

# BANKRUPTCY.

No. 13 of 1958.

An Act to amend the *Bankruptcy Act* 1924-1955,  
and for other purposes.

[Assented to 14th May, 1958.]

**B**E it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Bankruptcy Act* 1958.  
(2.) The *Bankruptcy Act* 1924-1955\* is in this Act referred to as the Principal Act.

Short title  
and citation.

\* Act No. 37, 1924, as amended by No. 3, 1927; No. 39, 1928; No. 28, 1929; No. 17, 1930; No. 31, 1932; No. 66, 1933; No. 42, 1945; No. 43, 1946; No. 52, 1947; No. 65, 1948; Nos. 51 and 80, 1950; No. 83, 1954; and No. 17, 1955.

(3.) The Principal Act, as amended by this Act, may be cited as the *Bankruptcy Act* 1924–1958.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3. Section forty-nine of the Principal Act is repealed and the following section inserted in its stead:—

“49. The Federal Court of Bankruptcy shall have a seal, which shall be as prescribed.”. Seal of Court.

4. Section fifty-one of the Principal Act is amended by omitting sub-section (1.) and inserting in its stead the following sub-sections:— Shorthand notes of evidence.

“(1.) In this section, ‘approved shorthand writer’ means a shorthand writer approved by the Registrar for the purposes of this section.

“(1A.) The Court may direct that any evidence, argument, ruling or direction in proceedings before the Court be taken down by an approved shorthand writer, and the charges and costs incurred in carrying out such a direction, including the costs of any copy of the transcript of the notes for the use of the Court, shall be costs in the proceedings.

“(1B.) The Registrar may direct that any evidence to be given before him by a bankrupt, or by another person in relation to a bankrupt, shall be taken down by an approved shorthand writer, and the charges and costs incurred in carrying out such a direction, including the costs of any copy of the transcript of the notes for the use of the Registrar, shall, subject to any order of the Court, be deemed to be costs awarded by the Court out of the estate of the bankrupt.”.

5. Section fifty-three of the Principal Act is amended by adding at the end thereof the following sub-section:— Bankruptcy notice.

“(2.) If, before the expiration of the time limited by or under this Act for compliance by a debtor with a bankruptcy notice, the debtor has filed with the Registrar an affidavit to the effect that he has a counter-claim, set-off or cross demand of the kind referred to in paragraph (j) of the last preceding section and the Court has not, before the expiration of that time, determined whether it is satisfied that the debtor has such a counter-claim, set-off or cross demand, that time shall be deemed to have been extended, immediately before the expiration of that time, until the day on which the Court determines whether it is so satisfied.”.

6. Section two hundred and ten of the Principal Act is amended by inserting in paragraph (g) of sub-section (1.), after the word “Court”, the words “or Registrar”. Failure to account for loss.

Validation.

## 7.—(1.) Where—

(a) before the commencement of this Act, a Registrar in Bankruptcy or a Deputy Registrar in Bankruptcy purported to extend the time limited by the Bankruptcy Act for doing an act or thing in relation to a debtor or his estate or affairs; and

(b) that act or thing was done within the extended time, all proceedings, orders, acts and things (including that act or thing) taken, made or done, or purporting to have been taken, made or done, under the Bankruptcy Act or under any other law, in relation to the debtor or his estate or affairs, shall, by force of this section, be deemed to have been for all purposes as lawfully and validly taken, made or done as if the time limited by the Bankruptcy Act for doing that act or thing had been the extended time.

(2.) The last preceding sub-section does not apply in relation to a sequestration order which, before the commencement of this Act, has been set aside by the High Court.

(3.) Where, in proceedings instituted under the Bankruptcy Act before the commencement of this Act in a State Court or a Court of a Territory of the Commonwealth, the expression “Court of Bankruptcy” was used before, or is used after, the commencement of this Act in any document, that expression shall, unless the contrary intention appears, be deemed to refer, and at all times to have referred, to the court in which the proceedings were so instituted.

(4.) In this section, “the Bankruptcy Act” means the *Bankruptcy Act* 1924, or that Act as in force as amended at any relevant time, and includes all rules or regulations as in force at any relevant time under that Act or that Act as amended.

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