

**BANKRUPTCY AND INSOLVENCY
REGULATIONS 2015**

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SAINT VINCENT AND THE GRENADINES

STATUTORY RULES AND ORDERS

2015 NO. 8

(Gazetted 13th March, 2015)

IN EXERCISE of the powers conferred by section 267 of the Bankruptcy and Insolvency Act, Chapter 136 of the Laws of Saint Vincent and the Grenadines, Revised Edition, 2009 the Minister makes the following Regulations:

BANKRUPTCY AND INSOLVENCY REGULATIONS 2015

**PART I
PRELIMINARY**

1. (1) These Regulations may be cited as the Bankruptcy and Insolvency Regulations, 2015.

**Citation and
commencement**

(2) These Regulations shall come into force on the same date as the Bankruptcy Act comes into force.

2. In these Regulations-

Interpretation

“CPR 2000” means the Eastern Caribbean Supreme Court Civil Procedure Rules, 2000;

“certified copy” means a copy certified as true by the Court, the Supervisor, or the trustee as the case may be;

“Court” means the High Court and includes a judge sitting in chambers on matters of bankruptcy;

“Court Office” shall have the meaning prescribed in Part 2.4 of CPR 2000;

“forms” means the forms set out in the Schedule 1;

“sealed” means sealed with the seal of the Court.

3. (1) In cases not provided for in the Act or these Regulations, the Court shall apply its ordinary procedure pursuant to CPR 2000 to the

**Application of
Rules of the
Court**

extent that that procedure is not inconsistent with the Act or these Regulations.

(2) The computation of time pursuant to these Regulations shall be determined in accordance with Part 3 of CPR 2000.

Formal defect
not to
invalidate
proceedings

4. No proceeding in bankruptcy shall be invalidated by any formal defect or any irregularity unless the Court is of the opinion that substantial injustice has been caused by the defect or irregularity and that the injustice cannot be remedied by any order of the Court.

Forms
Schedule 1

5. (1) The forms shall be used, with necessary modification, where applicable in proceedings under the Act.

(2) Where a prescribed form referenced in the Act or these Regulations does not appear within Schedule 1 by reason of it not having been prescribed and approved for use, parties involved in proceedings under the Act shall submit or propose necessary forms to the Supervisor for review.

(3) The Supervisor, in his sole discretion, may approve, reject or seek necessary amendment of the form submitted or proposed pursuant to subregulation (2).

PART II

GENERAL PROCEDURE

Court and Chambers

Matters to be
heard in open
Court

6. Subject to regulation 11, the following matters and applications shall be heard and determined in open Court-

- (a) applications to approve a proposal;
- (b) applications for an order of discharge or a certificate of removal of disqualifications;
- (c) applications to set aside or avoid any settlement, conveyance, transfer, security, or payment, or to declare for or against the title of the trustee to any property adversely claimed;
- (d) applications for the committal of any persons to prison for contempt;
- (e) applications against the rejection of a proof, or applications to disallow or value a claim, when the amount in question exceeds four thousand; and

(f) the trial of any issue of fact.

7. Any matter or application except those referred to in regulation 6 may be heard and determined by a Judge in Chambers. **Hearing in Chambers**
8. An interim receiver, a trustee or the Supervisor is not required to be represented by legal counsel when appearing before the Registrar on any Court proceedings under the Act or these Regulations. **Representation in Court**
9. The Supervisor may intervene in any application to the Court by filing an appropriate notice of intervention with the Court in Form 2. **Intervention by Supervisor Form 2**
10. The Supervisor may request directions from the Court in case of doubt respecting any matter arising out of the Act or these Regulations. **Application by Supervisor**
11. Subject to the provisions of the Act and these Regulations, any matter or application may at any time if the Judge thinks fit, be adjourned from Chambers to Court or from Court to Chambers and if all the attending parties require any matter or application to be adjourned from Chambers into Court it shall be so adjourned. **Adjournment from Chambers into Court and vice versa.**

Proceedings

12. (1) Every proceeding in Court under the Act shall be in Form 1 and shall be dated and shall be entitled "In the Eastern Caribbean Supreme Court, High Court of Justice of Saint Vincent and the Grenadines in Bankruptcy and Insolvency" with the name of the matter to which it relates; and numbers and dates may be denoted by figures. **Proceedings how entitled Form 1**
- (2) All applications and orders shall be entitled ex parte the applicant.
- (3) Every document used in the filing of a proposal before bankruptcy shall be entitled "In the Matter of the Proposal of".
- (4) Every document used in the course of a receivership shall be entitled "In the Matter of a Receivership of".
- (5) Unless the Chief Justice otherwise directs, every document that is required to be filed in Court shall first be filed at the Court Office.
- (6) Where the Court deems it necessary that a notice be sent to the Supervisor in any proceeding before it, a copy of that notice shall be sent to the Registrar.
- (7) The first proceeding in every matter shall have a distinctive number assigned to it by the Registrar, and all subsequent proceedings in the same matter shall bear the same number.

Written proceedings 13. Proceedings in Court shall be on letter size paper and that paper shall be consistent with that specified in CPR 2000.

Records of Court 14. All proceedings of the Court shall remain on record in Court so as to form a complete record of each matter and shall not be removed for any purpose, except for the use of the officers of the Court or by special direction of the Judge; but they may at all reasonable times be inspected by the Supervisor, the trustee, the debtor, and any creditor who has proved a claim or any person on their behalf.

Notices to be in writing 15. All notices required by the Act or these Regulations shall be in writing, unless these Regulations otherwise provide or the Court shall in any particular case otherwise order.

Process to be sealed 16. All summonses, petitions, notices, orders, warrants, and other processes issued by the Court shall be sealed.

Office copies 17. All office copies of motions, petitions, proceedings, affidavits, books, papers, and writings or any parts thereof required by any trustee, debtor, creditor, or by the attorney-at-law of any trustee, debtor or creditor shall be provided by the Registrar and shall be sealed.

Filing of Gazette advertisement by Registrar 18. (1) Whenever the Gazette contains any advertisement relating to any matter under the Act, the Registrar shall file with the proceedings in the matter a memorandum referring to and giving the date of the advertisement.

(2) In the case of an advertisement in a weekly newspaper, the Registrar shall file a copy of the newspaper in which the advertisement appears or the page on which the advertisement appears in the newspaper and a memorandum referring to and giving the date of the advertisement.

(3) One copy of each newspaper in which any advertisement relating to any matter under the Act is inserted, or a copy of the page on which the advertisement appears in the newspaper, shall be left with the Registrar by the person inserting the advertisement to which it refers.

Motions and Practice

Application to be by motion Form 3 19. Unless otherwise provided for in these Regulations or otherwise directed by the Court, every application to the Court shall be by motion in Form 3 supported by affidavit.

Notice of motion and ex parte application 20. (1) Subject to subregulation (2), where any party other than the applicant is affected by the motion referred to under regulation 19, no order shall be made unless-

(a) proof of consent of the party is shown to the Court; or

- (b) proof of the intended motion and a copy of the affidavits in support of the motion have been duly served on the party.

(2) Where the Court is satisfied that serious mischief may result from delay caused by proceeding in the ordinary way, it may make an order ex parte upon such terms as to costs and otherwise, and subject to such undertaking, if any, as the Court thinks fit.

(3) Any party affected by an order made ex parte may apply for it to be set aside.

21. (1) Unless the Court gives leave to the contrary, notice of a motion shall be served on any party to be affected thereby not less than seven days before the day named in the notice for hearing the motion. Length of notice

(2) An application for leave to serve notice on a party affected for a period less than seven days before the day named in the notice for hearing shall be made without notice.

22. Where a respondent intends to use affidavits in opposition to a motion, he shall deliver copies of the affidavits to the applicant not less than two days before the day appointed for the hearing. Affidavits against motion

23. Where on the hearing of any motion or application the Court is of the opinion that any person to whom notice has not been given ought to have had such notice, the Court may either dismiss the motion or application or adjourn the hearing of the motion or application in order that the notice may be given upon such terms as the Court thinks fit. Notice not served on all proper parties

24. The hearing of any motion or application may be adjourned upon such terms if any, as the Court thinks fit. Adjournment

25. Where personal service of any notice of motion or any order of the Court is required, that service shall be effected- Personal service

- (a) in the case of a notice of motion, by delivering to each party to be served a copy of the notice of motion; and
- (b) in the case of an order, by delivering to each party to be served a sealed copy of the order.

Affidavits

26. Every affidavit to be used in supporting or opposing any opposed motion shall be filed with the Registrar no later than the day before the day appointed for the hearing. Filing affidavits on motion

Endorsement and filing of affidavits

27. Where an affidavit is left with the Registrar for filing, the Registrar shall endorse the affidavit with the date on which the affidavit was so left, and forthwith file the affidavit with the proceedings to which the affidavit relates; and any affidavit left with the Registrar to be filed shall on no account be delivered out to any person except by order of the Court.

Form of affidavits

28. (1) Part 30 of CPR 2000 applies with such modifications as are necessary with respect to the procedure regarding affidavits.

(2) The Court shall take judicial notice of the seal or signature of any person authorised by or under any Act to take affidavits or to certify that authority.

Preparation of Orders

Notice of appointment to settle Order

29. The party who has the carriage of an order shall obtain from the Registrar an appointment to settle the order, and shall give reasonable notice of the appointment to all persons who shall be affected by the order or to their attorneys-at-law.

Preparation and settlement of Orders

30. (1) Where within one week from the granting of an order under the Act, the order has not been drawn up and lodged at the Court Office by the party having carriage of the order, the Registrar shall draw up and settle the order with the parties affected unless the Court orders otherwise.

(2) Notwithstanding subregulation (1), the Registrar is not required to draw up and settle an order for discharge of a bankrupt where the order has been granted subject to the bankrupt consenting to judgment against him and the bankrupt has not given the consent in Form 4.

Form 4

Security in Court

Security by bond

31. Except where these Regulations otherwise provide, where a person is required to give security, that security shall be in the form of a bond with one or more sureties to the Registrar or person proposed to be secured.

Amount of bond

32. The bond referred to in regulation 31 shall be taken in a penal sum of not less than the total sum to be secured and the probable costs, estimated by the Court unless the opposite party consents to it being given for a less sum.

Deposit in lieu of bond

33. Where a person is required to give security he may in lieu of the security lodge in Court a sum of money equal to the sum in question in respect of which security is to be given and lodge with that sum a memorandum to be approved by the Registrar and to be signed by that person or his attorney-at-law or agent, setting forth the conditions on which the money is deposited.

34. Part 36 of CPR 2000 shall apply in relation to payment into and out of Court of money lodged in Court by way of security for costs. **Money lodged in Court**
35. Security in the form of a guarantee by a financial institution approved by the Court or the opposite party may be given in lieu of a bond or a deposit. **Security of guarantee society**
36. (1) In all places where a person proposes to give a bond by way of security, that person shall personally serve on the opposite party and on the Registrar notice of the proposed securities. **Notice of proposed securities**
- (2) The Registrar shall forthwith give notice to both parties of the time and place at which the Registrar proposes that the bond shall be executed and shall state in the notice that should the other party have any valid objection to a person who is being made a surety the objection must be made at that time.
37. The sureties shall make an affidavit of their sufficiency, unless the opposite party dispenses with that affidavit; and the sureties shall attend to be cross-examined if required. **Justification by sureties**
38. The bond shall be executed and attested in the presence of the Registrar, the Supervisor, a Justice of the Peace, a notary public or an attorney-at-law. **Execution of bond**
39. Where a person makes a deposit of money in lieu of giving a bond, the Registrar shall forthwith give notice to the person to whom the security is to be given that the deposit has been made. **Notice of deposit**
40. (1) Every officer of the Court who receives any document to which an adhesive stamp is affixed shall immediately upon the receipt of that document cancel the stamp on the document in the manner for the time being prescribed for the cancellation of stamps. **Cancellation of stamp**
- (2) No document shall be filed or delivered until the stamps on that document have been cancelled in accordance with the Stamp Act; and it shall be the duty of the party presenting or receiving the document to see that the cancellation has been duly made. **Cap. 440**
- Witnesses and Depositions*
41. Parts 28, 29, 33 and 34 of CPR 2000 shall apply in respect of the discovery and inspection of documents evidence, the attendance and examination of witnesses and evidence by deposition, and requests for information, respectively with such modifications as are necessary. **Depositions, etc.**

PART III
RECEIVING ORDERS, INTERIM ORDERS, SECURED
CREDITORS AND RECEIVERS

Petition for a Receiving Order

**J o i n t
petitioners
Form 5
Form 6**

42. A petition for a receiving order shall be in Form 5 and where it is presented by two or more creditors jointly, it shall not be necessary that each creditor shall depose to the truth of all the statements in Form 6 which are within his own knowledge; but it shall be sufficient that each statement in the petition is deposed to by someone within whose knowledge it is.

**Deposit by
petitioner**

43. (1) Upon the presentation of a petition referred to in regulation 42, the petitioner shall deposit with the Registrar the sum of three hundred and fifty dollars, and such further sum, if any, as the Court may direct.

(2) No petition shall be received under subregulation (1) unless the receipt of the Registrar for the deposit payable on the presentation of the petition is produced.

**Verification
and copies**

44. There shall be lodged with every petition for a receiving order that is filed, two or more copies to be sealed and issued to the petitioner.

**Investigation
of petition**

45. After the presentation of a petition for a receiving order and before sealing the copies of the petition for service, the statements in the petition shall be investigated by the Registrar, and where some of the statements in the petition cannot be verified by affidavit, witnesses may be summoned to prove the statements.

Service of Petition for Receiving Order

**P e r s o n a l
service**

46. A petition for a receiving order shall be served personally by delivering to the debtor a sealed copy of the filed petition.

**S e r v i c e b y
officer o f
C o u r t ,
s u b s t i t u t e d
s e r v i c e , e t c .**

47. (1) A petition referred to in regulation 46 shall be served upon the debtor by an officer of the Court, by the creditor or by the attorney-at-law for the creditor, or by a person employed by the creditor or by the attorney-at-law.

(2) Where personal service cannot be effected in accordance with subregulation (1), the Court may-

- (a) extend the time for hearing the petition;
- (b) where it is satisfied by evidence on affidavit or other evidence on oath that-

- (i) the debtor is avoiding service of the petition or service of any other legal process; or
- (ii) for any other cause prompt service cannot be effected,

Form 8

order substituted service in Form 8 to be made by-

- (A) delivery of the petition to some adult person at the usual or last known residence or place of business of the debtor;
- (B) registered letter; or
- (C) in such other manner as the Court may direct,

and when served in the manner specified herein, the petition shall then be deemed to have been duly served on the debtor.

Proof of service
Form 5

Form 7

48. Service of the petition for a receiving order shall be proved by affidavit in Form 7 with a sealed copy of the petition in Form 5 attached, which shall be filed in Court forthwith after the service.

Service out of
jurisdiction

49. Where a debtor who has been petitioned against is not in Saint Vincent and the Grenadines, the Court may order service to be made within such time and in such manner and form as it thinks fit.

Service after
death of debtor

50. Where a debtor against whom a petition has been filed dies before service of the petition, the Court may order service to be effected on the personal representative of the debtor, or on such other persons as the Court thinks fit.

Petition to be
filed with
Supervisor

51. A copy of every petition served must forthwith be filed with the Supervisor.

Interim Receiver

Appointment of
interim
receiver

52. After the presentation of a petition, upon the application of a creditor or of a debtor and upon proof by affidavit of sufficient grounds for the appointment of an interim receiver of the property of a debtor or of any part of that property the Court may, if it thinks fit, and upon such terms as may be just, make the appointment.

Contents of
order
appointing
interim
receiver

53. Where an order is made appointing an interim receiver of the property of the debtor, the order shall bear the number of the petition in respect of which it is made and shall state the locality of the property of which the interim receiver is ordered to take possession, and may direct the interim receiver to take immediate possession of all books of account belonging to the debtor and that relate to the business of the debtor.

Deposit

54. (1) Before an order appointing an interim receiver is issued, the person who has made the application for the order shall deposit with the Registrar such sum as the Court may direct for the purpose of defraying expenses that may be incurred in consequence of the order.

(2) Where the sum referred to in subregulation (1) proves to be insufficient, the Court on the application of the interim receiver may order the deposit of such additional sum as it thinks fit.

(3) An additional sum ordered by the Court under subregulation (2) shall be deposited within twenty-four hours after the making of the order and if the additional sum is not deposited, the Court may discharge the order appointing the interim receiver.

Repayment of deposits to creditor Form 9

55. Where an order appointing an interim receiver is followed by a receiving order in Form 9, the deposits made by the creditor on whose application the interim receiver was appointed shall be repaid to the creditor except and so far as the deposits may be required by, reason of insufficiency of assets, for the payment of the fees chargeable and the expenses incurred by the interim receiver.

Damages if petition dismissed Form 10

56. (1) Where a petition is dismissed in the manner provided by Form 10 after an order has been made appointing an interim receiver, the Court shall, upon an application made within twenty-one days from the date of the dismissal of the petition, adjudicate with respect to any damage or claim thereto arising out of the appointment; and shall make such orders as the Court thinks fit.

(2) A decision or order referred to in subregulation (1) shall be final and conclusive between the parties unless an appeal is made against the order.

Taxation of accounts and discharge of interim receiver

57. (1) An interim receiver shall apply to the Court for taxation of accounts and discharge within sixty days after completion of the interim receiver's duties, after giving notice to-

- (a) the debtor, or in the case of a bankruptcy, the trustee;
- (b) every creditor who holds a security on the debtor's property; and
- (c) the Supervisor.

(2) The notice referred to in subregulation (1) shall-

Form 11

- (a) be in Form 11; and
- (b) have attached to it a copy of the interim receiver's statement of receipts and disbursements, stating-

- (a) the number of hours spent, the tasks performed, the hourly rates and other factors for consideration in the calculation of fees, and
- (b) the expenses incurred by the interim receiver, attaching a copy of any bills of costs for legal services.

58. Where no notice of objection is filed within thirty days after the giving of the notice referred to in regulation 57(1), the accounts of the interim receiver are deemed to have been taxed and the interim receiver is deemed to be discharged, unless the Court requires that the accounts be taxed on their own merit.

Accounts of interim receiver deemed to be taxed

59. (1) Where an objection is filed within thirty days after the giving of the notice referred to in regulation 57(1), the interim receiver shall apply to the Court within fourteen days after the filing of the objection for a date of hearing, and shall send a notice of the date of the hearing to the objecting party.

Hearing of objection

(2) The Court, at the hearing referred to in subregulation (1), shall tax the interim receiver's accounts on their own merit and may discharge the interim receiver, who shall send the Supervisor a copy of the Court order relating to the taxation and discharge.

Hearing of Petition

60. (1) Subject to subregulation (2), a petition of a creditor shall not be heard until the expiration of seven days from the service of the petition.

Proceedings on petition

(2) Notwithstanding subregulation (1), the Court may, where

- (a) the act of bankruptcy alleged is that the debtor has filed a declaration of inability to pay his debts; or
- (b) it is proved to the satisfaction of the Court that the debtor has absconded; or
- (c) in any other case for good cause shown,

on such terms if any, as the Court may think fit to impose, hear the petition at such earlier date as the Court may deem expedient.

61. The Registrar shall appoint the time and place at which the petition referred to under regulation 60 shall be heard, and notice of the hearing shall be written on the petition and on sealed copies and where the petition has not been served, the Registrar may alter the day so appointed and appoint another day and hour.

Timing of hearing

**S e v e r a l
r e s p o n d e n t s**

62. Where there are more respondents than one to a petition referred to under regulation 60, the rules as to service shall be observed with respect to each respondent, but where all respondents have not been served, the petition may be heard separately or collectively as to the respondent or such of the respondents as has or have been served, and separately or collectively as to the respondents not then served, according as service upon them is effected.

**D e b t o r
i n t e n d i n g t o
s h o w c a u s e
F o r m 1 2**

63. Where a debtor intends to show cause against a petition, the debtor shall file a notice with the Registrar in Form 12, specifying the statements in the petition which the debtor intends to deny or dispute, and transmit by post or otherwise to the petitioning creditor and the attorney-at-law of the creditor, if known, a copy of the notice three days before the day on which the petition is to be heard.

**N o n -
a p p e a r a n c e o f
d e b t o r**

64. Where the debtor does not appear at the hearing, the Court may make a receiving order on such proof of the statements in the petition as the Court thinks sufficient.

**N o n -
a p p e a r a n c e o f
c r e d i t o r s**

65. Where a creditor neglects to appear on his petition, no subsequent petition against the same debtor or debtors or any of them either alone or jointly with any other person shall be presented by the same creditor in respect of the same act of bankruptcy without the leave of the Court.

**P e r s o n a l
a t t e n d a n c e o f
c r e d i t o r w h e n
d i s p e n s e d w i t h**

66. The Court may, upon the hearing of the petition, dispense with the personal attendance of the petitioning creditor and of the witnesses to prove the debt and act of bankruptcy or other material statements if it thinks fit.

