

CAYMAN ISLANDS



**Grand Court Act
(2015 Revision)**

GRAND COURT (BANKRUPTCY) RULES

(2021 Revision)

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CAYMAN ISLANDS

Grand Court Act
(2015 Revision)GRAND COURT (BANKRUPTCY) RULES
(2021 Revision)

Citation

1. These Rules may be cited as the *Grand Court (Bankruptcy) Rules (2021 Revision)*.

Interpretation

2. In these Rules unless the context otherwise requires —

"**Attorney**" means an attorney-at-law;

"**Bailiff**" has the meaning ascribed to it in the *Grand Court Act (2015 Revision)*;

"**book**" includes record card and any other system of keeping accounts and records;

"**Clerk**" means the Clerk of the Grand Court and every person lawfully acting in that capacity;

"**Court**" means the Grand Court and includes a person presiding thereover;

"**Law**" means the *Bankruptcy Act (1997 Revision)*;

"**Registry**" means the Bankruptcy Registry established by Rule 3;

"**return day**" means the day next when any particular matter is set down or due to be dealt with by the Court;

"**section**" means a section of the Law; and section 2 applies.



The Registry

3. There is hereby established the Bankruptcy Registry located at the Court House, George Town, under the supervision of the Court and the management of the Clerk to which shall be transferred the existing records of all cases which, had they commenced after the coming into operation of these Rules, would have been dealt with hereunder.

Hearing in Chambers

4. Subject to Rule 5, bankruptcy matters may be dealt with by a Judge of the Court sitting in chambers.

Hearing in Court

5. Bankruptcy matters shall be heard or adjourned into open court when —
- (a) the grant of a discharge which is opposed is being considered;
 - (b) all the contending parties so require; or
 - (c) the Judge so orders.

Registry to deal with Court process

6. All procedure under these Rules shall be handled in the Registry and all court process issuing out of the Registry shall be sealed with the seal of the Court.

Retention of records in Registry

7. All records arising out of matters dealt with by these Rules shall be retained and filed in the Registry, subject to any contrary direction by the Court, but shall be open to inspection by litigants during normal office hours.

Notice of creditors' meetings

8. Where the Court summons a general meeting of creditors under section 41, the Clerk, subject to any direction of the Court, shall transmit a sealed copy of the order to the Trustee not less than fourteen days before the time appointed for the meeting and the Trustee shall cause to be inserted in the Gazette, not less than ten days before the meeting, a notice of the time and place of such meeting.

Partnerships and corporate bodies

9. Partnerships and corporate bodies may petition as creditors through their duly authorised agents and the Court may, in any particular case, require the filing of an affidavit supporting the claim to agency.

Debtors' petitions

10. A petitioning debtor's statement under section 17 shall be accompanied by a supporting affidavit and both —



- (a) the supporting affidavit; and
- (b) an absolute order for bankruptcy based on such petition shall be in the prescribed form.

Creditors' petitions¹

- 11.** Subject to Rule 14, a bankruptcy petition by a creditor shall be issued in accordance with GCR Order 5, rule 1 and endorsed with a hearing date pursuant to GCR Order 9, rule 4.

Supporting affidavit

- 12.** When a petitioning creditor cannot themselves verify all the statements contained in the petition, that person shall file in support thereof the affidavit of some person who can depose to them.

Costs of presentation of petition

- 13.** (1) A petitioning creditor shall at that petitioning creditor's own cost file and prosecute that petitioning creditor's petition and the proceedings under any order for adjudication made thereon, and the Court may make an order for the payment of such costs out of the first net proceeds of the estate of the bankrupt.
- (2) The costs of a debtor presenting a petition against themselves and of the adjudication thereon shall, subject to subrule (3), be paid out of the net assets of the estate but shall not include the preparation and filing of the statement of affairs.
- (3) Where, after a bankruptcy petition has been presented by a creditor, and before the hearing of such petition, the debtor files a petition resulting in an order absolute, unless, in the opinion of the Court, the estate has benefitted thereby, no costs shall be allowed to the debtor or that debtor's Attorney out of the estate unless the Court for special reasons orders otherwise.
- (4) In cases where the act of bankruptcy is non-compliance with a bankruptcy notice, the cost of such notice shall form part of the petitioning creditor's costs for the purpose of subrule (1).

Judge to scrutinise petition

- 14.** After the presentation of a petition and before sealing the copies thereof for service, the Judge shall examine the petition and may, at that Judge's discretion, call witnesses to verify any statement in the petition.

Appointment of Trustee and notice by Trustee or creditor

15. (1) The Court may, after the presentation of a petition, upon the application of a creditor, and upon proof by affidavit of sufficient grounds, appoint the Trustee to act as receiver and manager of the property or business of the debtor but, where the petition is dismissed, the Court may order the creditor to pay the costs thereof.
- (2) A notice under section 149, in the prescribed form, may be issued at the instance of the Trustee or of a creditor.
- (3) In the case of absent partners, notice shall be served not less than ten days before the return day upon the partners for the time being in the Islands and upon such other persons as the Court may direct and a partner of unsound mind may be treated as an absent partner.

Powers of court on hearing petition

16. On hearing the petition the Court may —
- (a) dismiss it; or
 - (b) adjourn it; or
 - (c) make a provisional order under section 29.

Service of provisional order

17. A provisional order on a creditor's petition and the notice referred to in section 30 shall be served personally on the debtor or as the Court may direct.

Debtor's notice

18. (1) A debtor may show cause against a provisional order by filing a notice in the Registry indicating the statements in the petition that debtor disputes and serving a copy thereof on the petitioning creditor three days before the hearing.
- (2) It is not necessary on the return day for the petitioning creditor to furnish evidence that the debtor has made default under subrule (1) and the production by the Clerk of that Clerk's certificate in the prescribed form shall be sufficient.

Debtor may have time to show cause

19. On appearance of a debtor to show cause why a provisional order should be revoked, the petitioning creditor's debt, the trading and the act of bankruptcy or such of those matters as the debtor disputes shall be proved again and the Court may, in its discretion confirm or revoke the order or give the debtor further time to oppose the order.



Non-appearance of creditor

20. Subject to Rule 21, where a creditor fails to appear in support of that creditor's petition, such creditor shall not present a subsequent petition against the debtor without leave of the Court.

Court may dispense with attendance of creditor etc.

21. The Court may, if it thinks fit, dispense with the personal attendance of a petitioning creditor and of witnesses to prove the debt, the trading and the act of bankruptcy upon cause being shown for a revocation of the provisional order.

When the Court may grant an absolute order on debtor's petition

22. On the presentation of a petition stating that the act of bankruptcy is the filing in Court by the debtor of a petition for bankruptcy against themselves the Court may, with the consent of the debtor in writing, forthwith grant an absolute order for bankruptcy against the debtor.

Evidence

23. The Court may, in any matter, take the whole or any part of the evidence, either orally, or by interrogatories, or upon affidavit, or by commission.

Practice

24. All applications to the Court shall, unless otherwise provided, be by way of motion supported by affidavit, upon hearing which the Court shall make such order therein as shall be just; but in cases in which any other party or parties than the applicant are to be affected by such order, no such order shall (except upon application for interim orders and injunctions which may be made by the Judge in Chambers) be made save upon the consent of such person or persons duly shown to the Court; or upon proof that notice of the intended motion and copy of the affidavit in support thereof has been served upon the party or parties to be affected thereby four clear days at least before the day named in such notice as the day when the motion is to be made:

Provided that the Court may, if it shall think fit, in any case where the party or parties to be affected by the order, or any of them, shall not have been duly served with the notice of the motion for such order, make an order calling upon the party or parties to be affected thereby to show cause, at a day to be named by the Court, why such order should not be made.

Service of order to show cause

25. Every order to show cause shall be served upon the party or parties affected thereby at least four clear days before the day appointed for attendance, unless the Court otherwise directs.



Revoked²

26. Revoked by Rule 4 of the *Grand Court (Bankruptcy) (Amendment) Rules, 1995[SL 2 of 1995]*.

Revoked³

27. Revoked by Rule 4 of the *Grand Court (Bankruptcy) (Amendment) Rules, 1995[SL 2 of 1995]*.

Revoked⁴

28. Revoked by Rule 4 of the *Grand Court (Bankruptcy) (Amendment) Rules, 1995[SL 2 of 1995]*.

The Bailiff

29. The Bailiff shall attend all sittings in open court and perform all duties required of that Bailiff by the Court, the Clerk or the Trustee, including service of process; but it is not incumbent upon the Trustee, a creditor or other party to serve process through the Bailiff.

Proof of debt by creditor

30. A creditor may prove that creditor's debt at any time up to forty-eight hours before the meeting of creditors by delivering to the Trustee an affidavit in the prescribed form. Such affidavit may be that of themselves, that creditor's agent or a person in that creditor's employment, but if made by an agent or employee, shall state that the person making it is authorised by the creditor so to do, that the matters stated are within that person's personal knowledge and that, to the best of that person's knowledge, the debt remains unpaid. Unless the Court otherwise orders, the creditor shall bear the cost of such proof.

