- (f) the trial of any issue of fact.
7. Any matter or application except those referred to in regulation 6 may be heard and determined by a Judge in Chambers. **Hearing in Chambers**
8. An interim receiver, a trustee or the Supervisor is not required to be represented by legal counsel when appearing before the Registrar on any Court proceedings under the Act or these Regulations. **Representation in Court**
9. The Supervisor may intervene in any application to the Court by filing an appropriate notice of intervention with the Court in Form 2. **Intervention by Supervisor Form 2**
10. The Supervisor may request directions from the Court in case of doubt respecting any matter arising out of the Act or these Regulations. **Application by Supervisor**
11. Subject to the provisions of the Act and these Regulations, any matter or application may at any time if the Judge thinks fit, be adjourned from Chambers to Court or from Court to Chambers and if all the attending parties require any matter or application to be adjourned from Chambers into Court it shall be so adjourned. **Adjournment from Chambers into Court and vice versa.**

*Proceedings*

12. (1) Every proceeding in Court under the Act shall be in Form 1 and shall be dated and shall be entitled "In the Eastern Caribbean Supreme Court, High Court of Justice of Saint Vincent and the Grenadines in Bankruptcy and Insolvency" with the name of the matter to which it relates; and numbers and dates may be denoted by figures. **Proceedings how entitled Form 1**
- (2) All applications and orders shall be entitled ex parte the applicant.
- (3) Every document used in the filing of a proposal before bankruptcy shall be entitled "In the Matter of the Proposal of ....".
- (4) Every document used in the course of a receivership shall be entitled "In the Matter of a Receivership of ....".
- (5) Unless the Chief Justice otherwise directs, every document that is required to be filed in Court shall first be filed at the Court Office.
- (6) Where the Court deems it necessary that a notice be sent to the Supervisor in any proceeding before it, a copy of that notice shall be sent to the Registrar.
- (7) The first proceeding in every matter shall have a distinctive number assigned to it by the Registrar, and all subsequent proceedings in the same matter shall bear the same number.

**Written proceedings** 13. Proceedings in Court shall be on letter size paper and that paper shall be consistent with that specified in CPR 2000.

**Records of Court** 14. All proceedings of the Court shall remain on record in Court so as to form a complete record of each matter and shall not be removed for any purpose, except for the use of the officers of the Court or by special direction of the Judge; but they may at all reasonable times be inspected by the Supervisor, the trustee, the debtor, and any creditor who has proved a claim or any person on their behalf.

**Notices to be in writing** 15. All notices required by the Act or these Regulations shall be in writing, unless these Regulations otherwise provide or the Court shall in any particular case otherwise order.

**Process to be sealed** 16. All summonses, petitions, notices, orders, warrants, and other processes issued by the Court shall be sealed.

**Office copies** 17. All office copies of motions, petitions, proceedings, affidavits, books, papers, and writings or any parts thereof required by any trustee, debtor, creditor, or by the attorney-at-law of any trustee, debtor or creditor shall be provided by the Registrar and shall be sealed.

**Filing of Gazette advertisement by Registrar** 18. (1) Whenever the Gazette contains any advertisement relating to any matter under the Act, the Registrar shall file with the proceedings in the matter a memorandum referring to and giving the date of the advertisement.

(2) In the case of an advertisement in a weekly newspaper, the Registrar shall file a copy of the newspaper in which the advertisement appears or the page on which the advertisement appears in the newspaper and a memorandum referring to and giving the date of the advertisement.

(3) One copy of each newspaper in which any advertisement relating to any matter under the Act is inserted, or a copy of the page on which the advertisement appears in the newspaper, shall be left with the Registrar by the person inserting the advertisement to which it refers.

*Motions and Practice*

**Application to be by motion Form 3** 19. Unless otherwise provided for in these Regulations or otherwise directed by the Court, every application to the Court shall be by motion in Form 3 supported by affidavit.

**Notice of motion and ex parte application** 20. (1) Subject to subregulation (2), where any party other than the applicant is affected by the motion referred to under regulation 19, no order shall be made unless-

(a) proof of consent of the party is shown to the Court; or

(b) proof of the intended motion and a copy of the affidavits in support of the motion have been duly served on the party.

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

(3) Any party affected by an order made ex parte may apply for it to be set aside.

21. (1) Unless the Court gives leave to the contrary, notice of a motion shall be served on any party to be affected thereby not less than seven days before the day named in the notice for hearing the motion.

Length of notice

(2) An application for leave to serve notice on a party affected for a period less than seven days before the day named in the notice for hearing shall be made without notice.

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

Affidavits against motion

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

Notice not served on all proper parties

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

Adjournment

25. Where personal service of any notice of motion or any order of the Court is required, that service shall be effected-

Personal service

(a) in the case of a notice of motion, by delivering to each party to be served a copy of the notice of motion; and

(b) in the case of an order, by delivering to each party to be served a sealed copy of the order.

*Affidavits*

26. Every affidavit to be used in supporting or opposing any opposed motion shall be filed with the Registrar no later than the day before the day appointed for the hearing.

Filing affidavits on motion



Endorsement and filing of affidavits

27. Where an affidavit is left with the Registrar for filing, the Registrar shall endorse the affidavit with the date on which the affidavit was so left, and forthwith file the affidavit with the proceedings to which the affidavit relates; and any affidavit left with the Registrar to be filed shall on no account be delivered out to any person except by order of the Court.

Form of affidavits

28. (1) Part 30 of CPR 2000 applies with such modifications as are necessary with respect to the procedure regarding affidavits.

(2) The Court shall take judicial notice of the seal or signature of any person authorised by or under any Act to take affidavits or to certify that authority.

*Preparation of Orders*

Notice of appointment to settle Order

29. The party who has the carriage of an order shall obtain from the Registrar an appointment to settle the order, and shall give reasonable notice of the appointment to all persons who shall be affected by the order or to their attorneys-at-law.

Preparation and settlement of Orders

30. (1) Where within one week from the granting of an order under the Act, the order has not been drawn up and lodged at the Court Office by the party having carriage of the order, the Registrar shall draw up and settle the order with the parties affected unless the Court orders otherwise.

(2) Notwithstanding subregulation (1), the Registrar is not required to draw up and settle an order for discharge of a bankrupt where the order has been granted subject to the bankrupt consenting to judgment against him and the bankrupt has not given the consent in Form 4.

Form 4

*Security in Court*

Security by bond

31. Except where these Regulations otherwise provide, where a person is required to give security, that security shall be in the form of a bond with one or more sureties to the Registrar or person proposed to be secured.

Amount of bond

32. The bond referred to in regulation 31 shall be taken in a penal sum of not less than the total sum to be secured and the probable costs, estimated by the Court unless the opposite party consents to it being given for a less sum.

Deposit in lieu of bond

33. Where a person is required to give security he may in lieu of the security lodge in Court a sum of money equal to the sum in question in respect of which security is to be given and lodge with that sum a memorandum to be approved by the Registrar and to be signed by that person or his attorney-at-law or agent, setting forth the conditions on which the money is deposited.

34. Part 36 of CPR 2000 shall apply in relation to payment into and out of Court of money lodged in Court by way of security for costs. **Money lodged in Court**
35. Security in the form of a guarantee by a financial institution approved by the Court or the opposite party may be given in lieu of a bond or a deposit. **Security of guarantee society**
36. (1) In all places where a person proposes to give a bond by way of security, that person shall personally serve on the opposite party and on the Registrar notice of the proposed securities. **Notice of proposed securities**
- (2) The Registrar shall forthwith give notice to both parties of the time and place at which the Registrar proposes that the bond shall be executed and shall state in the notice that should the other party have any valid objection to a person who is being made a surety the objection must be made at that time.
37. The sureties shall make an affidavit of their sufficiency, unless the opposite party dispenses with that affidavit; and the sureties shall attend to be cross-examined if required. **Justification by sureties**
38. The bond shall be executed and attested in the presence of the Registrar, the Supervisor, a Justice of the Peace, a notary public or an attorney-at-law. **Execution of bond**
39. Where a person makes a deposit of money in lieu of giving a bond, the Registrar shall forthwith give notice to the person to whom the security is to be given that the deposit has been made. **Notice of deposit**
40. (1) Every officer of the Court who receives any document to which an adhesive stamp is affixed shall immediately upon the receipt of that document cancel the stamp on the document in the manner for the time being prescribed for the cancellation of stamps. **Cancellation of stamp**
- (2) No document shall be filed or delivered until the stamps on that document have been cancelled in accordance with the Stamp Act; and it shall be the duty of the party presenting or receiving the document to see that the cancellation has been duly made. **Cap. 440**
- Witnesses and Depositions*
41. Parts 28, 29, 33 and 34 of CPR 2000 shall apply in respect of the discovery and inspection of documents evidence, the attendance and examination of witnesses and evidence by deposition, and requests for information, respectively with such modifications as are necessary. **Depositions, etc.**

**PART III**  
**RECEIVING ORDERS, INTERIM ORDERS, SECURED**  
**CREDITORS AND RECEIVERS**

*Petition for a Receiving Order*

**J o i n t  
 petitioners  
 Form 5  
 Form 6**

42. A petition for a receiving order shall be in Form 5 and where it is presented by two or more creditors jointly, it shall not be necessary that each creditor shall depose to the truth of all the statements in Form 6 which are within his own knowledge; but it shall be sufficient that each statement in the petition is deposed to by someone within whose knowledge it is.

**Deposit by  
 petitioner**

43. (1) Upon the presentation of a petition referred to in regulation 42, the petitioner shall deposit with the Registrar the sum of three hundred and fifty dollars, and such further sum, if any, as the Court may direct.

(2) No petition shall be received under subregulation (1) unless the receipt of the Registrar for the deposit payable on the presentation of the petition is produced.

**Verification  
 and copies**

44. There shall be lodged with every petition for a receiving order that is filed, two or more copies to be sealed and issued to the petitioner.

**Investigation  
 of petition**

45. After the presentation of a petition for a receiving order and before sealing the copies of the petition for service, the statements in the petition shall be investigated by the Registrar, and where some of the statements in the petition cannot be verified by affidavit, witnesses may be summoned to prove the statements.

*Service of Petition for Receiving Order*

**P e r s o n a l  
 service**

46. A petition for a receiving order shall be served personally by delivering to the debtor a sealed copy of the filed petition.

**S e r v i c e    b y  
 officer        of  
 C o u r t ,  
 substituted  
 service, etc.**

47. (1) A petition referred to in regulation 46 shall be served upon the debtor by an officer of the Court, by the creditor or by the attorney-at-law for the creditor, or by a person employed by the creditor or by the attorney-at-law.

(2) Where personal service cannot be effected in accordance with subregulation (1), the Court may-

- (a) extend the time for hearing the petition;
- (b) where it is satisfied by evidence on affidavit or other evidence on oath that-

- (i) the debtor is avoiding service of the petition or service of any other legal process; or
- (ii) for any other cause prompt service cannot be effected,

Form 8

order substituted service in Form 8 to be made by-

- (A) delivery of the petition to some adult person at the usual or last known residence or place of business of the debtor;
- (B) registered letter; or
- (C) in such other manner as the Court may direct,

and when served in the manner specified herein, the petition shall then be deemed to have been duly served on the debtor.

Proof of service  
Form 5  
Form 7

48. Service of the petition for a receiving order shall be proved by affidavit in Form 7 with a sealed copy of the petition in Form 5 attached, which shall be filed in Court forthwith after the service.

Service out of  
jurisdiction

49. Where a debtor who has been petitioned against is not in Saint Vincent and the Grenadines, the Court may order service to be made within such time and in such manner and form as it thinks fit.

Service after  
death of debtor

50. Where a debtor against whom a petition has been filed dies before service of the petition, the Court may order service to be effected on the personal representative of the debtor, or on such other persons as the Court thinks fit.

Petition to be  
filed with  
Supervisor

51. A copy of every petition served must forthwith be filed with the Supervisor.

*Interim Receiver*

Appointment of  
interim  
receiver

52. After the presentation of a petition, upon the application of a creditor or of a debtor and upon proof by affidavit of sufficient grounds for the appointment of an interim receiver of the property of a debtor or of any part of that property the Court may, if it thinks fit, and upon such terms as may be just, make the appointment.