**A p p l i c a t i o n t o
d i s m i s s**

67. (1) Where proceedings on a petition have been stayed for trial of the question of the validity of the petitioning creditor's debt and the question has been decided against the validity of the debt, the debtor may apply to the Registrar to fix a day on which he may apply to the Court for the dismissal of the petition with costs.

(2) The Registrar, on the production of the judgment by the debtor in respect of the validity of the creditor's debt or certified copy of the judgment referred to in subregulation (1), shall give notice to both the petitioner and the debtor and to the attorneys-at-law of the petitioner and the debtor by personal service or otherwise of the time and place fixed for the hearing of the application.

**A p p l i c a t i o n f o r
e x t e n s i o n o f
t i m e**

68. An application for an extension of time for hearing a petition shall be in writing, but need not be supported by affidavit unless otherwise required by the Court.

69. (1) On an application for an extension of time for the hearing of a petition, no order shall be made for an extension beyond the fourteen days from the day fixed for the hearing of the petition, unless the Court is satisfied that the extension of time will not be prejudicial to the general body of creditors.

Order for extension of time

(2) Any costs occasioned by the application referred to in subregulation (1) shall not be allowed out of the estate of the debtor unless so ordered by the Court.

70. (1) Where a petition has been duly served and after the expiration of thirty days from the day appointed for the first hearing of a petition, no further adjournment of the hearing shall be allowed merely by consent of the parties, unless-

Adjournment of hearing

- (a) the debtor has appeared to show cause;
- (b) new evidence has been given in respect of matters in dispute;
- (c) a witness to the matters is not available for cross-examination, and further time is desired to show cause; or
- (d) for such other sufficient reason to be stated in the order for adjournment as the Court thinks fit.

(2) The Court shall either make a receiving order or dismiss the petition unless an order for an adjournment is made under this regulation.

Receiving Orders

71. (1) A receiving order shall state the nature and the date of the act of bankruptcy upon which the order has been made.

Form and contents

(2) Every receiving order shall contain at the foot of the order a notice requiring the debtor when served with the order, to attend on the trustee forthwith at the place mentioned in the order.

(3) A receiving order may be prepared in Form 9.

Form 9

72. (1) Every receiving order and order for the appointment of an interim receiver of a debtor's property shall be prepared by the Registrar.

Preparation

(2) Where the petitioner is represented by an attorney-at-law, the receiving order shall be endorsed with the name and address of that attorney-at-law.

Transmission
of copy to
trustee

73. The petitioning creditor shall, as soon as possible, and not later than two days after a receiving order is made, serve, deliver personally, or send by courier or facsimile a copy of the receiving order sealed with the seal of the Court to the trustee.

Service of
receiving order

74. Within two days after receiving a copy of the receiving order, the trustee shall cause a copy of the receiving order sealed with the seal of the Court to be served on the debtor, and shall provide a copy to the Supervisor.

Service where
debtor abroad

75. Where a debtor against whom a receiving order has been made is not in Saint Vincent and the Grenadines, the Court may order that-

- (a) the receiving order be served on the debtor;
- (b) the debtor attend the examination on the date specified therein or on any adjourned date;
- (c) any other order made against the debtor or any summons issued for the attendance of the debtor be served on the debtor,

and that the service be made within such time and in such manner and form as the Court thinks fit.

Notice of
application to
rescind
receiving
order, etc

76. (1) An application to the Court to-

- (a) rescind a receiving order;
- (b) to stay proceedings under a receiving order; or
- (c) to annul an adjudication,

shall not be heard except upon proof that notice of the intended application and a copy of the affidavits in support of that application have been duly served upon the trustee.

(2) Unless the Court gives leave to the contrary, notice of an application referred to in subregulation (1) shall be served on the trustee not less than seven days before the day named in the notice for hearing the application.

(3) The Court may make an interim order staying such of the proceedings as it thinks fit pending the hearing of an application referred to in subregulation (1).

Order
annulling
bankruptcy
order to appear
in the Gazette

77. Where an order of bankruptcy is annulled, the Registrar shall cause the annulment to appear in the Gazette.

Secured Creditors and Receivers

78. The notice of intention to enforce a security that a secured creditor is required to send to an insolvent person pursuant to section 12(1) of the Act must be in Form 13 and must be sent in the manner provided for in the security agreement or, in the absence of any provision in the security agreement, must be served, or sent by registered mail or courier, or if agreed to by the parties, by electronic transmission.

Notice of
intention to
enforce
security

Form 13

79. The statement required by section 13(e) of the Act to be prepared by a receiver after taking possession or control of property of an insolvent person or a bankrupt must be in Form 14 and contain the following information-

Initial report of
receiver
Form 14

- (a) the name of each creditor of the insolvent person or bankrupt, the amount owing to each creditor and the total amount owing to the creditors;
- (b) a list of the property in the possession or under the control of the receiver, and the book value of each item; and
- (c) the receiver's intended plan of action during the receivership, to the extent that such a plan has been established.

80. For the purposes of section 13(f) of the Act, interim reports relating to a receivership must be prepared by the interim receiver at least once every one hundred and eighty days and must include-

Interim reports
of receiver

- (a) the interim statement of receipts and disbursements;
- (b) the statement of all property of which the receiver has taken possession or control that has not yet been sold or realized; and
- (c) information about the anticipated completion of the receivership.

81. The final report and statement of accounts that are required by section 13(g) of the Act to be prepared by a receiver forthwith after completion of his duties as receiver must be in Form 15 and must contain the following information-

Final report of
receiver
Form 15

- (a) the final statement of receipts and disbursements;
- (b) details of the manner of distribution of any property of which the receiver had taken possession or control; and

- (c) details of the disposition of any property of which the receiver had taken possession or control and that is not accounted for in the final statement of receipts and disbursements.

**PART IV
ASSIGNMENTS**

Certificate of appointment of trustee
Form 16
Form 17
Form 18
Form 19

82. The Supervisor shall, on appointing a trustee pursuant to section 24(4) of the Act, prepare a certificate of assignment, in Form 16, 17, 18 or 19 as the case may be and send a copy of it to the trustee, along with a copy of the assignment that was filed with the Supervisor.

Court filing by trustee

83. (1) Subject to subregulation (2), the trustee shall file with the Court, before or immediately after the first meeting of the creditors of a bankrupt, a copy of the following documents-

Form 22
Form 23

- (a) the assignment that was filed with the Supervisor pursuant to section 24(3) of the Act;
- (b) the statement of affairs in Form 22 or Form 23 that was filed with the Supervisor under section 148(e) of the Act; and
- (c) the minutes of the first meeting of creditors.

(2) In the case of an estate of a bankrupt under summary administration pursuant to section 144 of the Act, the trustee is not required to file with the Court the documents referred to in subregulation (1) unless the Court orders the trustee to do so.

Statement of Affairs

How verified

84. The statement of affairs shall be verified by oath.

**PART V
PROPOSALS**

Form of proposal
Form 24
Form 25
Form 26
Form 27
Court filing by trustee

85. Where a debtor intends to submit a proposal, the forms in respect of the Notice of Intention to make a proposal, the proposal, Notice of the proposal, a report of the Trustee on the proposal in Forms 24, 25, 26 and 27 respectively shall be used.

86. (1) As soon as the following documents are filed with the Supervisor, the trustee shall file a copy of them with the Court-

- (a) the proposal;
- (b) the trustee's report on the reasonableness of the cash flow statement in Form 35 (with attached cash flow statement) and the report containing the representations by the insolvent person, in Form 36 as required by section 25(14) (a), (b), and (c) respectively, of the Act; Form 35
Form 36
- (c) the report of any material adverse change required by section 25(18) (a)(i) of the Act; Form 37
- (d) the report on the state of the insolvent person's business and financial affairs required by section 25(18)(b) of the Act; and
- (e) the notice of the meeting of creditors in Form 38 required by section 31(1)(a) of the Act. Form 38

(2) For the purposes of section 25(14)(c) of the Act, the prescribed representations are those set out in Form 36.

87. (1) Following acceptance of the proposal by the creditors, the trustee shall send, pursuant to section 39(b) of the Act, a notice of hearing of the application for an order approving the proposal, in Form 28. Notice to trustee
Form 28

(2) Any person other than the trustee, who applies to the Court to approve a proposal shall, not less than ten days before the day appointed for hearing the application, send notice of the application to the trustee in Form 29. Form 29

88. The fee chargeable under the Schedule 2 for and in respect of an application to the Court to approve a proposal may be allowed and paid out of the estate of the debtor in any case in which there are sufficient funds in the hands of the trustee, available for the purpose. Fees on application
Schedule 2

89. At the time a proposal is approved, the Court may correct or supply any accidental or formal slip, error, or omission in the proposal, but no alteration in the substance of the proposal shall be made. Correction of formal slips, etc.

90. (1) For the purposes of section 44 of the Act-
- (a) the time for an insolvent person to remedy a default in the performance of any provision in a proposal is within the period of thirty days after the day the default was made; and
 - (b) the time for a trustee to inform the creditors and the Supervisor of the situation is within the period of thirty
- Time to remedy default in proposal

days after the expiration of the thirty day period described in paragraph (a).

(2) The notice of default of performance of proposal required by section 44 of the Act shall be in Form 32.

PART VI

PROPERTY OF THE BANKRUPT

**Property
exempt from
seizure**

91. For the purposes of section 51 of the Act, the following property of a bankrupt is exempt from seizure-

- (a) tools, if any, of his trade to a value of three thousand five hundred dollars; and
- (b) clothing, jewelry, personal effects, and household furnishings and appliances to a value of three thousand five hundred dollars.

**Standards for
determining
excess income**

92. For the purposes of section 52(1) of the Act, the standards to be followed in determining the portion of the total income of the bankrupt that exceeds that which is necessary to enable the bankrupt to maintain a reasonable standard of living are as follows-

- (a) sufficient income to meet the needs of the bankrupt with a portion of the bankrupt's excess income over his reasonable needs, hereinafter referred to as "surplus income", being paid to the bankruptcy estate;
- (b) the reasonable needs of the bankrupt which shall include expenses for the support of the bankrupt and the family of the bankrupt as may be just, as well as a portion of the bankrupt's monthly income;
- (c) the monthly surplus income of the bankrupt determined equitably and consistently by the trustee;
- (d) the expenses of the bankrupt for the support of himself and his family which shall be those proper expenses paid by the bankrupt that reflect the personal and family situation of the bankrupt, including-
 - (i) child support payments;
 - (ii) spousal support payments;
 - (iii) child care expenses;
 - (iv) expenses associated with a health condition;

- (v) fines or penalties imposed by the court; and
- (vi) any other debt where the stay of proceedings has been lifted by the Court and a recourse authorised;
- (e) such proof as is required by the trustee of income and completed income and expense statements of the bankrupt at least every month until the bankrupt is discharged;
- (f) payments of surplus income that cease upon the discharge of the bankrupt or cease by order of the Court; and
- (g) the bankrupt's portion of the total income of the household family unit when calculating income that can be considered the excess income of the bankrupt.

93. (1) Upon application to the Court of any person who claims to be a mortgagee of any part of the real or leasehold estate of the bankrupt, the Court shall proceed to inquire-

Inquiry **by**
Court

- (a) whether the mortgage is by deed or otherwise;
 - (b) whether the mortgage is a legal or equitable mortgage;
 - (c) whether that person is a mortgagee of the estate; and
 - (d) for what consideration and under what circumstances that person became a mortgagee.
- (2) Where the Court finds-
- (a) that the person referred to under subregulation (1) is a mortgagee of the bankrupt's estate; and
 - (b) that not sufficient objection appears to the title of that person as regards the sum claimed by that person under the mortgage,

the Court shall take or direct such accounts and inquiries as are specified in subregulation (3).

- (3) The accounts and inquiries referred to in subregulation (2) are-
- (a) those necessary for ascertaining the principal interest and costs due, upon the mortgage; and

(b) those in respect of rents, profits, dividends, interest or other proceeds received by that person by his order or for his use where he has possession of the property over which the mortgage shall extend or any part of the property.

(4) Where the Court is satisfied that there ought to be a sale of the property-

(a) the Court shall direct that notice to be given in [at least two newspapers in general circulation in Saint Vincent and the Grenadines] as to when and where and in what way the property or interest in the property is to be sold and that the sale be conducted accordingly;

(b) the trustees or such other persons the Court determines shall have conduct of the sale.

(5) Where a sale is conducted under subregulation (4), a mortgagee may bid and purchase the property that is to be sold.

Parties to conveyance

94. The Court may direct that all proper parties be joined as parties to the conveyance to the purchaser.

Monies from sale

95. (1) Any monies that have arisen from the sale referred to in regulation 93(4) shall be applied in the following order-

(a) to the payment of the costs, charges and expenses of the trustee and occasioned by the application to the Court, and of the sale and attendance in respect of the application to the Court; and

(b) in payment and satisfaction of the amount the Court determines due to the mortgagee, for principal, interest and costs with the surplus being paid by the trustee.

(2) Where the monies from the sale referred to in regulation 93(4) are insufficient to pay and satisfy the amount found due to the mortgagee, then the mortgagee is entitled to prove as a creditor for the amount found due to the mortgagee for the excess and receive dividends on the amount rateably with other creditors but the amount the mortgagee is entitled to receive shall not affect any dividend already declared.

Examination of parties

96. The Court may, for the purpose of conducting inquiries and taking accounts or proving title in respect of the property referred to in Part VI, including but not limited to the property referred to in regulation 91-

- (a) examine all parties upon interrogatories or otherwise as the Court thinks fit; and
- (b) request the production on oath of all deeds, documents, papers, books and writings in their respective custody or power relating to the estate or effects of the bankrupt.

97. In any proceedings between a mortgagor and mortgagee, or the trustee of either of them, the Court may order all such inquiries and accounts to be taken in like manner as the Court so orders pursuant to Part 41 of CPR 2000. Accounts, etc.

Warrants, Arrests, and Committal

98. Where a debtor is arrested under a warrant issued under section 158 of the Act, in Form 41, the debtor shall be given into the custody of the Superintendent of Prisons under a warrant for committal in Form 42 mentioned in the warrant, who shall produce the debtor before the Court at such time as the Court directs, and shall safely keep him until such time as the Court otherwise orders; and any books, papers, monies, goods, and chattels in the possession of the debtor that may be seized shall forthwith be lodged with the Supervisor or the trustee, as the case may be. Custody and protection of debtor.
Form 41
Form 42

99. (1) Where a person is apprehended under a warrant issued under section 156 of the Act the officer that apprehended him shall forthwith bring him before the Court that issued the warrant that he may be examined. Execution of warrant

(2) Where the person who is apprehended under subregulation (1) cannot immediately be brought before the Court for examination, the officer referred to in that subregulation shall deliver him into the custody of the Superintendent of Prisons mentioned in the warrant, who shall receive him into custody and shall produce him before the Court at such time as the Court directs or orders.

(3) A bankrupt or other person who is apprehended under section 156 of the Act shall be kept in the place of custody set out in the warrant, pending the order of the Court.

(4) As soon as a bankrupt or other person has been handed over to the authority at a place of custody, the person who made the apprehension under section 156 of the Act or the arrest under section 158 of the Act shall so report to the Court.

(5) After the report mentioned in subregulation (4) is made, the Court may make an order fixing a time and place for the examination of the

bankrupt or other person by the Supervisor, where section 156 of the Act applies, or by the Court where section 157 of the Act applies.

Form 43 (6) As soon as a time and place are set for the examination of a bankrupt or other person by the Supervisor by way of Form 43 pursuant to subregulation (5), the Registrar shall so notify the Supervisor and the trustee.

Form 44
Form 45 (7) As soon as a time and place are set for the examination of a bankrupt, other than an examination referred to in subregulation (6), the Registrar shall so notify in Form 44 the trustee and the person who applied for the examination.

Applications to
commit for
contempt
Form 48 100. An application to the Court to commit any person for contempt of Court shall be supported by affidavit in Form 48 and be filed in the Court.

Notice and
hearing of
application 101. (1) Subject to the provisions of the Act and the Regulations, upon the filing of an application to commit, the Registrar shall fix a time and place for the Court to hear the application.

Form 49 (2) Notice of the application referred to under subregulation (1), and in Form 49 shall be personally served not less than three days before the day fixed for the hearing of the application.

(3) Notwithstanding subregulation (2), the Court may, if it thinks fit, allow substituted service of the notice by advertisement or otherwise or shorten the length of notice to be given under subregulation (2).

Suspension of
issue of
committal
order
Form 50 102. Where an order of committal is made against a debtor or other person for disobeying any order of the Court or any order of the Supervisor to do some particular act or thing, the Court may direct that the order of committal in Form 50 shall not be issued, where the debtor or person as the case may be complies with the previous order within a specified time.

Service and Execution of Process

Address of
attorney-at-
law for service 103. (1) Every attorney-at-law who commences an action or serves a petition, notice, summons, order or other document under the Act or these Regulations shall endorse thereon his name or his firm and place of business, which shall be called his address for service.

(2) All notices, orders, documents, and other written communications relating to a matter referred to in subregulation (1), that do not require personal service shall be deemed to be sufficiently served on the attorney-at-law if left for him at his address for service.

Hours for
service 104. (1) Service of notices, orders, or other proceedings shall be effected before the hour of 4 p.m., on weekdays

(2) Service effected after 4 p.m. on any weekday shall for the purpose of computing any period of time, be deemed to have been effected on the following day.

105. (1) Unless otherwise provided in the Act or these Regulations, every notice or other document given or sent pursuant to the Act or these Regulations must be served, delivered personally, or sent by post, courier, facsimile or electronic transmission.

**P e r s o n a l
s e r v i c e**

(2) Unless otherwise provided in the Act or these Regulations, every notice or other document given or sent pursuant to the Act or these Regulations-

- (a) must be received by the addressee at least four days before the event to which it relates, if it is served, delivered personally, or sent by facsimile or electronic transmission; or
- (b) must be sent to the addressee at least ten days before the event to which it relates, if it is sent by post or by courier.

(3) The Court may, on a without notice application, exempt any person from the application of subsection (2) or order any terms and conditions that the Court considers appropriate, including a change in the time limits.

(4) The Registrar or such officer or officers as the Court may direct, shall-

- (a) serve such orders, summonses, petitions, and notices as the Court may require to be served;
- (b) execute warrants and other processes; and
- (c) do and perform all such things as may be required of any of them by the Court.

(5) Subregulation (4) shall not be construed as requiring any order, summons, petition or notice to be served by the Registrar or officer of the Court which is not specifically by the Act or Regulations required to be so served, unless the Court shall in any particular proceeding by order specially so direct.

106. When notice of an order or other proceeding in Court may be served by post it shall be sent by registered letter.

S e r v i c e b y p o s t

107. A trustee or receiver who gives or sends a notice or other document shall prepare an affidavit or obtain proof that it was given or

**P r o o f o f s e r v i c e
t o b e k e p t**

sent, and where an affidavit has been prepared or proof has been obtained, shall retain the affidavit or the proof.

Enforcement of order

108. Every order of the Court may be enforced as if it were a judgment of the Court to the same effect.

PART VII

ADMINISTRATION OF ESTATES

Meetings of Creditors

Proof of notice Form 51

109. An affidavit by the trustee that a notice to creditors of the bankrupt in Form 51 has been duly posted shall be sufficient evidence of the notice having been duly sent to the person to whom it was addressed.

Copies of resolutions to be sent to Supervisor

110. The trustee shall send to the Supervisor a copy of the notice certified by the trustee of every resolution of a meeting of creditors.

Proof of Debts

Production of bills of exchange and promissory notes Form 53

111. Where a creditor seeks to prove any debt as a claim in respect of a bill of exchange, promissory note, or other negotiable instrument or security on which the debtor is liable, the bill of exchange, promissory note, instrument or security must, subject to any special order of the Court made to the contrary, be produced to the trustee in Form 53 before the proof can be admitted either for voting or for dividend.

Service of notice of disallowance Form 57

112. The notice of disallowance of any claim in whole or in part or right to priority or any security provided by a trustee in Form 57 pursuant to section 125(4) of the Act must be served, or sent by registered mail or courier.

Procedure where creditor appeals

113. (1) The trustee shall, within three days after receiving notice from a creditor of the creditor's intention to appeal against a decision disallowing a proof of claim in whole or in part, file the proof of claim with the Registrar, together with a memorandum on his disallowance of the proof of claim.

(2) After the appeal referred to in subregulation (1) has been heard by the Court, the proof shall be given back to the trustee.

Notice of admission of proof Form 58

114. Where a creditor's proof of claim has been admitted, the notice of dividend shall be sufficient notification to the creditor of that admission in Form 58.

Proxies and Voting Letters

Signature proxies or Form 59

115. (1) A proxy in Form 59 given by a creditor shall be deemed to be sufficiently executed if it is signed by-

- (a) any person employed by the creditor who has a general authority to sign for the creditor; or
- (b) the authorized agent for the creditor where the creditor is resident abroad.

(2) The authority referred to in subregulation (1) shall be in writing and shall be produced to the trustee if required, unless the authority is duly registered.

116. (1) The proxy of a creditor who is blind or incapable of writing may be accepted if the creditor has affixed his signature or mark to the proxy set out in Form 60 in the presence of a witness who shall add to his signature, his description and residence.