Trustee to deal with proofs

31. The Trustee may, in that Trustee's discretion, accept proofs of debt after the prescribed time limit and shall examine every proof filed with that Trustee and the grounds thereof and may in writing —

- (a) admit it in whole or in part;
- (b) reject it, giving reasons for such rejection; or
- (c) require further evidence in support thereof.

Trustee may contest proof of debt

32. The Trustee may, after admitting any debt, apply to the Judge, upon affidavit setting forth the facts, for a day to be appointed to consider the propriety of expunging the proof or reducing the amount thereof.



Creditor's remedy

- 33.** A creditor who is dissatisfied with the Trustee's decision with respect to a proof may, within fourteen days of the receipt of notice thereof, apply to the Judge to vary or reverse the decision and shall give four days notice to the Trustee of the date fixed for hearing.

Priorities

- 34.** Each creditor of a bankrupt may prove that creditor's debt against that creditor jointly with any other person or persons and under any consequential order —
- (a) distinct accounts of the joint and separate estates of the bankrupt shall be kept;
 - (b) the separate estates shall be applied in the first place in satisfaction of the debts of the separate creditors;
 - (c) any surplus in a separate estate shall be carried to the account of the joint estate;
 - (d) any surplus in the joint estate shall be applied proportionately to the interest of each separate estate; and
 - (e) the cost of taking the accounts shall be charged to the various estates as the Court shall direct.

Proof for interest

- 35.** A creditor may claim for a debt already incurred at the time of the commission of an act of bankruptcy whether or not such debt was due for payment at that time and, where no rate of interest in the event of non-payment has been stipulated, interest at six per cent per annum shall be payable calculated from the date when each debt becomes due and owing under the conditions upon which it was incurred.

Secured creditors

- 36.** If it is found, upon application by any person by motion or otherwise, that that person is a mortgagee of or has security over any part of a bankrupt's estate or effects, real or personal, and has good title thereto, the Court shall take account of the principal, interest, costs and other proceeds due upon such mortgage or security and direct where, when, and in what manner the premises are to be sold and that such sale shall be made accordingly and that the Trustee (unless otherwise ordered) shall have the conduct of the sale; and all proper parties shall join in the conveyance to the purchaser as the Court shall direct.

Application of proceeds of sale

- 37.** The proceeds arising from a sale under Rule 36 shall be applied in the following order —



- (a) the costs, charges and expenses of the Trustee;
- (b) the costs of the application;
- (c) the costs, charges and expenses of and attending the sale;
- (d) the claim of the secured creditor; and
- (e) any surplus to the Trustee

and if the full claim of such secured creditor remains unsatisfied that creditor may claim rateably with the other creditors in respect of any dividends distributed after such sale.

Investigation of title by the Court

- 38.** In making title to a purchaser for the purpose of Rule 36, the Court may examine any party upon interrogatory or otherwise and require production upon oath of all documents relating to the estate or effects of the bankrupt.

Proxies

- 39.** Creditors at creditors meetings may act through proxies duly appointed in writing in that behalf.

Debtor's statement

- 40.** Where a provisional order has not been revoked, the Court shall make an order to be served on the debtor, requiring that debtor within eight days from the date of service, or such other time as may be stated in the order, to file in the Registry a statement of that debtor's assets and liabilities in conformity with section 32 and within the same time to deliver a copy thereof to the Trustee; such statement to be verified by affidavit.

Partnership

- 41.** In the case of the bankruptcy of a partnership, the bankrupts shall file in the Registry a statement of their partnership affairs and each shall file a separate statement of that person's own affairs.

Meeting of creditors

- 42.** A meeting of creditors under sections 41 and 42 shall be summoned immediately after the making of the provisional order by the Court appointing a day for the said meeting and the Clerk causing ten days notice thereof to be published in the Gazette. The summons shall be in the prescribed form requiring the attendance of the bankrupt and a sealed copy thereof shall be served upon the bankrupt in accordance with the directions of the Court.



Constitution of meetings

43. The Trustee shall preside at meetings of creditors which shall not be competent to act for any purpose other than the proof of debts or the adjournment of a meeting unless there are present a quorum of three creditors or all the creditors, if their number is less than three.

No quorum

44. If, within half an hour of the time appointed for a creditors' meeting, a quorum is not present or represented, the meeting shall be adjourned to such other day as the Chairperson may appoint not being less than seven or more than twenty-one days thereafter and if at the adjourned meeting there is no quorum the Trustee shall report the fact to the Court in accordance with section 45(2).

Court's action on report.

45. Upon receipt of a report under Rule 44, the Court may make an absolute order against the debtor, annul the provisional order or make such order as it deems just.

Validity of proceedings

46. Proceedings had and resolutions made at a creditors' meeting shall be valid notwithstanding that some creditors have not received notice thereof, unless the Court otherwise orders.

Secured creditor

47. A secured creditor who has not realised that secured creditor's security shall, before being allowed to prove or vote, declare in that secured creditor's proof the particulars of that secured creditor's security and the value at which that secured creditor assesses it and shall be deemed to be a creditor only to the extent of the balance due to that secured creditor after deducting the assessed value of that secured creditor's security.

Secured creditor to account for excess value

48. A secured creditor so proving is bound to pay to the Trustee any amount produced by that secured creditor's security in excess of the assessed value and the Trustee may, at any time before the realisation of the security, redeem it for the assessed value.

Security realising less than assessment

49. The proof of a secured creditor shall not be increased by reason of that secured creditor realising a less sum for the security than the value assessed.

Form of absolute order

50. An absolute order for bankruptcy shall be in the form prescribed.



Notice of deeds of arrangement

51. Notice of an application to confirm a deed of arrangement shall be served upon the Trustee by leaving a copy thereof at that Trustee's office eight clear days before the hearing of the application.

Trustee's right to possession of bankrupt's books

52. No person shall, as against the Trustee, be entitled to withhold possession of the books of account of a bankrupt.

Trustee's access to the Court

53. The Trustee may apply to the Court for directions in any matter arising in bankruptcy and the Court shall either hear the application or fix a date for the hearing thereof.

Costs in joint estates

54. Where in any joint estate the assets are insufficient to cover costs the Court shall, on application of the Trustee, apportion the necessarily incurred costs between the separate and joint estates.

Cost of Trustee's attorney

55. The Trustee shall not in that Trustee's accounts charge any Attorney's costs unless they have been taxed as between Attorney and client and allowed by the Judge.

Judge to sanction Trustee's employment of attorney

56. No taxing officer shall allow to the Trustee any cost of attendance in court or chambers or for the advice of an Attorney unless that Trustee's employment has had the sanction of the Court.

Trustee's right to redeem security

57. Where an absolute order has been made upon the petition of a secured creditor who has been admitted as a petitioning creditor to the extent of the balance due to that petitioning creditor after deducting the assessed value of that secured creditor's security, that secured creditor shall, upon the application of the Trustee made within one month of such order, give up the security to the Trustee against payment of the assessed value thereof, but if the Trustee does not apply within such time the Trustee shall be deemed to have waived that Trustee's right to redeem the security.



Approval of Trustee's accounts

58. The accounts of the Trustee shall be submitted to the Clerk, audited by the Auditor of the Islands and approved and passed by the Judge in Chambers; and before submission of the accounts to the Judge, the Clerk shall examine the Record Book and shall note thereon any matter which, in that Clerk's opinion, calls for enquiry or explanation in connection with the due administration of the estate, and the Record Book, with the notes, if any, of the Clerk thereon, shall be laid before the Judge for examination on the passing of the accounts.

Trustee's expenses

59. The Court shall in each particular case determine the amount of the Trustee's expenses to be paid out of the estate by virtue of section 13(5).

Money paid into Court⁵

60. All money directed by section 93 to be paid into court by the Trustee shall be paid by that Trustee to the Courts Funds Office in accordance with GCR Order 92.

Notice of intended dividend

61. When the Trustee intends to declare a dividend, that Trustee shall give notice of the fact to such of the creditors mentioned in the bankrupt's statement as have not proved their debts by notification in the Gazette

Dividends to be Gazetted

62. Notice of declaration of a dividend shall be Gazetted by the Trustee, specifying the creditors and the amount of the dividend in each case.

Negotiable instruments to be exhibited.

63. All bills of exchange and other negotiable securities upon which proof has been made shall be exhibited by the Trustee before payment of a dividend.

Determination of secured creditor's dividend

64. A creditor who elects to give credit for the value of that creditor's security in order to entitle that creditor to a dividend on the balance shall give notice to the Trustee, and the value of that creditor's security shall be determined as for the purpose of Rule 47, and such creditor shall give credit for the value of that creditor's security within fourteen days of being called upon by the Trustee so to do or, in default, be deemed to be fully secured. If the Trustee or any creditor is dissatisfied with the value put upon such security the Trustee may require it to be realised at such times and upon such terms and conditions as may be agreed between the secured creditor and the Trustee or other creditor or as may be directed by the Court.