Contents of  
order  
appointing  
interim  
receiver

53. Where an order is made appointing an interim receiver of the property of the debtor, the order shall bear the number of the petition in respect of which it is made and shall state the locality of the property of which the interim receiver is ordered to take possession, and may direct the interim receiver to take immediate possession of all books of account belonging to the debtor and that relate to the business of the debtor.

**Deposit**

54. (1) Before an order appointing an interim receiver is issued, the person who has made the application for the order shall deposit with the Registrar such sum as the Court may direct for the purpose of defraying expenses that may be incurred in consequence of the order.

(2) Where the sum referred to in subregulation (1) proves to be insufficient, the Court on the application of the interim receiver may order the deposit of such additional sum as it thinks fit.

(3) An additional sum ordered by the Court under subregulation (2) shall be deposited within twenty-four hours after the making of the order and if the additional sum is not deposited, the Court may discharge the order appointing the interim receiver.

**Repayment of deposits to creditor Form 9**

55. Where an order appointing an interim receiver is followed by a receiving order in Form 9, the deposits made by the creditor on whose application the interim receiver was appointed shall be repaid to the creditor except and so far as the deposits may be required by, reason of insufficiency of assets, for the payment of the fees chargeable and the expenses incurred by the interim receiver.

**Damages if petition dismissed Form 10**

56. (1) Where a petition is dismissed in the manner provided by Form 10 after an order has been made appointing an interim receiver, the Court shall, upon an application made within twenty-one days from the date of the dismissal of the petition, adjudicate with respect to any damage or claim thereto arising out of the appointment; and shall make such orders as the Court thinks fit.

(2) A decision or order referred to in subregulation (1) shall be final and conclusive between the parties unless an appeal is made against the order.

**Taxation of accounts and discharge of interim receiver**

57. (1) An interim receiver shall apply to the Court for taxation of accounts and discharge within sixty days after completion of the interim receiver's duties, after giving notice to-

- (a) the debtor, or in the case of a bankruptcy, the trustee;
- (b) every creditor who holds a security on the debtor's property; and
- (c) the Supervisor.

(2) The notice referred to in subregulation (1) shall-

**Form 11**

- (a) be in Form 11; and
- (b) have attached to it a copy of the interim receiver's statement of receipts and disbursements, stating-

- (a) the number of hours spent, the tasks performed, the hourly rates and other factors for consideration in the calculation of fees, and
- (b) the expenses incurred by the interim receiver, attaching a copy of any bills of costs for legal services.

58. Where no notice of objection is filed within thirty days after the giving of the notice referred to in regulation 57(1), the accounts of the interim receiver are deemed to have been taxed and the interim receiver is deemed to be discharged, unless the Court requires that the accounts be taxed on their own merit.

Accounts of interim receiver deemed to be taxed

59. (1) Where an objection is filed within thirty days after the giving of the notice referred to in regulation 57(1), the interim receiver shall apply to the Court within fourteen days after the filing of the objection for a date of hearing, and shall send a notice of the date of the hearing to the objecting party.

Hearing of objection

(2) The Court, at the hearing referred to in subregulation (1), shall tax the interim receiver's accounts on their own merit and may discharge the interim receiver, who shall send the Supervisor a copy of the Court order relating to the taxation and discharge.

#### *Hearing of Petition*

60. (1) Subject to subregulation (2), a petition of a creditor shall not be heard until the expiration of seven days from the service of the petition.

Proceedings on petition

- (2) Notwithstanding subregulation (1), the Court may, where
  - (a) the act of bankruptcy alleged is that the debtor has filed a declaration of inability to pay his debts; or
  - (b) it is proved to the satisfaction of the Court that the debtor has absconded; or
  - (c) in any other case for good cause shown,

on such terms if any, as the Court may think fit to impose, hear the petition at such earlier date as the Court may deem expedient.

61. The Registrar shall appoint the time and place at which the petition referred to under regulation 60 shall be heard, and notice of the hearing shall be written on the petition and on sealed copies and where the petition has not been served, the Registrar may alter the day so appointed and appoint another day and hour.

Timing of hearing

**S e v e r a l  
r e s p o n d e n t s**

62. Where there are more respondents than one to a petition referred to under regulation 60, the rules as to service shall be observed with respect to each respondent, but where all respondents have not been served, the petition may be heard separately or collectively as to the respondent or such of the respondents as has or have been served, and separately or collectively as to the respondents not then served, according as service upon them is effected.

**D e b t o r  
i n t e n d i n g   t o  
s h o w   c a u s e  
F o r m   1 2**

63. Where a debtor intends to show cause against a petition, the debtor shall file a notice with the Registrar in Form 12, specifying the statements in the petition which the debtor intends to deny or dispute, and transmit by post or otherwise to the petitioning creditor and the attorney-at-law of the creditor, if known, a copy of the notice three days before the day on which the petition is to be heard.

**N o n -  
a p p e a r a n c e   o f  
d e b t o r**

64. Where the debtor does not appear at the hearing, the Court may make a receiving order on such proof of the statements in the petition as the Court thinks sufficient.

**N o n -  
a p p e a r a n c e   o f  
c r e d i t o r s**

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

**P e r s o n a l  
a t t e n d a n c e   o f  
c r e d i t o r   w h e n  
d i s p e n s e d   w i t h**

66. The Court may, upon the hearing of the petition, dispense with the personal attendance of the petitioning creditor and of the witnesses to prove the debt and act of bankruptcy or other material statements if it thinks fit.

**A p p l i c a t i o n   t o  
d i s m i s s**

67. (1) Where proceedings on a petition have been stayed for trial of the question of the validity of the petitioning creditor's debt and the question has been decided against the validity of the debt, the debtor may apply to the Registrar to fix a day on which he may apply to the Court for the dismissal of the petition with costs.

(2) The Registrar, on the production of the judgment by the debtor in respect of the validity of the creditor's debt or certified copy of the judgment referred to in subregulation (1), shall give notice to both the petitioner and the debtor and to the attorneys-at-law of the petitioner and the debtor by personal service or otherwise of the time and place fixed for the hearing of the application.

**A p p l i c a t i o n   f o r  
e x t e n s i o n   o f  
t i m e**

68. An application for an extension of time for hearing a petition shall be in writing, but need not be supported by affidavit unless otherwise required by the Court.

69. (1) On an application for an extension of time for the hearing of a petition, no order shall be made for an extension beyond the fourteen days from the day fixed for the hearing of the petition, unless the Court is satisfied that the extension of time will not be prejudicial to the general body of creditors.

**Order for extension of time**

(2) Any costs occasioned by the application referred to in subregulation (1) shall not be allowed out of the estate of the debtor unless so ordered by the Court.

70. (1) Where a petition has been duly served and after the expiration of thirty days from the day appointed for the first hearing of a petition, no further adjournment of the hearing shall be allowed merely by consent of the parties, unless-

**Adjournment of hearing**

- (a) the debtor has appeared to show cause;
- (b) new evidence has been given in respect of matters in dispute;
- (c) a witness to the matters is not available for cross-examination, and further time is desired to show cause; or
- (d) for such other sufficient reason to be stated in the order for adjournment as the Court thinks fit.

(2) The Court shall either make a receiving order or dismiss the petition unless an order for an adjournment is made under this regulation.

#### *Receiving Orders*

71. (1) A receiving order shall state the nature and the date of the act of bankruptcy upon which the order has been made.

**Form and contents**

(2) Every receiving order shall contain at the foot of the order a notice requiring the debtor when served with the order, to attend on the trustee forthwith at the place mentioned in the order.

(3) A receiving order may be prepared in Form 9.

**Form 9**

72. (1) Every receiving order and order for the appointment of an interim receiver of a debtor's property shall be prepared by the Registrar.

**Preparation**

(2) Where the petitioner is represented by an attorney-at-law, the receiving order shall be endorsed with the name and address of that attorney-at-law.



Transmission  
of copy to  
trustee

73. The petitioning creditor shall, as soon as possible, and not later than two days after a receiving order is made, serve, deliver personally, or send by courier or facsimile a copy of the receiving order sealed with the seal of the Court to the trustee.

Service of  
receiving order

74. Within two days after receiving a copy of the receiving order, the trustee shall cause a copy of the receiving order sealed with the seal of the Court to be served on the debtor, and shall provide a copy to the Supervisor.

Service where  
debtor abroad

75. Where a debtor against whom a receiving order has been made is not in Saint Vincent and the Grenadines, the Court may order that-

- (a) the receiving order be served on the debtor;
- (b) the debtor attend the examination on the date specified therein or on any adjourned date;
- (c) any other order made against the debtor or any summons issued for the attendance of the debtor be served on the debtor,

and that the service be made within such time and in such manner and form as the Court thinks fit.

Notice of  
application to  
rescind  
receiving  
order, etc

76. (1) An application to the Court to-

- (a) rescind a receiving order;
- (b) to stay proceedings under a receiving order; or
- (c) to annul an adjudication,

shall not be heard except upon proof that notice of the intended application and a copy of the affidavits in support of that application have been duly served upon the trustee.

(2) Unless the Court gives leave to the contrary, notice of an application referred to in subregulation (1) shall be served on the trustee not less than seven days before the day named in the notice for hearing the application.

(3) The Court may make an interim order staying such of the proceedings as it thinks fit pending the hearing of an application referred to in subregulation (1).

Order  
annulling  
bankruptcy  
order to appear  
in the Gazette

77. Where an order of bankruptcy is annulled, the Registrar shall cause the annulment to appear in the Gazette.

*Secured Creditors and Receivers*

78. The notice of intention to enforce a security that a secured creditor is required to send to an insolvent person pursuant to section 12(1) of the Act must be in Form 13 and must be sent in the manner provided for in the security agreement or, in the absence of any provision in the security agreement, must be served, or sent by registered mail or courier, or if agreed to by the parties, by electronic transmission.

Notice of  
intention to  
enforce  
security

Form 13

79. The statement required by section 13(e) of the Act to be prepared by a receiver after taking possession or control of property of an insolvent person or a bankrupt must be in Form 14 and contain the following information-

Initial report of  
receiver  
Form 14

- (a) the name of each creditor of the insolvent person or bankrupt, the amount owing to each creditor and the total amount owing to the creditors;
- (b) a list of the property in the possession or under the control of the receiver, and the book value of each item; and
- (c) the receiver's intended plan of action during the receivership, to the extent that such a plan has been established.

80. For the purposes of section 13(f) of the Act, interim reports relating to a receivership must be prepared by the interim receiver at least once every one hundred and eighty days and must include-

Interim reports  
of receiver

- (a) the interim statement of receipts and disbursements;
- (b) the statement of all property of which the receiver has taken possession or control that has not yet been sold or realized; and
- (c) information about the anticipated completion of the receivership.

81. The final report and statement of accounts that are required by section 13(g) of the Act to be prepared by a receiver forthwith after completion of his duties as receiver must be in Form 15 and must contain the following information-

Final report of  
receiver  
Form 15

- (a) the final statement of receipts and disbursements;
- (b) details of the manner of distribution of any property of which the receiver had taken possession or control; and

- (c) details of the disposition of any property of which the receiver had taken possession or control and that is not accounted for in the final statement of receipts and disbursements.

**PART IV**

**ASSIGNMENTS**

Certificate of appointment of trustee  
 Form 16  
 Form 17  
 Form 18  
 Form 19

82. The Supervisor shall, on appointing a trustee pursuant to section 24(4) of the Act, prepare a certificate of assignment, in Form 16, 17, 18 or 19 as the case may be and send a copy of it to the trustee, along with a copy of the assignment that was filed with the Supervisor.

Court filing by trustee

83. (1) Subject to subregulation (2), the trustee shall file with the Court, before or immediately after the first meeting of the creditors of a bankrupt, a copy of the following documents-

Form 22  
 Form 23

- (a) the assignment that was filed with the Supervisor pursuant to section 24(3) of the Act;
- (b) the statement of affairs in Form 22 or Form 23 that was filed with the Supervisor under section 148(e) of the Act; and
- (c) the minutes of the first meeting of creditors.

(2) In the case of an estate of a bankrupt under summary administration pursuant to section 144 of the Act, the trustee is not required to file with the Court the documents referred to in subregulation (1) unless the Court orders the trustee to do so.