Filling in when
creditor is
blind, etc.
Form 60

(2) All insertions in the proxy shall be in the handwriting of the witness and that witness shall have certified at the foot of the proxy that all the insertions have been made by him at the request of the creditor and in the presence of the creditor before the creditor attached his signature or mark.

117. No minor shall be appointed a general or a special proxy.

Minors not to
be proxies

Dividends

118. Subject to the provisions of section 70 of the Bills of Exchange Act, and subject to the power of the Court in any other case on special grounds to allow production to be dispensed with, every bill of exchange, promissory note, other negotiable instrument or security, upon which proof has been made, shall be produced to the trustee before payment of dividend on the bill of exchange, promissory note, other negotiable instrument or security; and the amount of dividend paid shall be endorsed on the instrument.

Production of
bills, notes, etc.

119. Dividends may be transmitted to creditors by post.

Dividends may
be sent by post
Payment of
dividends to a
nominee

120. A person to whom dividends are payable who desires that the dividends shall be paid to some other person may lodge with the trustee a request to that effect which shall be a sufficient authority for payment of the dividend to the person named in the request.

Appropriation of Income and Salary

121. Where an order of the Court has been made for the payment by a bankrupt or by the employer of the bankrupt of a portion of his income or salary, the bankrupt may, upon ceasing to receive a salary or income of the amount he received when the order was made, apply to the Court to rescind the order or to reduce the amount ordered to be paid by him to the trustee.

Review of an
order

Disclaimer of Lease

**Disclaimer of
lease
Form 62**

122. Where the trustee wishes to disclaim a leasehold interest, the trustee shall give Notice to the lessor in Form 62 of his wish to disclaim and provide to the lessor a written disclaimer containing the particulars of the interest disclaimed.

Proceedings by or Against Firm

**Public officer
or agent of
company, etc.**

123. A petition for a receiving order filed against a debtor to any company or co-partnership duly authorized to sue and be sued in the name of a public officer or agent of the company or co-partnership may be filed by or brought by the public officer or agent as the nominal petitioner for and on behalf of the company or co-partnership, on the filing of an affidavit by the public officer or agent stating that that officer or agent is authorized to file or bring the petition.

**Attestation of
signature of
firm**

124. Where any notice, declaration, petition, or other document requiring attestation is signed by a firm of creditors or debtors in the firm's name, the partner signing for the firm shall also add his own signature, for example-

“Brown & Co. by James Green, a partner in the said firm”.

Service on firm

125. Any notice or petition for which personal service is necessary shall be deemed to be duly served on all the members of a firm where it is served-

- (a) at the principal place of business of the firm in Saint Vincent and the Grenadines;
- (b) on any one of the partners of the firm; or
- (c) upon any person having at the time of service the control or management of the partnership business of the firm.

**Individual
trading as firm**

126. The provisions of regulations 124 and 125 shall, so far as the nature of the case will admit, apply in the case of any person carrying on business within the jurisdiction in a name or style other than his own.

**Service of
creditor's
petition in
limited
partnership**

127. A petition against a firm registered as a limited partnership in Saint Vincent and the Grenadines shall be served at the principal place of business of the limited partnership, as registered, by delivering a sealed copy of the filed petition to one of the general partners of the partnership, or to some person having, at the time of service, the control or management of the partnership business unless the Court otherwise orders.

128. A receiving order made against a firm shall operate as if it were a receiving order made against each of the persons who at the date of the order, is a partner in that firm.

Receiving order
against firm

129. A firm that is bankrupt shall submit to the trustee a statement of its affairs, verified by one of the partners or by the manager in charge of the firm's affairs, and each bankrupt partner shall submit a statement of the bankrupt partner's personal affairs.

Statement of
affairs

130. A receiving order made against a firm registered as a limited partnership in Saint Vincent and the Grenadines shall operate as if it were a receiving order made against each of the persons who, at the date of the order, is a general partner in that firm.

Receiving order
against limited
partnership

131. No order of bankruptcy shall be made against a firm in the firm's name, but it shall be made against the partners individually.

Adjudication
against
partners

132. Where a receiving order is made against a limited partnership, any past partner who was a partner at the time the debt was incurred or present limited partner shall have the same rights as a creditor who has proved his debts would have to inspect the file-

Rights of
limited
partners

(a) attend meetings of creditors; and

(b) appear on and take part in the examination, or in any application for an order of discharge, by any general partner.

133. (1) Where all of the general partners are adjudged bankrupt, the assets of a limited partnership shall include the liability of the limited partners and any existing liability of past general partners to contribute to the assets of the limited partnership.

Liability of
limited
partners

(2) The liability referred to in subregulation (1) may be enforced by the trustee by motion in the bankruptcy, subject to subregulations (3), (4), (5) and (6).

(3) No present or past limited partner is liable to contribute to the assets of the limited partnership in any amount greater than the amount of any part of his contribution as a limited partner which he may have failed to pay into, or have drawn out, or received back from the partnership assets since he became or whilst he remained a limited partner, except in the case of a present limited partner who is a past general partner, and in the case of a past limited partner who has become a present general partner.

(4) No past general partner is liable to contribute, as such, to the assets of the limited partnership except in respect of partnership debts and obligations incurred whilst he continued to be a general partner.

(5) Every past general partner who has become a limited partner shall, in addition to any amount which he may be liable to contribute in respect of partnership debts and obligations incurred whilst he continued to be a general partner, be liable to contribute to the assets of the limited partnership to an amount equal to the amount of any part of his contribution, as limited partner, which he may have failed to pay into, or have drawn out, or received back from the partnership assets since he became, or whilst he remained, a limited partner.

(6) No past partner, general or limited, is liable to contribute to the assets of the limited partnership unless it appears to the Court that the partnership assets otherwise available are insufficient for - payment in full of the partnership liabilities and the costs, charges and expenses of the administration in bankruptcy of the partnership estate.

First meeting

134. Where a receiving order is made against a firm, the joint and separate creditors shall collectively be convened to the first meeting of creditors.

**Composition,
etc.**

135. (1) The joint creditors and each set of separate creditors, may severally vote for or against proposals.

(2) A proposal entertained by joint creditors may be confirmed and approved in the manner considered and voted upon by them, notwithstanding that a proposal by each set of separate creditors may not be accepted.

**Voting on
composition**

136. (1) Where a proposal is made by a firm, and by the partners of the firm individually, the proposal made to the joint creditors shall be considered and voted upon by them apart from every set of separate creditors; and the proposal made to each separate set of creditors shall be considered and voted upon such separate set of creditors apart from all other creditors.

(2) The proposals referred to in subregulation (1) may vary in character and amount.

**Bankruptcy:
Trustee**

137. (1) Where a partnership becomes bankrupt, the trustee shall be the trustee of the separate estates.

(2) Each set of creditors may appoint its own inspectors, but if any set of creditors does not appoint separate inspectors, the inspectors appointed by the joint creditors shall be deemed to have been appointed by the separate creditors.

Separate firm

138. (1) Where any two of the members of a partnership constitute a separate and independent firm, the creditors of that separate and independent firm, shall be deemed to be a separate class of creditors and

to be on the same footing as the separate creditors of any individual member of the firm.

(2) Where any surplus arises upon the administration of the assets of the separate or independent firm referred to in subregulation (1), the surplus shall be carried over to the separate estates of the partners in the separate and independent firm according to their respective rights in the firm.

139. Where joint and separate estates are being administered, the remuneration of the trustee in respect of the administration of the joint estate may be fixed by the creditors, or, if duly authorised, by the inspectors of the joint estate; and the remuneration of the trustee in respect of the administration of any separate estate may be fixed by the creditors or if duly authorised, by the inspectors of the separate estate.

**Apportionment
of trustee's
remuneration**

Persons of Unsound Mind

140. (1) Where it appears to the Court that any debtor or creditor or other person who may be affected by any proceeding under the Act or these Regulations, is a person of unsound mind or with a mental disorder within the meaning of the Mental Health Act, the Criminal Procedure Code or the CPR 2000, the Court may, whether or not an application for this purpose has been made, appoint for that person a committee referred to in section 264(c) of the Act to appear for, represent, or act for, and in the name of that person, either generally, or in and for the purpose of any particular application or proceeding, or the exercise of any particular rights or powers which under the Act, and these Regulations that person might have exercised if he was not of unsound mind or did not have a mental disorder.

**Persons of
unsound mind**

(2) Notwithstanding subregulation (1), an application to the Court to make an appointment under this Regulation shall be in Form 63 and may be made by any person who has been appointed by any Court having jurisdiction to do so to manage the affairs or property of or to represent the person of unsound mind or with a mental disorder, or by any relative or friend of that person who may appear to the Court to be a proper person to make the application, or by the trustee or the Supervisor.

Form 63

(3) The application referred to under subregulation (2) may be made without notice but in any case in which the Court shall think it desirable, the Court may require such notice of the application as it shall think fit and necessary to be given to the trustee or the Supervisor or to a petitioning creditor, or to the person alleged to be of unsound mind or alleged to have a mental disorder, or to any other person, and for that purpose may adjourn the hearing of the application.

(4) The application referred to under subregulation (1) shall be supported by the affidavit of a duly registered medical practitioner as to the physical and mental condition of the person alleged to be of unsound mind or alleged to have a mental disorder.

(5) Where a person has been appointed under this Regulation, any notice under the Act and these Regulations, shall have the same effect as if the notice had been served on or given to the person of unsound mind or having a mental disorder.

Summary Administration

**S u m m a r y
a d m i n i s t r a t i o n
F o r m 6 4**

141. Where an estate is ordered to be administered in a summary manner under section 24(6) of the Act, the order shall be in Form 64 and the provisions of the Act and these Regulations shall, subject to any special direction of the Court, be modified as follows-

- (a) the title of every document in the proceedings shall have inserted thereon the words "Summary Administration";
- (b) all questions of law and fact shall be determined by the Court; and
- (c) the estate shall be realised with all reasonable dispatch, and, where practical, distributed in a single dividend.

**T a x a t i o n o f
s u m m a r y
a d m i n i s t r a t i o n**

142. The trustee of the estate of a bankrupt that is to be administered in a summary manner pursuant to regulation 141, shall apply for taxation of the trustee's accounts and the discharge of the trustee by sending to the Supervisor-

F o r m 6 8

- (a) the trustee's final statement of receipts and disbursements, in Form 68;
- (b) the dividend sheet, showing the dividends paid or to be paid to the creditors of the bankrupt; and
- (c) where inspectors have been appointed by the creditors, the trustee's final statement of receipts and disbursements showing approval by the inspector's signature or, where there is no such approval, showing the reasons for the non-approval.

**L e t t e r o f
c o m m e n t**

143. The Supervisor shall examine all documents sent to him pursuant to regulation 142 and shall issue a letter of comment to the trustee, stating whether the Supervisor is requesting from the Registrar the taxation of the trustee's accounts.

144. (1) Where the Supervisor's letter of comment referred to in regulation 143 states that the Supervisor is not requesting the taxation of the trustee's accounts, the trustee shall, within thirty days after the receipt of the letter of comment, send to each creditor who has proved a claim, a notice of taxation of the trustee's accounts and the discharge of the trustee, in Form 65, attaching-

Where taxation
not required
Form 65

- (a) a copy of the trustee's final statement of receipts and disbursements;
- (b) a copy of the dividend sheet, showing the dividends paid or to be paid to the creditors of the bankrupt; and
- (c) the final dividend that is owed to the creditor, if the trustee is satisfied that no creditor will object to the taxation of the trustee's accounts and the discharge of the trustee.

(2) A creditor may, within thirty days after the day on which the notice referred to in subregulation (1) is sent, object to the taxation of the trustee's accounts and the discharge of the trustee by-

- (a) serving a notice of objection in Form 70 on the trustee or sending a notice of objection to the trustee by registered mail or courier; Form 70
- (b) filing a copy of the notice of objection with the Court, along with any applicable fee required; and
- (c) sending a copy of the notice of objection to the Supervisor.

145. (1) Where a trustee receives no notice of objection within the time limit set out in subregulation (2) of regulation 144, the trustee shall-

No objection by
creditor

- (a) at the expiration of that time limit, take the trustee's fee;
- (b) at the expiration of that time limit, if the trustee has not already done so, send a final dividend in Form 67 to each creditor to whom one is owed; and Form 67
- (c) within one hundred and eighty days after the day on which the notice referred to in paragraph (1) of regulation 144 is sent-
 - (i) close the bank account used in administering the estate of the bankrupt, if that account is not a consolidated account, or where the account is a

consolidated account, ensure that all estate funds have been withdrawn from it,

(ii) remit any unclaimed dividends and undistributed funds to the Supervisor; and

(iii) send to the Supervisor a certificate of compliance and deemed discharge, in Form 69.

Form 69

(2) A trustee is deemed to be discharged on meeting the requirements of subregulation (1)(b) and (c).

(3) Where a trustee receives a notice of objection within the time limit set out in subregulation (2) of regulation 144, the trustee shall-

(a) advise the Supervisor of the objection;

(b) obtain a hearing date from the Court; and

(c) within thirty days after the day on which the notice of objection is received, send the objecting creditor a notice of hearing, which notice must be sent at least thirty days before the date of the hearing and must be in Form 71.

Form 71

**Where letter
of comment
requires
taxation**

146. (1) Where the Supervisor issues a letter of comment pursuant to regulation 143 requesting the taxation of a trustee's accounts, the trustee shall, after obtaining a hearing date from the Court and within thirty days after the day of receipt of the letter of comment, send to each creditor who has proved a claim and to the Supervisor-

(a) a notice of hearing for the taxation of the trustee's accounts and the discharge of the trustee, in Form 66, which notice must be sent at least thirty days before the date of the hearing;

(b) a copy of the trustee's final statement of receipts and disbursements; and

(c) a copy of the dividend sheet, showing the dividends paid or to be paid to the creditors of the bankrupt.

Form 66

(2) A creditor may object to the taxation of the trustee's accounts and discharge of the trustee by filing a notice of objection in Court, sending a copy of the notice of objection to the Supervisor, and serving on the trustee, or sending to the trustee by registered mail or courier, a copy of the notice of objection, which must be received by the trustee before the start of the hearing.

147. (1) At the time of the hearing, the Court shall consider the creditors' objections and the letter of comment issued by the Supervisor, and shall tax the trustee's accounts accordingly. Court to tax
accounts

(2) Where the Court taxes the trustee's accounts as submitted, the trustee shall-

- (a) take the trustee's fee as taxed;
- (b) send a final dividend to each creditor to whom one is owed; and
- (c) within sixty days after the day of the taxation order-
 - (i) close the bank account used in administering the estate of the bankrupt, if that account is not a consolidated account, or where the account is a consolidated account, ensure that all estate funds have been withdrawn from it,
 - (ii) remit any unclaimed dividends and undistributed funds to the Supervisor, and
 - (iii) send to the Supervisor a certificate of compliance and deemed discharge, in Form 69.

Form 69

(3) A trustee is deemed to be discharged on meeting the requirements of subregulation (2)(b) and (c) or subregulation (4)(b) and (a) as the case may be.

(4) Where the Court taxes a trustee's accounts otherwise than as submitted, the trustee shall-

- (a) take the trustee's fee as taxed;
- (b) send a final dividend to each creditor to whom one is owed, in accordance with the taxation order; and
- (c) within sixty days after the day of the taxation order-
 - (i) close the bank account used in administering the estate of the bankrupt, if that account is not a consolidated account, or where the account is a consolidated account, ensure that all estate funds have been withdrawn from it,
 - (ii) remit any unclaimed dividends and undistributed funds to the Supervisor,

(iii) send to the Supervisor and to each creditor a revised dividend sheet and a copy of the taxation order; and

(iv) send to the Supervisor and to the Court the certificate of compliance and deemed discharge, in Form 69.

Form 69

Administration of Estate of Deceased Insolvents

Duties of executor

148. (1) Where a receiving order has been granted against the estate of a deceased person, it shall be the duty of the legal representative of the deceased debtor to lodge with the trustee an account of the dealings with, and administration of, the deceased's estate by the legal representative; and the legal representative shall also furnish a list of the assets and liabilities and such other particulars of the affairs of the deceased as may be required by the trustee.

(2) Every account, list, and statement to be made under this regulation shall be made and verified as nearly as may be in accordance with the practice of the Court in suits for the administration of the estates of deceased persons.

(3) The expense of preparing, making, verifying and lodging any account, list, and statement under this regulation shall, after being taxed, be allowed out of the estate upon production of a certified copy of the taxed bill.

Public trustee

149. Where on the report of the trustee it appears to the Court that no legal representative of a deceased debtor exists, the account, list, and statement mentioned in regulation 148 shall be made, verified, and lodged by the Public Trustee.

PART VIII

BANKRUPTS

Filing in Court Schedule 2

150. Any person opposing the discharge of a bankrupt under the Act must file notice of that opposition with the Court, together with any applicable fee set out in the Schedule 2.

Examination of bankrupt Form 72 Form 73 Form 93

151. The Court may, on an application in Form 72 for the discharge of a bankrupt, cause the bankrupt to be brought before the Court for examination.

Costs of application Form 73

152. Unless otherwise ordered by the Court, a bankrupt shall not be entitled to have any of the costs of or incidental to the application for his discharge allowed to him out of his estate.

153. When the time for appeal has expired, or, when the appeal has been decided by the Court of Appeal, the Registrar shall forthwith cause a notice of the order granted on the application of the bankrupt for his discharge to be gazetted.

G a z e t t i n g
o r d e r

154. (1) An application by the trustee for leave to issue execution on a judgment under paragraph (c) of section 163(3) of the Act shall be in Form 94 and shall state briefly the grounds on which the application is made.

Execution on
judgment in
case of
conditional
discharge
Form 94

(2) Where an application referred to in subregulation (1) is lodged, the Registrar shall fix a day for the hearing.

(3) The trustee shall give notice of the application to the debtor not less than seven days before the day appointed for the hearing, and shall at the same time furnish the debtor with a copy of the application.

Counselling of individual bankrupts

155. (1) For the purposes of section 147 of the Act, the counselling to be provided by the trustee to an individual bankrupt shall be in accordance with subregulation (2).

C o u n s e l l i n g

(2) Counselling referred to in subregulation (1) shall consist of the following two stages-

- (a) a first counselling stage to be conducted within sixty days following the date of bankruptcy; and
- (b) a second counselling stage to be conducted not before the end of the thirty days following the date of the first counselling stage and not after two hundred and ten days following the date of the bankruptcy.

(3) In the first counselling stage, the trustee shall present consumer advice relative to the debtor on-

- (a) money management;
- (b) shopping and spending habits;
- (c) warning signs of financial difficulties; and
- (d) obtaining and using credit.

(4) In the second counselling stage, the trustee shall follow up on the application by the debtor of principles learned in the first counselling stage and assist the debtor in identifying any of the following-

- (a) non-budgetary causes of financial difficulties;

- (b) consumption habits;
- (c) the awareness by the debtor of the existence of referral sources of assistance, and

cooperatively with the debtor develop recommendations and alternatives for a financial plan of action.

(5) On the completion of each stage of counselling, the trustee shall complete and sign a counselling certificate and request the debtor to sign the acknowledgement indicating that counselling has been provided.

(6) In this regulation, "counselling" means the assisting and educating of debtors and their relatives on-

- (a) the prudent use of consumer credit;
- (b) budgeting principles;
- (c) developing successful strategies for achieving financial goals and overcoming financial setbacks; and
- (d) where appropriate, making referrals to deal with non-budgetary causes of insolvency such as gambling, addiction, marital and family problems.

Mediation

Mediation

156. (1) For the purposes of section 52(7) of the Act, the procedures governing a mediation are as follows-

- (a) the bankrupt and the trustee are always parties to the mediation;
- (b) the trustee may act either personally or through a representative;
- (c) an opposition to discharge made by a creditor or the trustee, referred to in section 162(5) of the Act, is deemed to be a request by the creditor or the trustee, as the case may be, for mediation; and
- (d) a creditor who requests mediation is a party to the mediation.

(2) For the purpose of conducting a particular mediation, the Supervisor shall designate as mediator himself, one of the employees in his office, or any other person with training or experience in mediation and whom the Supervisor considers qualified.

(3) On receipt of a request for mediation from a trustee under section 52(5) or (6) or 162(5) of the Act in Form 95, accompanied by the most recent income statement in Form 97 completed by the bankrupt, the Supervisor shall refer the matter to the mediator, who shall set the time and place for the mediation. Form 95
Form 97

(4) The time set for the mediation pursuant to subregulation (3) must be within forty-five days after the Supervisor received the request for mediation.

(5) The mediator shall conduct the mediation with all parties physically present, unless the mediator decides to conduct the mediation by telephone conference call or by means of any other communication facilities that permit all persons participating in the mediation to communicate with each other.

(6) The mediator shall send a copy of the notice of mediation, in Form 96, to the bankrupt, to the trustee, and to any creditor who requested mediation, at least fifteen days before the date set for the mediation. Form 96

(7) Where the mediator believes that the mediation cannot proceed at the time scheduled, the mediator shall reschedule it, setting a new time and place.

