

CYPRUS

BANKRUPTCY

CHAPTER 5 OF THE LAWS

1959 EDITION

PRINTED BY

C. F. ROWORTH LIMITED, 54, GRAFTON WAY, LONDON, W.1

[Appointed by the Government of Cyprus the Government Printers of this Edition of Laws within the meaning of the Evidence (Colonial Statutes) Act, 1907.]

1959

CHAPTER 5.

BANKRUPTCY.

ARRANGEMENT OF SECTIONS.

Section	Page
1 Short title ...	4
2 Interpretation ...	4
PART I.	
PROCEEDINGS FROM ACT OF BANKRUPTCY TO DISCHARGE	
3 What constitutes an act of bankruptcy ...	5
<i>Receiving Order</i>	
4 Jurisdiction to make receiving order ...	7
5 Conditions on which creditor may petition ...	7
6 Proceedings and order on creditor's petition ...	8
7 Creditor's petition cannot be withdrawn ...	9
8 Debtor's petition ...	9
9 Effect of receiving order ...	9
10 Power to appoint interim receiver ...	10
11 Power to stay pending proceedings ...	10
12 Power to appoint special manager ...	10
13 Advertisement of receiving order ...	11
<i>Proceedings Consequent on Order</i>	
14 First and other meetings of creditors ...	11
15 Debtor's statement of affairs ...	11
<i>Public Examination of Debtor</i>	
16 Public examination of debtor ...	12
<i>Composition of Scheme of Arrangement</i>	
17 Compositions and schemes of arrangements ...	13
18 Effect of composition or scheme ...	16
<i>Adjudication of Bankruptcy</i>	
19 Adjudication of bankruptcy where composition not accepted or approved ...	16
20 Appointment of trustee ...	16
21 Committee of inspection ...	17
22 Power to accept composition or scheme after bankruptcy adjudication	19
<i>Control over Person and Property of Debtor</i>	
23 Duties of debtor as to discovery and realisation of property ...	19
24 Arrest of debtor under certain circumstances ...	20
25 Re-direction of debtor's letters, etc. ...	21
26 Inquiry as to debtor's conduct, dealings and property ...	22
27 Discharge of bankrupt ...	23
28 Procedure on failure of bankrupt to apply for discharge ...	26
29 Duties of discharged bankrupt ...	26
30 Effect of order of discharge ...	26
31 Power for Court to annul adjudication in certain cases ...	27
PART II.	
DISQUALIFICATIONS OF BANKRUPT	
32 Disqualifications of undischarged bankrupt ...	28
33 Office vacated by bankruptcy of holder thereof ...	28

PART III.

ADMINISTRATION OF PROPERTY

<i>Section</i>	<i>Provable Debts</i>	<i>Page</i>
34	Description of debts provable in bankruptcy	28
35	Mutual credit and set off	29
	<i>Appropriation of Assets</i>	
36	Payment of preliminary expenses	30
37	Rules as to proof of debts	30
38	Priority of debts	31
39	Postponement of husband's and wife's claims	32
	<i>Property Available for Payment of Debts</i>	
40	Relation back of trustee's title	32
41	Description of bankrupt's property divisible amongst creditors	33
42	Property not divisible amongst creditors	33
43	Provisions as to second bankruptcy and dealings with persons adjudged bankrupts	34
	<i>Effect of Bankruptcy on Antecedent Transactions</i>	
44	Restriction of rights of creditors under execution or attachment	35
45	Duties of sheriff as to goods taken in execution	36
46	Avoidance of certain settlements	37
47	Avoidance of preferences in certain cases	38
48	Protection of <i>bona fide</i> transactions without notice	38
	<i>Realization of Property</i>	
49	Vesting and transfer of property	39
50	Possession of property by trustee	39
51	Seizure of the property of bankrupt	40
52	Appropriation of portion of pay or salary to creditors	40
53	Disclaimer of onerous property	41
54	Powers of trustee to deal with property	43
55	Powers exercisable by trustee with permission of committee of inspection	44
56	Right of trustee to inspect goods pawned, etc.	45
57	Protection of official receivers and trustees from personal liability in certain cases	45
	<i>Distribution of Property</i>	
58	Declaration and distribution of dividends	45
59	Joint and separate dividends	46
60	Provision for creditors residing at a distance, etc.	46
61	Right of creditor who has not proved debt before declaration of a dividend	47
62	Interest on debts	47
63	Final dividend	47
64	No action for dividend	47
65	Power to allow bankrupt to manage property	48
66	Right of bankrupt to surplus	48