*Statement of Affairs*

How verified

84. The statement of affairs shall be verified by oath.

**PART V**

**PROPOSALS**

Form of proposal  
 Form 24  
 Form 25  
 Form 26  
 Form 27  
 Court filing by trustee

85. Where a debtor intends to submit a proposal, the forms in respect of the Notice of Intention to make a proposal, the proposal, Notice of the proposal, a report of the Trustee on the proposal in Forms 24, 25, 26 and 27 respectively shall be used.

86. (1) As soon as the following documents are filed with the Supervisor, the trustee shall file a copy of them with the Court-

- (a) the proposal;
- (b) the trustee's report on the reasonableness of the cash flow statement in Form 35 (with attached cash flow statement) and the report containing the representations by the insolvent person, in Form 36 as required by section 25(14) (a), (b), and (c) respectively, of the Act; Form 35  
Form 36
- (c) the report of any material adverse change required by section 25(18) (a)(i) of the Act; Form 37
- (d) the report on the state of the insolvent person's business and financial affairs required by section 25(18)(b) of the Act; and
- (e) the notice of the meeting of creditors in Form 38 required by section 31(1)(a) of the Act. Form 38

(2) For the purposes of section 25(14)(c) of the Act, the prescribed representations are those set out in Form 36.

87. (1) Following acceptance of the proposal by the creditors, the trustee shall send, pursuant to section 39(b) of the Act, a notice of hearing of the application for an order approving the proposal, in Form 28. Notice to trustee  
Form 28

(2) Any person other than the trustee, who applies to the Court to approve a proposal shall, not less than ten days before the day appointed for hearing the application, send notice of the application to the trustee in Form 29. Form 29

88. The fee chargeable under the Schedule 2 for and in respect of an application to the Court to approve a proposal may be allowed and paid out of the estate of the debtor in any case in which there are sufficient funds in the hands of the trustee, available for the purpose. Fees on application  
Schedule 2

89. At the time a proposal is approved, the Court may correct or supply any accidental or formal slip, error, or omission in the proposal, but no alteration in the substance of the proposal shall be made. Correction of formal slips, etc.

90. (1) For the purposes of section 44 of the Act-
- (a) the time for an insolvent person to remedy a default in the performance of any provision in a proposal is within the period of thirty days after the day the default was made; and Time to remedy default in proposal
  - (b) the time for a trustee to inform the creditors and the Supervisor of the situation is within the period of thirty

days after the expiration of the thirty day period described in paragraph (a).

(2) The notice of default of performance of proposal required by section 44 of the Act shall be in Form 32.

#### PART VI

#### PROPERTY OF THE BANKRUPT

Property  
exempt from  
seizure

91. For the purposes of section 51 of the Act, the following property of a bankrupt is exempt from seizure-

- (a) tools, if any, of his trade to a value of three thousand five hundred dollars; and
- (b) clothing, jewelry, personal effects, and household furnishings and appliances to a value of three thousand five hundred dollars.

Standards for  
determining  
excess income

92. For the purposes of section 52(1) of the Act, the standards to be followed in determining the portion of the total income of the bankrupt that exceeds that which is necessary to enable the bankrupt to maintain a reasonable standard of living are as follows-

- (a) sufficient income to meet the needs of the bankrupt with a portion of the bankrupt's excess income over his reasonable needs, hereinafter referred to as "surplus income", being paid to the bankruptcy estate;
- (b) the reasonable needs of the bankrupt which shall include expenses for the support of the bankrupt and the family of the bankrupt as may be just, as well as a portion of the bankrupt's monthly income;
- (c) the monthly surplus income of the bankrupt determined equitably and consistently by the trustee;
- (d) the expenses of the bankrupt for the support of himself and his family which shall be those proper expenses paid by the bankrupt that reflect the personal and family situation of the bankrupt, including-
  - (i) child support payments;
  - (ii) spousal support payments;
  - (iii) child care expenses;
  - (iv) expenses associated with a health condition;

- (v) fines or penalties imposed by the court; and
- (vi) any other debt where the stay of proceedings has been lifted by the Court and a recourse authorised;
- (e) such proof as is required by the trustee of income and completed income and expense statements of the bankrupt at least every month until the bankrupt is discharged;
- (f) payments of surplus income that cease upon the discharge of the bankrupt or cease by order of the Court; and
- (g) the bankrupt's portion of the total income of the household family unit when calculating income that can be considered the excess income of the bankrupt.

93. (1) Upon application to the Court of any person who claims to be a mortgagee of any part of the real or leasehold estate of the bankrupt, the Court shall proceed to inquire-

Inquiry by  
Court

- (a) whether the mortgage is by deed or otherwise;
  - (b) whether the mortgage is a legal or equitable mortgage;
  - (c) whether that person is a mortgagee of the estate; and
  - (d) for what consideration and under what circumstances that person became a mortgagee.
- (2) Where the Court finds-
- (a) that the person referred to under subregulation (1) is a mortgagee of the bankrupt's estate; and
  - (b) that not sufficient objection appears to the title of that person as regards the sum claimed by that person under the mortgage,

the Court shall take or direct such accounts and inquiries as are specified in subregulation (3).

- (3) The accounts and inquiries referred to in subregulation (2) are-
- (a) those necessary for ascertaining the principal interest and costs due, upon the mortgage; and

- (b) those in respect of rents, profits, dividends, interest or other proceeds received by that person by his order or for his use where he has possession of the property over which the mortgage shall extend or any part of the property.

(4) Where the Court is satisfied that there ought to be a sale of the property-

- (a) the Court shall direct that notice to be given in [at least two newspapers in general circulation in Saint Vincent and the Grenadines] as to when and where and in what way the property or interest in the property is to be sold and that the sale be conducted accordingly;
- (b) the trustees or such other persons the Court determines shall have conduct of the sale.

(5) Where a sale is conducted under subregulation (4), a mortgagee may bid and purchase the property that is to be sold.

Parties to conveyance

94. The Court may direct that all proper parties be joined as parties to the conveyance to the purchaser.

Monies from sale

95. (1) Any monies that have arisen from the sale referred to in regulation 93(4) shall be applied in the following order-

- (a) to the payment of the costs, charges and expenses of the trustee and occasioned by the application to the Court, and of the sale and attendance in respect of the application to the Court; and
- (b) in payment and satisfaction of the amount the Court determines due to the mortgagee, for principal, interest and costs with the surplus being paid by the trustee.

(2) Where the monies from the sale referred to in regulation 93(4) are insufficient to pay and satisfy the amount found due to the mortgagee, then the mortgagee is entitled to prove as a creditor for the amount found due to the mortgagee for the excess and receive dividends on the amount rateably with other creditors but the amount the mortgagee is entitled to receive shall not affect any dividend already declared.

Examination of parties

96. The Court may, for the purpose of conducting inquiries and taking accounts or proving title in respect of the property referred to in Part VI, including but not limited to the property referred to in regulation 91-

- (a) examine all parties upon interrogatories or otherwise as the Court thinks fit; and
- (b) request the production on oath of all deeds, documents, papers, books and writings in their respective custody or power relating to the estate or effects of the bankrupt.

97. In any proceedings between a mortgagor and mortgagee, or the trustee of either of them, the Court may order all such inquiries and accounts to be taken in like manner as the Court so orders pursuant to Part 41 of CPR 2000.

Accounts, etc.

*Warrants, Arrests, and Committal*

98. Where a debtor is arrested under a warrant issued under section 158 of the Act, in Form 41, the debtor shall be given into the custody of the Superintendent of Prisons under a warrant for committal in Form 42 mentioned in the warrant, who shall produce the debtor before the Court at such time as the Court directs, and shall safely keep him until such time as the Court otherwise orders; and any books, papers, monies, goods, and chattels in the possession of the debtor that may be seized shall forthwith be lodged with the Supervisor or the trustee, as the case may be.

Custody and  
protection of  
debtor.  
Form 41  
Form 42

99. (1) Where a person is apprehended under a warrant issued under section 156 of the Act the officer that apprehended him shall forthwith bring him before the Court that issued the warrant that he may be examined.

Execution of  
warrant

(2) Where the person who is apprehended under subregulation (1) cannot immediately be brought before the Court for examination, the officer referred to in that subregulation shall deliver him into the custody of the Superintendent of Prisons mentioned in the warrant, who shall receive him into custody and shall produce him before the Court at such time as the Court directs or orders.

(3) A bankrupt or other person who is apprehended under section 156 of the Act shall be kept in the place of custody set out in the warrant, pending the order of the Court.

(4) As soon as a bankrupt or other person has been handed over to the authority at a place of custody, the person who made the apprehension under section 156 of the Act or the arrest under section 158 of the Act shall so report to the Court.

(5) After the report mentioned in subregulation (4) is made, the Court may make an order fixing a time and place for the examination of the



bankrupt or other person by the Supervisor, where section 156 of the Act applies, or by the Court where section 157 of the Act applies.

**Form 43** (6) As soon as a time and place are set for the examination of a bankrupt or other person by the Supervisor by way of Form 43 pursuant to subregulation (5), the Registrar shall so notify the Supervisor and the trustee.

**Form 44**  
**Form 45** (7) As soon as a time and place are set for the examination of a bankrupt, other than an examination referred to in subregulation (6), the Registrar shall so notify in Form 44 the trustee and the person who applied for the examination.

**Applications to**  
**commit for**  
**contempt**  
**Form 48** 100. An application to the Court to commit any person for contempt of Court shall be supported by affidavit in Form 48 and be filed in the Court.

**Notice and**  
**hearing of**  
**application** 101. (1) Subject to the provisions of the Act and the Regulations, upon the filing of an application to commit, the Registrar shall fix a time and place for the Court to hear the application.

**Form 49** (2) Notice of the application referred to under subregulation (1), and in Form 49 shall be personally served not less than three days before the day fixed for the hearing of the application.

(3) Notwithstanding subregulation (2), the Court may, if it thinks fit, allow substituted service of the notice by advertisement or otherwise or shorten the length of notice to be given under subregulation (2).

**Suspension of**  
**issue of**  
**committal**  
**order**  
**Form 50** 102. Where an order of committal is made against a debtor or other person for disobeying any order of the Court or any order of the Supervisor to do some particular act or thing, the Court may direct that the order of committal in Form 50 shall not be issued, where the debtor or person as the case may be complies with the previous order within a specified time.

*Service and Execution of Process*

**Address of**  
**attorney-at-**  
**law for service** 103. (1) Every attorney-at-law who commences an action or serves a petition, notice, summons, order or other document under the Act or these Regulations shall endorse thereon his name or his firm and place of business, which shall be called his address for service.

(2) All notices, orders, documents, and other written communications relating to a matter referred to in subregulation (1), that do not require personal service shall be deemed to be sufficiently served on the attorney-at-law if left for him at his address for service.

**Hours for**  
**service** 104. (1) Service of notices, orders, or other proceedings shall be effected before the hour of 4 p.m., on weekdays

(2) Service effected after 4 p.m. on any weekday shall for the purpose of computing any period of time, be deemed to have been effected on the following day.

105. (1) Unless otherwise provided in the Act or these Regulations, every notice or other document given or sent pursuant to the Act or these Regulations must be served, delivered personally, or sent by post, courier, facsimile or electronic transmission.

**P e r s o n a l  
s e r v i c e**

(2) Unless otherwise provided in the Act or these Regulations, every notice or other document given or sent pursuant to the Act or these Regulations-

(a) must be received by the addressee at least four days before the event to which it relates, if it is served, delivered personally, or sent by facsimile or electronic transmission; or

(b) must be sent to the addressee at least ten days before the event to which it relates, if it is sent by post or by courier.

(3) The Court may, on a without notice application, exempt any person from the application of subsection (2) or order any terms and conditions that the Court considers appropriate, including a change in the time limits.

(4) The Registrar or such officer or officers as the Court may direct, shall-

(a) serve such orders, summonses, petitions, and notices as the Court may require to be served;

(b) execute warrants and other processes; and

(c) do and perform all such things as may be required of any of them by the Court.

(5) Subregulation (4) shall not be construed as requiring any order, summons, petition or notice to be served by the Registrar or officer of the Court which is not specifically by the Act or Regulations required to be so served, unless the Court shall in any particular proceeding by order specially so direct.