(8) The mediator may adjourn the mediation to a date within ten days after the date set for the meeting where-

- (a) a party requests an adjournment and the mediator believes that the mediation would benefit from further negotiations or the provision of additional information; or
- (b) the mediator believes that one of the parties cannot continue the mediation for a certain period of time.

(9) At any time during the mediation, the mediator shall cancel the mediation where-

- (a) there is an outstanding opposition to the discharge of the bankrupt by a creditor or a trustee on a ground referred to in section 164 of the Act;
- (b) the mediator believes that a party is abusing the mediation or rescheduling procedures;
- (c) the mediator believes that one of the parties to the mediation cannot or will not continue the mediation at all; or

(d) all parties, other than the trustee, who were informed of the mediation, fail to appear at the mediation.

(10) Where the creditors who requested mediation cause the cancellation of mediation under subregulation 9 (d), the opposition to discharge on the part of each of those creditors on a ground referred to in section 164 of the Act is deemed withdrawn.

Form 98

(11) Where a mediation is cancelled, the mediator shall send to the Supervisor and the parties a notice of the cancellation, in Form 98, setting out the grounds for the cancellation.

(12) No mediator or party to a mediation shall disclose to the public any confidential information concerning the mediation unless the disclosure is required by law or authorized by the party to whom the confidential information relates.

Form 99

(13) Where agreement is reached by all parties at the mediation, a mediation settlement agreement in Form 99 and including all terms and conditions of the settlement reached, must be signed by the parties; and the mediator shall send copies of the agreement to the Supervisor and the parties.

(14) The agreement referred to in subregulation 13 is binding on the parties, subject to any subsequent Court order.

(15) All payments made by a bankrupt under a mediation settlement agreement must be made to the trustee and deposited into the estate account.

Form 100

Form 101

(16) Where the parties fail to reach agreement at the mediation, the mediator shall issue a notice in Form 100 to the effect that the issues submitted to mediation were not resolved, and shall send to the Supervisor and the parties a report in Form 101 setting out the reasons why the issues submitted to mediation were not resolved.

PART IX

ADMINISTRATIVE OFFICIALS

Trustees

Furnish statement of affairs Form 102

157. (1) As soon as the trustee receives notice in Form 102 that he has been appointed trustee pursuant to a receiving order, the trustee shall furnish the bankrupt with a statement of affairs in the prescribed Form 22 or Form 23, as the case might be.

(2) The trustee or some person deputed by the trustee shall also furnish the bankrupt named in the receiving order with all explanations the debtor may require for the preparation of the statement of affairs.

(3) The trustee or some person deputed by the trustee shall also hold a personal interview with the bankrupt named in the receiving order for the purpose of investigating the bankrupt's affairs; and it shall be the duty of the bankrupt to attend at such time and place as the trustee may appoint.

158. A certificate of the Supervisor in Form 103, 104 or 105 as the case may be or a certified copy is admissible in any proceeding under the Act as evidence of the appointment or substitution of a trustee, without proof of the authenticity of the signature or of the official character of the signatory.

Proof of
appointment of
trustee
Form 103
Form 104
Form 105

159. Where for the purposes of any application to the Court by the trustee it is necessary that evidence be given by the trustee in support of the application, the evidence may be given by a report of the trustee to the Court and need not be given by affidavit, and any report of the trustee to the Court shall be received by the Court as prima facie evidence of the matters reported.

Evidence on
application by
trustee

160. (1) The debtor shall, on the request of the trustee, furnish the trustee with trading and profit and loss accounts, and a cash and goods account for a period not exceeding two years prior to the date of bankruptcy as the trustee shall specify.

T r a d i n g
account of
debtor

(2) The debtor shall, if ordered by the Court to do so, furnish accounts as the Court may order for any longer period.

(3) Where the debtor fails to comply with the requirements of this regulation, the trustee shall report that failure to the Court and the Court shall take such action on the report as the Court thinks just.

161. (1) The following provisions shall apply to every case in which proceedings are taken, either by action, motion, or in any other manner, against the trustee in respect of anything done or any default made by the trustee, when acting, or in the bona fide and reasonable belief that he is acting, in pursuance of the Act or in execution of the powers given a trustee by the Act.

Costs where
action against
trustee

(2) Subject to the provisions of subregulation (3), the costs, damages, and expenses which the trustee may have to pay, or to which he may be put under those proceedings referred to in subregulation (1), shall be paid out of the estate of the debtor.

(3) The trustee shall report to the Supervisor the commencement of proceedings referred to in subregulation (1) as soon as those proceedings are commenced.

**Trustee's code
of ethics**

162. (1) Every trustee shall maintain the high standards of ethics that are central to the maintenance of public trust and confidence in the administration of the Act.

(2) A trustee shall-

- (a) perform the duties of a trustee in a timely manner and carry out the functions of a trustee with competence, honesty, integrity, and due care;
- (b) cooperate fully with the Supervisor and any representative of the Supervisor in all matters arising out of the Act and these Regulations;
- (c) not assist, advise, or encourage any person to engage in conduct that the trustee knows, or ought to know, is illegal or dishonest, in respect of the bankruptcy and insolvency process;
- (d) be honest and impartial and shall provide to interested parties full and accurate information as required by the Act with respect to the professional engagements of trustees;
- (e) not disclose confidential information to the public concerning any professional engagement, unless the disclosure is required by law or authorized by the person to whom the confidential information relates;
- (f) not use any confidential information that is gathered in a professional capacity for the personal benefit of the trustee or for the benefit of a third party;
- (g) not purchase, directly or indirectly, the property of any debtor for whom the trustee is acting with respect to a professional engagement unless the property is purchased at the same time it is offered to the public, at the same price it is offered to the public, and during the normal course of business hours of the debtor;
- (h) avoid any influence, interest or relationship that impairs or appears in the opinion of an informed person to impair the professional judgment of the trustee;

- (i) not sign any document, including a letter, report, statement, representation, or financial statement that the trustee knows, or reasonably ought to know, is false or misleading; and any disclaimer of responsibility set out in the document has no effect;
- (j) not engage in any business or occupation that would compromise the ability of the trustee to perform any professional engagement or that would jeopardize the integrity, independence or competence of the trustee;
- (k) not pay to a third party a commission, compensation or other benefit in order to obtain a professional engagement or accept from a third party a commission, compensation or other benefit for referring work relating to a professional engagement;
- (l) not obtain, solicit, or conduct any engagement that would discredit his profession or jeopardize the integrity of the bankruptcy and insolvency process; and
- (m) not advertise in a manner that the trustee should know is false, misleading, materially incomplete, or likely to induce error, or unfavourably reflects on the reputation or competence of another trustee or the bankruptcy and insolvency process.

(3) For the purposes of this regulation “professional engagement” means any bankruptcy or insolvency matter in respect of which a trustee is appointed or designated to act in that capacity pursuant to the Act.

Remuneration of Trustees

163. In considering the remuneration of a trustee, the creditors or the inspectors in voting the remuneration of a trustee shall have regard to the amount realised exclusive of any sums paid to secured creditors out of the proceeds of their securities, and the amount distributed in dividend.

Remuneration
of trustee

164. Where a trustee carries on the business of the debtor, he shall keep a distinct account of the trading, and shall incorporate in the accounts of the business the amount of the receipts and payments on the trading account.

T r u s t e e
c a r r y i n g o n
b u s i n e s s

165. Unless the Court orders otherwise-

C o s t s o f t r u s t e e

- (a) the remuneration of a trustee is deemed to take into account all services performed by the trustee and by the partners and employees of the trustee; and

- (b) the disbursements of the trustee shall not include the indirect costs of the trustee's facilities or premises.

Passing of
accounts by
former trustee
Form 106
Form 107

166. (1) A former trustee who is to pass his accounts before the Court in accordance with section 218(1) of the Act shall-

- (a) make an application to the Court in Form 106 and attach to it an affidavit in Form 107; and
- (b) unless otherwise ordered by the Court, send a notice in Form 108, accompanied by a copy of the statement of receipts and disbursements in Form 91 specifying the time and place set for passing the accounts, to every proven creditor, the Court, the bankrupt, the substituted trustee, and the Supervisor.

Form 108
Form 91

Fees and disbursements of trustees in summary administration

Fees in
summary
administration

167. (1) The fees of the trustee for services performed in a summary administration are calculated on the total receipts remaining after deducting necessary disbursements relating directly to the realization of property of the bankrupt and the payments to secured creditors, according to the following percentages-

- (a) one hundred per cent on the first two thousand dollars or less of receipts;
- (b) thirty five per cent on the portion of the receipts exceeding thousand dollars but not exceeding four thousand dollars; and
- (c) twenty per cent on the portion of the receipts exceeding four thousand dollars.

(2) A trustee in a summary administration may claim, in addition to the amount set out in subregulation (1)-

- (a) the costs of counselling;
- (b) the fee for filing an assignment referred to in paragraph (a) of regulation 83(1);
- (c) the fee payable to the Court under Schedule 2;
- (d) the amount of any applicable taxes to be charged and then paid by the trustee on the fees and disbursement of the trustee; and
- (e) a lump sum of two hundred dollars in respect of administrative disbursements.

Schedule 2

(3) A trustee in a summary administration may withdraw from the bank account used in administering the estate of the bankrupt, as an advance on the amount set out in subregulation (1)-

- (a) five hundred dollars at the time of issuance of the notice of bankruptcy;
- (b) an additional five hundred dollars, thirty days after the date of the bankruptcy; and
- (c) an additional five hundred dollars, one hundred and twenty one hundred and twenty days after the date of the bankruptcy.

Discharge of Trustees

168. Where, pursuant to section 141(4) of the Act, the Supervisor gives his comments to the trustee, the trustee shall, within thirty days after receiving the comments, apply to the Court for a taxation date.

Taxation of trustee's remuneration and costs

169. (1) An application of a trustee for discharge pursuant to section 223 of the Act must-

Discharge application

- (a) be made in Form 111; and
- (b) be accompanied by-
 - (i) a copy of the notice of final dividend and application for discharge of trustee in Form 109;
 - (ii) a copy of the final statement of receipts and disbursements in Form 110; and
 - (iii) a dividend sheet.

Form 111

Form 109

Form 110

(2) At the time of discharge, the trustee must satisfy the Court that-

- (a) the statements made in connection with the discharge are true;
- (b) the final statement of receipts and disbursements is an accurate and correct statement of the administration of the estate, and has been approved by the inspectors and taxed by the Court;
- (c) every disbursement included in the final statement of receipts and disbursements is accurate and proper;

- (d) all the property of the bankrupt for which the trustee was accountable has been realized or disposed of in the manner described in the final statement of receipts and disbursements;
- (e) every claim subject to a dividend was properly examined and that-
 - (i) to the best of the trustee's knowledge, the dividend sheet presented to the Court contains a true and correct list of the claims of creditors entitled to share in the estate;
 - (ii) all payments shown on the dividend sheet have been duly made; and
 - (iii) unclaimed dividends and undistributed funds have been forwarded to the Supervisor by the trustee in accordance with section 143(1) of the Act;
- (f) the trustee has not received, does not expect to receive, and has not promised, any remuneration or consideration other than as shown in the final statement of receipts and disbursements;
- (g) in accordance with section 211(2) of the Act, a copy of the report referred to in section 161 of the Act was forwarded to the Supervisor; and
- (h) the final statement of receipts and disbursements, the dividend sheet, and the notice of application for discharge of the trustee have been sent to the Court, the Supervisor, the bankrupt, and every creditor whose claim has been proved.

Application for Directions by Trustee

**Application for
directions
Form 113**

170. Where a trustee desires to apply to the Court for directions in any matter, he shall file an application in Form 113, and the Court shall then hear the application or fix a day for hearing it and direct the trustee to apply by motion.

Inspectors

**Inspector not
to purchase**

171. (1) No inspector shall, except under and with the sanction of the Court, directly or indirectly by himself or an employer, partner, clerk, agent, or servant be entitled to derive any profit from any transaction arising out of the bankruptcy, or to receive out of the estate any payment for services rendered by him in connection with the administration of the

estate, or for any goods supplied by him to the trustee for or on an account of the estate.

(2) Where it appears to the Court that any profit or payment has been made contrary to the provisions of this regulation, the Court may, on the audit of the trustee's account, order such profit or payment to be repaid to the estate.

(3) Where the sanction of the Court under this regulation to a payment to an inspector for services rendered by him in connection with the administration of the estate is obtained, the order shall specify the nature of the services, and shall only be given where the service performed is of a special nature.

(4) No payment shall, under any circumstances, be allowed to an inspector for services rendered by him in the discharge of his duties attaching to his office as an inspector.

(5) In any case in which the sanction of the Court is obtained under this Regulation, the cost of obtaining that sanction shall be borne by the person in whose interest that sanction is obtained, and shall not be payable out of the bankrupt's estate.

Security by Trustee

172. (1) The security to be given by the trustee shall be given to such officers or persons and in such manner as the Court may direct.

S t a n d i n g
security

(2) It shall not be necessary for the trustee to give security in each separate matter; but instead security may be given either specially in a particular matter or generally to be available for any matter in which the security is given.

(3) The Court shall fix the nature and amount of the security, and may, as it thinks fit, either increase or decrease the amount of special or general security which the trustee has given.

Accounts, Books and Audit

173. The trustee shall keep a book to be called the "Record Book", in which he shall record all minutes, all proceedings had, and resolutions passed at any meeting of creditors or inspectors and all matters as may be necessary to give a correct view of his administration of the estate; but the trustee shall not be bound to insert in the Record Book any document of a confidential nature such as the opinion of an attorney-at-law on any matter affecting the interest of the creditors, nor to exhibit the document to any person other than an inspector whom the trustee considers to be independent of the matter.

Record Book

Cash book

174. The trustee shall keep, manually or electronically, a book to be called the "Cash Book", in which he shall, subject to the provisions of these Regulations as to trading accounts, enter daily the receipts and payments made by him.

Review by inspectors

175. The trustee shall submit the Record Book and the Cash Book, together with any other requisite books and vouchers, to the inspectors when requested.

Retention of records by trustee

176. (1) Unless the Court orders otherwise, a trustee shall keep, for at least 4 years after the date of his discharge, the books and records of the trustee relating to the administration of the estate by the trustee.

(2) Unless the Court orders otherwise or unless there is a written waiver giving up the right to be notified the trustee shall, after being discharged, send to the latest known address of the debtor, bankrupt, or officer of the bankrupt corporation, a written notice that the debtor, bankrupt or officer or a representative of either of them may, within thirty days following the sending of the notice, take back any of the debtor's or the bankrupt's books and records.

(3) Where no person has taken back the books, records, and documents within thirty days after the sending of the notice or the giving of the waiver referred to in subregulation (2), the trustee may dispose of them.

(4) Documents on which an attorney-at-law has a lien shall be returned to the attorney-at-law on completion of the administration of the estate to which the documents relate.

Joint and separate estate accounts

177. Where debtors in partnership have been adjudged bankrupt, distinct accounts shall be kept of the joint estate and of the separate estate or estates; and no transfer of surplus from a separate estate to the joint estate on the ground that there are no creditors under the separate estate shall be made until notice of the intention to make such transfer has been gazetted.

Records of supervisor

178. (1) For the purposes of section 177(1) of the Act the Supervisor-

- (a) in keeping a public record of bankruptcy matters, shall keep the files for at least five years after the date of the discharge of the trustee and until the date of the discharge of the bankrupt;
- (b) in keeping a record of receivership matters, shall keep the files relating to receivership for at least five years after the date on which the first notice of the receivership was received by the Supervisor; and

- (c) in keeping a public record of each trustee licence issued, shall keep the files related to it for at least ten years after the date of expiry of the licence.

(2) For the purposes of section 177(2) of the Act, the Supervisor shall keep or cause to be kept such other records relating to the administration of the Act as the Supervisor deems advisable, but for at least five years after the date on which they are received by the Supervisor.

Unclaimed Funds Undistributed Dividends

179. (1) The trustee is not required to distribute dividends to creditors where-

W h e r e
d i v i d e n d s n o t
r e q u i r e d t o b e
p a i d

- (a) there is only one creditor and the dividend to be paid is less than ten dollars;
- (b) there are two to five creditors and the amount to be paid as a dividend is less than one hundred dollars in total; or
- (c) there are more than five creditors and the average dividend to be paid to ordinary unsecured creditors is less than twenty.

and any amount not so distributed shall be remitted to the Supervisor pursuant to section 143(1) of the Act.

(2) Where additional interest is earned after the preparation of the dividend sheet, the additional amount should be distributed to creditors by way of an amended or additional dividend sheet and in accordance with subregulation (1).

PART X

MISCELLANEOUS

Costs and Taxation of Legal Fees

180. (1) The Court in awarding costs may direct-

Awarding costs

- (a) that the costs of any matter or application shall be taxed and paid-
 - (i) as between party and party; or
 - (ii) as between attorney-at-law and client;
- (b) that full costs, charges and expenses shall be allowed; or

(c) that a fixed sum be paid in lieu of taxed costs.

(2) In the absence of any express direction, costs of an opposed motion shall follow the event and shall be taxed as between party and party.

(3) Where an action is brought against the trustee as representing the estate of the debtor, or where a trustee is made a party to a cause or matter on the application of any other party to the action, the trustee shall not personally be liable for costs, unless the Court otherwise directs.

(4) Where a creditor opposes the discharge of a bankrupt, the Court may, if it grants the discharge on condition that the bankrupt pay an amount or consent to a judgment to pay an amount, award costs to the opposing creditor out of the estate in an amount not exceeding the amount realized by the estate under the conditional order, including any amount brought into the estate pursuant to the consent to judgment.

Orders to be sealed, signed, and filed

181. Every order for payment of money and costs or either of them shall be sealed and be signed by the Registrar and shall be forthwith filed with the proceedings.

Costs paid otherwise than out of estate

182. When a bill of costs is taxed under any special order of the Court, and where it appears by such order that the costs are to be paid otherwise than out of the estate of the bankrupt, the Registrar shall state at the foot of the bill by whom or the manner in which such costs are to be paid.

Legal bills to be taxed where cumulatively exceed \$2,000
Trustee's declaration on bill of costs

183. All bills of costs for legal services must be taxed by the Registrar except where they do not exceed in the aggregate two thousand dollars.

184. A bill of costs must describe in a fair, reasonable and detailed manner, the nature of legal services rendered and shall not be taxed unless the trustee is represented at the taxation or the bill of costs has attached to it a declaration, signed by the trustee, stating that-

- (a) the trustee has examined the bill of costs;
- (b) the services have been duly authorized and duly rendered; and
- (c) the charges are reasonable in the trustee's opinion.

Certificate of employment

185. Before the bill of costs or charges of any attorney-at-law retained by the trustee are taxed, there shall be produced a certificate in writing signed by the trustee, setting forth whether any and if so what special terms of remuneration have been agreed to.

186. Every attorney-at-law whose bill of costs is to be taxed shall in all cases give not less than three days notice of the appointment to tax the same to the trustee.

Notice of
appointment

187. (1) The bill of costs shall be lodged with the trustee three clear days before the application for the appointment to tax the bill of costs is made.

Lodgement of
bill

(2) The trustee shall forthwith on receiving notice of the taxation, lodge the bill of costs with the Registrar.

188. In determining the amount of costs to be allowed, the Registrar shall determine whether-

Costs to be
allowed

- (a) the legal services have been duly rendered;
- (b) the charges are reasonable and, where applicable, are in accordance with any applicable tariff;
- (c) the legal services rendered are accounted for, and are not services that should have been rendered by the trustee; and
- (d) the legal services have been authorised and approved in accordance with the Act, where the Act so requires.

189. When a bill of costs has been taxed, the Registrar shall issue a certificate to that effect in Form 118 on the bill of costs and shall sign that certificate, and a bill of costs so signed has the same effect as a judgment of the Court and may be enforced in the same manner as a judgment,

Court to sign
statement
Form 118

190. Upon the taxation of any bill of costs, charges or expenses being completed, the Registrar shall forthwith file the bill of costs with the proceedings in the matter.

Filing bills of
costs

191. (1) In any case in which pursuant to section 61 of the Act, the Registrar, or other officer of the court, is required to deliver goods to the trustee, the Registrar, or other officer of the court, shall without delay lodge his bill of costs for taxation, which shall be taxed; and unless the bill of costs is lodged for taxation within 30 days from the date when the Registrar, or other officer of the court, makes the delivery to the trustee, the trustee may decline to pay the costs.

Costs of
Registrar, or
other officer of
the court

(2) In this Regulation, "goods" includes money.

192. Where the trustee requires in writing any costs which the Registrar, or other officer of the court, has deducted under section 61 of the Act to be taxed, the Registrar, or other officer of the court, shall within seven days from the date of the request, lodge the bill of costs for taxation,

Taxation of
costs after
deduction

which shall be taxed and any amount disallowed on the taxation shall forthwith be paid over by the Registrar, or other officer of the court, to the trustee.

Copy of bill of costs

193. (1) Every person whose bill of costs or charges is or are to be taxed shall on application of the Supervisor or trustee, furnish a copy of the bill of costs or charges to be so taxed on payment at the rate of \$0.25 per folio which may be charged to the estate.