Procedure when estate proves solvent

- 65.** When the estate of a bankrupt proves sufficient to pay one hundred cents in the dollar and interest as hereinafter mentioned, and to leave a surplus, the Trustee shall pay such surplus to the bankrupt or any person lawfully claiming through that Trustee and the bankrupt shall be entitled to recover the remainder of any debts due to that bankrupt; but such surplus shall not be payable until all the proving creditors have received interest upon their debts upon the following scale and priority, that is to say —
- (a) all creditors whose debts are by law entitled to carry interest shall first receive interest upon such debts at the rate reserved by law payable or provable thereon from the date of the order absolute; thereafter
 - (b) all other creditors who have proved shall receive interest from the date of the order absolute at six per cent per annum.

Bankrupt's application for discharge

- 66.** A bankrupt may apply for an order for discharge by filing an application in the Registry and the Court shall thereupon fix a time and place for hearing which shall be Gazetted and the bankrupt shall give fourteen days notice thereof to the Trustee.

Order of discharge

- 67.** An order for discharge shall be dated on the day it is made and take effect therefrom and shall be Gazetted.

Witnesses

- 68.** A subpoena for the attendance of witnesses capable of giving evidence on any matter arising in the Registry may be issued at the instance of the Trustee, a creditor, a debtor or any respondent, with that person's consent, and any number of names may be inserted in such subpoena which may be issued in blank as at common law.

Service of subpoenas⁶

- 69.** A subpoena issued pursuant to Rule 68 shall be served in accordance with the provisions of GCR Order 37, rule 17.

Limitation of witnesses for taxation

- 70.** The Court may limit the number of witnesses to be allowed on taxation of costs.

Discovery

- 71.** Applications to the Court under section 150 shall be in writing and shall state shortly the grounds thereof and, unless the application is made by the Trustee, such grounds shall be verified by affidavit.



~~Revoked^f~~

72. ~~Revoked~~ by Rule 4 of the *Grand Court (Bankruptcy) (Amendment) Rules, 1995[SL 2 of 1995]*.

Arrest of property

73. Where a bankrupt is arrested under a warrant issued by virtue of section 154, any books, moneys, goods and chattels in that bankrupt's possession may be seized and lodged with the Trustee.

~~Revoked^g~~

74. ~~Revoked~~ by Rule 4 of the *Grand Court (Bankruptcy) (Amendment) Rules, 1995[SL 2 of 1995]*.

Application for attachment of salary

75. Before applying to the Court for attachment of any portion of the bankrupt's salary, pension or income under sections 101 or 102, the Trustee shall give notice to the bankrupt of the time and place fixed for the hearing and the bankrupt may attend and show cause against the making of an order.

Bankrupt may apply for variation of order

76. Where an order has been made under section 101 or 102, the bankrupt may apply to the Court for a variation or the revocation of such order.

Costs

77. The Court may in all matters before it award such costs as may appear fit and just and such costs shall be recoverable as in other civil procedure and shall be taxed by the Clerk in that Clerk's capacity of taxing officer who shall also tax all claims for expenses of litigants and all accounts of the Trustee.

Amendments

78. The Court may allow amendments to be made in any matter at any stage of a proceeding upon such terms as appear just.

Records

79. The Clerk shall keep and maintain the following books which shall be open to the inspection of any creditor or that creditor's agent without fee during normal office hours —

- (a) the Register of Bankruptcies in which entry shall be made of every notice Gazetted under the Law or these Rules;
- (b) the Record Book in which shall be entered all minutes, proceedings and resolutions at creditors' meetings, statements of bankrupts' affairs, (if

prolix, in the abstract) and all proceedings necessary to give a correct picture of the management of bankrupts' property save that the Clerk shall not be bound to enter any matter of a confidential nature or which appears not to affect the interests of creditors, which said matters shall not be disclosed save on the direction of the Judge;

- (c) the Dividend Book in which shall be entered all dividends declared, the amount thereof and the dates of payment to named creditors; and
- (d) the Cash Book in which shall be entered daily all sums of money received in the Registry and all payments out.

The Record Book, the Cash Book and the Trustee's Bank account shall be submitted to the Auditor of the Islands during the first week in January and the first week in July in each year for audit.

Forms

80. Forms for use in connection with the Law and these Rules are prescribed in the Schedule.

Registry open to the public

81. On payment of the prescribed fees in that behalf, members of the public may, during normal office hours —

- (a) inspect any document in the Registry other than matters of a confidential nature referred to in Rule 79(b) or affidavits or statements not yet released by the Court for inspection;
- (b) have supplied to them copies of such documents.



SCHEDULE

Cause No.

No. of

IN THE GRAND COURT IN BANKRUPTCY CREDITORS PETITION

FORM 1

(Rule 11)

To the Grand Court

The petition of C.D. of
sheweth;

1. That A.B. of..... is indebted to your petitioner (or, petitioners in the aggregate) in the sum of \$..... (set out the amount of the debt or debts and the consideration).

2. That your petitioner doth not, nor doth any person or persons in that petitioner’s behalf, hold any security on the said A.B.’s estate, or on any part thereof, for the payment of the said sum (or, that your petitioner holds security for the payment of the said sum, but that that petitioner will give up such security for the benefit of the creditors of the said A.B., in the event of the said A.B. being adjudged a bankrupt, or, that your petitioner holds security for the payment of the said sum, and that your petitioner estimates the value of such security at the sum of \$.....).

3. That the said A.B. has committed an act (or acts) of bankruptcy within six months before the presentation of this petition.

4. That the act (or acts) of bankruptcy committed by the said A.B. (was or were) that (here set out separately the act (or acts) of bankruptcy).

Your petitioner therefore prays that, on proof of the requisites in that behalf, on the hearing of this petition, the said A.B. may be adjudicated a bankrupt.

Dated.....(Signed).....

(Heading on other forms should appear as on Form 1, where appropriate)



AFFIDAVIT OF TRUTH OF STATEMENTS IN PETITION

FORM 2

(Rule 12)

In the Grand Court

In the matter of a bankruptcy petition against A.B. of

I, the petitioner named in the petition hereunto annexed, make oath and say:

That the several statements in the said petition are within my own knowledge true.

.....

.....

Sworn, etc.

(Signed) C.D.

Note:— If the petitioner cannot depose that the truth of all the statements in that petitioner’s petition is within that petitioner’s own knowledge, that petitioner must set forth the statements the truth of which that petitioner can depose to and file a further affidavit by some person or persons who can depose to the truth of the remaining statements.



AFFIDAVIT OF TRUTH OF STATEMENTS IN PETITION

FORM 3

(Rule 12)

In the Grand Court

In the matter of a bankruptcy petition against A.B. of

We, C.D., E.F., G.H., the petitioners named in the petition hereunto annexed severally make oath and say:

And first I, the said C.D., for myself say:

1. That A.B. is justly and truly indebted to me in the sum of \$ as stated in the said before-mentioned petition;

2. That the said A.B. committed the act of bankruptcy stated to have been committed by the said A.B. in the said before-mentioned petition;

And I the said E.F. for myself say:

3. That A.B. is justly and truly indebted to me in the sum of \$..... as stated in the said before-mentioned petition;

And I the said G.H. for myself say:

4. That A.B. is, etc.

Sworn, etc.

(Signed)..... C.D.

E.F.

G.H.



PROVISIONAL ORDER

FORM 4

(Rule 16 (c))

In the Grand Court

In the matter of a bankruptcy petition against A.B. of

Upon the hearing of the above petition this day and upon proof satisfactory to the Court of the debt of the petitioner and of the act (or acts) of bankruptcy alleged to have been committed by the said A.B. having been given it is provisionally ordered that the affairs of the said A.B. be wound up and that the property of A.B. be administered under the Law of Bankruptcy unless cause be shown to the contrary on theday of20... at 10 o'clock in the forenoon. And this is to give you the said A.B. notice that on the said.....day of..... 20... at 10 o'clock in the forenoon at the Court House, George Town, you will be heard to show cause, (if you can) why the said order should be revoked. If you intend to show cause against the order you are required to file a notice in the Registry indicating the statements in the petition which you intend to deny or dispute and to serve on the petitioning creditor a copy of such last mentioned notice three days before the hearing.

Given under the Seal of the Court this..... day of..... 20... .

.....

Clerk of the Court.



NOTICE UNDER SECTION 149

FORM 5

(Rule 15 (3))

In the Grand Court

In the matter of a bankruptcy petition against A.B. of.....
(and C.D.) of

Whereas a provisional order in bankruptcy has been made against the above named A.B. (and C.D.) a member (or members) of the firm of..... and it appears to the Court that E.F. and (G.H.) is (or are) a member (or members) of the said firm and is (or are) out of this Island (or of unsound mind) and that the said firm is unable to pay its debts, this is to give you notice that on the day of 20. ... at 10 o'clock in the forenoon at the Court House, George Town, application will be made to the Court on behalf offor a provisional order for the administration by the Trustee in Bankruptcy of the joint property of the members of the firm of upon proof satisfactory of the Court being given that the said firm of is unable to pay its debts.

Given under the Seal of the Court this.....day of..... 20..... .