106. When notice of an order or other proceeding in Court may be served by post it shall be sent by registered letter.

**S e r v i c e b y p o s t**

107. A trustee or receiver who gives or sends a notice or other document shall prepare an affidavit or obtain proof that it was given or

**P r o o f o f s e r v i c e  
t o b e k e p t**

sent, and where an affidavit has been prepared or proof has been obtained, shall retain the affidavit or the proof.

Enforcement of order

108. Every order of the Court may be enforced as if it were a judgment of the Court to the same effect.

PART VII

ADMINISTRATION OF ESTATES

Meetings of Creditors

Proof of notice Form 51

109. An affidavit by the trustee that a notice to creditors of the bankrupt in Form 51 has been duly posted shall be sufficient evidence of the notice having been duly sent to the person to whom it was addressed.

Copies of resolutions to be sent to Supervisor

110. The trustee shall send to the Supervisor a copy of the notice certified by the trustee of every resolution of a meeting of creditors.

Proof of Debts

Production of bills of exchange and promissory notes Form 53

111. Where a creditor seeks to prove any debt as a claim in respect of a bill of exchange, promissory note, or other negotiable instrument or security on which the debtor is liable, the bill of exchange, promissory note, instrument or security must, subject to any special order of the Court made to the contrary, be produced to the trustee in Form 53 before the proof can be admitted either for voting or for dividend.

Service of notice of disallowance Form 57

112. The notice of disallowance of any claim in whole or in part or right to priority or any security provided by a trustee in Form 57 pursuant to section 125(4) of the Act must be served, or sent by registered mail or courier.

Procedure where creditor appeals

113. (1) The trustee shall, within three days after receiving notice from a creditor of the creditor's intention to appeal against a decision disallowing a proof of claim in whole or in part, file the proof of claim with the Registrar, together with a memorandum on his disallowance of the proof of claim.

(2) After the appeal referred to in subregulation (1) has been heard by the Court, the proof shall be given back to the trustee.

Notice of admission of proof Form 58

114. Where a creditor's proof of claim has been admitted, the notice of dividend shall be sufficient notification to the creditor of that admission in Form 58.

Proxies and Voting Letters

Signature proxies or Form 59

115. (1) A proxy in Form 59 given by a creditor shall be deemed to be sufficiently executed if it is signed by-

- (a) any person employed by the creditor who has a general authority to sign for the creditor; or
- (b) the authorized agent for the creditor where the creditor is resident abroad.

(2) The authority referred to in subregulation (1) shall be in writing and shall be produced to the trustee if required, unless the authority is duly registered.

116. (1) The proxy of a creditor who is blind or incapable of writing may be accepted if the creditor has affixed his signature or mark to the proxy set out in Form 60 in the presence of a witness who shall add to his signature, his description and residence.

Filling in when creditor is blind, etc. Form 60

(2) All insertions in the proxy shall be in the handwriting of the witness and that witness shall have certified at the foot of the proxy that all the insertions have been made by him at the request of the creditor and in the presence of the creditor before the creditor attached his signature or mark.

117. No minor shall be appointed a general or a special proxy.

Minors not to be proxies

*Dividends*

118. Subject to the provisions of section 70 of the Bills of Exchange Act, and subject to the power of the Court in any other case on special grounds to allow production to be dispensed with, every bill of exchange, promissory note, other negotiable instrument or security, upon which proof has been made, shall be produced to the trustee before payment of dividend on the bill of exchange, promissory note, other negotiable instrument or security; and the amount of dividend paid shall be endorsed on the instrument.

Production of bills, notes, etc.

119. Dividends may be transmitted to creditors by post.

Dividends may be sent by post Payment of dividends to a nominee

120. A person to whom dividends are payable who desires that the dividends shall be paid to some other person may lodge with the trustee a request to that effect which shall be a sufficient authority for payment of the dividend to the person named in the request.

*Appropriation of Income and Salary*

121. Where an order of the Court has been made for the payment by a bankrupt or by the employer of the bankrupt of a portion of his income or salary, the bankrupt may, upon ceasing to receive a salary or income of the amount he received when the order was made, apply to the Court to rescind the order or to reduce the amount ordered to be paid by him to the trustee.

Review of an order

*Disclaimer of Lease*

Disclaimer of  
lease  
Form 62

122. Where the trustee wishes to disclaim a leasehold interest, the trustee shall give Notice to the lessor in Form 62 of his wish to disclaim and provide to the lessor a written disclaimer containing the particulars of the interest disclaimed.

*Proceedings by or Against Firm*

Public officer  
or agent of  
company, etc.

123. A petition for a receiving order filed against a debtor to any company or co-partnership duly authorized to sue and be sued in the name of a public officer or agent of the company or co-partnership may be filed by or brought by the public officer or agent as the nominal petitioner for and on behalf of the company or co-partnership, on the filing of an affidavit by the public officer or agent stating that that officer or agent is authorized to file or bring the petition.

Attestation of  
signature of  
firm

124. Where any notice, declaration, petition, or other document requiring attestation is signed by a firm of creditors or debtors in the firm's name, the partner signing for the firm shall also add his own signature, for example-

“Brown & Co. by James Green, a partner in the said firm”.

Service on firm

125. Any notice or petition for which personal service is necessary shall be deemed to be duly served on all the members of a firm where it is served-

- (a) at the principal place of business of the firm in Saint Vincent and the Grenadines;
- (b) on any one of the partners of the firm; or
- (c) upon any person having at the time of service the control or management of the partnership business of the firm.

Individual  
trading as firm

126. The provisions of regulations 124 and 125 shall, so far as the nature of the case will admit, apply in the case of any person carrying on business within the jurisdiction in a name or style other than his own.

Service of  
creditor's  
petition in  
limited  
partnership

127. A petition against a firm registered as a limited partnership in Saint Vincent and the Grenadines shall be served at the principal place of business of the limited partnership, as registered, by delivering a sealed copy of the filed petition to one of the general partners of the partnership, or to some person having, at the time of service, the control or management of the partnership business unless the Court otherwise orders.

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

Receiving order  
against firm

129. A firm that is bankrupt shall submit to the trustee a statement of its affairs, verified by one of the partners or by the manager in charge of the firm's affairs, and each bankrupt partner shall submit a statement of the bankrupt partner's personal affairs.

Statement of  
affairs

130. A receiving order made against a firm registered as a limited partnership in Saint Vincent and the Grenadines shall operate as if it were a receiving order made against each of the persons who, at the date of the order, is a general partner in that firm.

Receiving order  
against limited  
partnership

131. No order of bankruptcy shall be made against a firm in the firm's name, but it shall be made against the partners individually.

Adjudication  
a g a i n s t  
partners

132. Where a receiving order is made against a limited partnership, any past partner who was a partner at the time the debt was incurred or present limited partner shall have the same rights as a creditor who has proved his debts would have to inspect the file-

Rights of  
l i m i t e d  
partners

(a) attend meetings of creditors; and

(b) appear on and take part in the examination, or in any application for an order of discharge, by any general partner.

133. (1) Where all of the general partners are adjudged bankrupt, the assets of a limited partnership shall include the liability of the limited partners and any existing liability of past general partners to contribute to the assets of the limited partnership.

Liability of  
l i m i t e d  
partners

(2) The liability referred to in subregulation (1) may be enforced by the trustee by motion in the bankruptcy, subject to subregulations (3), (4), (5) and (6).

(3) No present or past limited partner is liable to contribute to the assets of the limited partnership in any amount greater than the amount of any part of his contribution as a limited partner which he may have failed to pay into, or have drawn out, or received back from the partnership assets since he became or whilst he remained a limited partner, except in the case of a present limited partner who is a past general partner, and in the case of a past limited partner who has become a present general partner.

(4) No past general partner is liable to contribute, as such, to the assets of the limited partnership except in respect of partnership debts and obligations incurred whilst he continued to be a general partner.

(5) Every past general partner who has become a limited partner shall, in addition to any amount which he may be liable to contribute in respect of partnership debts and obligations incurred whilst he continued to be a general partner, be liable to contribute to the assets of the limited partnership to an amount equal to the amount of any part of his contribution, as limited partner, which he may have failed to pay into, or have drawn out, or received back from the partnership assets since he became, or whilst he remained, a limited partner.

(6) No past partner, general or limited, is liable to contribute to the assets of the limited partnership unless it appears to the Court that the partnership assets otherwise available are insufficient for - payment in full of the partnership liabilities and the costs, charges and expenses of the administration in bankruptcy of the partnership estate.

**First meeting**

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

**Composition,  
etc.**

135. (1) The joint creditors and each set of separate creditors, may severally vote for or against proposals.

(2) A proposal entertained by joint creditors may be confirmed and approved in the manner considered and voted upon by them, notwithstanding that a proposal by each set of separate creditors may not be accepted.

**Voting on  
composition**

136. (1) Where a proposal is made by a firm, and by the partners of the firm individually, the proposal made to the joint creditors shall be considered and voted upon by them apart from every set of separate creditors; and the proposal made to each separate set of creditors shall be considered and voted upon such separate set of creditors apart from all other creditors.

(2) The proposals referred to in subregulation (1) may vary in character and amount.

**Bankruptcy:  
Trustee**

137. (1) Where a partnership becomes bankrupt, the trustee shall be the trustee of the separate estates.

(2) Each set of creditors may appoint its own inspectors, but if any set of creditors does not appoint separate inspectors, the inspectors appointed by the joint creditors shall be deemed to have been appointed by the separate creditors.

**Separate firm**

138. (1) Where any two of the members of a partnership constitute a separate and independent firm, the creditors of that separate and independent firm, shall be deemed to be a separate class of creditors and

to be on the same footing as the separate creditors of any individual member of the firm.

(2) Where any surplus arises upon the administration of the assets of the separate or independent firm referred to in subregulation (1), the surplus shall be carried over to the separate estates of the partners in the separate and independent firm according to their respective rights in the firm.

139. Where joint and separate estates are being administered, the remuneration of the trustee in respect of the administration of the joint estate may be fixed by the creditors, or, if duly authorised, by the inspectors of the joint estate; and the remuneration of the trustee in respect of the administration of any separate estate may be fixed by the creditors or if duly authorised, by the inspectors of the separate estate.

Apportionment  
of trustee's  
remuneration

*Persons of Unsound Mind*

140. (1) Where it appears to the Court that any debtor or creditor or other person who may be affected by any proceeding under the Act or these Regulations, is a person of unsound mind or with a mental disorder within the meaning of the Mental Health Act, the Criminal Procedure Code or the CPR 2000, the Court may, whether or not an application for this purpose has been made, appoint for that person a committee referred to in section 264(c) of the Act to appear for, represent, or act for, and in the name of that person, either generally, or in and for the purpose of any particular application or proceeding, or the exercise of any particular rights or powers which under the Act, and these Regulations that person might have exercised if he was not of unsound mind or did not have a mental disorder.

Persons of  
unsound mind

(2) Notwithstanding subregulation (1), an application to the Court to make an appointment under this Regulation shall be in Form 63 and may be made by any person who has been appointed by any Court having jurisdiction to do so to manage the affairs or property of or to represent the person of unsound mind or with a mental disorder, or by any relative or friend of that person who may appear to the Court to be a proper person to make the application, or by the trustee or the Supervisor.

Form 63

(3) The application referred to under subregulation (2) may be made without notice but in any case in which the Court shall think it desirable, the Court may require such notice of the application as it shall think fit and necessary to be given to the trustee or the Supervisor or to a petitioning creditor, or to the person alleged to be of unsound mind or alleged to have a mental disorder, or to any other person, and for that purpose may adjourn the hearing of the application.



(4) The application referred to under subregulation (1) shall be supported by the affidavit of a duly registered medical practitioner as to the physical and mental condition of the person alleged to be of unsound mind or alleged to have a mental disorder.

(5) Where a person has been appointed under this Regulation, any notice under the Act and these Regulations, shall have the same effect as if the notice had been served on or given to the person of unsound mind or having a mental disorder.

