THE BANKRUPTCY ACT

ARRANGEMENT OF SECTIONS

Preliminary

- 1. Short title.
- 2. Interpretation.

Constitution and Jurisdiction of Courts

- 3. The Chief Court of Bankruptcy.
- Resident Magistrates' Courts of Bankruptcy, their Judges and officers; their powers, duties, etc.

Trustee in Bankruptcy.

- Proceedings in bankruptcy. In what Court to be commenced; and how and when they may be transferred.
- Debtor may apply to Resident Magistrate's Court to be declared bankrupt.

Original Jurisdiction

- Powers of Court to decide all questions.
- 8. Sittings of Chief Court.
- 9. Trial of questions of fact by jury; when and how.

Appellate Jurisdiction

- 10. Court may vary orders.
- 11. Appeals.

Costs. Fees. etc.

- 12. Powers as to costs.
- 13. Fees, how fixed, payable and applicable.

Officers in Bankruptcy

- 14. Trustee in Bankruptcy.
- 15. Trustee in Bankruptcy: his power to appoint agents, etc.
- 16. Commissions and fees to be paid into Consolidated Fund.
- 17. [Repealed by Act 22 of 1993.]
- 18. Reimbursement of expenses of Trustee in Bankruptcy.

PROCEEDINGS ON A BANKRUPTCY PETITION

As to who may present a Petition and on what Grounds

- 19. Who may be petitioning creditors, and what are acts of bankruptcy.
- 20. Debtor's petition.

As to the Verification of the Allegations of a Petition

- 21. Creditor's petition, how to be verified.
- 22. Debtor's petition, what statement to accompany same.

Appointment of Receiver

23. Appointment of Receiver; his powers and duties.

As to Parties to Proceedings under a Petition—Companies, Partners. Firms

- 24. Companies may proceed by agent.
- 25. Firms may be named by their style.
- 26. Special provision as to certain companies.

As to Consolidating, Staying, Adjourning, Continuing, and Dismissing, Proceedings under a Petition

- 27. Consolidating petitions against partners separately.
- 28. Consolidating petitions against same debtor.
- 29. Staying proceedings.
- 30. Adjourning and dismissing petitions.
- 31. Substitution of other creditor as petitioner in case of delay.
- 32. Proceedings continued though debtor dies.

Provisional Order

- 33. Notice of petition need not be served.
- 34. Provisional order, when to be made.
- 35. Service of provisional order.
- 36. Revocation of provisional order.
- 37. Order for debtor to file statement of his affairs, and service thereof.
- 38. Absolute order for bankruptcy.

- 39. Effect of order as to staying proceedings to recover debts.
- 40. Relation back of provisional order.
- 41. Debtor's property, when and how divisible.
- 42. Debtor's property, when it vests in Trustee, and when and how to be administered.
- 43. Duty of debtor to aid Trustee.
- 44. When debtor punishable as for a contempt of court.

Meeting of Creditors and Resolutions

- 45. Meeting of creditors, when to be summoned.
- 46. Meeting, how to be held and conducted, and as to voting thereat.
- 47. Duty and power of Trustee at meeting.
- 48. Resolutions at meeting.
- 49. Report to the Court as to resolutions.
- 50. Procedure on resolution for deed of arrangement.
- 51. Absolute order for bankruptcy, when to be made.

Proceedings under an Order for a Deed of Arrangement

- 52. Deed of arrangement, how made, executed, proved and filed.
- 53. Consideration of deed by the Court.
- 54. Conditions for confirmation.
- 55. Proceeding when deed is not confirmed.
- 56. Proceeding on confirmation of deed.
- 57. Confirmation of deed conclusive as to its validity.
- 58. Administration of estate under confirmed deed.
- 59. Discharge of debtor when deed carried out.
- 60. When deed may be declared void, and effect thereof.
- 61. As to deeds of arrangement in cases of partners.
- 62. As to assent of certain creditors in cases of partners.
- 63. As to debt incurred, or increased or forborne, by means of fraud.
- 64. Rights of creditors against third parties not affected.
- Administration of estate on confirmation of deed.

Proceedings under an Absolute Order for Bankruptcy

- 66. Examination of debtor, and into his affairs.
- 67. Omission to keep or produce proper books, when and how punishable.

- 68. Debts incurred by breach of trust or recklessness or extravangance, how far punishable.
- 69. Administration of debtor's estate after order absolute.

Bankruptcy Proceedings against Estate of a Deceased Debtor

70. Proceedings in bankruptcy against estate of a deceased debtor.

OF THE DISCHARGE OF A BANKRUPT

As to the Granting of a Discharge

- 71. Report of Trustee, its purport.
- 72. Consideration of application for discharge and dealing with same.
 Facts on proof of which Judge may refuse or suspend order of discharge or make it conditional.
- 73. Appeal.
- 74. Conditions of discharge.

As to the Effect of an Order of Discharge

- 75. How far order of discharge releases debtor from his debts.
- 76. Does not release partner or joint debtor.
- 77. How order of discharge pleaded and proved.

Administration of a Debtor's Estate by the Trustee Duties and Powers of the Trustee

- 78. Estate of debtor to be administered for the benefit of his creditors.
- 79. Trustee to take possession of debtor's property.
- 80. Trustee to recover debts.
- 81. Trustee to examine debtor's books.
- 82. Power of Trustee to sell property.
- 83. How far Trustee may carry on debtor's trade.
- 84. Trustee's power to bring or defend actions.
- 85. May recover dividends.
- 86. Trustee's power to arbitrate or compromise claim of debtor.
- 87. Trustee's power to compromise claims against debtor.

- 88. Trustee's power to compromise claims as to debtor's property.
- 89. Powers of Trustee as to exercising discretion or executing deeds.
- 90. Trustee's power as to estates tail.
- 91. Proof of debts.
- 92. Trustee under control of the Court.
- 93. Trustee may ask the Court for directions.
- 94. Trustee acting under such directions protected.
- 95. Trustee to keep books.
- 96. Money received to be deposited in Workers Savings and Loan Bank.
- 97. All moneys to be paid into Court after two years.
- 98. Audit of Trustee's accounts.

Control of the Court over the Administration of the Debtor's Estate by the Trustee

- 99. Trustee responsible to the Court.
- 100. Power of Court to examine Trustee and his books.
- 101. Power of Court to control Trustee.
- 102. Application to the Court against Trustee.
- 103. Power of Court to enable any person to do acts for the debtor.

DISTRIBUTION OF DEBTOR'S PROPERTY

General Provisions as to Property of Debtor

104. What the property of the debtor comprises.

Special Provisions as to Certain Kinds of Property of Debtor

- 105. Appropriation of portion of salary of debtor payable by Government.
- 106. Appropriation of portion of other salary or income.
- 107. Delivery to Trustee of moneys and securities of debtor.
- 108. Transfer of stocks, shares, etc.
- 109. Onerous and unprofitable property of debtor. Power of Trustee to disclaim same. Effect of disclaimer.
- 110. Limit to Trustee's right to disclaim.

Special Provisions as to the Benefit of Transactions
Affecting the Debtor and his Property

111. Settlements by debtor, how far void as against Trustee.