(2) The Supervisor shall draw to the attention of the trustee any items which in his opinion ought to be disallowed or reduced and may attend or be represented on the taxation.

Application for costs

194. Where any party to or person affected by any proceeding desires to make an application for an order that he be allowed his costs or any part of them incidental to the proceeding, and the application is not made at the time of the proceeding-

- (a) the party or person shall serve notice of his intended application on the trustee;
- (b) the trustee may appear on such application and object to the application; and
- (c) no costs of or incidental to the application shall be allowed to the applicant, unless the Court is satisfied that the application could not have been made at the time of the proceeding.

Appeals

Restriction on appeal

195. (1) Except by leave of the Court or the Court of Appeal, there shall be no appeal from any order made by consent or as to costs only.

(2) Except by leave of the Court or the Court of Appeal, no appeal shall be brought from any order relating to property when it is apparent from the proceedings that the value of the property does not exceed one thousand dollars.

(3) No appeal shall be brought in respect of the omission by the Court to exercise any discretionary power, unless the Court shall in its judgment, or on application made at the hearing, have expressly refused to exercise that power, in which case the refusal may be a ground of appeal.

Time for appeal

196. (1) Subject to the powers of the Court of Appeal to extend the time under special circumstances, no appeal from any order of the Court shall be brought after the expiration of fourteen days.

(2) The period of fourteen days shall be calculated from the time at which the order is signed, entered, or otherwise perfected, or in the case of the refusal of an application, from the date of the refusal.

197. (1) At or before the time of entering an appeal, the party intending to appeal shall lodge in Court the sum of one thousand five hundred dollars to satisfy, in so far as the same may extend, any costs that the appellant may be ordered to pay.

Security for costs

(2) The Court or the Court of Appeal may in any special case increase or decrease the amount of the security referred to in subregulation (1) or dispense with that security.

(3) The trustee shall not be required to make any deposit as security for costs.

198. No appeal shall operate as a stay of proceedings under the order or judgment appealed from unless the Court otherwise orders.

Appeal not to operate as stay of proceedings

199. Subject to the Act or these Regulations, appeals shall be regulated by CPR 2000.

Procedure on appeal

Miscellaneous Fees

200. For the purposes of section 147 of the Act, the fees and expenses in respect of counselling are those set out in Schedule 2.

Fees for counselling Schedule 2

201. The total fee to file all documents relating to an estate with the Supervisor is as set out in the Schedule 2.

Filing costs Schedule 2

202. (1) For the purposes of section 180(1) of the Act, the fee payable by an applicant for a licence to act as a trustee is that set out in Schedule 2.

Cost of license

(2) For the purposes of section 180(2) of the Act, the annual fee payable by a trustee is that set out in the Schedule 2.

Schedule 2

203. For the purposes of section 110(5)(b) of the Act, the fees per meeting that may be paid to an inspector are those set out in the Schedule 2.

Inspector's fees Schedule 2

204. For the purposes of section 13(c)(i) of the Act, the fee that accompanies the notice to be sent to the Supervisor is that set out in the Schedule 2.

205. (1) Any person who knowingly falsifies or fraudulently alters any document in or incidental to any proceeding under the Act or these Regulations is guilty of the offence of contempt of Court and is liable to be punished accordingly.

Falsification of documents

(2) The penalty imposed by this Regulation shall be in addition to, and not in substitution for, any other penalty, punishment or proceeding to which such person may be liable.

Effect of non-compliance with these Regulations

206. Non-compliance with any of these Regulations, or with any rule of practice for the time being in force, shall not render any proceeding void unless the Court shall so direct, but such proceeding may be set aside, either wholly or in part, as irregular, or amended or otherwise dealt with in such manner and upon such terms as the Court thinks fit.

Abridgement of enlargement of time

207. The Court may, under special circumstances and for good cause shown, extend or abridge the time appointed by these Regulations or affixed by any order of the Court for doing any act or taking any proceeding.

Saving of existing law

208. Where no other provision is made by the Act or these Regulations, the present law, procedure and practice in bankruptcy shall, in so far as applicable, remain in force.

Fees and Percentage

Fees and percentages Schedule 2

209. The fees and percentages set forth in the Schedule 2 shall be the fees and percentages to be charged in respect of proceedings under the Act.

SCHEDULE 1

FORMS

Index of Forms

FORM NUMBER	NAME	REFERENCE
1.	General title for Proceedings; Summary Administration, Proceedings Relating to Proposal by Insolvent Person; Court Proceedings; Receivership	(Regulation 12)
2.	Notice of Intervention by Supervisor	(Section 174 (Regulation 9))
3.	Notice of Motion	(Regulation 19)
4.	Consent of Bankrupt to Judgment	(Section 167) (Regulation 30(2))
5.	Petition for Receiving Order	(Section 4) (Regulation 42)
6.	Affidavit of Truth of Statements in Petition	(Section 4(4), (6), (10)) (Regulation 42)
7.	Affidavit of Service	(Section 4(10)) (Regulation 48)
8.	Order of Substituted Service of Petition	(Regulation 47(2))
9.	Receiving Order	(Sections 4(10) and 5) (Regulation 55, 71)
10.	Dismissal of Petition for Receiving Order	(Regulation 56)
11.	Notice of Application for Taxation of Accounts and Discharge of Interim Receiver	(Regulation 57(2))
12.	Notice by Debtor of Intention to Oppose Petition	(Regulation 63)
13.	Notice of Intention to Enforce a Security	(Section 12(1)) (Regulation 78)

FORM NUMBER	NAME	REFERENCE
14.	Notice and Statement of the Receiver	(Section 13(e)) (Regulation 79)
15.	Final Report and Statement of Accounts by Receiver	(Section 13(g)) (Regulation 81)
16.	Certificate of Assignment	(Section 29(8)(b)) (Regulation 82)
17.	Certificate of Assignment	(Section 37(b)) (Regulation 82)
18.	Certificate of Assignment	(Section 42(2)(b)) (Regulation 82)
19.	Certificate of Assignment	Section 45(6)) (Regulation 82)
20.	Assignment For the General Benefit of Creditors (Corporation or other Legal Entity)	(Section 24(2))
21.	Assignment For the Benefit of Creditors (Natural Person)	(Section 24(2))
22.	Statement of Affairs (General)	(Sections 24(2), 25(9), 148(e)) (Regulations 83(1), 157)
23.	Statement of Affairs (Individual)	(Sections 24(2), 148(e)) (Regulations 83(1), 157)
24.	Notice of Intention to Make a Proposal	(Section 29(1)) (Regulation 85)
25.	Proposal	(Regulation 85)
26.	Notice of Proposal	(Section 31) (Regulation 85)
27.	Report of Trustee on Proposal	(Section 39(d) and 40) (Regulation 85)
28.	Notice of Application to the Court for Approval of Proposal	(Section 39(b)) (Regulation 87)

FORM NUMBER	NAME	REFERENCE
29.	Notice to Trustee of Application to the Court for Approval of Proposal	(Regulation 87)
30.	Order Refusing to Approve Proposal	(Section 40(2))
31.	Report of Trustee on Refusal by Court to Approve Proposal	(Section 42(2)(b))
32.	Notice of Default in the Performance of a Proposal	(Section 44(c)) (Regulation 90)
33.	Order Annulling Proposal	(Section 45)
34.	Report of Trustee on Annulment of Proposal	(Section 45(6))
35.	Report of Trustee on Cash-Flow Statement	(Sections 25(14)(b)) (Regulation 86(1)(b))
36.	Insolvent Person's Report on Cash-Flow Statement	(Section 25(14)(c)) (Regulation 86(1)(b))
37.	Notice of Material Change in Insolvent Person's Projected Cash-Flow or Financial Circumstances of Insolvent Person	(Section 25(18)(a)(i)) (Regulation 86(1)(c))
38.	Notice of Meeting of Creditors by Trustee to Consider Proposal	(Section 31(1)(a)) (Regulation 86(1)(e))
39.	Report of Trustee on Non-Filing of Cash-Flow Statement or Proposal	(Section 29(8)(b))
40.	Report of Trustee on Refusal by Creditors to Approve Proposal	(Section 37(b))
41.	Warrant for Arrest of Debtor	(Section 158) (Regulation 98)
42.	Warrant for Committal	(Section 158) (Regulation 98)
43.	Examination of Bankrupt by Supervisor (Non-Business)	(Regulation 99(5), (6))

FORM NUMBER	NAME	REFERENCE
44.	Notice to Bankrupt of Examination Before the Supervisor (Individual Bankrupt)	(Regulation 99(7))
45.	Notice to Bankrupt of Examination Before the Supervisor (Corporate Bankrupt)	(Regulation 99(7))
46.	Questions to be Put to the Bankrupt By the Supervisor (Individual in Business)	(Section 151)
47.	Questions to be Put to an Officer of the Bankrupt Corporation, or a Designated Person, by the Supervisor of Insolvency	(Sections 148 and 151)
48.	Affidavit in Support of Application for Committal under section 148	(Sections 148, 153 and 156) (Regulation 100)
49.	Notice of Application to Commit	(Regulation 101(2))
50.	Order of Committal under Section 158	(Regulations 99 and 100)
51.	Notice of Bankruptcy and First Meeting of Creditors	(Section 92) (Regulation 109)
52.	Notice to Bankrupt of Meeting of Creditors	(Section 92(5))
53.	Proof of Claim	(Sections 25(1)(e); 31; 72(1); 92(3), 114(2) and 118(1) (Regulation 111)
54.	Affidavit Seeking Reclamation of Property	(Section 70(4))
55.	Notice By Trustee Requiring Filing of Proof of Security	(Section 118(1))
56.	Demand For Repossession of Goods	(Section 71(1))
57.	Notice of Disallowance of Claim, Right to Priority or Security or Notice of Valuation of Claim	(Section 125(4)) (Regulation 112)
58.	Notice of Dividend	(Regulation 114)

FORM NUMBER	NAME	REFERENCE
59.	General Proxy	(Sections 31(e)(iii); 92) (Regulation 115(1))
60.	Special Proxy	(Regulation 116)
61.	Voting Letter	(Section 31(1)(f))
62.	Notice to Landlord to Disclaim A Lease by Commercial Tenant	(Regulation 122)
63.	Application for Appointment of a Committee under Section 264(c)	(Regulation 140(2))
64.	Order for Summary Administration	(Section 144) (Regulation 141)
65.	Notice of Deemed Taxation of Trustee's Accounts and Deemed Discharge of Trustee	(Regulation 144)
66.	Notice of Hearing for Taxation of Trustee's Accounts and Discharge of Trustee (Summary Administration)	(Regulation 146)
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68.	Trustee's Final Statement of Receipts and Disbursements (Summary Administration)	(Regulation 142)
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70.	Notice of Objection by Creditor to Taxation of Trustee's Accounts	(Regulations 144(2)(a); 145(3))
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72.	Application by Trustee for Discharge of Bankrupt	(Section 160) (Regulation 151)
73.	Application of Bankrupt for Discharge	(Section 160(3); 161(2)) (Regulations 151, 152)

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74.	Certificate of Discharge	(Section 159(1)(g)(ii))
75.	Certificate of Discharge (Conditions Met)	(Section 162(8)(a))
76.	Notice to Trustee of Bankrupt's Application for Discharge	(Section 159(2), 160(3))
77.	Notice to Supervisor of Application for Discharge of Bankrupt	(Section 160(6))
78.	Notice to Bankrupt of Application to Court for Appointment for Hearing of Application for Discharge	(Section 160(1))
79.	Waiver of Application for Discharge	(Section 160)(1) and (3)
80.	Notice to Creditors of Hearing for Bankrupt's Application for Discharge	(Section 160(6))
81.	Notice of Impending Automatic Discharge of First-time Bankrupt	(Section 159(1)(b))
82.	Notice by Trustee or Creditor of Intended Opposition to Discharge of First-time Bankrupt	(Section 159(1)(d) and (e)) (Regulation 150)
83.	Notice by Supervisor of Intended Opposition to Discharge of First-time Bankrupt	(Section 159(1)(c)) (Regulation 150)
84.	Report of Trustee on Bankrupts Application for Discharge	(Sections 159(1)(a) and 161(1)) (Regulation 169(2)(g))
85.	Absolute Order of Discharge of Bankrupt	(Section 163(2))
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88.	Order Settling Terms for Discharge	(Section 163(2))

FORM NUMBER	NAME	REFERENCE
89.	Notice of Application by Bankrupt to Modify Terms of Conditional Order of Discharge	(Section 163(4))
90.	Order Annulling Discharge	(Section 171(1),(2))
91.	Order Annulling Bankruptcy	(Section 172(1))
92.	Affidavit of Bankrupt as to Earnings, After-Acquired Property and Income	(Section 163(2))
93.	Notice of Hearing for Discharge of Bankrupt	(Section 160) (Regulation 151)
94.	Application by Trustee for Leave to Issue Execution on Judgement	(Section 163(3)(c)) (Regulation 154)
95.	Request for Mediation by Trustee	Sections 52(5), 52(6) and 162(5) (Regulation 156(3))
96.	Notice of Mediation	(Regulation 156(6))
97.	Monthly Income and Expense Statement of Bankrupt and the Family Unit and Information (or Amended Information) concerning the Financial Situation of the Individual Bankrupt	(Regulation 156(3))
98.	Notice of Cancellation of Mediation	(Regulation 156(9), and (11))
99.	Mediation Settlement Agreement	(Regulation 156(13))
100.	Notice of Non-Resolution by Mediation	(Regulation 156(16))
101.	Report of Mediation	(Regulation 156(16))
102.	Notice of Appointment or Substitution of Trustee	(Regulation 157(1))
103.	Certificate of Appointment of Trustee	(Section 24) (Regulation 158)

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104.	Certificate of Appointment of Trustee	(Section 24) (Regulation 158)
105.	Certificate of Appointment of Trustee	(Section 24) (Regulation 158)
106.	Application of Former Trustee to Pass Accounts	(Section 218(1)) (Regulation 166)
107.	Affidavit Verifying Application to Pass Accounts	(Section 218) (Regulation 166)
108.	Notice of Former Trustee's Application to Pass Accounts	(Section 218) (Regulation 166(b))
109.	Notice of Final Dividend and Application for Discharge of Trustee	(Section 141(5)) (Regulation 169(1(b)(i))
110.	Trustee's Final Statement of Receipts and Disbursements (Other than Summary Administration)	(Section 141) (Regulation 169(1(b)(ii))
111.	Application of Trustee for Discharge	(Section 223(1)) (Regulation 169)
112.	Application for Trustee Licence (Corporation)	(Section 178)
113.	Application for Directions by Trustee	(Section 216) (Regulation 170)
114.	Trustee Licence	(Section 179)
115.	Trustee Licence (with Conditions)	(Section 179)
116.	Notice by Trustee to the General Post Office Requesting Redirection of Mail Addressed to Bankrupt	(Section 217(1)(a))
117.	Notice of Hearing/Appointment to Tax Bill of Costs	(Regulations 186, 187(2))
118.	Certificate of Taxation of Bill of Costs	(Regulation 189)

FORMS**FORM 1**

General Title for Proceedings

(Regulation 12)

In the Eastern Caribbean Supreme Court

High Court of Justice

Saint Vincent and the Grenadines

(In Bankruptcy and Insolvency)

No. _____ of _____

In the matter of the *Bankruptcy and Insolvency Act* (Cap. 136 of the Laws of Saint Vincent and the Grenadines, Revised Edition 2009)

And in the matter of the bankruptcy (or of the proposal, or the receivership or the insolvency, as the case may be) of _____

(If applicable for summary administration, add:)

SUMMARY ADMINISTRATION**FORM 2**

Notice of Intervention by Supervisor

(Regulation 9)

(Title Form 1)

TAKE NOTICE that I, _____, the Supervisor of Insolvency, intend to intervene and participate in the above-captioned proceeding.

Dated at _____ this _____ day of _____,

Supervisor of Insolvency

FORM 3

Notice of Motion

(Regulation 19)

(Title Form 1)

Claim No. _____ of _____
Between:

A.B.	- and -	Applicant
C.D.		Respondent

NOTICE OF MOTION

The Applicant, _____ (name), of _____
(address) applies to the court for an order that:
(describe)

A draft of the order that I seek is attached.

The grounds of the Motion are:

(describe)

An Affidavit in support accompanies this Motion.

A draft of the Order I seek is attached.

Dated this _____ day of _____, _____.

Signed: _____
[Attorney-at-law for the] Applicant

NOTICE

This Motion will be heard by _____ [the Judge in Chambers]
 on the _____ day of _____, _____, at _____ [am/pm] at
 _____.

If you do not attend this hearing an order may be made in your absence.

The Court Office is located at _____, telephone
 number _____, facsimile number _____. The Court Office is
 open between [_____ am] and [_____ pm] _____ to _____
 except public holidays.

FORM 4

Consent of Bankrupt to Judgment

(Regulation 30(2) and Sections 163(3) and 167 of the Act)

(Title Form 1)

I, _____, the above-named bankrupt, do hereby consent to
 judgment being entered against me in this Court by the trustee,
 _____, for the sum of \$ _____ together with
 \$ _____ for the costs of judgment.

Dated this _____ day of _____, _____.

 Signature of Bankrupt

FORM 5

Petition for Receiving Order

(Regulation 42 and Section 4 of the Act)

(Title Form 1)

I (or we), _____, of _____, hereby make a Petition to the Court that _____ be adjudged bankrupt and that a receiving order be made in respect of the property of _____ of _____ (address), lately carrying on business (or residing) at _____ and say:

1. THAT the said _____ has at some time during the six months next preceding the filing of this Petition carried on business (or now resides) at _____, within the jurisdiction of this Court (or that the greater portion of the property of the said _____ is situated at _____ within the jurisdiction of this Court).
2. THAT the said _____ is justly and truly indebted to me (or us) in the sum of \$ _____ (set out the amount of the debt or debts and the consideration).
3. THAT I (or we) do not, nor does any person on my (or our) behalf hold any security on the said debtor's property, or on any part thereof, for the payment of the said sum.

or

THAT I hold security for the payment of (or part of) the said sum (but that I will give up such security for the benefit of the creditors of _____ in the event of a receiving order being made against _____ (or _____ and I estimate the value of such security at the sum of \$ _____).

or

THAT I, _____, one of your petitioners, hold security for the payment of, etc.

or

THAT I, _____, another of your petitioners, hold security for the payment of, etc.

4. THAT _____, within the six months next preceding the date of the filing of this Petition has committed the following act (or acts) of bankruptcy, namely:

(Set out the nature and date or dates of the act or acts of bankruptcy relied on.)

5. THAT _____ of _____, is a person qualified to act as trustee of the property of the said debtor, has agreed to act as such and is acceptable to the under-mentioned creditors:

Creditor	Address	Amount of Debt
[°]	[°]	[°]

Dated this _____ day of _____, _____.

Signed by the petitioner(s)
in my presence

(signature of witness)

(signature of petitioner)

ISSUED at Kingstown, Saint Vincent and the Grenadines, this _____ day of _____, _____.

Registrar

NOTICE OF HEARING OF PETITION
(Regulation 61)

Take notice that a Petition for a receiving order shall be made in respect of your property, which is to be heard before the Honourable Justice _____, in Chambers on the ____ day of _____, _____, at the Court House located at _____, at the hour of _____ o'clock in the _____ noon or so soon thereafter as the Petition can be heard.

And further take notice that if notice of cause against the Petition is not filed in Court and a copy thereof served on the attorney-at-law for the petitioning creditor at least three (3) days before the hearing and if you do not appear at the hearing the Court may make a receiving order on such proof of the statements in the Petition as the Court shall think sufficient.

Dated this ____ day of _____, _____.

TO: The Debtor

Registrar

Note: Regulation 51 obligates the petitioner to file a copy of this petition with the Supervisor of Insolvency.

FORM 8

Order for Substituted Service of Petition

(Regulation 47(2))

(Title Form 1)

Upon the Petition of _____, the petitioner herein, and upon reading the Affidavit of _____ and the Petition filed the _____ day of _____, _____.

It is ordered that the petitioner be at liberty to serve the Petition, Affidavit of Truth of Statements in Petition and Notice of Hearing of Petition upon _____ (or service may be effected by way of _____) and that service of the aforementioned documents upon _____ (or by way of _____) no later than ___ days before the return of the said Petition, shall constitute and be good and sufficient service of the said documents upon the said debtor.

By Order:

Registrar

Note: Substituted service may be achieved:

- (a) by delivery of the Petition to some adult person at the usual or last known residence or place of business of the debtor;
- (b) by registered letter; or
- (c) by such other manner as the Court may direct.