*Summary Administration*

**S u m m a r y  
a d m i n i s t r a t i o n  
F o r m 6 4**

141. Where an estate is ordered to be administered in a summary manner under section 24(6) of the Act, the order shall be in Form 64 and the provisions of the Act and these Regulations shall, subject to any special direction of the Court, be modified as follows-

- (a) the title of every document in the proceedings shall have inserted thereon the words "Summary Administration";
- (b) all questions of law and fact shall be determined by the Court; and
- (c) the estate shall be realised with all reasonable dispatch, and, where practical, distributed in a single dividend.

**T a x a t i o n    o f  
s u m m a r y  
a d m i n i s t r a t i o n**

142. The trustee of the estate of a bankrupt that is to be administered in a summary manner pursuant to regulation 141, shall apply for taxation of the trustee's accounts and the discharge of the trustee by sending to the Supervisor-

**F o r m 6 8**

- (a) the trustee's final statement of receipts and disbursements, in Form 68;
- (b) the dividend sheet, showing the dividends paid or to be paid to the creditors of the bankrupt; and
- (c) where inspectors have been appointed by the creditors, the trustee's final statement of receipts and disbursements showing approval by the inspector's signature or, where there is no such approval, showing the reasons for the non-approval.

**L e t t e r    o f  
c o m m e n t**

143. The Supervisor shall examine all documents sent to him pursuant to regulation 142 and shall issue a letter of comment to the trustee, stating whether the Supervisor is requesting from the Registrar the taxation of the trustee's accounts.

144. (1) Where the Supervisor's letter of comment referred to in regulation 143 states that the Supervisor is not requesting the taxation of the trustee's accounts, the trustee shall, within thirty days after the receipt of the letter of comment, send to each creditor who has proved a claim, a notice of taxation of the trustee's accounts and the discharge of the trustee, in Form 65, attaching-

Where taxation  
not required  
Form 65

- (a) a copy of the trustee's final statement of receipts and disbursements;
- (b) a copy of the dividend sheet, showing the dividends paid or to be paid to the creditors of the bankrupt; and
- (c) the final dividend that is owed to the creditor, if the trustee is satisfied that no creditor will object to the taxation of the trustee's accounts and the discharge of the trustee.

(2) A creditor may, within thirty days after the day on which the notice referred to in subregulation (1) is sent, object to the taxation of the trustee's accounts and the discharge of the trustee by-

- (a) serving a notice of objection in Form 70 on the trustee or sending a notice of objection to the trustee by registered mail or courier; Form 70
- (b) filing a copy of the notice of objection with the Court, along with any applicable fee required; and
- (c) sending a copy of the notice of objection to the Supervisor.

145. (1) Where a trustee receives no notice of objection within the time limit set out in subregulation (2) of regulation 144, the trustee shall-

No objection by  
creditor

- (a) at the expiration of that time limit, take the trustee's fee;
- (b) at the expiration of that time limit, if the trustee has not already done so, send a final dividend in Form 67 to each creditor to whom one is owed; and Form 67
- (c) within one hundred and eighty days after the day on which the notice referred to in paragraph (1) of regulation 144 is sent-
  - (i) close the bank account used in administering the estate of the bankrupt, if that account is not a consolidated account, or where the account is a

consolidated account, ensure that all estate funds have been withdrawn from it,

- (ii) remit any unclaimed dividends and undistributed funds to the Supervisor; and
- (iii) send to the Supervisor a certificate of compliance and deemed discharge, in Form 69.

Form 69

(2) A trustee is deemed to be discharged on meeting the requirements of subregulation (1)(b) and (c).

(3) Where a trustee receives a notice of objection within the time limit set out in subregulation (2) of regulation 144, the trustee shall-

- (a) advise the Supervisor of the objection;
- (b) obtain a hearing date from the Court; and
- (c) within thirty days after the day on which the notice of objection is received, send the objecting creditor a notice of hearing, which notice must be sent at least thirty days before the date of the hearing and must be in Form 71.

Form 71

Where letter  
of comment  
requires  
taxation

146. (1) Where the Supervisor issues a letter of comment pursuant to regulation 143 requesting the taxation of a trustee's accounts, the trustee shall, after obtaining a hearing date from the Court and within thirty days after the day of receipt of the letter of comment, send to each creditor who has proved a claim and to the Supervisor-

- (a) a notice of hearing for the taxation of the trustee's accounts and the discharge of the trustee, in Form 66, which notice must be sent at least thirty days before the date of the hearing;
- (b) a copy of the trustee's final statement of receipts and disbursements; and
- (c) a copy of the dividend sheet, showing the dividends paid or to be paid to the creditors of the bankrupt.

Form 66

(2) A creditor may object to the taxation of the trustee's accounts and discharge of the trustee by filing a notice of objection in Court, sending a copy of the notice of objection to the Supervisor, and serving on the trustee, or sending to the trustee by registered mail or courier, a copy of the notice of objection, which must be received by the trustee before the start of the hearing.

147. (1) At the time of the hearing, the Court shall consider the creditors' objections and the letter of comment issued by the Supervisor, and shall tax the trustee's accounts accordingly.

Court to tax  
accounts

(2) Where the Court taxes the trustee's accounts as submitted, the trustee shall-

- (a) take the trustee's fee as taxed;
- (b) send a final dividend to each creditor to whom one is owed; and
- (c) within sixty days after the day of the taxation order-
  - (i) close the bank account used in administering the estate of the bankrupt, if that account is not a consolidated account, or where the account is a consolidated account, ensure that all estate funds have been withdrawn from it,
  - (ii) remit any unclaimed dividends and undistributed funds to the Supervisor, and
  - (iii) send to the Supervisor a certificate of compliance and deemed discharge, in Form 69.

Form 69

(3) A trustee is deemed to be discharged on meeting the requirements of subregulation (2)(b) and (c) or subregulation (4)(b) and (a) as the case may be.

(4) Where the Court taxes a trustee's accounts otherwise than as submitted, the trustee shall-

- (a) take the trustee's fee as taxed;
- (b) send a final dividend to each creditor to whom one is owed, in accordance with the taxation order; and
- (c) within sixty days after the day of the taxation order-
  - (i) close the bank account used in administering the estate of the bankrupt, if that account is not a consolidated account, or where the account is a consolidated account, ensure that all estate funds have been withdrawn from it,
  - (ii) remit any unclaimed dividends and undistributed funds to the Supervisor,

(iii) send to the Supervisor and to each creditor a revised dividend sheet and a copy of the taxation order; and

(iv) send to the Supervisor and to the Court the certificate of compliance and deemed discharge, in Form 69.

Form 69

*Administration of Estate of Deceased Insolvents*

Duties of executor

148. (1) Where a receiving order has been granted against the estate of a deceased person, it shall be the duty of the legal representative of the deceased debtor to lodge with the trustee an account of the dealings with, and administration of, the deceased's estate by the legal-representative; and the legal representative shall also furnish a list of the assets and liabilities and such other particulars of the affairs of the deceased as may be required by the trustee.

(2) Every account, list, and statement to be made under this regulation shall be made and verified as nearly as may be in accordance with the practice of the Court in suits for the administration of the estates of deceased persons.

(3) The expense of preparing, making, verifying and lodging any account, list, and statement under this regulation shall, after being taxed, be allowed out of the estate upon production of a certified copy of the taxed bill.

Public trustee

149. Where on the report of the trustee it appears to the Court that no legal representative of a deceased debtor exists, the account, list, and statement mentioned in regulation 148 shall be made, verified, and lodged by the Public Trustee.

PART VIII

BANKRUPTS

Filing in Court Schedule 2

150. Any person opposing the discharge of a bankrupt under the Act must file notice of that opposition with the Court, together with any applicable fee set out in the Schedule 2.

Examination of bankrupt Form 72 Form 73 Form 93

151. The Court may, on an application in Form 72 for the discharge of a bankrupt, cause the bankrupt to be brought before the Court for examination.

Costs of application Form 73

152. Unless otherwise ordered by the Court, a bankrupt shall not be entitled to have any of the costs of or incidental to the application for his discharge allowed to him out of his estate.

153. When the time for appeal has expired, or, when the appeal has been decided by the Court of Appeal, the Registrar shall forthwith cause a notice of the order granted on the application of the bankrupt for his discharge to be gazetted.

G a z e t t i n g  
o r d e r

154. (1) An application by the trustee for leave to issue execution on a judgment under paragraph (c) of section 163(3) of the Act shall be in Form 94 and shall state briefly the grounds on which the application is made.

Execution on  
judgment in  
case of  
conditional  
discharge  
Form 94

(2) Where an application referred to in subregulation (1) is lodged, the Registrar shall fix a day for the hearing.

(3) The trustee shall give notice of the application to the debtor not less than seven days before the day appointed for the hearing, and shall at the same time furnish the debtor with a copy of the application.

*Counselling of individual bankrupts*

155. (1) For the purposes of section 147 of the Act, the counselling to be provided by the trustee to an individual bankrupt shall be in accordance with subregulation (2).

C o u n s e l l i n g

(2) Counselling referred to in subregulation (1) shall consist of the following two stages-

- (a) a first counselling stage to be conducted within sixty days following the date of bankruptcy; and
- (b) a second counselling stage to be conducted not before the end of the thirty days following the date of the first counselling stage and not after two hundred and ten days following the date of the bankruptcy.

(3) In the first counselling stage, the trustee shall present consumer advice relative to the debtor on-

- (a) money management;
- (b) shopping and spending habits;
- (c) warning signs of financial difficulties; and
- (d) obtaining and using credit.

(4) In the second counselling stage, the trustee shall follow up on the application by the debtor of principles learned in the first counselling stage and assist the debtor in identifying any of the following-

- (a) non-budgetary causes of financial difficulties;

- (b) consumption habits;
- (c) the awareness by the debtor of the existence of referral sources of assistance, and

cooperatively with the debtor develop recommendations and alternatives for a financial plan of action.

(5) On the completion of each stage of counselling, the trustee shall complete and sign a counselling certificate and request the debtor to sign the acknowledgement indicating that counselling has been provided.

(6) In this regulation, "counselling" means the assisting and educating of debtors and their relatives on-

- (a) the prudent use of consumer credit;
- (b) budgeting principles;
- (c) developing successful strategies for achieving financial goals and overcoming financial setbacks; and
- (d) where appropriate, making referrals to deal with non-budgetary causes of insolvency such as gambling, addiction, marital and family problems.

#### *Mediation*

#### **Mediation**

156. (1) For the purposes of section 52(7) of the Act, the procedures governing a mediation are as follows-

- (a) the bankrupt and the trustee are always parties to the mediation;
- (b) the trustee may act either personally or through a representative;
- (c) an opposition to discharge made by a creditor or the trustee, referred to in section 162(5) of the Act, is deemed to be a request by the creditor or the trustee, as the case may be, for mediation; and
- (d) a creditor who requests mediation is a party to the mediation.

(2) For the purpose of conducting a particular mediation, the Supervisor shall designate as mediator himself, one of the employees in his office, or any other person with training or experience in mediation and whom the Supervisor considers qualified.

(3) On receipt of a request for mediation from a trustee under section 52(5) or (6) or 162(5) of the Act in Form 95, accompanied by the most recent income statement in Form 97 completed by the bankrupt, the Supervisor shall refer the matter to the mediator, who shall set the time and place for the mediation. Form 95  
Form 97

(4) The time set for the mediation pursuant to subregulation (3) must be within forty-five days after the Supervisor received the request for mediation.

(5) The mediator shall conduct the mediation with all parties physically present, unless the mediator decides to conduct the mediation by telephone conference call or by means of any other communication facilities that permit all persons participating in the mediation to communicate with each other.

(6) The mediator shall send a copy of the notice of mediation, in Form 96, to the bankrupt, to the trustee, and to any creditor who requested mediation, at least fifteen days before the date set for the mediation. Form 96

(7) Where the mediator believes that the mediation cannot proceed at the time scheduled, the mediator shall reschedule it, setting a new time and place.

(8) The mediator may adjourn the mediation to a date within ten days after the date set for the meeting where-

- (a) a party requests an adjournment and the mediator believes that the mediation would benefit from further negotiations or the provision of additional information; or
- (b) the mediator believes that one of the parties cannot continue the mediation for a certain period of time.