**APPLICATION FOR APPOINTMENT OF RECEIVER
OR MANAGER UNDER SECTION 12**

FORM 6A

(Rule 15(1))

In the Grand Court

In the matter of a bankruptcy petition against A.B. of.....

I, C.D., of..... the petitioner in this matter, do, on the grounds set forth in the annexed affidavit, apply to the Court for the appointment of the Trustee in Bankruptcy to be the receiver of the property of the said A.B. (or to be the manager of the business of carried on by the said A.B. of), and that such Trustee be directed to take immediate possession thereof.

Date(Signed)CD



ORDER FOR APPOINTMENT OF RECEIVER

UNDER SECTION 18

FORM 6B

Upon reading this application and the affidavit therein referred to, it is ordered that the Trustee in Bankruptcy be appointed to collect, get in and receive the property (or to manage the business) of the said A.B.

And it is further ordered that the said Trustee do take immediate possession of such property (or business), and that that Trustee do pass that Trustee’s accounts at such times as shall be ordered by the Court.

By the Court.

(Seal)

Date (Signed) Judge.



DISMISSAL OF PETITION

FORM 7

(Rule 16 (a))

In the Grand Court

In the matter of a bankruptcy petition against A.B. of

Upon the hearing of this petition this day, the Court being satisfied that the debt of the petitioning creditor is not sufficient to support a petition in bankruptcy (or, that the debtor did not commit the act of bankruptcy stated to have been committed). It is ordered that this petition be dismissed (and that the petitioner do pay to the said A.B. the taxed costs thereof).

Given under the Seal of the Court this day of..... 20.....

.....

(Seal)

(Signed)

Judge.



AFFIDAVIT OF SERVICE OF NOTICE OF PROVISIONAL ORDER

FORM 8

(Rule 17)

In the Grand Court

In the matter of a bankruptcy petition against A.B. of

I, J.S., of make oath and say:—

That I did on the day of20 ... serve the above-named A.B. with a copy of the notice to show cause against the Provisional Order in the above matter and with a copy of the said order, both duly stamped with the Seal of the Court by delivering the same personally to the said A.B.

.....

Sworn, etc.

(Signed)

J.S. Bailiff, etc.



CLERK’S CERTIFICATE

FORM 9

(Rule 18(2))

In the Grand Court

In the matter of a bankruptcy petition against A.B.

I, C.D. Clerk of the Courts DO HEREBY CERTIFY that I have searched in the Suit Book kept in the Registry from the date of the filing of the petition herein to the date hereof and no entry appears in the said book of the filing of any notice by or on behalf of the above-named debtor of that debtor’s intention to show cause against the provisional order made herein.

Given under my hand and the Seal of the Court this.....day of..... 20... .

.....

Clerk



NOTICE BY DEBTOR DISPUTING TRUTH OF STATEMENTS IN PETITION

FORM 10

(Rule 19)

In the Grand Court

In the matter of a bankruptcy petition presented against me by you, C.D. of.....

I, the above A.B. do hereby give notice that I intend to show cause for the revocation of the provisional order against me, at which time I intend to dispute the petitioning creditor's debt (or the act of bankruptcy).

Dated thisday of.....20.....

To C.D.of and to the Clerk of the Court.....



REVOCATION OF PROVISIONAL ORDER

FORM 11

(Rule 19)

In the Grand Court

In the matter of a bankruptcy petition against A.B.....

Upon cause being shown this day by the above A.B. for the revocation of the provisional order, made in the above matter. It is ordered that the said order be revoked.

Given under the Seal of the Court this..... day of20..... .

.....

(Signed)

Judge



**ORDER AGAINST DEBTOR TO FILE STATEMENT
OF AFFAIRS UNDER SECTION 32; FOR MEETING OF
CREDITORS UNDER SECTION 41 AND FOR DEBTOR'S
ATTENDANCE THEREAT**

FORM 12

(Rule 40)

In the Grand Court

In the matter of a bankruptcy petition against A.B. of

The debtor having failed to show cause against the provisional order made against the said debtor, it is ordered that the said A.B. do within eight days from the date of the service hereof file in this Court a statement of the said A.B.'s affairs verified by affidavit and containing the particulars specified in section 17 of the Bankruptcy Act, and notice is hereby given to the said A.B. that if the above statement be not filed within the required time the said A.B. will be liable to have the provisional order against the said A.B. made absolute and the said A.B.'s bankruptcy gazetted.

And it is further ordered that a general meeting of the creditors of the said A.B. be held at the Office of the Trustee in Bankruptcy, George Town, on the.....day of 20 , ato'clock in the noon to consider whether the proceedings under the above petition shall be stayed and the affairs of the debtor wound up and that debtor's property administered under a deed of arrangement, or whether an adjudication of bankruptcy shall be made against the debtor.

And it is further ordered that the said A.B. do and the said A.B. is hereby required to attend the said meeting at the time and place aforesaid and any adjournment thereof and to submit to such examination with respect to the said A.B.'s property as the meeting may require.

Given under the Seal of the Court thisday of 20.....

.....

Judge.



NOTICE OF MEETING OF CREDITORS

FORM 13

(Rule 42)

In the Grand Court

A.B. of was provisionally adjudged a bankrupt on the day of20... . A meeting of the creditors will be held, pursuant to the Bankruptcy Act, at George Town on the day of20... at eleven in the forenoon.

Dated atthis ... day of 20.....

.....

Clerk of the Court.



RESTRAINING ACTION, ETC. AFTER BANKRUPTCY

FORM 14

In the Grand Court

In the matter of A.B. of , a bankrupt.

Upon the application of etc., and upon reading that applicant's affidavit, it is ordered that L.M. of.....etc., shall be restrained from taking any further proceedings in the action brought by the said L.M. (or upon the Judgment recovered or obtained by the said L.M.) against the said A.B. in the..... Court (or, it is ordered that the proceedings in the action brought by the said L.M.) against the said A.B. in the.....Court may be continued on (here state the terms fixed by the Court).

Given under the Seal of the Court this..... day of 20..... .

.....

By the Court,

Judge.



AFFIDAVIT OF PROOF OF DEBT WITH OR WITHOUT SECURITY

FORM 15

(Rule 30)

In the Grand Court

In the matter of A.B. of a bankrupt.

I, E .F. of make oath and say;—

1. That the said A.B. was at the date of the order of adjudication, and still is, justly and truly indebted to me in the sum of \$ in respect of a Judgment recovered by me against the said A.B. in the Grand Court (or as the case may be) exclusive of costs, for which said sum, or any part thereof, I say that I have not, nor hath any person by my order, or to my knowledge or belief, for my use, had or received any manner of satisfaction or security whatsoever, save and except the following;—

(Here set out the particulars of the security, and the value at which the creditor has assessed the same, or if bills that creditor held, specify them in the schedule).

Date	Drawn	Accepted	Amount	Date when due
			\$	

Sworn, etc.

I appoint C.D., of..... etc., my proxy in the above matter.

E.F. (or G.H.of.....etc..... in partnership name)

Note:— When the affidavit is made by a clerk alter the form accordingly, and add the following: —

That I am a person in the employ of E.F. and that I am duly authorised by the said E.F. to make this affidavit, and that is within my own knowledge that the said Judgment was recovered (or as the case may be) and that the said Judgment (as the case may be) to the best of my knowledge and belief is unpaid and unsatisfied.



PROXY (When not added to Proof)

FORM 16

In the Grand Court

In the matter of A.B. of..... a bankrupt.
I, M.N., do hereby appoint I.J. as my proxy in this matter excepting as to the receipt of dividend.

As witness my hand this day of20.....
M.N. (for self and partners).

Signed by the said M.N.....
in the presence of X. Y. of etc.

Note:— When the creditor desires that that creditor’s proxy should receive dividends, that creditor should strike out the words “excepting as to”, etc. putting that creditor’s initials hereto.



AFFIDAVIT OF PROOF OF DEBT BY AGENT OF A COMPANY

FORM 17

(Rule 12)

In the Grand Court

In the matter of A.B. of a bankrupt.

I, J.S. of etc. Manager, (or other officer) of the Bank, make oath and say: —

That I am duly authorised by the said Bank to make proof of debt on its behalf (then follow last affidavit, making the necessary alterations in the Form)



**MINUTES OF PROCEEDINGS AT MEETING CONVENED
UNDER SECTION 48 OF LAW**

FORM 18

(Rule 51)

In the Grand Court

In the matter of A.B. of, a bankrupt.

Minutes of resolutions come to and proceedings had at the meeting of creditors held at.....etc., on etc..

Chairperson the Trustee.

We, the undersigned creditors, being a majority in value of the creditors present, personally or by proxy, at this meeting, and voting on this resolution, do hereby resolve as follows:-

That the proceedings under the petition be stayed, and the affairs of the debtor wound up, and that debtor's property administered under a deed of arrangement within the meaning of the Bankruptcy Act.

(or that adjudication in bankruptcy be made)

(Any other resolutions)

(Creditors' signatures)

Creditors' Signatures			Amount of Debt



LIST OF CREDITORS ASSEMBLED TO BE USED AT MEETING

In the Grand Court

In the matter, etc.