FORM 9

Receiving Order
(Regulation 55, 71 and Section 4(10) and Section 5 of the Act)
(Title Form 1)

On the Petition of _____, a creditor, of _____, filed on the ____ day of _____, _____;

Having heard _____;

Having read the Affidavit of Truth of Statements in Petition and having seen the exhibits thereto together with such other materials on file;

And upon it appearing to the Court that the following acts of bankruptcy have been committed:

(set out the nature and dates of the acts of bankruptcy on which the order is made)

1. The Court hereby orders that _____ *(Insert name, address and description of bankrupt as set out in the petition or proof to the Court)* be adjudged bankrupt by virtue of a receiving order hereby made on this date.
2. The Court further orders that _____, of _____, be appointed as trustee of the estate of the bankrupt.
3. The Court further orders that the trustee give security in cash or by bond or suretyship without delay, in accordance with section 198 of the Act.
4. The Court further orders that the debtor, when served with this Order, shall attend on the trustee forthwith at _____, or such other location as the trustee may designate.
5. The Court further orders that the costs of the petitioner be paid out of the estate of the bankrupt on taxation of the estate.

Dated at _____, this _____ day of _____,

By Order:

Registrar

FORM 10

Dismissal of Petition for Receiving Order

(Regulation 56)

(Title Form 1)

Upon hearing the Petition of _____ filed the ____ day of _____, ____, and upon reading _____ and upon hearing _____;

It is ordered that the said Petition be dismissed (and that the petitioner do pay to the said _____ the taxed costs hereof).

Dated this ____ day of _____, _____.

By Order:

Registrar

FORM 11

Notice of Application for Taxation of Accounts and Discharge of Interim Receiver

(Regulation 57 (2))

(Title Form 1)

Take notice that:

1. Attached to this notice is a copy of the final statement of receipts and disbursements of _____, the interim receiver of the property of _____, the debtor.
2. Also attached is a statement of account prepared by the interim receiver and other information concerning the fees and expenses.
3. Objection to the statement of receipts and disbursements and to the discharge of the interim receiver must be filed with the court and the undersigned within the 30 days after the day on which this notice is sent. The notice of objection must state the reasons for the objection.
4. The debtor or, in the case of a bankruptcy, the trustee or any creditor may file a notice of objection.
5. Where no objection is filed within 30 days after the sending of this notice, the interim receiver's accounts are deemed to have been taxed and the interim receiver is deemed to be discharged, unless the court requires that the accounts be taxed on their own merit.

Dated at _____ this _____ day of _____, _____.

Interim Receiver

FORM 12

Notice by Debtor of Intention to Oppose Petition

(Regulation 63)

(Title Form 1)

I, the above-noted debtor, do hereby give you notice that I intend to oppose my being adjudged bankrupt and the making of a receiving order as asked, and that I intend to dispute the statements contained in the said Petition on the following grounds:

[list grounds]

Dated this _____ day of _____, _____.

(debtor), by his attorney-at-law
(name)
(address)

TO: The Petitioner

TO: The Supervisor of Insolvency

FORM 13

Notice of Intention to Enforce a Security

(Regulation 78 and Section 12(1) of the Act)

To: _____, an insolvent person

Take notice that:

1. _____, a secured creditor, intends to enforce its security on the insolvent person's property described below:

(Describe the property to which the security relates.)
2. The security that is to be enforced is the following:

(Provide particulars of the security.)
3. The total amount of indebtedness secured by the security is
\$ _____.
4. The secured creditor will not have the right to enforce the security until after the expiry of the 10-day period after this notice is sent unless the insolvent person consents to an earlier enforcement.

Dated at _____, this _____ day of _____, _____.

Name of Secured Creditor

Name and Title of Signing
Officer

FORM 14

Notice and Statement of the Receiver
 (Regulation 79, Section 13(e) of the Act)

(Title Form 1)

TAKE NOTICE THAT:

1. On the _____ day of _____ I,
 _____ became the receiver in respect of the
 property of _____ an insolvent person (or a
 bankrupt), that is described below:

*(Provide an appropriate description of the property including the book value
 of each asset and broken down into the categories of inventory, accounts
 receivable and other assets.)*

2. The undersigned became a receiver of the property described above by virtue of
 being appointed by _____ (name
 of person or court appointed receiver) pursuant to

*(Provide particulars of security agreement or Court order pursuant to which
 receiver was appointed).*

3. The undersigned took possession or control of the property described above
 on the _____ day of _____, _____.

4. The following information relates to the receivership:
 - (a) Address of insolvent person (or bankrupt):
 [insert]

 - (b) Principal line of business:
 [insert]

 - (c) Location(s) of business:
 [insert]

- (d) Amount owed by insolvent person (or bankrupt) to each creditor who holds a security on the property described above:

[insert]

- (e) The list of other creditors of the insolvent person (or the bankrupt) and the amount owed to each creditor and the total amount due by the insolvent person (or the bankrupt) is as follows:

[insert]

- (f) The intended plan of action of the receiver during the receivership, to the extent that such a plan has been determined, is as follows:

[insert]

- (g) Contact person for receiver:

(Provide name, telephone number and, if applicable, facsimile machine number.)

Dated at _____, this _____ day of _____, 20 ____.

Name of Receiver

Name and Title of Signing
Officer

FORM 15

Final Report and Statement of Accounts of Receiver

(Regulation 81, Section 13(g) of the Act)

(Title Form 1)

TO: The Supervisor of Insolvency

TO: _____, the debtor

(TO: *The trustee - in the case of a bankruptcy*)*(Note: Must also be sent to any creditor who requests a copy at any time up to 6 months after the end of the receivership.)*Introduction*(Explain details of appointment of receiver.)*

The purpose of this Report is to provide a final update as to the receivership of _____.

Statement of Receipts and Disbursements

The final statement of receipts and disbursements in this matter is attached to this Report as Appendix "A". The final statement of receipts and disbursements covers the period from _____, _____, to _____, _____.

Asset Realizations and Distributions*(Provide details of the manner of distribution of any property of which the receiver had taken possession or control and provide details of the disposition of any property of which the receiver had taken possession or control which is not accounted for in the final statement of receipts and disbursements.)*Completion of Receivership

The Receiver has liquidated all property capable of realization and ...

(Describe any applicable details of discharge.)

Dated at _____, this _____ day of _____, _____.

Receiver

APPENDIX "A" (Form 15)

FINAL STATEMENT OF RECEIPTS AND DISBURSEMENTS

(Title Form 1)

RECEIPTS

- | | |
|---|----------|
| 1. Cash on hand | \$ _____ |
| 2. Realization of Assets <i>(Describe)</i> | \$ _____ |
| 3. Miscellaneous Receipts and Collections <i>(Describe)</i> | \$ _____ |

TOTAL RECEIPTS	\$ _____
----------------	----------

DISBURSEMENTS

- | | |
|--|----------|
| 1. Fees paid to Supervisor <i>(Describe others)</i> | \$ _____ |
| 2. Disbursements <i>(Describe)</i> | \$ _____ |
| 3. Miscellaneous Disbursements <i>(Describe)</i> | \$ _____ |
| 4. Receiver's Remuneration <i>(Receiver's fees and expenses)</i> | \$ _____ |

TOTAL DISBURSEMENTS	\$ _____
---------------------	----------

Amount Available for Distribution	\$ _____
-----------------------------------	----------

Amount Disbursed to Creditors	\$ _____
-------------------------------	----------

(Add any applicable notes)

Per:

[Receiver's Signature]

FORM 16

Certificate of Assignment

(Regulation 82 and Section 29(8)(b) of the Act)

In the Matter of the Bankruptcy of:

Debtor_____
Trustee

Administration

Date of bankruptcy:	Security:
Meeting of creditors:	Designated person:
Chair:	

CERTIFICATE OF ASSIGNMENT – Section 29(8)(b) of the Act

I, the undersigned, Supervisor of Insolvency in and for this jurisdiction, do hereby certify that:

- a notice of intention in respect of the aforementioned debtor was filed under section 29 of the *Bankruptcy and Insolvency Act*;
- the debtor has failed to file a cash-flow statement or a proposal within the provided period following the filing of the notice of intention or within any Court-granted extension and is thereupon deemed to have made an assignment.

The said trustee is required:

- to provide to me, without delay, security in the aforementioned amount;
- to send to all creditors, within five days after the date of the trustee's appointment, a notice of the bankruptcy; and
- when applicable, to call in the prescribed manner a first meeting of creditors, to be held at the aforementioned time and place or at any other time and place that may be later requested by the Supervisor of Insolvency.

Date_____
Supervisor of Insolvency

FORM 17

Certificate of Assignment

(Regulation 82 and Section 37(b) of the Act)

In the Matter of the Bankruptcy of:

Debtor

Trustee

Administration

Date of bankruptcy:	Security:
Meeting of creditors:	Designated person:
Chair:	

CERTIFICATE OF ASSIGNMENT – Section 37(b) of the Act

I, the undersigned, Supervisor of Insolvency in and for this jurisdiction, do hereby certify that:

- a proposal in respect of the aforementioned debtor was filed under section 25 of the *Bankruptcy and Insolvency Act*;
- the creditors, at a meeting held to consider the proposal, refused to accept the proposal and the debtor is thereupon deemed to have made an assignment.

The said trustee is required:

- to provide to me, without delay, security in the aforementioned amount;
- to send to all creditors, within five days after the date of the trustee’s appointment, a notice of the bankruptcy; and
- when applicable, to call in the prescribed manner a first meeting of creditors, to be held at the aforementioned time and place or at any other time and place that may be later requested by the Supervisor of Insolvency.

Date

Supervisor of Insolvency

FORM 18

Certificate of Assignment

(Regulation 82 and Section 42(2)(b) of the Act)

In the Matter of the Bankruptcy of:

Debtor_____
Trustee

Administration

Date of bankruptcy:

Security:

Meeting of creditors:

Designated person:

Chair:

CERTIFICATE OF ASSIGNMENT – Section 42(2)(b) of the Act

I, the undersigned, Supervisor of Insolvency in and for this jurisdiction, do hereby certify that:

- a proposal in respect of the aforementioned debtor was filed under section 25 of the *Bankruptcy and Insolvency Act*;
- the Court, by its order, has refused to approve the proposal and the debtor is thereupon deemed to have made an assignment.

The said trustee is required:

- to provide to me, without delay, security in the aforementioned amount;
- to send to all creditors, within five days after the date of the trustee's appointment, a notice of the bankruptcy; and
- when applicable, to call in the prescribed manner a first meeting of creditors, to be held at the aforementioned time and place or at any other time and place that may be later requested by the Supervisor of Insolvency.

Date_____
Supervisor of Insolvency

FORM 19

Certificate of Assignment

(Regulation 82 and Section 45(6) of the Act)

in the Matter of the Bankruptcy of:

Debtor

Trustee

Administration

Date of bankruptcy:	Security:
Meeting of creditors:	Designated person:
Chair:	

CERTIFICATE OF ASSIGNMENT - Section 45(6) of the Act

I, the undersigned, Supervisor of Insolvency in and for this jurisdiction, do hereby certify that:

- a proposal in respect of the aforementioned debtor was filed under section 25 of the *Bankruptcy and Insolvency Act*;
- the said proposal, although accepted and approved, has been annulled by order of the Court and the debtor is thereupon deemed to have made an assignment.

The said trustee is required:

- to provide to me, without delay, security in the aforementioned amount;
- to send to all creditors, within five days after the date of the trustee's appointment, a notice of the bankruptcy; and
- when applicable, to call in the prescribed manner a first meeting of creditors, to be held at the aforementioned time and place or at any other time and place that may be later requested by the Supervisor of Insolvency.

Date

Supervisor of Insolvency

FORM 20

Assignment for the General Benefit of Creditors (Corporation or other legal entity)

(Section 24 (2) of the Act)

(Title Form 1)

This indenture made this _____ day of _____, 2___,
between

(Insert the full legal name of the debtor)

(Insert address of the debtor)

hereinafter called "the debtor"
and

(Insert the name of the trustee)
hereinafter called "the trustee"

Whereas the debtor, a corporation or other legal entity, is insolvent and desires to assign and to abandon all its property for distribution among its creditors, in pursuance of the Act,

This indenture witnesses that the debtor, by its duly authorised legal representatives, does hereby assign to the trustee all the debtor's property for the uses, intents and purposes provided by the Act.

Signed at Saint Vincent and the Grenadines in the presence of _____.

Witness

Date

Debtor by its duly
authorized legal representative

Notes: A certified copy of the resolution of the board of directors must be attached to this document.

FORM 21

Assignment for the General Benefit of Creditors (Natural Person)

(Section 24 (2) of the Act)

(Title Form 1)

This indenture made this _____ day of _____, 2__,

between

(Insert the full legal name of the debtor)

(Insert address of the debtor)

hereinafter called "the debtor"

and

(Insert the name of the trustee)

hereinafter called "the trustee."

Whereas the debtor, a natural person, is insolvent and desires to assign and to abandon all his/her property for distribution among his/her creditors, in pursuance of the Act,

This indenture witnesses that the debtor does hereby assign to the trustee all the debtor's property for the uses, intents and purposes provided by the Act.

Signed at Saint Vincent and the Grenadines in the presence of _____.

Witness

Date

Debtor
(or legal representative of the debtor)

Notes: If the debtor is deceased, attach a copy of the Certificate of Death.

FORM 22

Statement of Affairs (General)

(Regulations 83(1) and 157 and Sections 24(2), 25(9)(a) and 148(e) of the Act)

(Title Form 1) Original Amended

To the bankrupt/debtor:

You are required to carefully and accurately complete this form and the applicable attachments showing the state of your affairs on the date of your bankruptcy / date of filing your proposal (*or, if applicable*, notice of intention) on the _____ day of _____, _____. When completed, this form and the applicable attachments will constitute your Statement of Affairs and must be verified by oath or solemn declaration.

LIABILITIES

(as stated and estimated by bankrupt/debtor)

- 1. Unsecured creditors as per list "A".....\$ _____
 - 2. Secured creditors as per list "B".....\$ _____
 - 3. Preferred creditors as per list "C".....\$ _____
 - 4. Contingent trust claims or other liabilities
as per list "D" estimated to be reclaimable
for.....\$ _____
- \$ _____
- Total Liabilities.....\$ _____
- Surplus.....\$ _____

I, _____, of _____ in the State of Saint Vincent and the Grenadines, do swear (or solemnly declare) that this statement and the attached lists are, to the best of my knowledge, a full, true and complete statement of my affairs on the ___ day of _____, and fully disclose all property of ever description that is in my possession or that may devolve on me in accordance with the Act.

SWORN (or SOLEMNLY DECLARED)

before me at _____ (city, town or Village), in the State of Saint Vincent and the Grenadines, on this _____ day of _____, _____.

Commissioner of Oaths
or Notary Public

Signature of bankrupt/debtor

ASSETS

(as stated and estimated by bankrupt/debtor)

- 1. Inventory.....\$ _____
- 2. Trade fixtures, etc.....\$ _____
- 3. Accounts receivable and other receivables as per list "E"
Good.....\$ _____
Doubtful.....\$ _____
Bad.....\$ _____
Estimated to produce.....\$ _____
- 4. Bills of exchange, promissory note, etc. as per list "F".....\$ _____
- 5. Deposits in financial institutions.....\$ _____
- 6. Cash.....\$ _____
- 7. Livestock.....\$ _____
- 8. Machinery, equipment and plant...\$ _____
- 9. Real property or immovables as per list "G".....\$ _____
- 10. Furniture.....\$ _____
- 11. Retirement investment products, life insurance, etc.....\$ _____
- 12. Securities (shares, bonds, debentures, etc).....\$ _____
- 13. Interests under Wills.....\$ _____
- 14. Vehicles.....\$ _____
- 15. Other property as per list "H"
.....\$ _____
.....\$ _____
.....\$ _____

If bankrupt/debtor is a corporation, add:

Amount of subscribed capital \$ _____
Amount paid on capital.....\$ _____

Balance subscribed and unpaid \$ _____
Estimated to produce.....\$ _____
Total assets.....\$ _____
Deficiency.....\$ _____

FORM 22

List "A"

Unsecured Creditors

Names to be arranged in alphabetical order and numbered consecutively.

No.	Name of creditor	Address	Amount of Claim

Bankrupt/Debtor

Date

FORM 22

List "B"

Secured Creditors

No.	Name of Creditor	Address	Amount of Claim	Particulars of Security	When given	Estimated value of security	Estimated surplus from security	Balance of claim unsecured

Bankrupt/Debtor

Date

FORM 22

List "C"

Preferred Creditors (section 126 of the Act)

No.	Name of Creditor	Address and Occupation	Amount of Claim	Period during which claim accrued	Amount of claim	Amount payable in full	Difference ranking for dividend

Bankrupt/Debtor

Date

FORM 22

List "D"

Contingent or Other Liabilities

Give particulars of claims not set out in lists "B" or "C"

No.	Name of Creditor or claimant	Address and Occupation	Amount of liability Claim	Amount expected to rank for dividend	Date when liability incurred	Nature of liability

Bankrupt/Debtor

Date

FORM 22

List "E"

Debts Due to the Bankrupt/Debtor

No.	Name of Debtor	Address and Occupation	Nature of Debt	Amount of debt (good, doubtful, bad)	Folio of ledgers or other book where particulars to be found	When contracted	Estimated to produce	Particulars of any securities held for debt

Bankrupt/Debtor

Date

FORM 22

List "F"

Bills of Exchange, Promissory Notes, Lien Notes,
 Chattel Mortgages, etc. Available as Assets

No.	Name of all promissory, acceptors, endorsers, mortgagors and guarantors	Address	Occupation	Amount of bill or note, etc.	Date when due	Estimated to produce	Particulars of any property held as security for payment of bill or note, etc.

 Bankrupt/Debtor

 Date

FORM 22

List "G"

Real Property or Immovables Owned by Bankrupt/Debtor

Description of Property	Nature of bankrupt's/ debtor's interest	In whose name does title stand	Total Value	Particulars of mortgages, hypothecs or other encumbrances (name, address, amount)	Equity or surplus

 Bankrupt/Debtor

 Date

FORM 22

List "H"

Property

Give full particulars of property of every description that is in the bankrupt's/debtor's possession or that may devolve on the bankrupt/debtor in accordance with the Act and that is not included in any other list.

FULL STATEMENT OF PROPERTY

Nature of property	Location	Details of property	Original cost	Estimated to produce
(a) Stock-in-trade				
(b) Trade fixtures, etc.				
(c) Cash in financial institutions (name) (address)				
(d) Cash on hand				
(e) Livestock				
(f) Machinery, equipment and plan				
(g) Furniture				
(h) Life insurance policies, retirement investment products				
(i) Securities				
(j) Interests under wills, etc.				
(k) Vehicles				
(l) Taxes				
(m) Other property (state particulars)				

Bankrupt/Debtor

Date

FORM 23

Statement of Affairs (Individual)

(Regulations 83(1) and 157, and Sections 24(2) and 148(e) of the Act)

(Title Form 1)

Original Amended

ASSETS						
Type of assets	Description <i>(provide details)</i>	Estimated dollar value	Exempt property		Secured amount/liens	Estimated net realizable dollar value*
			Yes	No		
1. Cash on hand						
2. Furniture						
3. Personal effects						
4. Cash-surrender value of life insurance, retirement investment products, etc.						
5. Securities						
TOTAL	House					
	Cottage					
	Land					
7. Motor Vehicle	Automobile					
	Motorcycle					
	Other					

(Form 23 Continued)

8.Recreational equipment					
9.Estimated tax refund					
10.Other assets					
TOTAL					

Date

Bankrupt/Debtor

*For a summary administration, indicate the value net of direct realization costs referred to in Regulation 167(1).

(Form 23 Continued)

LIABILITIES						
			Liabilities type of code (LTC) 1. Real property or immovable mortgage or hypothec 2. Bank loans (except real property mortgage) 3. Finance company loans 4. Credit cards- bank/trust company issuers 5. Credit cards- other issues 6. Taxes 7. Student loans 8. Loans from individuals 9. Other			
Creditor	Address, including postal code	Account No.	Amount of Debt			Enter LTC
			Unsecured	Secured	Preferred	
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						

(Form 23 Continued)

14.						
15.						
16.						
17.						
18.						
19.						
20.						
	TOTAL	Unsecured				
	TOTAL	Secured				
	TOTAL	Preferred				

Date

Bankrupt/Debtor

(Form 23 Continued)

A. INFORMATION RELATING TO THE AFFAIRS OF THE BANKRUPT/DEBTOR						
1. Family Name	Given Names:		Date of birth			
	Gender: F <input type="checkbox"/> M <input type="checkbox"/>		YYY/MM/DD			
2. Also known as:						
3. Complete address, including postal code:						
4. Marital status (specify month and year of event if it is occurred in the last five years)	Married			Single		
		Month	Day		Month	Day
	Widowed			Separated		
		Month	Day		Month	Day
	Divorced			Common law		
		Month	Day		Month	Day
5. Full name of spouse or common-law partner						
6. Name of present employer			Occupation (bankrupt/debtor)			
7A Number of persons in household family unit, including bankrupt/debtor						
7B Number of persons 17 years of age or younger:						
8. Have you operated a business within the last five years?	Yes	No	(If yes) Name, type and period of operation:			
B. WITHIN 12 MONTHS PRIOR TO THE DATE OF THE INITIAL BANKRUPTCY EVENT, HAVE YOU, EITHER IN SAINT VINCENT AND THE GRENADINES OR ELSEWHERE:						

(Form 23 Continued)

9A. Sold or disposed of any of your property?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
9B. Made payments in excess of the regular payments to creditors?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
9C. Had any property seized by a creditor?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
C. WITHIN FIVE YEARS PRIOR TO THE DATE OF THE INITIAL BANKRUPTCY EVENT, HAVE YOU EITHER, IN SAINT VINCENT AND THE GRENADINES OR ELSEWHERE		
10A. Sold or disposed of any property?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
10B. Made any gifts to relatives or others in excess of \$500?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

 Date

 Bankrupt/Debtor

(Form 23 Continued)

D. BUDGET INFORMATION: Attach Form 97 to this form		
11A. Have you ever made a proposal under the Bankruptcy and Insolvency Act?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
11B. Have you been bankrupt before in Saint Vincent and the Grenadines?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(If yes, provide the following details for all insolvency proceedings (a) filing date and location of the proceedings; (b) name of trustee or administrator; (c) if applicable, was the proposal successful; (d) date on which Certificate of Full Performance or Discharge was obtained.)		
12. Do you expect to receive any sums of money that are not related to your normal income, or any other property within the next 12 months? Yes <input type="checkbox"/> No <input type="checkbox"/>		
13. If you answered Yes to any of questions 8, 9 or 11, provide details:		
14. Give reasons for your financial difficulties:		

I, _____, of Saint Vincent and the Grenadines, swear (or solemnly declare) that this statement is, to the best of my knowledge, a full, true and complete statement of my affairs on the _____ day of _____, _____, and fully discloses all property and transactions of every description that is or was in my possession or that may devolve on me in accordance with the *Bankruptcy and Insolvency Act*.