PART IV.

OFFICIAL RECEIVERS

67	Appointment by Governor of official receivers of debtor's estates	48
68	Status of official receiver	49
69	Duties of official receiver as regards the debtor's conduct	49
70	Duties of official receiver as regards debtor's estate	49

PART V.

TRUSTEES IN BANKRUPTCY

71	Official name of trustee	50
72	Power to appoint joint or successive trustees	51
73	Proceedings in case of vacancy in office of trustee	51
74	Discretionary powers of trustee and control thereof	51
75	Appeal to Court against trustee	52

Section	Page
76 Official receiver to inquire into the conduct of the trustee	52
77 Remuneration of trustee	52
78 Allowance and taxation of costs	53
79 Trustee not to pay money into private account	54
80 Accounts of trustee. Payments	54
81 Returns of accounts to official receiver	54
82 Release of trustee	55
83 Power of the Court to grant or withhold release of trustee	55
84 Effect of release of trustee	55
85 Trustee becoming bankrupt	56
86 Creditors may remove trustee	56

PART VI.

JURISDICTION, PROCEDURE AND POWERS OF COURT.

87 Jurisdiction to be exercised by District Courts	56
88 Petition where to be presented	56
89 Case stated for the opinion of the Supreme Court	57
90 General powers and jurisdiction of Courts in bankruptcy	57
91 Courts of bankruptcy in Cyprus to be auxiliary to other British Courts of Bankruptcy	57
92 Appeal	58
93 Discretionary powers of the Court	58
94 Consolidation of petitions	58
95 Power to change carriage of proceedings	58
96 Continuance of proceedings on death of debtor	59
97 Power to stay proceedings	59
98 Power to present petition against one partner	59
99 Actions by trustee and bankrupt's partners	59
100 Proceeding in partnership name	59
101 Actions on joint contracts	59
102 Formal defect not to invalidate proceedings	60
103 Summary administration in small cases	60

PART VII.

SUPPLEMENTAL PROVISIONS.

104 Exclusion of partnership and companies	60
105 Application to limited partnerships	60
106 Who may be adjudged bankrupt	61
107 Administration in bankruptcy of estate of person dying insolvent	61
108 Power to make general rules	62
109 Fees, charges, etc., of official receiver	62
110 Gazette to be evidence	63
111 Evidence of proceedings at meetings of creditors	63
112 Evidence of proceedings in bankruptcy	63
113 Swearing of affidavits	64
114 Death of debtor or witness	64
115 Disposal of unclaimed funds or dividends	64
116 Punishment of fraudulent debtors	64
117 Undischarged bankrupts obtaining credit	67
118 Frauds by bankrupts	68
119 Punishment of persons removing, etc., property of bankrupt	68
120 False claims, declarations, etc., against bankrupt	68
121 Punishment of trustee for concealment, etc., of affairs of bankrupt	69
122 Bankrupt failing to keep proper accounts	69
123 Bankrupt guilty of gambling, etc.	70
124 Bankrupt absconding with property	71
125 Prosecution of offences	71
126 Criminal liability after discharge or composition	71

SCHEDULES.

FIRST SCHEDULE.

MEETINGS OF CREDITORS.

SECOND SCHEDULE.

PROOF OF DEBTS.