No of Assents or Creditors	Number	Names of Creditors present or assembled	Amount of Assents	Amount of Proofs
	1		\$	\$
	2			
<u>1</u>	3			
1	4			
<u>1</u>	5			
1	6			
1	<u>7</u>			
	7	Total number of creditors present or assembled		

5 Total number of Assents

Total \$



BANKRUPT'S STATEMENT OF THAT BANKRUPT'S AFFAIRS UNDER SECTIONS 17 AND 32

FORM 19

(Rule 40)

In the Grand Court

In the matter of a bankruptcy petition, etc

Statement of the affairs of the abovenamed on the day of 20

Gross Liabilities	Liabilities	Expected to Rank	Assets	Estimated to produce
	Unsecured creditors as per list (a)		Cash at bankers	
	Creditors fully secured as per list (b)	\$	Cash in hand	
	Estimated value of securities		Estimated cost \$	
	Surplus to contra		Property as per list (g) viz:	
	do do (c)		(a) Stock in trade	
	Creditors partly secured as per list (c)		(b) Machinery, trade fixtures, tings, utensils, etc.	
	Less estimated value of securities		(c) Farming stock, growing crops, and tenants rights	
	Other liabilities as per list (d) which it is expected will rank against the estate for dividend		(d) Furniture	
	Liabilities on bills other than debtor's own acceptance as per list (f)		(e) other property, viz.	
	\$ of which it is expected will rank against the estate for dividend		Book debts as per list (h) and Ch 1) viz:	
	Preferential creditors for rates, taxes, wages, etc. as per list (e)		Good \$	
	Creditors for rent payable under sec. 128 of the Law as per list (e)		Doubtful ..	
	Preferential claim for bailiff's charges ..		Bad ..	
	Deducted contra \$		Bills of exchange or other similar securities as per list (j)	
			Surplus from securities in hands of creditors fully secured (per contra) \$	
			Deduct preferential creditors for rent, rates, taxes, wages, etc. (per contra) \$	
			Deficiency or surplus explain in statement (k) \$	



A.
UNSECURED CREDITORS

The names to be arranged in alphabetical order and numbered consecutively, creditors for \$ _____ and upwards being placed first.

No.	Name	Address and occupation	Amount of Debt	Date when contracted		Consideration
				Month	Year	

Signature

Notes:— When there is a contra account against the creditor less than the amount of that creditor’s claim against the estate, the amount of the creditor's claim and the amount of the contra account should be shown in the third column, and the balance only be inserted under the heading amount of debt: thus: —

Total amount claim \$
Less contra account

No such set off should be included in H.

1. The particulars of any Bills of Exchange and Promissory Notes held by a creditor should be inserted immediately below the name and address of such creditor.



B.

CREDITORS FULLY SECURED

No.	Name of creditor	Address and occupation	Amount of Debt	Date when contracted		Particulars of security	Date when given	Estimated value of security	Estimated surplus from security
				Month	Year				

C.

CREDITORS PARTIALLY SECURED

No.	Name of creditor	Address and occupation	Amount of Debt	Date when contracted		Consideration	Particulars of security	Month and year when given	Estimated value of security	Balance of debt unsecured
				Month	Year					



D.

LIABILITIES

Full particulars of all Liabilities not otherwise scheduled to be given here.

No.	Name of creditor or claimant	Address and occupation	Amount of liability or claim	Date when liabilities incurred		Nature of liability
				Month	Year	

E.

PREFERENTIAL CREDITORS FOR RENT, RATES, TAXES AND WAGES

No.	Name of creditor	Address and occupation	Nature of claim	Period during which claim accrued due	Date when due	Amount of claim	Amount payable in full	Difference ranking for dividend
						\$	\$	\$



F.

LIABILITIES OF DEBTOR ON BILLS OTHER THAN THAT DEBTOR'S OWN
ACCEPTANCES

No.	Acceptor's name, address and occupation	Whether liable as drawer or endorser	Date when due	Amount \$	Holder's name, address and occupation (if known)	Amount expected to rank against estate for dividend



G.
PROPERTY

Particulars of every description of Property in possession and in reversion as defined by section 100 of the Bankruptcy Act not included in any other list are to be set forth in this list.

Full Statement and Nature of Property	Estimated cost	Estimated to produce
	\$	\$
(a) Stock in Trade at		
(b) Machinery, Trade Fixtures, Fittings, Utensils, etc. at		
(c) Farming Stock, growing Crops and Tenant's rights, at		
(d) Household Furniture and effects, at		
(e) Other property (state particulars), viz:		

Date

.....
Signature



H.

DEBT DUE TO THE ESTATE

No.	Name of debtor	Residence and occupation	Amount of Debt	Amount of debt			Folio of ledger or other books where particulars to be found	When contracted		Estimated to produce	Particulars of security held for debt
				Good	Doubtful	Bad		Month	Year		

.....
Signature

Note:— If any debtor to the estate is also a creditor, but for a less amount than that debtor’s indebtedness, the gross amount due to the estate and the amount of the contra account should be shown in the third column and the balance only be inserted under the heading "Amount of Debt" thus:

Due to estate

Less contra account.

No such claim should be included in Sheet. A



H. (1)

DEBTS DUE TO THE ESTATE

No.	Name of debtor	Residence and occupation	Amount of debt			Folio of ledger or other books where particulars to be found	When contracted		Estimated to produce	Particulars of security held for debt
			Good	Doubtful	Bad		Month	Year		

J.

BILLS OF EXCHANGE, PROMISSORY NOTES, ETC. AVAILABLE AS ASSETS

No.	Name of Acceptor of Bill or Note	Address etc.	Amount of Bill or Note	Date when due	Estimated to produce	Particulars of any property held as security for payment of Bill or Note



K.

DEFICIENCY ACCOUNT

Excess of assets over liabilities on the (a) day of 20 (if any)

- (a) 12 months before the date of the presentation of the petition.
- (b) The figures should agree.
- (c) This schedule must show when debts were contracted.
- (d) Add wife and children (if any) stating number of latter.
- (e) Here add any other expenses or losses.

Net profit arising from carrying on business from the (a) day of 20 to date of provisional order after deducting usual trade expenses (if any) ..

Income from other sources since the (a) day of 20

Deficiency as per statement of affairs (b) \$

Excess of liabilities over assets on the (a) day of 20 (if any)

Net loss arising from carrying on business from the (a) day of 20 to the date of provisional order after deducting from profits the usual trade expenses (if any)

Bad debts (if any) as per schedule (c)

Expenses incurred since the (a) day of 20 other than usual trade expenses, viz., household expenses of self and (d) (e)

Surplus as per statement of affairs (if any) (b) \$

..... Signature

Dated.



M.

MEMORANDUM EXPLANATORY OF CAUSES OF INSOLVENCY

In the matter of a bankruptcy petition against
of.....

The following are the causes of insolvency required to me in terms of Section 17(1) of the
Bankruptcy Act.



AFFIDAVIT OF BANKRUPT IN VERIFICATION OF STATEMENT UNDER SECTION 32

FORM 20

I..... of..... and whose postal address is..... the above-named debtor make oath and say that the above statement and the several lists annexed, marked "A" to are true and to the best of my knowledge and belief contain a full and true disclosure of my affairs and discovery of all my estate, both real and personal, whatsoever on the date of the provisional order made against me, and that the memorandum explanatory of the causes of my insolvency marked with the letter "M" is true to the best of my knowledge, information and belief; and I further say that at the time of making this affidavit I have delivered up to the Trustee all such parts of my goods, wares and merchandise, money, estate and effects, and all books, papers and writing relating thereto, as were in my possession, custody or power at the date of the provisional order; and I further say that I have not now in my possession, nor have removed, concealed, embezzled or destroyed any part of my estate, real or personal, nor any books of account, paper or writings relating thereto, with intent to defraud my creditors.

.....

Signature.

Sworn at.....this.....

day of20 before me

Justice of the Peace



AFFIDAVIT OF BANKRUPT IN VERIFICATION OF STATEMENT UNDER SECTION 17

FORM 21

(Rule 10(a))

I, of.....the above-named debtor and whose postal address is make oath and say that the above statement and the several lists annexed, marked "A" to are true and to the best of my knowledge and belief contain a full and true disclosure of my affairs and discovery of all my estate, both real and personal, whatsoever on the date hereofand that the Memorandum explanatory of the causes of my insolvency marked with the letter "M" is true to the best of my knowledge, information and belief, and I further say that I have not removed concealed, embezzled, or destroyed any part of my estate real or personal, nor any books of accounts, papers or writings relating thereto with intent to defraud my creditors.

.....
Signature

Sworn at this
day of 20 before
me.

.....
Justice of the Peace



ABSOLUTE ORDER FOR BANKRUPTCY

FORM 22

(Rule 50)

In the Grand Court

In the matter of a bankruptcy petition against A.B. of.....