(9) At any time during the mediation, the mediator shall cancel the mediation where-

- (a) there is an outstanding opposition to the discharge of the bankrupt by a creditor or a trustee on a ground referred to in section 164 of the Act;
- (b) the mediator believes that a party is abusing the mediation or rescheduling procedures;
- (c) the mediator believes that one of the parties to the mediation cannot or will not continue the mediation at all; or



(d) all parties, other than the trustee, who were informed of the mediation, fail to appear at the mediation.

(10) Where the creditors who requested mediation cause the cancellation of mediation under subregulation 9 (d), the opposition to discharge on the part of each of those creditors on a ground referred to in section 164 of the Act is deemed withdrawn.

Form 98

(11) Where a mediation is cancelled, the mediator shall send to the Supervisor and the parties a notice of the cancellation, in Form 98, setting out the grounds for the cancellation.

(12) No mediator or party to a mediation shall disclose to the public any confidential information concerning the mediation unless the disclosure is required by law or authorized by the party to whom the confidential information relates.

Form 99

(13) Where agreement is reached by all parties at the mediation, a mediation settlement agreement in Form 99 and including all terms and conditions of the settlement reached, must be signed by the parties; and the mediator shall send copies of the agreement to the Supervisor and the parties.

(14) The agreement referred to in subregulation 13 is binding on the parties, subject to any subsequent Court order.

(15) All payments made by a bankrupt under a mediation settlement agreement must be made to the trustee and deposited into the estate account.

Form 100

Form 101

(16) Where the parties fail to reach agreement at the mediation, the mediator shall issue a notice in Form 100 to the effect that the issues submitted to mediation were not resolved, and shall send to the Supervisor and the parties a report in Form 101 setting out the reasons why the issues submitted to mediation were not resolved.

PART IX

ADMINISTRATIVE OFFICIALS

Trustees

Furnish statement of affairs Form 102

157. (1) As soon as the trustee receives notice in Form 102 that he has been appointed trustee pursuant to a receiving order, the trustee shall furnish the bankrupt with a statement of affairs in the prescribed Form 22 or Form 23, as the case might be.

(2) The trustee or some person deputed by the trustee shall also furnish the bankrupt named in the receiving order with all explanations the debtor may require for the preparation of the statement of affairs.

(3) The trustee or some person deputed by the trustee shall also hold a personal interview with the bankrupt named in the receiving order for the purpose of investigating the bankrupt's affairs; and it shall be the duty of the bankrupt to attend at such time and place as the trustee may appoint.

158. A certificate of the Supervisor in Form 103, 104 or 105 as the case may be or a certified copy is admissible in any proceeding under the Act as evidence of the appointment or substitution of a trustee, without proof of the authenticity of the signature or of the official character of the signatory.

Proof of  
appointment of  
trustee  
Form 103  
Form 104  
Form 105

159. Where for the purposes of any application to the Court by the trustee it is necessary that evidence be given by the trustee in support of the application, the evidence may be given by a report of the trustee to the Court and need not be given by affidavit, and any report of the trustee to the Court shall be received by the Court as prima facie evidence of the matters reported.

Evidence on  
application by  
trustee

160. (1) The debtor shall, on the request of the trustee, furnish the trustee with trading and profit and loss accounts, and a cash and goods account for a period not exceeding two years prior to the date of bankruptcy as the trustee shall specify.

T r a d i n g  
account of  
debtor

(2) The debtor shall, if ordered by the Court to do so, furnish accounts as the Court may order for any longer period.

(3) Where the debtor fails to comply with the requirements of this regulation, the trustee shall report that failure to the Court and the Court shall take such action on the report as the Court thinks just.

161. (1) The following provisions shall apply to every case in which proceedings are taken, either by action, motion, or in any other manner, against the trustee in respect of anything done or any default made by the trustee, when acting, or in the bona fide and reasonable belief that he is acting, in pursuance of the Act or in execution of the powers given a trustee by the Act.

Costs where  
action against  
trustee

(2) Subject to the provisions of subregulation (3), the costs, damages, and expenses which the trustee may have to pay, or to which he may be put under those proceedings referred to in subregulation (1), shall be paid out of the estate of the debtor.

(3) The trustee shall report to the Supervisor the commencement of proceedings referred to in subregulation (1) as soon as those proceedings are commenced.

**Trustee's code  
of ethics**

162. (1) Every trustee shall maintain the high standards of ethics that are central to the maintenance of public trust and confidence in the administration of the Act.

(2) A trustee shall-

- (a) perform the duties of a trustee in a timely manner and carry out the functions of a trustee with competence, honesty, integrity, and due care;
- (b) cooperate fully with the Supervisor and any representative of the Supervisor in all matters arising out of the Act and these Regulations;
- (c) not assist, advise, or encourage any person to engage in conduct that the trustee knows, or ought to know, is illegal or dishonest, in respect of the bankruptcy and insolvency process;
- (d) be honest and impartial and shall provide to interested parties full and accurate information as required by the Act with respect to the professional engagements of trustees;
- (e) not disclose confidential information to the public concerning any professional engagement, unless the disclosure is required by law or authorized by the person to whom the confidential information relates;
- (f) not use any confidential information that is gathered in a professional capacity for the personal benefit of the trustee or for the benefit of a third party;
- (g) not purchase, directly or indirectly, the property of any debtor for whom the trustee is acting with respect to a professional engagement unless the property is purchased at the same time it is offered to the public, at the same price it is offered to the public, and during the normal course of business hours of the debtor;
- (h) avoid any influence, interest or relationship that impairs or appears in the opinion of an informed person to impair the professional judgment of the trustee;

- (i) not sign any document, including a letter, report, statement, representation, or financial statement that the trustee knows, or reasonably ought to know, is false or misleading; and any disclaimer of responsibility set out in the document has no effect;
- (j) not engage in any business or occupation that would compromise the ability of the trustee to perform any professional engagement or that would jeopardize the integrity, independence or competence of the trustee;
- (k) not pay to a third party a commission, compensation or other benefit in order to obtain a professional engagement or accept from a third party a commission, compensation or other benefit for referring work relating to a professional engagement;
- (l) not obtain, solicit, or conduct any engagement that would discredit his profession or jeopardize the integrity of the bankruptcy and insolvency process; and
- (m) not advertise in a manner that the trustee should know is false, misleading, materially incomplete, or likely to induce error, or unfavourably reflects on the reputation or competence of another trustee or the bankruptcy and insolvency process.

(3) For the purposes of this regulation “professional engagement” means any bankruptcy or insolvency matter in respect of which a trustee is appointed or designated to act in that capacity pursuant to the Act.

#### *Remuneration of Trustees*

163. In considering the remuneration of a trustee, the creditors or the inspectors in voting the remuneration of a trustee shall have regard to the amount realised exclusive of any sums paid to secured creditors out of the proceeds of their securities, and the amount distributed in dividend.

Remuneration  
of trustee

164. Where a trustee carries on the business of the debtor, he shall keep a distinct account of the trading, and shall incorporate in the accounts of the business the amount of the receipts and payments on the trading account.

T r u s t e e  
c a r r y i n g   o n  
b u s i n e s s

165. Unless the Court orders otherwise-

Costs of trustee

- (a) the remuneration of a trustee is deemed to take into account all services performed by the trustee and by the partners and employees of the trustee; and

- (b) the disbursements of the trustee shall not include the indirect costs of the trustee's facilities or premises.

Passing of  
accounts by  
former trustee  
Form 106  
Form 107

166. (1) A former trustee who is to pass his accounts before the Court in accordance with section 218(1) of the Act shall-

- (a) make an application to the Court in Form 106 and attach to it an affidavit in Form 107; and
- (b) unless otherwise ordered by the Court, send a notice in Form 108, accompanied by a copy of the statement of receipts and disbursements in Form 91 specifying the time and place set for passing the accounts, to every proven creditor, the Court, the bankrupt, the substituted trustee, and the Supervisor.

Form 108  
Form 91

*Fees and disbursements of trustees in summary administration*

Fees in  
summary  
administration

167. (1) The fees of the trustee for services performed in a summary administration are calculated on the total receipts remaining after deducting necessary disbursements relating directly to the realization of property of the bankrupt and the payments to secured creditors, according to the following percentages-

- (a) one hundred per cent on the first two thousand dollars or less of receipts;
- (b) thirty five per cent on the portion of the receipts exceeding thousand dollars but not exceeding four thousand dollars; and
- (c) twenty per cent on the portion of the receipts exceeding four thousand dollars.

(2) A trustee in a summary administration may claim, in addition to the amount set out in subregulation (1)-

- (a) the costs of counselling;
- (b) the fee for filing an assignment referred to in paragraph (a) of regulation 83(1);
- (c) the fee payable to the Court under Schedule 2;
- (d) the amount of any applicable taxes to be charged and then paid by the trustee on the fees and disbursement of the trustee; and
- (e) a lump sum of two hundred dollars in respect of administrative disbursements.

Schedule 2

(3) A trustee in a summary administration may withdraw from the bank account used in administering the estate of the bankrupt, as an advance on the amount set out in subregulation (1)-

- (a) five hundred dollars at the time of issuance of the notice of bankruptcy;
- (b) an additional five hundred dollars, thirty days after the date of the bankruptcy; and
- (c) an additional five hundred dollars, one hundred and twenty one hundred and twenty days after the date of the bankruptcy.

*Discharge of Trustees*

168. Where, pursuant to section 141(4) of the Act, the Supervisor gives his comments to the trustee, the trustee shall, within thirty days after receiving the comments, apply to the Court for a taxation date.

Taxation of trustee's remuneration and costs

169. (1) An application of a trustee for discharge pursuant to section 223 of the Act must-

Discharge application

(a) be made in Form 111; and

Form 111

(b) be accompanied by-

(i) a copy of the notice of final dividend and application for discharge of trustee in Form 109;

Form 109

(ii) a copy of the final statement of receipts and disbursements in Form 110; and

Form 110

(iii) a dividend sheet.

that- (2) At the time of discharge, the trustee must satisfy the Court

- (a) the statements made in connection with the discharge are true;
- (b) the final statement of receipts and disbursements is an accurate and correct statement of the administration of the estate, and has been approved by the inspectors and taxed by the Court;
- (c) every disbursement included in the final statement of receipts and disbursements is accurate and proper;

- (d) all the property of the bankrupt for which the trustee was accountable has been realized or disposed of in the manner described in the final statement of receipts and disbursements;
- (e) every claim subject to a dividend was properly examined and that-
  - (i) to the best of the trustee's knowledge, the dividend sheet presented to the Court contains a true and correct list of the claims of creditors entitled to share in the estate;
  - (ii) all payments shown on the dividend sheet have been duly made; and
  - (iii) unclaimed dividends and undistributed funds have been forwarded to the Supervisor by the trustee in accordance with section 143(1) of the Act;
- (f) the trustee has not received, does not expect to receive, and has not promised, any remuneration or consideration other than as shown in the final statement of receipts and disbursements;
- (g) in accordance with section 211(2) of the Act, a copy of the report referred to in section 161 of the Act was forwarded to the Supervisor; and
- (h) the final statement of receipts and disbursements, the dividend sheet, and the notice of application for discharge of the trustee have been sent to the Court, the Supervisor, the bankrupt, and every creditor whose claim has been proved.

*Application for Directions by Trustee*

**Application for  
directions  
Form 113**

170. Where a trustee desires to apply to the Court for directions in any matter, he shall file an application in Form 113, and the Court shall then hear the application or fix a day for hearing it and direct the trustee to apply by motion.

*Inspectors*

**Inspector not  
to purchase**

171. (1) No inspector shall, except under and with the sanction of the Court, directly or indirectly by himself or an employer, partner, clerk, agent, or servant be entitled to derive any profit from any transaction arising out of the bankruptcy, or to receive out of the estate any payment for services rendered by him in connection with the administration of the

estate, or for any goods supplied by him to the trustee for or on an account of the estate.

(2) Where it appears to the Court that any profit or payment has been made contrary to the provisions of this regulation, the Court may, on the audit of the trustee's account, order such profit or payment to be repaid to the estate.

(3) Where the sanction of the Court under this regulation to a payment to an inspector for services rendered by him in connection with the administration of the estate is obtained, the order shall specify the nature of the services, and shall only be given where the service performed is of a special nature.

(4) No payment shall, under any circumstances, be allowed to an inspector for services rendered by him in the discharge of his duties attaching to his office as an inspector.