SWORN (or SOLEMNLY DECLARED))
 before me at _____ (city, town or village),)
 in Saint Vincent and the Grenadines, on this ___ day of)
 _____, _____)
 _____)
 Commissioner of Oaths/Notary Public)

 Bankrupt/Debtor

FORM 24

Notice of Intention to Make a Proposal

(Regulation 85 and Section 29(1) of the Act)

(Title Form 1)

TAKE NOTICE THAT:

1. I, _____, an insolvent person, state, pursuant to section 29 of the Act and Regulation 85, that I intend to make a proposal to my creditors.
2. _____ (*name of trustee*), of _____ (*address of trustee*), a licensed trustee, has consented to act as trustee under the proposal. A copy of the consent is attached as Appendix "A".
3. A list of the names of the known creditors with claims of \$250 or more and the amounts of their claims is also attached.
4. Pursuant to section 54 of the Act, all proceedings against me are stayed as of the date of filing of this notice with the Supervisor of Insolvency.

Dated at _____, this _____ day of _____, _____.

Insolvent Person

To be completed by Supervisor of Insolvency

Filing Date _____

Supervisor of Insolvency

(Form 24)
Appendix "A"

CONSENT TO ACT AS TRUSTEE

_____ a licensed trustee in bankruptcy in and for the State of Saint
Vincent and the Grenadines, hereby consents to act as Trustee in respect of the proposal
(or notice of intention of) _____.

DATED at _____ this _____ day of _____, _____.

Witness

[Trustee]

FORM 25

Proposal

(Regulation 85)

(Title Form 1)

_____, (the "debtor") submits the following proposal under the *Bankruptcy and Insolvency Act* (the "Act"):

1. THAT the payment of secured creditors shall be made in the following manner:

(Set out the terms of the proposal in respect of any classes of secured creditors to which the proposal is made.)

2. THAT payment in priority to all other claims of all claims directed by the Act to so be paid in the distribution of the property of a bankrupt shall be paid in the following manner.

(Set out proposed payment of preferred creditors.)

3. THAT provision for payment of all proper fees and expenses of the trustee, including legal fees, on an incidental to the proceedings arising out of the proposal (or the bankruptcy) shall be made in the following manner:

(Set out proposed payment of these fees and expenses.)

4. THAT claims arising in respect of goods supplied, services rendered or other consideration given to the debtor after the date of the proposal shall be paid in full by the debtor in the ordinary course of business in priority to the claims of ordinary unsecured creditors.

5. THAT the debtor shall pay to the employees and former employees immediately after the approval of the proposal by the Court amounts equal to the amounts that employees would be qualified to receive under section 126(1) of the Act if the employer had become bankrupt on the date of filing of the Notice of Intention (or the Proposal if no notice of intention was filed), as well as all wages, salaries, commission, or compensation for services rendered after that date and before the

date of court approval of the proposal (together with the disbursements incurred by traveling salesmen).

- 6. THAT a dividend of _____ cents on the dollar shall be paid on all claims of ordinary unsecured creditors in the following manner:

(Set out the terms of payment.)

- 7. THAT the moneys payable under this proposal shall be paid to the trustee and the payment shall be secured by the guarantees of _____ and _____.

(Set out the full names and addresses of any sureties and complete particulars of all securities to be given by them.)

- 8. THAT at the meeting of creditors held to consider the proposal the creditors may appoint one or more, but not exceeding five, inspectors who shall have all the powers conferred on inspectors by the Act (except for the following powers – specify).

Dated at _____ this _____ day of _____, _____.

Debtor

Surety

Surety

Signed by the sureties in my presence

Witness

FORM 26

Notice of Proposal to Creditors

(Regulation 85 and Section 31 of the Act)

(Title Form 1)

Take notice that *(debtor name)* _____ of *(address)* _____ has lodged with me a proposal under the *Bankruptcy and Insolvency Act*.

A copy of the proposal, a condensed statement of the debtor's assets and liabilities, and a list of the creditors affected by the proposal and whose claims amount to \$250 or more are enclosed.

A general meeting of the creditors will be held at _____ on the _____ day of _____, _____, at the hour of _____ o'clock in the _____ noon.

The creditors or any class of creditors qualified to vote at the meeting may by resolution accept the proposal either as made or as altered or modified at the meeting. If so accepted and if approved by the court, the proposal is binding on all the creditors or the class of creditors affected.

Proofs of claim, proxies and voting letters intended to be used at the meeting must be lodged with me prior to the commencement of the meeting.

Dated at _____, this _____ day of _____.

Trustee

(A form of proof of claim, a form of proxy and a voting letter should be enclosed with each notice.)

FORM 27

Report of Trustee on Proposal

(Regulation 85 and Sections 39(d) and 40 of the Act)

(Title Form 1)

I, _____, of _____, the trustee acting in the proposal of _____, hereby report to the Court as follows:

(Paragraph 1 is to be used only in the case of a proposal by a bankrupt. In all other cases, go directly to paragraph 2.)

1. That on the _____ day of _____, _____, the debtor did make an assignment (or a receiving order was, on the _____ day of _____, _____, made against the above-named debtor) and that I was appointed trustee of the estate of the debtor (or, if a substitute trustee has been appointed, I was substituted as trustee for _____ (former trustee) by the creditors) on the _____ day of _____, _____.
2. That a proposal was filed with me on the _____ day of _____, _____, a copy of which is attached and marked as Exhibit "A", and that I filed a copy of the proposal with the Supervisor of Insolvency on the _____ day of _____, _____.
3. That on the _____ day of _____, _____, I gave notice to the debtor, to the Supervisor of Insolvency and to every known creditor affected by the proposal, whose names and addresses are shown in Exhibit "B" to this report, of the calling of a meeting of creditors to be held on the _____ day of _____, _____, to consider the proposal.
4. That with the notice was included a condensed statement of the assets and liabilities of the debtor, a list of the creditors affected by the proposal who have claims of \$250 or more and showing the amounts of their claims, a copy of the proposal, a form of proof of claim and proxy in blank and a voting letter. Copies of the notice, the condensed statement and the list of creditors are attached and marked as Exhibits "C1", "C2" and "C3", respectively.
5. That prior to the meeting of creditors I made a detailed and careful inquiry into the liabilities of the debtor, the debtor's assets and their value, the debtor's conduct and the causes of the debtor's insolvency.
6. That the meeting of creditors was held on the _____ day of _____, _____, and was presided over by _____.
7. That the proposal was accepted by the required majority of creditors (or the proposal was amended by _____ at the meeting and as so amended was accepted by the required majority of creditors).

8. That a copy of the minutes of the meeting is attached and marked as Exhibit "D".
9. That I am of the opinion that:
 - (a) the assets of the debtor and their fair realizable value are as follows:
(Set out assets in detail, giving for each its value as carried on the books of the debtor and its realizable value as estimated by you.)
 - (b) the liabilities of the debtor are as follows:
(Set out the liabilities, state whether secured, preferred or unsecured, and point out any discrepancies between the liabilities as declared by the debtor and as subsequently proved and admitted by you.)
10. That I am also of the opinion that:
 - (a) the causes of the insolvency of the debtor are as follows:
(Set out fully the causes of the insolvency of the debtor as you have, on careful inquiry, ascertained them to be.)
 - (b) the conduct of the debtor is subject to censure in the following respects:
(Set out the reasons for this opinion, considering the conduct of the debtor both before and after the filing of the proposal.)
 - (c) the following facts, mentioned in section 164 and/or 168 of the Act, may be proved against the debtor:
(Set out the relevant facts mentioned in section 164 and/or 168 of the Act.)
11. That I am further of the opinion that the debtor's proposal is an advantageous one for the creditors (or is not an advantageous one for the creditors), for the following reasons:
(Set out fully the reasons for your opinion.)
12. That I forwarded a copy of this report to the Supervisor of Insolvency on this day.

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 28

Notice of Hearing of Application for Court Approval of Proposal

(Regulation 87 and Section 39(b) of the Act)

(Title Form 1)

Take notice that an application will be made to the court, at _____, on the _____ day of _____, _____, at _____ o'clock in the _____ noon, to approve the proposal of _____, accepted by the creditors at a meeting held on the _____ day of _____, _____.

Dated at _____, this _____ day of _____.

Trustee

FORM 29

Notice to Trustee of Hearing of Application for Court Approval of Proposal

(Regulation 87)

(Title Form 1)

TO: _____, trustee under the proposal of _____.

Take notice that an application will be made to the court, at _____,
on the ____ day of _____, _____, at _____ o'clock in the _____
noon, to approve the proposal of _____, accepted by the creditors
at a meeting held on the ____ day of _____, _____.

Dated at _____, this _____ day of _____.

(Applicant)

FORM 30

Order Refusing to Approve Proposal

(Section 42(2) of the Act)

ORDER REFUSING TO APPROVE PROPOSAL

(Title Form 1)

The application of _____ (*trustee*) was heard this _____ day of _____, _____, at _____
(*address of Court*).

Upon reading the report of the trustee filed on the _____ day of _____, _____, on hearing counsel for _____ (*debtor*) and _____ (*others present*), and the Court being satisfied that the required majority of creditors have duly accepted the proposal in the terms contained in the paper writing marked "A" annexed hereto (the "Proposal"), and being satisfied that the said terms are not reasonable or calculated to benefit the general body of creditors (it being established that the debtor has committed the following offence(s) mentioned under Part XII of the *Bankruptcy and Insolvency Act* (*specify offences*) or the Court being satisfied that the following fact mentioned in section 164 or 168 of the *Bankruptcy and Insolvency Act* has been proved against the debtor (*specify facts*) and that the Proposal does not provide reasonable security for the payment of not less than twenty-five cents on the dollar on all the unsecured claims provable against the debtor's estate; or the Court being satisfied that the Proposal does not provide for the payment of claims in the required priority; or the Court being satisfied that the payments under the Proposal are not to be made to the said trustee;

The Court does not approve the said Proposal.

By Order:

Registrar

FORM 31

Report of Trustee on Refusal by Court to Approve Proposal

(Section 42(2)(b) of the Act)

(Title Form 1)

I, _____, of _____, the trustee acting in the proposal of _____, hereby report to the Supervisor of Insolvency as follows:

1. That on the _____ day of _____, _____, I applied to the Eastern Caribbean Supreme Court, High Court of Justice of Saint Vincent and the Grenadines (in Bankruptcy and Insolvency) for approval of the proposal of _____, a copy of which proposal was filed with the Supervisor of Insolvency on the _____ day of _____, _____, in accordance with section 43(1) of the Act.
2. That the Court, by order dated the _____ day of _____, _____ refused to approve the proposal.

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 32

Notice of Default in the Performance of a Proposal

(Regulation 90 and Section 44 of the Act)

(Title Form 1)

Take notice that:

1. There has been a default in the performance of a provision in the proposal of _____, a copy of which proposal was filed with the Supervisor of Insolvency on the _____ day of _____, _____.
2. The default was not waived by the inspectors (*or, if there are no inspectors, by the creditors*) and was not remedied by the insolvent person in accordance with Section 44(c) of the Act and Regulation 90(a).

(Please check applicable box)

3. The undersigned trustee, acting with respect to the proposal, will be proceeding to Court to annul the proposal.

or

3. The undersigned trustee, acting with respect to the proposal, intends to apply for a discharge without annulling the proposal.
4. Creditors may take proceedings to annul the proposal and place _____ in bankruptcy at their own expense.

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 33

Order Annulling Proposal

(Section 45 of the Act)

(Title Form 1)

ORDER ANNULLING THE PROPOSAL

On the application of _____, the trustee acting in the proposal of (or _____, a creditor of) _____; on reading the application of that trustee (or creditor); on hearing _____; and as it appears that

(Check appropriate description)

- _____ has defaulted in the performance of a provision in the proposal.
- the proposal cannot continue without injustice or undue delay.
- the court's approval of the proposal was obtained by fraud.
- _____ has been convicted of the following offence under the Act, namely, _____.

It is ordered that the proposal approved by order made on the ____ day of _____, _____, is hereby annulled.

It is further ordered that the insolvent person is deemed, pursuant to section 45(4) of the Act, to have hereupon made an assignment of their property and that the property is vested in _____, the trustee.

(In the case of a proposal by a bankrupt, the previous paragraph is to be replaced by the following:)

It is further ordered that the property vested in the bankrupt by the order approving the proposal is re-vested in _____, the trustee. Dated at _____, this ____ day of _____, _____.

By Order:

Registrar

FORM 34

Report of Trustee on Annulment of Proposal

(Section 45(6) of the Act)

(Title Form 1)

I, _____, of _____, the trustee acting in the proposal of _____, hereby report to the Supervisor of Insolvency as follows:

1. That _____ did, on the _____ day of _____, _____ file a proposal with me, and that the Eastern Caribbean Supreme Court, High Court of Justice of Saint Vincent and the Grenadines (in Bankruptcy and Insolvency), by order dated the _____ day of _____, _____, has annulled the proposal.

2. The proposal was annulled by the court on the application of _____, the trustee of the proposal (or a creditor of the debtor).

3. The proposal was annulled on the grounds that

(Check appropriate grounds.)

- the debtor has defaulted in the performance of a provision in the proposal.
- the proposal could not continue without injustice or undue delay.
- the approval of the court was obtained by fraud.
- the debtor was convicted of an offence under the Act. *(Specify: _____)*

4. As a consequence of the annulment of the proposal, the debtor is deemed on the annulment to have made an assignment pursuant to section 45(4) of the Act.

5. The court further ordered that the property be vested in _____, the trustee.

(In the case of a proposal by a bankrupt, the previous paragraph is to be replaced by the following:)

5. The court further ordered that the property vested in the bankrupt by the order approving the proposal, be re-vested in _____, the trustee.

Dated at _____, this _____ day of _____, _____.

Trustee.

FORM 35

Trustee's Report on Cash-Flow Statement
 (Regulation 86(1)(b) and Section 25(14)(b) of the Act)
 (Title Form 1)

The attached statement of projected cash flow of _____ (*name of insolvent person*), as of the _____ day of _____, _____, consisting of (*describe, including relevant dates*), has been prepared by the management of the insolvent person (*or the insolvent debtor*) for the purpose described in Note _____, using the probable and hypothetical assumptions set out in Notes _____.

Our review consisted of inquiries, analytical procedures and discussions related to information supplied to us by the management and employees of the insolvent person (*or the insolvent person*). Since hypothetical assumptions need not be supported, our procedures with respect to them were limited to evaluating whether they were consistent with the purpose of the projection. We have also reviewed the support provided by management (*or the insolvent person*) for the probable assumptions and preparation and presentation of the projection.

Based on our review, nothing has come to our attention that causes us to believe that, in all material respects,

- (a) the hypothetical assumptions are not consistent with the purpose of the projection;
- (b) as at the date of this report, the probable assumptions developed are not suitably supported and consistent with the plans of the insolvent person or do not provide a reasonable basis for the projection, given the hypothetical assumptions; or
- (c) the projection does not reflect the probable and hypothetical assumptions.

Since the projection is based on assumptions regarding future events, actual results will vary from the information presented even if the hypothetical assumptions occur, and the variations may be material. Accordingly, we express no assurance as to whether the projection will be achieved.

The projection has been prepared solely for the purpose described in Note _____, and readers are cautioned that it may not be appropriate for other purposes.

Dated at _____, this _____ day of _____, _____.

Trustee

[Attach cash-flow projections for expected duration of the proposal (s. 25(14) of the Act)]

FORM 36

Report on Cash-Flow Statement by the Person Making the Proposal

(Regulation 86(1)(b) and Section 25(14)(c) of the Act)

(Title Form 1)

The _____ (*management, receiver, liquidator, etc.*) of
 _____ (*name of insolvent person*) OR I, _____
 (*name of insolvent person*), has/have developed the assumptions and prepared the
 attached statement of projected cash flow of the insolvent person, as of the _____ day
 of _____, _____, consisting of
 _____ (*describe, including relevant dates*).

The hypothetical assumptions are reasonable and consistent with the purpose
 of the projection described in Note _____, and the probable assumptions are suitably
 supported and consistent with the plans of the insolvent person and provide a
 reasonable basis for the projection. All such assumptions are disclosed in Notes _____.

Since the projection is based on assumptions regarding future events, actual
 results will vary from the information presented, and the variations may be material.

The projection has been prepared solely for the purpose described in Note
 _____, using a set of hypothetical and probable assumptions set out in Notes _____.
 Consequently, readers are cautioned that it may not be appropriate for other purposes.

Dated at _____, this _____ day of _____, _____.

 Name of the person
 making the proposal

 Name and title of signing
 officer

 Name and title of signing
 officer

FORM 37

Notice of Material Adverse Change in Insolvent Person's
Projected Cash Flow or Financial Circumstances of Insolvent Person
(Regulation 86(1)(c) and Section 25(18)(a)(i) of the Act)

(Title Form 1)

INTRODUCTION AND BACKGROUND:

[Describe details of the filing of debtor's proposal or notice of intention to file a proposal.]

MATERIAL ADVERSE CHANGE:

The trustee provides the following comments:

[Describe nature of material adverse change affecting debtor's projected cash flow or financial circumstances.]

The trustee is of the view that these circumstances constitute a material adverse change in the debtor's cash flow and/or financial circumstances.

TRUSTEE'S INTENDED COURSE OF ACTION OR RECOMMENDATION:

The trustee is of the view that:

[Explain circumstances].

Accordingly, the trustee's intended course of action is to:

[Outline trustee's intended course of action and/or recommendations.]

It is the trustee's intention to file this Report with the Supervisor and the Court forthwith pursuant to section 25(18)(a)(i) of the Act, and Regulation 86(1)(c).

Dated this _____ day of _____, _____.

Trustee

FORM 38

Notice of Meeting of Creditors by Trustee to Consider Proposal

(Regulation 86(1)(e) and Section 31(1)(a) of the Act)

(Title Form 1)

TAKE NOTICE THAT:

1. A general meeting of creditors has been called to consider the proposal made by _____, a debtor, a copy of which proposal was filed with the Supervisor of Insolvency on the _____ day of _____, _____.
2. The general meeting of creditors will be held at _____, on the _____ day of _____, _____, at _____ o'clock in the _____ noon.

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 39

Report of Trustee on Non-filing of Cash-flow Statement or Proposal

(Section 29(8)(b) of the Act)

(Title Form 1)

I, _____, of _____, the trustee under a notice of intention to make a proposal filed by _____, an insolvent person, hereby report to the Supervisor of Insolvency as follows:

1. That the insolvent person did, on the _____ day of _____, _____, file with the Supervisor of Insolvency a notice of intention to make a proposal.

2. That:

(Check appropriate description.)

a projected cash-flow statement was not filed within the period of 10 days after the filing of the notice of intention.

a proposal was not filed within the period of 30 days after the day on which the notice of intention was filed or within any extension of that period granted by the court under section 29(9) of the Act. *(If an extension of time has been granted by the court, attach a copy of the court order.)*

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 40

Report of Trustee on Refusal by Creditors to Approve Proposal

(Section 37(b) of the Act)

(Title Form 1)

I, _____, of _____, the trustee acting in the proposal of _____, hereby report to the Supervisor of Insolvency as follows:

1. That _____ did, on the ____ day of _____, _____, file a proposal with me.
2. That at the meeting of creditors held on the ____ day of _____, _____, and presided over by _____, the creditors refused the proposal.

Dated at _____, this ____ day of _____, _____.