Upon the application of on behalf of the petitioning creditor and on referring to the provisional order made herein on the day of20... , and the report of the Trustee in Bankruptcy filed herein on the.....day of.....20... whereby it appears that at the office of the Trustee in Bankruptcy on the day of20 , it was resolved that adjudication of bankruptcy be made or (that at the meeting of creditors summoned by the Court and held at the office of the Trustee in Bankruptcy on the day of.....20 no resolution was come to) or (the debtor having failed to comply with the order requiring that debtor to file a statement of that debtor’s affairs) or (a quorum of creditors not having been present or represented up to half an hour after the time appointed for the meeting summoned by the Court to be held on the day of 20.. at the office of the Trustee in Bankruptcy the said meeting was adjourned to the day of20.. and that at such adjourned meeting a quorum of creditors was again not present or represented and no resolution having therefore been come to) it is ordered that the said A.B. be and the said A.B. is hereby absolutely adjudged a bankrupt and that the date of the act of bankruptcy on which this order is made is the day of..... 20 , and it is further ordered that the Bankruptcy be gazetted forthwith and that a public sitting be held at the Court House, onthe day of 20 , at 11 o’clock in the forenoon for the purpose of examining into the affairs of the said bankrupt and that the said A.B. is hereby required to attend at such sitting and any adjournment thereof and to submit themselves to examination as to the said A.B.’s conduct, dealings and property, and that the Trustee in Bankruptcy do pay to the petitioning creditor or to that creditor’s said Attorney that creditor’s costs when taxed of filing and prosecuting the petition herein and the proceedings under this order out of the first net proceeds of the estate of the said bankrupt.

Given under the Seal of the Court thisday of..... 20 ..

.....

Judge.



ABSOLUTE ORDER FOR BANKRUPTCY ON DEBTOR’S OWN PETITION

FORM 23

(Rule 22)

In the Grand Court

In the matter of a bankruptcy petition against A.B. of

Upon the application of the Trustee in Bankruptcy and upon reading the petition of the above named A.B. and on referring to the statement of the said A.B.’s affairs filed herein on the day of..... 20 , it is ordered that the said A.B. be and the said A.B. is hereby absolutely adjudged a bankrupt, and it is declared that the date of the act of bankruptcy be gazetted forthwith and that at a public sitting be held at the Court House on the..... day of 20 at 11 o'clock in the forenoon for the purpose of examining into the affairs of the said bankrupt, and that the said A.B. is hereby required to attend at such sitting and any adjournment thereof and to submit themselves to examination as to the said A.B.’s conduct, dealings and property, and the Trustee in Bankruptcy do pay to the debtor’s solicitor that debtor’s costs when taxed of filing the petition herein and of this order out of the first net proceeds of the estate of the said bankrupt.

Given under the Seal of the Court this day of 20... .



NOTICE OF INTENDED DIVIDEND

FORM 24

(Rule 62)

A dividend is intended to be declared in the matter of A.B. of adjudicated a bankrupt on the day of.....20..... . Creditors who have not proved their debts by the day of 20 will be excluded.

Dated, etc..... Trustee.....



**APPLICATION BY CREDITOR FOR ORDER FOR TRUSTEE TO PAY
DIVIDEND AND ORDER THEREON**

FORM 25

(Rule 65)

In the Grand Court

In the matter of A.B. of , a bankrupt.

I, J.S. make application to this Court for an order to be made upon the Trustee to pay the dividend in this bankruptcy due to me, with interest thereon, for the time that it has been withheld from me, that is to say, from the day of 20.... , on which day I applied to the Trustee for its payment to me, and also to pay me the costs of this application.

Dated this..... dayof 20..... .

FORM OF ORDER

Upon the reading of this application and upon hearing the Trustee, it is ordered that the Trustee do forthwith pay to the said J.S. the sum of \$.....the amount of such dividend. And it is further ordered that the Trustee do pay to the creditor at the same time the sum of \$.....for interest on such dividend, being at the rate of six per cent for the time that its payment has been withheld, together with a further sum of \$ for the costs of this application.

Given under the Seal of the Court thisday of..... 20 ..

By the Court, Judge.

(If the Court does not order payment, order to be varied accordingly).



REPORT OF TRUSTEE FOR CLOSING BANKRUPTCY

FORM 26

(Rule 58)

In the Grand Court

In the matter of A.B. of , a bankrupt.

I, S.H., the Trustee in Bankruptcy, do hereby report to this Court as follows:—

That the whole of the property of the bankrupt has been realised for the benefit of that bankrupt’s creditors and a dividend to the amount of \$..... in the dollar has been paid, as shown by the statement hereunto annexed (or, that so much of the property of the bankrupt as can, in my opinion, be realised without needlessly protracting the bankruptcy, has been realised, as shown by the statement hereunto annexed, and a dividend of cents in the dollar has been paid.

Dated this..... day of20..... .

.....

Trustee



ORDER ON REPORT OF TRUSTEE FOR CLOSING BANKRUPTCY

FORM 27

(Rule 58)

In the Grand Court

In the matter of A.B. ofa bankrupt.

Upon reading the report of the Trustee, dated....., reporting (here set out terms of report) and upon hearing (any opponent of the order), the Court, being satisfied that (here follows terms of report) doth order and declare that the bankruptcy of the said A.B. has closed (or as the Court may otherwise order).

Given under the Seal of the Court thisday of20..... .

By the Court.

.....
Judge.



APPLICATION FOR DIRECTIONS BY TRUSTEE

FORM 28

(Rule 53)

In the Grand Court

In the matter of A.B of, a bankrupt.

I desire to make application to the Court for its directions. (Here state the particular matter in relation to which they are sought).

.....

Trustee.

Let this application be heard on the day of next at the Court House, George Town, atin the forenoon, and let the Trustee give notice to (here insert names of persons to whom notice to be given).

.....

(Judge at Chambers)



ORDER ON APPLICATION BY TRUSTEE FOR DIRECTIONS

FORM 29

(Rule 53)

Whereas at Chambers this day the Trustee in Bankruptcy applied to this Court for its directions in relation to (here state the particular matter).

Now, upon hearing of C.D. ofon the matter, it is ordered (here set out order) and that the said Trustee do apply out of that Trustee’s own monies (or, out of the property of the bankrupt) the costs of this order, and also the sum of \$ to C.D. for the said C.D.’s costs.

Given under the Seal of the Court this..... day of..... 20 ..

By the Court.

.....

Clerk of the Court



**NOTICE OF DAY WHEN BANKRUPT WILL APPLY FOR THAT BANKRUPT'S
DISCHARGE**

FORM 30

(Rule 66)

In the Grand Court

On the..... day of.....20.. next, at in the forenoon,
A.B. adjudicated bankrupt on the.....day of20.. will
apply for an order of discharge.

Dated the.....day of20.... .

.....

Clerk of the Court



APPLICATION FOR ORDER OF DISCHARGE BY BANKRUPT

FORM 31

(Rule 66)

In the Grand Court

In the matter of A.B. a bankrupt.

The public examination of the bankrupt being finished, that bankrupt doth hereby apply to the Court for an order of discharge.

Dated theday of..... 20.... .

A.B.

The following is the Note to be signed by a Judge:—

I hereby appoint.....the day of20...., ato'clock in thenoon, at the Court House, as the date and place for hearing the application, and I direct that notice of this appointment for hearing be published in the Gazette and sent fourteen days at least before the appointed day to each creditor who has proved and to the Trustee in Bankruptcy.



**APPLICATION FOR ORDER OF DISCHARGE BY BANKRUPT UPON
REPORT OF TRUSTEE THAT TERMS OF DEED OF ARRANGEMENT HAVE
BEEN CARRIED OUT.**

FORM 32

(Section 55)

In the Grand Court

The Trustee having reported that the arrangements of the deed have been carried out (or the terms of the deed entitling that Trustee thereto) the bankrupt doth hereby apply to the Court for an order of discharge.

Dated this.....day of..... 20 ...

A.B.



ORDER OF DISCHARGE

FORM 33

(Rule 67)

In the Grand Court

Whereas at a Court, etc., the bankrupt applied for an order of discharge; And whereas the Court, upon consideration of the conduct of the bankrupt, and the manner and circumstances in and under which that bankrupt’s debts have been contracted, is of opinion that that bankrupt is entitled to that bankrupt’s discharge, an immediate order of discharge is hereby granted to the bankrupt.

(or, And whereas the Court is of opinion that the bankrupt has carried on trade by means of fictitious capital, (or, as the case may be): it is ordered that the order of discharge be withheld altogether (or suspended until.....from the date of this order)).

Given under the Seal of the Court this..... day of20..

.....
Clerk of the Court



THE BANKRUPTCY ACT

(Cap. 7)

(Section 153)

SEARCH WARRANT

FORM 34

In the Grand Court

In the matter of A.B., a bankrupt,

Whereas by evidence duly taken on oath it hath been made to appear to the Court that there is reason to suspect and believe that property of the said bankrupt is concealed in the house (or other place, describing it, as the case may be) of one J.S. of etc., such house or place not belonging to the said bankrupt.

