

STATUTORY RULES.

1957. No. 47/

RULES UNDER THE BANKRUPTCY ACT 1924-1955.*

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Rules under the *Bankruptcy Act* 1924-1955.

Dated this 20th
day of August, 1957.

(Sgd.) NEIL O'SULLIVAN

W. J. S. *Stirling*

Governor-General.

By His Excellency's Command,

Attorney-General.

AMENDMENTS OF THE BANKRUPTCY RULES.†

1. Rule 12 of the Bankruptcy Rules is amended by omitting from sub-rule (1.) all the words after the word "intituled" and inserting in their stead the words "in accordance with Form No. 1." Proceedings, how intituled.

2. Rule 117 of the Bankruptcy Rules is repealed. Orders to be sealed, signed and filed.

3. Rule 148 of the Bankruptcy Rules is amended by omitting the words "one month" and inserting in their stead the words "six months". Duration of notice.

4. After rule 149 of the Bankruptcy Rules the following rule is inserted in Division 2 of Part III.:—

"149A. For the purposes of paragraph (j) of section 52 of the Act, the prescribed time after service of a bankruptcy notice on a debtor is— Prescribed time for compliance with notice, &c.

- (a) where the debtor resides not more than one hundred and fifty miles from the office at which the bankruptcy notice was issued—seven days;
- (b) where the debtor resides more than one hundred and fifty miles, but not more than three hundred miles, from the office at which the bankruptcy notice was issued—fourteen days; or
- (c) in any other case—twenty-one days."

5. Rule 371 of the Bankruptcy Rules is amended by omitting the words "The certificate shall be sealed with the seal of the Court." Certificate of registration.

* Notified in the *Commonwealth Gazette* on 1957.
† Statutory Rules 1934, No. 77, as amended by Statutory Rules 1935, Nos. 34 and 122; 1936, No. 101; 1937, No. 111; 1939, No. 41; 1940, No. 212; 1941, Nos. 12 and 55; 1942, No. 6; 1949, No. 100; 1953, Nos. 71, 79 and 101; 1954, No. 131; 1955, No. 17; and 1956, No. 61.

29th August

6. Rule 473 of the Bankruptcy Rules is repealed and the following rule inserted in its stead:—

- “473. For the purposes of section 49 of the Act—
- (a) the prescribed name of the Federal Court of Bankruptcy is that name;
 - (b) the prescribed name of each of the courts specified in paragraph (b) of sub-section (1.) of section 18 of the Act (other than the last two courts specified in that paragraph) is the name by which the court is described in that paragraph; and
 - (c) the prescribed name of the Supreme Court of the Northern Territory is that name.”

Prescribed
names of
Courts.

7. The First Schedule to the Bankruptcy Rules is amended by omitting Form No. 1 and inserting in its stead the following form:—

First Schedule—
Form No. 1.

No. 1.

COMMONWEALTH OF AUSTRALIA.

The Bankruptcy Act 1924-1955.

In [here insert the name of the Court in which the proceeding is instituted.]

No. _____ of 19____, Bankruptcy District of _____

Re [here insert the name of the debtor.]

Ex Parte [here insert “the Debtor” or “A.B., a Creditor” or “the Official Receiver” or “the Trustee”, as the case requires.]

By Authority: A. J. ARTHUR, Commonwealth Government Printer, Canberra.