(5) In any case in which the sanction of the Court is obtained under this Regulation, the cost of obtaining that sanction shall be borne by the person in whose interest that sanction is obtained, and shall not be payable out of the bankrupt's estate.

#### *Security by Trustee*

172. (1) The security to be given by the trustee shall be given to such officers or persons and in such manner as the Court may direct.

**S t a n d i n g  
security**

(2) It shall not be necessary for the trustee to give security in each separate matter; but instead security may be given either specially in a particular matter or generally to be available for any matter in which the security is given.

(3) The Court shall fix the nature and amount of the security, and may, as it thinks fit, either increase or decrease the amount of special or general security which the trustee has given.

#### *Accounts, Books and Audit*

173. The trustee shall keep a book to be called the "Record Book", in which he shall record all minutes, all proceedings had, and resolutions passed at any meeting of creditors or inspectors and all matters as may be necessary to give a correct view of his administration of the estate; but the trustee shall not be bound to insert in the Record Book any document of a confidential nature such as the opinion of an attorney-at-law on any matter affecting the interest of the creditors, nor to exhibit the document to any person other than an inspector whom the trustee considers to be independent of the matter.

**Record Book**



**Cash book**

174. The trustee shall keep, manually or electronically, a book to be called the "Cash Book", in which he shall, subject to the provisions of these Regulations as to trading accounts, enter daily the receipts and payments made by him.

**Review by inspectors**

175. The trustee shall submit the Record Book and the Cash Book, together with any other requisite books and vouchers, to the inspectors when requested.

**Retention of records by trustee**

176. (1) Unless the Court orders otherwise, a trustee shall keep, for at least 4 years after the date of his discharge, the books and records of the trustee relating to the administration of the estate by the trustee.

(2) Unless the Court orders otherwise or unless there is a written waiver giving up the right to be notified the trustee shall, after being discharged, send to the latest known address of the debtor, bankrupt, or officer of the bankrupt corporation, a written notice that the debtor, bankrupt or officer or a representative of either of them may, within thirty days following the sending of the notice, take back any of the debtor's or the bankrupt's books and records.

(3) Where no person has taken back the books, records, and documents within thirty days after the sending of the notice or the giving of the waiver referred to in subregulation (2), the trustee may dispose of them.

(4) Documents on which an attorney-at-law has a lien shall be returned to the attorney-at-law on completion of the administration of the estate to which the documents relate.

**Joint and separate estate accounts**

177. Where debtors in partnership have been adjudged bankrupt, distinct accounts shall be kept of the joint estate and of the separate estate or estates; and no transfer of 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 such transfer has been gazetted.

**Records of supervisor**

178. (1) For the purposes of section 177(1) of the Act the Supervisor-

- (a) in keeping a public record of bankruptcy matters, shall keep the files for at least five years after the date of the discharge of the trustee and until the date of the discharge of the bankrupt;
- (b) in keeping a record of receivership matters, shall keep the files relating to receivership for at least five years after the date on which the first notice of the receivership was received by the Supervisor; and

- (c) in keeping a public record of each trustee licence issued, shall keep the files related to it for at least ten years after the date of expiry of the licence.

(2) For the purposes of section 177(2) of the Act, the Supervisor shall keep or cause to be kept such other records relating to the administration of the Act as the Supervisor deems advisable, but for at least five years after the date on which they are received by the Supervisor.

*Unclaimed Funds Undistributed Dividends*

179. (1) The trustee is not required to distribute dividends to creditors where-

- (a) there is only one creditor and the dividend to be paid is less than ten dollars;
- (b) there are two to five creditors and the amount to be paid as a dividend is less than one hundred dollars in total; or
- (c) there are more than five creditors and the average dividend to be paid to ordinary unsecured creditors is less than twenty.

W h e r e  
d i v i d e n d s   n o t  
r e q u i r e d   t o   b e  
p a i d

and any amount not so distributed shall be remitted to the Supervisor pursuant to section 143(1) of the Act.

(2) Where additional interest is earned after the preparation of the dividend sheet, the additional amount should be distributed to creditors by way of an amended or additional dividend sheet and in accordance with subregulation (1).

**PART X**

**MISCELLANEOUS**

*Costs and Taxation of Legal Fees*

180. (1) The Court in awarding costs may direct-

- (a) that the costs of any matter or application shall be taxed and paid-
  - (i) as between party and party; or
  - (ii) as between attorney-at-law and client;
- (b) that full costs, charges and expenses shall be allowed; or

A w a r d i n g   c o s t s

(c) that a fixed sum be paid in lieu of taxed costs.

(2) In the absence of any express direction, costs of an opposed motion shall follow the event and shall be taxed as between party and party.

(3) Where an action is brought against the trustee as representing the estate of the debtor, or where a trustee is made a party to a cause or matter on the application of any other party to the action, the trustee shall not personally be liable for costs, unless the Court otherwise directs.

(4) Where a creditor opposes the discharge of a bankrupt, the Court may, if it grants the discharge on condition that the bankrupt pay an amount or consent to a judgment to pay an amount, award costs to the opposing creditor out of the estate in an amount not exceeding the amount realized by the estate under the conditional order, including any amount brought into the estate pursuant to the consent to judgment.

Orders to be sealed, signed, and filed

181. Every order for payment of money and costs or either of them shall be sealed and be signed by the Registrar and shall be forthwith filed with the proceedings.

Costs paid otherwise than out of estate

182. When a bill of costs is taxed under any special order of the Court, and where it appears by such order that the costs are to be paid otherwise than out of the estate of the bankrupt, the Registrar shall state at the foot of the bill by whom or the manner in which such costs are to be paid.

Legal bills to be taxed where cumulatively exceed \$2,000  
Trustee's declaration on bill of costs

183. All bills of costs for legal services must be taxed by the Registrar except where they do not exceed in the aggregate two thousand dollars.

184. A bill of costs must describe in a fair, reasonable and detailed manner, the nature of legal services rendered and shall not be taxed unless the trustee is represented at the taxation or the bill of costs has attached to it a declaration, signed by the trustee, stating that-

- (a) the trustee has examined the bill of costs;
- (b) the services have been duly authorized and duly rendered; and
- (c) the charges are reasonable in the trustee's opinion.

Certificate of employment

185. Before the bill of costs or charges of any attorney-at-law retained by the trustee are taxed, there shall be produced a certificate in writing signed by the trustee, setting forth whether any and if so what special terms of remuneration have been agreed to.

186. Every attorney-at-law whose bill of costs is to be taxed shall in all cases give not less than three days notice of the appointment to tax the same to the trustee.

Notice of  
appointment

187. (1) The bill of costs shall be lodged with the trustee three clear days before the application for the appointment to tax the bill of costs is made.

Lodgement of  
bill

(2) The trustee shall forthwith on receiving notice of the taxation, lodge the bill of costs with the Registrar.

188. In determining the amount of costs to be allowed, the Registrar shall determine whether-

Costs to be  
allowed

- (a) the legal services have been duly rendered;
- (b) the charges are reasonable and, where applicable, are in accordance with any applicable tariff;
- (c) the legal services rendered are accounted for, and are not services that should have been rendered by the trustee; and
- (d) the legal services have been authorised and approved in accordance with the Act, where the Act so requires.

189. When a bill of costs has been taxed, the Registrar shall issue a certificate to that effect in Form 118 on the bill of costs and shall sign that certificate, and a bill of costs so signed has the same effect as a judgment of the Court and may be enforced in the same manner as a judgment,

Court to sign  
statement  
Form 118

190. Upon the taxation of any bill of costs, charges or expenses being completed, the Registrar shall forthwith file the bill of costs with the proceedings in the matter.

Filing bills of  
costs

191. (1) In any case in which pursuant to section 61 of the Act, the Registrar, or other officer of the court, is required to deliver goods to the trustee, the Registrar, or other officer of the court, shall without delay lodge his bill of costs for taxation, which shall be taxed; and unless the bill of costs is lodged for taxation within 30 days from the date when the Registrar, or other officer of the court, makes the delivery to the trustee, the trustee may decline to pay the costs.

Costs of  
Registrar, or  
other officer of  
the court

(2) In this Regulation, "goods" includes money.

192. Where the trustee requires in writing any costs which the Registrar, or other officer of the court, has deducted under section 61 of the Act to be taxed, the Registrar, or other officer of the court, shall within seven days from the date of the request, lodge the bill of costs for taxation,

Taxation of  
costs after  
deduction

which shall be taxed and any amount disallowed on the taxation shall forthwith be paid over by the Registrar, or other officer of the court, to the trustee.

**Copy of bill of costs**

193. (1) Every person whose bill of costs or charges is or are to be taxed shall on application of the Supervisor or trustee, furnish a copy of the bill of costs or charges to be so taxed on payment at the rate of \$0.25 per folio which may be charged to the estate.

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

**Application for costs**

194. Where any party to or person affected by any proceeding desires to make an application for an order that he be allowed his costs or any part of them incidental to the proceeding, and the application is not made at the time of the proceeding-

- (a) the party or person shall serve notice of his intended application on the trustee;
- (b) the trustee may appear on such application and object to the application; and
- (c) no costs of or incidental to the application shall be allowed to the applicant, unless the Court is satisfied that the application could not have been made at the time of the proceeding.

*Appeals*

**Restriction on appeal**

195. (1) Except by leave of the Court or the Court of Appeal, there shall be no appeal from any order made by consent or as to costs only.

(2) Except by leave of the Court or the Court of Appeal, no appeal shall be brought from any order relating to property when it is apparent from the proceedings that the value of the property does not exceed one thousand dollars.

(3) No appeal shall be brought in respect of the omission by the Court to exercise any discretionary power, unless the Court shall in its judgment, or on application made at the hearing, have expressly refused to exercise that power, in which case the refusal may be a ground of appeal.

**Time for appeal**

196. (1) Subject to the powers of the Court of Appeal to extend the time under special circumstances, no appeal from any order of the Court shall be brought after the expiration of fourteen days.

(2) The period of fourteen days shall be calculated from the time at which the order is signed, entered, or otherwise perfected, or in the case of the refusal of an application, from the date of the refusal.

197. (1) At or before the time of entering an appeal, the party intending to appeal shall lodge in Court the sum of one thousand five hundred dollars to satisfy, in so far as the same may extend, any costs that the appellant may be ordered to pay.

Security for costs

(2) The Court or the Court of Appeal may in any special case increase or decrease the amount of the security referred to in subregulation (1) or dispense with that security.

(3) The trustee shall not be required to make any deposit as security for costs.

198. No appeal shall operate as a stay of proceedings under the order or judgment appealed from unless the Court otherwise orders.

Appeal not to operate as stay of proceedings

199. Subject to the Act or these Regulations, appeals shall be regulated by CPR 2000.

Procedure on appeal

*Miscellaneous Fees*

200. For the purposes of section 147 of the Act, the fees and expenses in respect of counselling are those set out in Schedule 2.

Fees for counselling Schedule 2

201. The total fee to file all documents relating to an estate with the Supervisor is as set out in the Schedule 2.

Filing costs Schedule 2

202. (1) For the purposes of section 180(1) of the Act, the fee payable by an applicant for a licence to act as a trustee is that set out in Schedule 2.

Cost of license

(2) For the purposes of section 180(2) of the Act, the annual fee payable by a trustee is that set out in the Schedule 2.

Schedule 2

203. For the purposes of section 110(5)(b) of the Act, the fees per meeting that may be paid to an inspector are those set out in the Schedule 2.

Inspector's fees Schedule 2

204. For the purposes of section 13(c)(i) of the Act, the fee that accompanies the notice to be sent to the Supervisor is that set out in the Schedule 2.

205. (1) Any person who knowingly falsifies or fraudulently alters any document in or incidental to any proceeding under the Act or these Regulations is guilty of the offence of contempt of Court and is liable to be punished accordingly.

Falsification of documents

(2) The penalty imposed by this Regulation shall be in addition to, and not in substitution for, any other penalty, punishment or proceeding to which such person may be liable.

Effect of non-compliance with these Regulations

206. Non-compliance with any of these Regulations, or with any rule of practice for the time being in force, shall not render any proceeding void unless the Court shall so direct, but such proceeding may be set aside, either wholly or in part, as irregular, or amended or otherwise dealt with in such manner and upon such terms as the Court thinks fit.