These are, therefore, to require you to enter in the day-time, into the house (or other place, describing it) of the said J.S., situate at, etc. aforesaid, and there diligently to search for the said property; and if any property of the said bankrupt shall be there found by you on such search, that you seize the same to be dealt with according to the provisions of the said Law.

Given under the Seal of the Court this..... day of20...

.....
Clerk of the Court.



THE BANKRUPTCY ACT
(Cap. 7)

(Section 153)

WARRANT OF SEIZURE

FORM 35

In the Grand Court

In the matter of A.B., a bankrupt.

Whereas on the day of..... 20 , an order of adjudication of bankruptcy was made against the said bankrupt:—

These are therefore, to require you forthwith to enter into and upon the house and houses, and other the premises of the said bankrupt, and also into and upon all other place and places belonging to the said bankrupt where any of the said bankrupt’s goods and monies or are reported to be: and there seize all the ready money, plate, jewels, household stuff, goods, merchandise, books of accounts, and all other things whatsoever belonging to the said bankrupt, except that bankrupt’s necessary wearing apparel, bedding and tools, as excepted by the said Law in that behalf.

And that which you shall so seize you shall safely detain and keep in your possession until you shall receive other orders in writing for the disposal thereof from the Trustee; and, in case of resistance, or from not having the key or keys of any door or lock of any premises belonging to the said bankrupt where any of the said bankrupt’s goods are or are suspected to be, you shall break open, or cause the same to be broken open, for the better execution of this warrant.

Given under the Seal of the Court thisday of 20.. .

To the Bailiff,

.....
Clerk of the Court.



THE BANKRUPTCY ACT

(Cap. 7)

(Section 154)

WARRANT AGAINST DEBTOR ABOUT TO LEAVE THE ISLAND, ETC.

FORM 36

In the Grand Court

In the matter of A.B. , a bankrupt.

To the Bailiff of this Court and all Peace Officers, and to the Superintendent of Prisons.

Whereas, by evidence taken upon oath, it hath been made to appear, to the satisfaction of the Court, that there is probable reason to suspect and believe that the said A.B. is about to go abroad (or, quit the said A.B.'s place of residence) with the view of avoiding examination in respect of the said A.B.'s affairs, or otherwise delaying or embarrassing the proceedings in bankruptcy against the said A.B.:

(Or whereas, by evidence taken on oath, it has been made to appear, to the satisfaction of the Court, that the said A.B. has removed certain of the said A.B.'s goods and chattels in the said A.B.'s possession, above the value of \$..... without the leave of the said A.B.'s Trustee, that is to say (here describe the goods and chattels)).

(Or that the said A.B. did, without good cause, fail to attend at this Court on the..... day of 20 , for the purpose of being examined, according to the requirements of an order of this Court, dated the.....day of20.., directing the said A.B. so to attend).

These are, therefore, to require you, the said Bailiff and others, to take the said A.B. and deliver the said A.B. to the Superintendent of Prisons, and you, the said Superintendent, to receive the said A.B. and to keep the said A.B. safely in prison until such time as this Court may order.

Given under the Seal of the Court thisday of.....20..

.....

By the Court

.....

Clerk of the Court



**IN THE GRAND COURT
SUBPOENA**

FORM 37

(Rule 68)

You are hereby commanded to appear before the Judge in Chambers on the day of 20...., next, atin the forenoon (add where production of documents required); and also that you bring with you and produce at the time and place aforesaid (here describe the deeds, papers, letters, etc, required to be produced) to testify the truth according to your knowledge in the matter of a certain bankruptcy petition now in Court presented by C.D. against A.B. on the part of the said A.B. (or C.D.) and on that day to be heard.

Given under the Seal of the Court this.....day of 20.....
Court House, George Town.

.....
Clerk of the Court.



NOTICE TO BANKRUPT

(Section 101)

FORM 38

In the Grand Court

To A.B.

Take notice, that I intend to apply to this Court on the day of 20 ,
at..... in thenoon, for an order, under section 101 of the Bankruptcy Act,
for the payment of a part of your salary or income to me as Trustee for the benefit of the
creditors under your bankruptcy.

Dated this..... day of 20....

.....

Trustee



ORDER SETTING ASIDE OF SALARY, ETC.,

(Section 101)

FORM 39

In the Grand Court

To

Whereas it appears to the Court that the said bankrupt is (here state office held by bankrupt) and, as such, is in the enjoyment of the annual salary paid by
And whereas, upon the application of the Trustee, it appears to the Court just and reasonable that the annual sum of \$portion of the said salary, ought to be paid to the said Trustee, during the bankruptcy and after the close of the bankruptcy, in order that the same may be applied in payment of the debts of the bankrupt, and that such payment should be made out of the first monies which shall be due after the first day of , and be continued until this Court shall make order to the contrary. It is ordered that such portion of the said salary shall be paid to the said Trustee accordingly.

Given under the Seal of the Court thisday of..... 20... ,

By the Court

.....

Clerk of the Court.



ORDER SETTING ASIDE SALARY OR INCOME

(Section 102)

FORM 40

In the Grand Court

Whereas it has been made to appear to this Court that the bankrupt is in the receipt of a salary of \$..... as (here set forth in the circumstances under which the salary or income is received);

And whereas, upon the application of the Trustee, and upon hearing the bankrupt, it appears to the Court just and reasonable that the annual sum of \$..... portion of the said salary, ought to be paid by the bankrupt by quarterly payments to the Trustee during and after the bankruptcy, in order that the same may be applied in payment of the debts of the said bankrupt, and that the first of such payments should be made on the first day of next, and be continued quarterly until this Court shall make order to the contrary; it is ordered that the said sum shall be paid by the bankrupt in manner aforesaid out of that bankrupt's said salary.

Given under the Seal of the Court this..... day of..... 20.... .

By the Court,

.....

Clerk of the Court.



**APPLICATION BY TRUSTEE FOR COMMITMENT OF BANKRUPT OR OTHER
PERSON**

(Section 40)

FORM 41

Revoked

Rule 74 was **Revoked** by Rule 4 of the *Grand Court (Bankruptcy) (Amendment) Rules, 1995[SL 2 of 1995]*.



**AFFIDAVIT IN SUPPORT OF APPLICATION FOR COMMITMENT OF
BANKRUPT FOR CONTEMPT**

(Section 40)

FORM 42

Revoked

Rule 74 was **Revoked** by Rule 4 of the *Grand Court (Bankruptcy) (Amendment) Rules, 1995[SL 2 of 1995]*.



AFFIDAVIT OF TRUSTEE

(Section 150)

FORM 43

In the Grand Court

In the matter of A.B., a bankrupt.....

I, S. H., the Trustee in Bankruptcy, make oath and say:

1. That I believe that J.S. has in the said J.S.'s possession or power, certain monies and securities belonging to the bankrupt, that is to say (here set out and describe the particular monies and securities)
2. That on theday of..... 20 , I did apply personally to the said J.S. to pay and deliver to me such monies and securities, and that the said J.S. did not then pay nor has the said J.S. since paid or delivered to me the said monies and securities.
3. That I firmly believe that the said J.S. is not entitled by Law to retain such monies and securities as against the bankrupt or against me as the Trustee in Bankruptcy.

Sworn, etc.

.....

Trustee.



NOTICE OF APPLICATION FOR COMMITTAL

(Section 154)

FORM 44

In the Grand Court

In the matter of A.B., of, a bankrupt.

Take notice that the Trustee in Bankruptcy will, on theday of20... at in the forenoon, apply to this Court for an order for your committal to prison for contempt of this Court, you having failed to pay and deliver to that Trustee certain monies and securities belonging to the bankrupt in your possession or power as (here state whether as treasurer, banker, etc.) that is to say (here set out and describe the particular monies and securities). And, further, take notice that you are required to attend the Court on such day at the hour before stated to show cause why an order for your committal should not be made.

Dated, etc.

.....

Clerk of the Court.



ORDER FOR COMMITTAL OF BANKRUPT

(Section 40)

FORM 45

In the Grand Court

In the matter of A.B. of a bankrupt.

Upon the application of the Trustee and upon hearing the bankrupt (or, if the said bankrupt does not appear) reading the affidavit of (enter evidence) the Court being of opinion that the bankrupt has been guilty of a contempt of this Court by having failed to (here follow the notice): – It is ordered that the said bankrupt do stand committed to prison for that bankrupt’s said contempt.

Given, etc.

By the Court, Clerk of the Court.



ORDER OF COMMITTAL

(Section 154)

FORM 46

In the Grand Court

In the matter of A.B. of , a bankrupt

Upon the application of the Trustee, and upon hearing J.S. (or if J.S. does not appear) reading the affidavit of (here insert name and description of person by whom the notice to show cause was served) the Court being of opinion that J.S. has been guilty of a contempt of this Court by having failed to pay and deliver to the said Trustee certain monies and securities (here follows the notice): It is ordered that the said J.S. do stand committed to prison for that J.S.'s said contempt.

Given, etc.

.....

By the Court,

Clerk of the Court.



WARRANT OF COMMITTAL FOR CONTEMPT**FORM 47***Revoked*

Rule 74 was **Revoked** by Rule 4 of the *Grand Court (Bankruptcy) (Amendment) Rules, 1995[SL 2 of 1995]*.



ORDER FOR DISCHARGE FROM CUSTODY ON CONTEMPT

FORM 48

In the Grand Court

In the matter of A.B. of , a bankrupt.

Upon application made this day for A.B. who was committed to prison for contempt by order of this Court, dated, etc., and, upon reading the said A.B.'s affidavit showing that the said A.B. has cleared (or is desirous of clearing) the said A.B.'s contempt, and has paid the costs occasioned thereby, and upon hearing the Trustee (or C.D. of, etc.) it is ordered that the Superintendent of the Prison do discharge the said A.B. out of that Superintendent of the Prison's custody as to the said contempt.

Given, etc.

.....

By the Court,

Clerk of the Court



**WARRANT TO APPREHEND A PERSON SUMMONED AS A WITNESS
UNDER SECTION 150**

FORM 49

In the Grand Court

In the matter of A.B. of , a bankrupt.

Whereas by subpoena dated, etc., and directed to the said A.B. (or to F.M., of etc.) the said A.B. (or F.M.) was required personally to be and appear on the day of instant, at in the forenoon, at this Court, to be examined, and which said subpoena was afterwards on the day of last, as hath been proved on oath, duly served on the said A.B. (or F.M.) and a reasonable sum was tendered the said A.B. (or F.M.) for the said A.B.'s (or F.M.'s) expenses;

And whereas the said A.B. (or F.M.) having no lawful impediment made known to or allowed by this Court, hath not appeared before us, as by the said subpoena the said A.B. (or F.M.) was required, but therein has wholly made default.

These are, therefore, to will and require you, and each of you, to whom this warrant is directed, immediately upon receipt hereof, to take the said A.B. (or F.M.) and bring the said A.B. (or F.M.) before this Court on, etc., in order to the said A.B. (or F.M.) being examined as aforesaid and for your so doing this shall be your sufficient warrant.

Given, etc.

By the Court, Clerk of the Court.



DEBTOR’S PETITION AGAINST THEMSELVES UNDER SECTION 15

FORM 50

(Rule 10)

In the Grand Court

The Petition of A.B., of etc.

Sheweth —

1. That your petitioner is unable to pay the said petitioner’s debts and is desirous of being made a bankrupt, and having the said petitioner’s estate administered by this Court under the Law of Bankruptcy.

Your petitioner therefore prays that an absolute order for the said petitioner’s bankruptcy may be issued against the said petitioner.

Dated, etc.....

A.B.

Signed by the petitioner A.B

on, etc.

in the presence of

.....

Clerk of the Court.

(For the form of affidavit see Form 21).



FORMS OF BANKRUPTCY NOTICES

BANKRUPTCY NOTICE UNDER SECTION 14(g) OF THE BANKRUPTCY ACT

(Cap. 7)

FORM 51

TITLE

To A B. or A.B. & Co. of

Whereas C.D. of served on you on the day of.....a writ No..... in an action in the Grand Court claiming payment of a liquidated sum amounting to \$..... you are required within seven days after the service of this notice on you excluding the day of such service to pay to the said C.D. the sum of \$..... so claimed by the said C.D. in the said writ or to secure or compound for the said sum to (the said C.D.'s) satisfaction.

Dated this..... day of20..

By the Court,

.....
Clerk of the Court.

ENDORSEMENT ON NOTICE

You are specially to note.....

That the consequences of not complying with the requisition of this notice are that you will have committed an act of bankruptcy on which bankruptcy proceedings may be taken against you by the said C.D., provided the said C.D. has obtained final judgment in the action for not less than \$within three months from the service of the writ.

(Name and address of Attorney suing out the notice)

or

This notice is sued out by C.D. in person.



**BANKRUPTCY NOTICE UNDER SECTION 14 (h) OF THE BANKRUPTCY
ACT
(Cap. 7)
FORM 52**

TITLE

To A.B. (or A.B. & Co.) of

You are required within seven days after service of this notice on you, excluding the day of such service, to pay to C.D. of..... the sum of \$claimed by the said C.D. as being the amount due on a final judgment obtained by the said C.D. against you in the Grand Court datedor to secure or compound for the said sum to (the said C.D.'s) satisfaction.

Dated this day of20... .

By the Court,

.....
Clerk of the Court

ENDORSEMENT ON NOTICE

You are specially to note

That the consequences of not complying with the requisitions of this notice are that you will have committed an act of bankruptcy on which bankruptcy proceedings may be taken against you by the said C D.

(Name and address of Attorney suing out the notice)

or

This notice is sued out by C D. in person.



BANKRUPTCY NOTICE UNDER SECTION 14 (i) OF THE BANKRUPTCY ACT (Cap. 7)

FORM 53

(where the negotiable security is a Bill of Exchange)

TITLE

To A.B. (or A.B. & Co.) of

(This part of the Form must be adapted to the particular circumstances of the case).

Whereas E.F. by the said E.F.'s Bill of Exchange bearing date the day of 20...; now days overdue directed to you required you to pay to the said E.F. (or to G.H.) days after date the sum \$ and whereas you accepted the said bill thereby making yourself primarily liable to pay but have not paid the same. You are required within seven days after service of this notice on you excluding the day of such service to pay \$ to C.D. (here state the description and true place of abode or the place of business of C.D.) who is the holder of the said Bill of Exchange or to secure or compound for the said sum to (the said C.D.'s) satisfaction.

Dated this day..... of20

By the Court,

.....

Clerk of the Court.

ENDORSEMENT ON NOTICE

You are specially to note

That the consequences of not complying with the requisitions of this notice are that you will have committed an act of bankruptcy on which bankruptcy proceedings may be taken against you by the said C.D.

(Name and address of Attorney suing out the notice)

or

This notice is sued out by C.D. in person.



**BANKRUPTCY NOTICE UNDER SECTION 14(i) OF THE BANKRUPTCY ACT
(Cap. 7)**

FORM 54

(where the negotiable security is a promissory note).

TITLE

To A.B. (or A.B. & Co.) of

Whereas by your promissory note bearing date the day of20..., now days overdue you promised to pay to or that person's order.....months (or ___ days) after date the sum of \$..... and whereas you are as maker primarily liable to pay the said sum of \$ you are required within seven days after service of this notice on you excluding the day of such service to pay \$..... to C.D. of

(here state the description and true place of abode or the place of business of C.D. who is the holder of the said promissory note or to secure or compound for the said sum to (the said C.D.'s) satisfaction.

Dated this day of20.....

By the Court.

.....
Clerk of the Court.

ENDORSEMENT ON NOTICE

You are specially to note

That the consequences of not complying with the requisitions of this notice are that you will have committed an act of bankruptcy on which bankruptcy proceedings may be taken against you by the said C.D.

(Name and address of Attorney suing out the notice)

or

This notice is sued out by C D. in person.



BANKRUPTCY NOTICE UNDER SECTION 14 (k) OF THE BANKRUPTCY ACT

(Cap. 7)

FORM 55

TITLE

To A.B. (or A.B. & Co.).....

You are required within seven days after service of this notice on you, excluding the day of such service, to pay to C.D. of the sum of \$..... claimed by the said C.D. as being the amount of a debt due by you to the said C.D. or to secure or compound for the said sum to (the said C.D.'s) satisfaction.

Dated this..... day of 20 ..

By the Court
Clerk of the Court

ENDORSEMENT ON NOTICE.

You are specially to note

That the consequences of not complying with the requisitions of this notice are that you have committed an act of bankruptcy as to which bankruptcy proceedings may be taken against you by the said C.D.

(Name and address of Attorney suing out the notice)

or

This notice is sued out by C.D. in person.



**Publication in consolidated and revised form authorised by the Cabinet this 5th day
of January, 2021.**

Kim Bullings
Clerk of the Cabinet



ENDNOTES

Table of Legislation history:

SL #	Law #	Legislation	Commencement	Gazette
	56/2020	Citation of Acts of Parliament Act, 2020	3-Dec-2020	LG89/2020/s1
2/1995		Grand Court (Bankruptcy) (Amendment) Rules, 1995	1-Jun-1995	GE9/1995/s7
3/1977		Grand Court (Bankruptcy) Rules, 1977	17-Jan-1977	G2/1977/s4

Table of Endnote references:

-
- ¹ r.11 substituted by r. 3 of SL 2 of 1995
- ² r.26 revoked by r. 4 of SL 2 of 1995 (previously: *Mode of service*)
- ³ r.27 revoked by r. 4 of SL 2 of 1995 (previously: *Filing affidavits*)
- ⁴ r.28 revoked by r. 4 of SL 2 of 1995 (previously: *Clerk to endorse affidavits*)
- ⁵ r.60 substituted by r. 3 of SL 2 of 1995
- ⁶ r.69 substituted by r. 3 of SL 2 of 1995
- ⁷ r.72 revoked by r. 4 of SL 2 of 1995 (previously: *Warrants of commitment*)
- ⁸ r.74 revoked by r. 4 of SL 2 of 1995 (previously: *Hearing of application for committal*)





(Price: \$18.40)