Abridgement of enlargement of time

207. The Court may, under special circumstances and for good cause shown, extend or abridge the time appointed by these Regulations or affixed by any order of the Court for doing any act or taking any proceeding.

Saving of existing law

208. Where no other provision is made by the Act or these Regulations, the present law, procedure and practice in bankruptcy shall, in so far as applicable, remain in force.

*Fees and Percentage*

Fees and percentages Schedule 2

209. The fees and percentages set forth in the Schedule 2 shall be the fees and percentages to be charged in respect of proceedings under the Act.

**SCHEDULE I**

**FORMS**  
*Index of Forms*

FORM NUMBER	NAME	REFERENCE
1.	General title for Proceedings; Summary Administration, Proceedings Relating to Proposal by Insolvent Person; Court Proceedings; Receivership	(Regulation 12)
2.	Notice of Intervention by Supervisor	(Section 174 (Regulation 9))
3.	Notice of Motion	(Regulation 19)
4.	Consent of Bankrupt to Judgment	(Section 167) (Regulation 30(2))
5.	Petition for Receiving Order	(Section 4) (Regulation 42)
6.	Affidavit of Truth of Statements in Petition	(Section 4(4), (6), (10)) (Regulation 42)
7.	Affidavit of Service	(Section 4(10)) (Regulation 48)
8.	Order of Substituted Service of Petition	(Regulation 47(2))
9.	Receiving Order	(Sections 4(10) and 5) (Regulation 55, 71)
10.	Dismissal of Petition for Receiving Order	(Regulation 56)
11.	Notice of Application for Taxation of Accounts and Discharge of Interim Receiver	(Regulation 57(2))
12.	Notice by Debtor of Intention to Oppose Petition	(Regulation 63)
13.	Notice of Intention to Enforce a Security	(Section 12(1)) (Regulation 78)



FORM NUMBER	NAME	REFERENCE
14.	Notice and Statement of the Receiver	(Section 13(e)) (Regulation 79)
15.	Final Report and Statement of Accounts by Receiver	(Section 13(g)) (Regulation 81)
16.	Certificate of Assignment	(Section 29(8)(b)) (Regulation 82)
17.	Certificate of Assignment	(Section 37(b)) (Regulation 82)
18.	Certificate of Assignment	(Section 42(2)(b)) (Regulation 82)
19.	Certificate of Assignment	Section 45(6)) (Regulation 82)
20.	Assignment For the General Benefit of Creditors (Corporation or other Legal Entity)	(Section 24(2))
21.	Assignment For the Benefit of Creditors (Natural Person)	(Section 24(2))
22.	Statement of Affairs (General)	(Sections 24(2), 25(9), 148(e)) (Regulations 83(1), 157)
23.	Statement of Affairs (Individual)	(Sections 24(2), 148(e)) (Regulations 83(1), 157)
24.	Notice of Intention to Make a Proposal	(Section 29(1)) (Regulation 85)
25.	Proposal	(Regulation 85)
26.	Notice of Proposal	(Section 31) (Regulation 85)
27.	Report of Trustee on Proposal	(Section 39(d) and 40) (Regulation 85)
28.	Notice of Application to the Court for Approval of Proposal	(Section 39(b)) (Regulation 87)

FORM NUMBER	NAME	REFERENCE
29.	Notice to Trustee of Application to the Court for Approval of Proposal	(Regulation 87)
30.	Order Refusing to Approve Proposal	(Section 40(2))
31.	Report of Trustee on Refusal by Court to Approve Proposal	(Section 42(2)(b))
32.	Notice of Default in the Performance of a Proposal	(Section 44(c)) (Regulation 90)
33.	Order Annulling Proposal	(Section 45)
34.	Report of Trustee on Annulment of Proposal	(Section 45(6))
35.	Report of Trustee on Cash-Flow Statement	(Sections 25(14)(b)) (Regulation 86(1)(b))
36.	Insolvent Person's Report on Cash-Flow Statement	(Section 25(14)(c)) (Regulation 86(1)(b))
37.	Notice of Material Change in Insolvent Person's Projected Cash-Flow or Financial Circumstances of Insolvent Person	(Section 25(18)(a)(i)) (Regulation 86(1)(c))
38.	Notice of Meeting of Creditors by Trustee to Consider Proposal	(Section 31(1)(a)) (Regulation 86(1)(e))
39.	Report of Trustee on Non-Filing of Cash-Flow Statement or Proposal	(Section 29(8)(b))
40.	Report of Trustee on Refusal by Creditors to Approve Proposal	(Section 37(b))
41.	Warrant for Arrest of Debtor	(Section 158) (Regulation 98)
42.	Warrant for Committal	(Section 158) (Regulation 98)
43.	Examination of Bankrupt by Supervisor (Non-Business)	(Regulation 99(5), (6))

FORM NUMBER	NAME	REFERENCE
44.	Notice to Bankrupt of Examination Before the Supervisor (Individual Bankrupt)	(Regulation 99(7))
45.	Notice to Bankrupt of Examination Before the Supervisor (Corporate Bankrupt)	(Regulation 99(7))
46.	Questions to be Put to the Bankrupt By the Supervisor (Individual in Business)	(Section 151)
47.	Questions to be Put to an Officer of the Bankrupt Corporation, or a Designated Person, by the Supervisor of Insolvency	(Sections 148 and 151)
48.	Affidavit in Support of Application for Committal under section 148	(Sections 148, 153 and 156) (Regulation 100)
49.	Notice of Application to Commit	(Regulation 101(2))
50.	Order of Committal under Section 158	(Regulations 99 and 100)
51.	Notice of Bankruptcy and First Meeting of Creditors	(Section 92) (Regulation 109)
52.	Notice to Bankrupt of Meeting of Creditors	(Section 92(5))
53.	Proof of Claim	(Sections 25(1)(e); 31; 72(1); 92(3), 114(2) and 118(1) (Regulation 111)
54.	Affidavit Seeking Reclamation of Property	(Section 70(4))
55.	Notice By Trustee Requiring Filing of Proof of Security	(Section 118(1))
56.	Demand For Repossession of Goods	(Section 71(1))
57.	Notice of Disallowance of Claim, Right to Priority or Security or Notice of Valuation of Claim	(Section 125(4)) (Regulation 112)
58.	Notice of Dividend	(Regulation 114)

FORM NUMBER	NAME	REFERENCE
59.	General Proxy	(Sections 31(e)(iii); 92) (Regulation 115(1))
60.	Special Proxy	(Regulation 116)
61.	Voting Letter	(Section 31(1)(f))
62.	Notice to Landlord to Disclaim A Lease by Commercial Tenant	(Regulation 122)
63.	Application for Appointment of a Committee under Section 264(c)	(Regulation 140(2))
64.	Order for Summary Administration	(Section 144) (Regulation 141)
65.	Notice of Deemed Taxation of Trustee's Accounts and Deemed Discharge of Trustee	(Regulation 144)
66.	Notice of Hearing for Taxation of Trustee's Accounts and Discharge of Trustee (Summary Administration)	(Regulation 146)
67.	Notice of Final Dividend and Application for Discharge of Trustee	(Regulation 145(1)(b))
68.	Trustee's Final Statement of Receipts and Disbursements (Summary Administration)	(Regulation 142)
69.	Certificate of Compliance and Deemed Discharge of Trustee	Regulations 145(1)(c) (iii) and 147(2)(c)(iii)
70.	Notice of Objection by Creditor to Taxation of Trustee's Accounts	(Regulations 144(2)(a); 145(3))
71.	Notice of Hearing of the Objection by Creditor to Taxation of Trustee's Accounts	(Regulations 145(3)(c))
72.	Application by Trustee for Discharge of Bankrupt	(Section 160) (Regulation 151)
73.	Application of Bankrupt for Discharge	(Section 160(3); 161(2) (Regulations 151, 152)

FORM NUMBER	NAME	REFERENCE
74.	Certificate of Discharge	(Section 159(1)(g)(ii))
75.	Certificate of Discharge (Conditions Met)	(Section 162(8)(a))
76.	Notice to Trustee of Bankrupt's Application for Discharge	(Section 159(2), 160(3))
77.	Notice to Supervisor of Application for Discharge of Bankrupt	(Section 160(6))
78.	Notice to Bankrupt of Application to Court for Appointment for Hearing of Application for Discharge	(Section 160(1))
79.	Waiver of Application for Discharge	(Section 160)(1) and (3)
80.	Notice to Creditors of Hearing for Bankrupt's Application for Discharge	(Section 160(6))
81.	Notice of Impending Automatic Discharge of First-time Bankrupt	(Section 159(1)(b))
82.	Notice by Trustee or Creditor of Intended Opposition to Discharge of First-time Bankrupt	(Section 159(1)(d) and (e)) (Regulation 150)
83.	Notice by Supervisor of Intended Opposition to Discharge of First-time Bankrupt	(Section 159(1)(c)) (Regulation 150)
84.	Report of Trustee on Bankrupts Application for Discharge	(Sections 159(1)(a) and 161(1)) (Regulation 169(2)(g))
85.	Absolute Order of Discharge of Bankrupt	(Section 163(2))
86.	Order Refusing Bankrupts Discharge	(Sections 163(2) and (3))
87.	Order Suspending Bankrupt's Discharge	(Section 163(2))
88.	Order Settling Terms for Discharge	(Section 163(2))

FORM NUMBER	NAME	REFERENCE
89.	Notice of Application by Bankrupt to Modify Terms of Conditional Order of Discharge	(Section 163(4))
90.	Order Annuling Discharge	(Section 171(1),(2))
91.	Order Annuling Bankruptcy	(Section 172(1))
92.	Affidavit of Bankrupt as to Earnings, After-Acquired Property and Income	(Section 163(2))
93.	Notice of Hearing for Discharge of Bankrupt	(Section 160) (Regulation 151)
94.	Application by Trustee for Leave to Issue Execution on Judgement	(Section 163(3)(c)) (Regulation 154)
95.	Request for Mediation by Trustee	Sections 52(5), 52(6) and 162(5) (Regulation 156(3))
96.	Notice of Mediation	(Regulation 156(6))
97.	Monthly Income and Expense Statement of Bankrupt and the Family Unit and Information (or Amended Information) concerning the Financial Situation of the Individual Bankrupt	(Regulation 156(3))
98.	Notice of Cancellation of Mediation	(Regulation 156(9), and (11))
99.	Mediation Settlement Agreement	(Regulation 156(13))
100.	Notice of Non-Resolution by Mediation	(Regulation 156(16))
101.	Report of Mediation	(Regulation 156(16))
102.	Notice of Appointment or Substitution of Trustee	(Regulation 157(1))
103.	Certificate of Appointment of Trustee	(Section 24) (Regulation 158)

FORM NUMBER	NAME	REFERENCE
104.	Certificate of Appointment of Trustee	(Section 24) (Regulation 158)
105.	Certificate of Appointment of Trustee	(Section 24) (Regulation 158)
106.	Application of Former Trustee to Pass Accounts	(Section 218(1)) (Regulation 166)
107.	Affidavit Verifying Application to Pass Accounts	(Section 218) (Regulation 166)
108.	Notice of Former Trustee's Application to Pass Accounts	(Section 218) (Regulation 166(b))
109.	Notice of Final Dividend and Application for Discharge of Trustee	(Section 141(5)) (Regulation 169(1(b)(i))
110.	Trustee's Final Statement of Receipts and Disbursements (Other than Summary Administration)	(Section 141) (Regulation 169(1(b)(ii))
111.	Application of Trustee for Discharge	(Section 223(1)) (Regulation 169)
112.	Application for Trustee Licence (Corporation)	(Section 178)
113.	Application for Directions by Trustee	(Section 216) (Regulation 170)
114.	Trustee Licence	(Section 179)
115.	Trustee Licence (with Conditions)	(Section 179)
116.	Notice by Trustee to the General Post Office Requesting Redirection of Mail Addressed to Bankrupt	(Section 217(1)(a))
117.	Notice of Hearing/Appointment to Tax Bill of Costs	(Regulations 186, 187(2))
118.	Certificate of Taxation of Bill of Costs	(Regulation 189)