Trustee

FORM 41

Warrant for Arrest of Debtor
(Regulation 98, Section 158 of the Act)
(Title Form 1)

TO _____, Officer of this Court and to the Superintendent of Prisons.

Whereas the said debtor (or _____ (other)) has committed the following offences pursuant to Section 158 of the *Bankruptcy and Insolvency Act*:

(state specific grounds for arrest of debtor)

These are therefore to require you the said _____ (Officer of the Court) to take the said debtor (or _____ (other)) and to deliver him to the Superintendent of Prisons, and you the said Superintendent to receive the said debtor (or _____ (other)) and him safely to keep in the said prison and in your custody until such time as this Court shall order; and you the said Superintendent shall, while the said debtor (or _____ (other)) is in your custody, at all times when the Court shall so direct, produce the said debtor (or _____ (other)) before the Court.

(where applicable, the Warrant may direct the Officer of the Court to seize and retain until such time as the Court may order any books, papers, electronic documents and property in the possession of the debtor)

Dated this _____ day of _____, _____.

By the Court

Registrar

FORM 42

Warrant for Committal

(Regulation 98, Section 158 of the Act)

(Title Form 1)

TO _____, Officer of this Court and to the Superintendent of Prisons.

Whereas by an Order of this Court dated the _____ day of _____, _____, it was ordered that the said debtor (or _____ (other)) should stand committed for contempt of this Court.

These are therefore to require you the said _____ (Officer of the Court) to take the said debtor (or _____ (other)) and to deliver him to the Superintendent of Prisons, and you the said Superintendent to receive the said debtor (or _____ (other)) and him safely to keep in the said prison and in your custody until such time as this Court shall order; and you the said Superintendent shall, while the said debtor (or _____ (other)) is in your custody, at all times when the Court shall so direct, produce the said debtor (or _____ (other)) before the Court.

Dated this _____ day of _____, _____.

By the Court

Registrar

FORM 43

Examination of Bankrupt by Supervisor (Non Business)

(Regulations 99(5) and 99(6))

(Title Form 1)

ORDER APPOINTING A TIME FOR

EXAMINATION OF THE DEBTOR BY SUPERVISOR

Upon the application of _____ (trustee, receiver, etc.) in the above-noted matter, it is ordered that the examination by the Supervisor of the above-named debtor be held at

_____ (address) on the _____ day of _____, _____, at _____ o'clock in the _____ noon. And it is ordered that the above-named debtor do attend at the place and time above-mentioned.

Dated this _____ day of _____, _____.

By Order:

Registrar

FORM 44

Notice of Examination before the Supervisor of Insolvency
(Individual Bankrupt/Debtor)
(Regulation 99(7) and Sections 148 and 151 of the Act)
(Title Form 1)

Date:

To: _____

In the Matter of the Bankruptcy of (or the
Proposal of):

File No.: _____

Date and Time of examination: _____

Place of examination: _____

NOTICE OF EXAMINATION BEFORE THE SUPERVISOR OF INSOLVENCY

Take notice that you, the bankrupt/debtor named herein, are required to perform all duties imposed upon a bankrupt/debtor by section 148 of the *Bankruptcy and Insolvency Act*.

You are hereby required, pursuant to section 148, to attend at the office of the Supervisor of Insolvency, on the day and at the time and place aforementioned, to answer to any questions that may be put to you by the Supervisor of Insolvency with respect to your conduct, the causes of your bankruptcy/proposal and the disposition of your property.

Failure to appear for your examination is an offence under the *Bankruptcy and Insolvency Act*.

This notice is not to be confused with the notice to attend the first meeting of creditors you may have received from the trustee.

Supervisor of Insolvency
Address of the Supervisor
of Insolvency

FORM 45

Notice of Examination before the Supervisor of Insolvency
(Corporation)
(Regulation 99(7) and Section 149 of the Act)
(Title Form 1)

Date:

To: _____

In the Matter of the Bankruptcy of (or
the Proposal of):

File No.: _____

Date and Time of examination: _____

Place of examination: _____

NOTICE OF EXAMINATION BEFORE THE SUPERVISOR OF INSOLVENCY

Take notice that you, as an officer of the corporation named herein, are required, pursuant to section 149 of the *Bankruptcy and Insolvency Act*, to perform all duties imposed upon a bankrupt/debtor by section 148 of the said Act.

You are hereby required, pursuant to section 149, to attend at the office of the Supervisor of Insolvency, on the day and at the time and place aforementioned, to answer to any questions that may be put to you by the Supervisor of Insolvency with respect to the conduct of the said corporation, the causes of its bankruptcy/proposal and the disposition of its property.

Further take notice that if you fail to present yourself for examination, the Court may, by warrant, cause you to be apprehended and brought up for examination. You may be liable, on conviction under indictment, to imprisonment.

Supervisor of Insolvency

Address of the Supervisor
of Insolvency

Form 46

Questions to Be Put to an Individual
by the Supervisor of Insolvency
(Section 151 of the Act)

(Title Form 1)

Instructions to Supervisor of Insolvency

The following questions, or questions to a like effect, are to be put to the person examined under section 151 by the Supervisor. The questions should be expanded or supplemented by the Supervisor in an endeavour to extract from the examination the maximum of essential information and to determine as nearly as possible the true cause of the bankruptcy, the disposition of the property and the conduct of the bankrupt individual. The books, statements, etc., of the bankrupt individual should be available to the Supervisor for reference or for the purpose of a more detailed examination of any aspect of the bankrupt individual's conduct which the Supervisor may deem warranted.

1. (list questions)

SWORN (or SOLEMNLY DECLARED))
before me at _____ (city, town or village),)
in Saint Vincent and the Grenadines, on this ___ day of)
_____, 20____)
BEFORE ME)
_____)

Signature of Claimant

Commissioner of Oaths/Notary Public

Phone Number: _____

Fax Number: _____

E-mail Address: _____

Received this ____ day of _____

Supervisor of Insolvency

FORM 47

Questions to Be Put to an Officer of the Bankrupt Corporation, or a
designated person, by the Supervisor of Insolvency
(Section 151 of the Act)
(Title Form 1)

Instructions to Supervisor of Insolvency

The following questions, or questions to a like effect, are to be put to the person examined under section 151 by the Supervisor. The questions should be expanded or supplemented by the Supervisor in an endeavour to extract from the examination the maximum of essential information and to determine as nearly as possible the true cause of the bankruptcy, the disposition of the property and the conduct of the bankrupt corporation. The books, statements, etc., of the bankrupt corporation should be available to the Supervisor for reference or for the purpose of a more detailed examination of any phase of the bankrupt corporation's business or conduct which the Supervisor may deem warranted.

1. (list questions)

SWORN (or SOLEMNLY DECLARED))
before me at _____ (city, town or village),)
in Saint Vincent and the Grenadines, on this ___ day of)
_____, 20____)
BEFORE ME)
_____)

Signature of Claimant

Commissioner of Oaths/Notary Public

Phone Number: _____

Fax Number: _____

E-mail Address: _____

Received this _____ day of _____

Supervisor of Insolvency

FORM 48

Affidavit in Support of Application for Committal Order

(Regulation 100)

(Title Form 1)

AFFIDAVIT

I, _____, the Trustee of the property of the said debtor [*or Receiver of the estate of the said debtor, as the case might be*], make oath and say:

THAT the debtor did (*or failed, refused to*) (*explain grounds for order or circumstances grounding relief*).

THAT in consequence of the foregoing, I depose and verily believe an Order for Committal is justified in the circumstances.

SWORN (*or SOLEMNLY DECLARED*))
before me at _____ (*city, town or village*),)
in Saint Vincent and the Grenadines, on this ___ day of)
_____, _____)
_____)

A Commissioner of Oaths/Notary Public

(Affiant)

FORM 49

Notice of Application to Commit

(Regulation 101(2))

(Title Form 1)

I, the trustee for the property of the said bankrupt [*or* _____ as the case may be], do apply to this Court for an Order for Committal for contempt of this Court against the said bankrupt [*or* _____ as the case might be], on the grounds set forth in the annexed Affidavit.

An Affidavit in support accompanies this Notice.

A draft of the Order I seek is attached.

Dated this _____ day of _____, _____.

Trustee

FORM 50

Order of Committal

(Regulations 99 and 100)

(Title Form 1)

ORDER OF COMMITTAL

Upon the application of the trustee of the property of the bankrupt and upon hearing _____, and reading the affidavit of *(insert name and description of person by whom the notice of show cause was served)* and upon reading the Affidavit of *(describe)*, the court being of the opinion that _____ has by reason of *(explain details)* been guilty of a contempt of this Court by having *(explain the nature of offence)*, and that the said _____ do stand committed to prison for the said contempt.

Dated this _____ day of _____, _____.

By Order:

Registrar

FORM 51

Notice of Bankruptcy, First Meeting of Creditors
 (Regulation 109 and Section 92 of the Act)
 (Where the bankrupt is an individual, add:)
 and Impending Automatic Discharge of Bankrupt
 (Sections 159 and 160 of the Act)
 (Title Form 1)

Original Amended

Take notice that:

1. _____ (name of bankrupt) filed (or was deemed to have filed) an assignment (or a receiving order was made against _____ (name of bankrupt)) on the ____ day of _____, _____, and the undersigned, _____ (name of trustee), was appointed as trustee of the estate of the bankrupt by the Supervisor of Insolvency (or the Court); subject to affirmation by the creditors of the trustee's appointment or substitution of another trustee by the creditors.
2. The first meeting of creditors of the bankrupt will be held on _____ (date), at _____ (time) at the office of _____ (meeting office), at _____ (address of meeting office).
3. To be entitled to vote at the meeting, a creditor must file with the trustee, before the meeting, a proof of claim and, where necessary, a proxy.
4. Enclosed with this notice are a proof of claim form, proxy form and list of creditors with claims amounting to \$50 or more showing the amounts of their claims.
5. Creditors must prove their claims against the estate of the bankrupt to share in any distribution of the proceeds realized from the estate.

(Where the bankrupt is an individual, include paragraphs 6, 7, 8, 9 and 10)

6. Included pursuant to section 92(4) of the Act is information concerning the financial situation of the bankrupt and the obligation of the bankrupt to make payments to the estate of the bankrupt, as required under section 52 of the Act.

7. Pursuant to section 159 of the Act, the bankrupt will be given an automatic discharge on the _____ day of _____, _____, unless the Supervisor of Insolvency, the trustee of the estate of the bankrupt or a creditor of the bankrupt gives notice of intended opposition to the discharge of the bankrupt before that date.

(Note: Other provisions may apply in the case of repeat bankruptcies.)

8. Any creditor who intends to oppose the discharge of the bankrupt shall state in writing the grounds for his/her opposition and send a notice to this effect to the Supervisor of Insolvency, the trustee of the estate of the bankrupt and the bankrupt at any time before the ___ day of _____, _____. *(Insert the same date as in item 7)*
9. If any creditor opposes the discharge of the bankrupt, a court fee applies.
10. If the discharge of the bankrupt is opposed, the trustee will apply to the Court without delay for an appointment for the hearing of the opposition in the manner prescribed by the Act unless it is a matter to be dealt with by mediation pursuant to section 162 of the Act.

Dated this _____ day of _____, _____.

Trustee

FORM 52

Notice of Bankruptcy and First Meeting of Creditors in Local Newspaper

(Section 92(5) of the Act)

(Title Form 1)

Notice is hereby given that the bankruptcy of _____
*(Insert name of bankrupt, the bankrupt's trade or occupation, and the address at which
the bankrupt has carried on business or resides)* occurred on the _____ day of
_____, _____ and that the first meeting of creditors will be held on the _____
day of _____, _____, at _____ o'clock at _____
(Insert place of meeting).

Dated at _____ this _____ day of _____, _____.

Trustee

Address of Trustee

FORM 53

Proof of Claim

(Regulation 111 and Sections 26, 31, 72, 92(3), 114(2) and 118(1) of the Act)

(Title Form 1)

All notices or correspondence regarding this claim must be forwarded to the following address:

In the matter of the bankruptcy (or the proposal or the receivership) of _____ (name of debtor) of _____ (address) and the claim of _____, creditor.

I, _____ (name of creditor or representative of the creditor), of _____ (address), do hereby certify:

1. That I am a creditor of the above-named debtor (or that I am _____ (state position or title) of _____ (name of creditor or representative of the creditor).
2. That I have knowledge of all of the circumstances connected with the claim referred to below.
3. That the debtor was, at the date of bankruptcy (or the date of the receivership or, in the case of a proposal, the date of the notice of intention or of the proposal, if no notice of intention was filed), namely the _____ day of _____, _____, and still is, indebted to the creditor in the sum of \$ _____, as specified in the statement of account (or affidavit) attached and marked Schedule "A", after deducting any counterclaims to which the debtor is entitled. (The attached statement of account or affidavit must specify the vouchers or other evidence in support of the claim.)
4. Check and complete appropriate category
 - A. UNSECURED CLAIM OF \$ _____

That in respect of this debt, I do not hold any assets of the debtor as security and

(Check and complete appropriate description)

- Regarding the amount of \$ _____, I claim a right to a priority under section 126 of the Act.
- Regarding the amount of \$ _____, I do not claim a right to a priority.

(Set out on an attached sheet details to support priority claim)

B. CLAIM OF LANDLORD FOR DISCLAIMER OF A LEASE \$ _____

That I hereby make a claim under section 62(6) of the Act, particulars of which are as follows:

(Give full particulars of the claim, including the calculations upon which the claim is based)

C. SECURED CLAIM OF \$ _____

That in respect of this debt, I hold assets of the debtor valued at \$ _____ as security, particulars of which are as follows:

(Give full particulars of the security, including the date on which the security was given and the value at which you assess the security, and attach a copy of the security documents)

D. CLAIM BY FARMER OR FISHERMAN OF \$ _____

That I hereby make a claim under section 72 of the Act for the unpaid amount of \$ _____

(Attach a copy of sales agreement and delivery receipts)

5. That, to the best of my knowledge, I am *(or the above-named creditor is)* *(or am not or is not)* related to the debtor within the meaning of section 2(3) of the Act, and have *(or has)* *(or have not or has not)* dealt with the debtor in a non-arm's-length manner.
6. That the following are the payments that I have received from, the credits that I have allowed to, and the transfers at undervalue within the meaning of Part VI of

the Act that I have been privy to or a party to with the debtor within the three months (or, if the creditor and the debtor are related within the meaning of section 2 of the Act or were not dealing with each other at arm's length, within the 12 months) immediately before the date of the initial bankruptcy event within the meaning of section 2 of the Act: (provide details of payments, credits and transfers at undervalue)

7. (Applicable only in the case of the bankruptcy of an individual)

- Whenever the trustee reviews the financial situation of the bankrupt to redetermine whether or not the bankrupt is required to make payments under section 52 of the Act, I request to be informed, pursuant to sections 52 and 92(4)(b)(ii) of the Act, of the new fixed amount or of the fact that there is no longer surplus income.
- I request to be advised of any material change in the financial situation of the bankrupt, pursuant to section 92(4)(b)(i) of the Act.
- I request that a copy of the report filed by the trustee regarding the bankrupt's application for discharge pursuant to section 161(1) of the Act be sent to the above address.

Dated at _____, this _____ day of _____, _____.

Witness

Creditor

Telephone No.: _____

Fax No.: _____

Email address: _____

NOTE: If an affidavit is attached, it must have been made before a person qualified to take affidavits.

WARNINGS: A trustee may, pursuant to section 118(4) of the Act, redeem a security on payment to the secured creditor of the debt or the value of the security as assessed, in a proof of security, by the secured creditor.

Section 248 of the Act provides severe penalties for making any false claim, proof, declaration or statement of account.

FORM 54

Affidavit Seeking Reclamation of Property

(Section 70 of the Act)

(Title Form 1)

(All notices or correspondence regarding this claim are to be forwarded to the following address:

_____)
 I, _____, of Saint Vincent and the Grenadines,

DO HEREBY MAKE OATH AND SAY as follows:

1. That I am the claimant, (or That I am)

(State position or title)

of

(Name of claimant)

2. That I have knowledge of all the circumstances connected with the claim referred to below.
3. That on the _____ day of _____, _____, the debtor made an assignment (or a receiving order was made against the debtor or the debtor filed a notice of intention or a proposal).
4. That, on that date, the property enumerated in the document(s) attached and marked "A" (and "B") was in the possession of the bankrupt, and still remains in the possession of the bankrupt and (or) the trustee.
5. That the claimant hereby claims that property, or interest or right in it, by virtue of the document(s) attached and marked "A" (and "B"), namely:
(Set out the particulars of all documents serving as proof of the claim, giving
- (i) *the grounds on which the claim is based, and*
- (ii) *sufficient particulars to enable the property to be identified; if the particulars do not appear on the face of the documents, attach an additional statement marked "B" setting them forth.)*
6. That the claimant is entitled to demand from the trustee the return of the property enumerated in these document(s).

- 7. That I hereby demand that the trustee return to me (*or* to the claimant whom I represent) the property enumerated in the document(s) within the 15 days after the filing of this form, or within the 15 days after the first meeting of the creditors of the debtor, whichever is the later.

SWORN (*or* SOLEMNLY DECLARED))
 before me at _____ (*city, town or village*),)
 in Saint Vincent and the Grenadines, on this ___ day of)
 _____, _____)
 _____)

Commissioner of Oaths
 or Notary Public

 Signature of Claimant

WARNING: Section 248 of the Act prescribes severe penalties for making any false claim, declaration or statement of account.

FORM 55

Notice by Trustee Requiring Filing of Proof of Security

(Section 118(1) of the Act)

(Title Form 1)

Take notice that:

1. You are hereby required, pursuant to section 118(1) of the Act, to file with me a proof of claim and proof of security (security documents) relating to any security that you hold on the property of _____, a bankrupt, which property is described below:

(Describe the property.)

2. The proof of claim and proof of security must give full particulars of the security, including the date on which it was given and the value at which you assess it.
3. If you do not file with me a proof of claim and proof of security in respect of the property, within the 30 days after the day on which this notice is served I may, with leave of the court, sell or dispose of the property, free of your security.
4. A proof of claim in the required form is attached.

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 56

Demand for Repossession of Goods

(Section 71(1) of the Act)

(Title Form 1)

To: _____, purchaser (or trustee or receiver)

I, _____, of _____ (address),
 (or as _____ of _____,) supplier, hereby demand
 access to and repossession of the goods described below, which were sold and delivered to
 _____, the purchaser, on the dates and in accordance with the terms set out in
 the attached documents:

*(Attach copies of documents of sale (invoice, delivery slip, etc.) and provide an
 appropriate description of the goods.)*

Whereas the purchaser is bankrupt (or there is a receiver within the meaning of
 Part III of the Act, appointed in respect of the purchaser's property) the trustee (or receiver)
 is required to release the goods described above in accordance with section 71 of the Act.

Dated this _____ day of _____, _____.

Supplier

Telephone Number: _____

Fax Number: _____

E-mail Address: _____

FORM 57

Notice of Disallowance of Claim, Right to Priority or Security or Notice of Valuation of Claim

(Regulation 112 and Section 125(4) of the Act)

(Title Form 1)

Take notice that:

(A) as trustee acting in the matter of the bankruptcy (or proposal) of _____, I have disallowed your claim (or your right to a priority or your security on the property) in whole (or to the extent of \$ _____), pursuant to section 125 of the Act, for the following reasons:

(Set out the reasons for the disallowance or revision.)

(or)

(B) as trustee acting in the matter of the bankruptcy (or proposal) of _____, I have determined that your contingent or unliquidated claim is a provable claim and have valued it at \$ _____ and therefore, it is deemed a proved claim to this amount pursuant to section 125(2) of the Act.

And further take notice that if you are dissatisfied with my decision in disallowing your claim in whole or in part (or a right to rank or your security or valuation of your claim), you may appeal to the court within the 30-day period after the day on which this notice is served, or within any other period that the court may, on application made within the same 30-day period, allow.

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 58

Notice of Dividend

(Regulation 114)

(Title Form 1)

[Please bring this Dividend Notice with you.]

[Address of Creditor]

[Date]

Notice is hereby given that a dividend of _____ (*cents*) in the dollar has been declared in this matter, and that the same may be received at the office of _____ on the ____ day of _____, _____, or on any subsequent date and time as may be agreed by the undersigned during the undersigned's regular business hours.

Upon applying for payment, this Notice must be produced in its entirety, together with any bills of exchange or other securities held by you; and if you do not attend personally, you must complete and sign the subjoined forms of Receipt and Authority when a cheque payable to your order will be delivered to the bearer.

Signed

Trustee

RECEIPT

Received today is the sum of \$_____ being the amount payable to _____ in respect of the dividend of _____ (cents) in the dollar on claim against this estate.

Creditor's signature

\$ _____

AUTHORITY

Sir,

Please deliver to _____ the cheque

(Insert the name of the person who is to receive the cheque, or the words "me by post" if you wish the cheque sent to you in that way)

for the dividend payable to _____ (creditor) in this matter.

Signed before me:

A Commissioner of Oaths/Notary Public

Creditor's signature

FORM 59

General Proxy

(Regulation 115 and Sections 92 and 31(e)(iii) of the Act)

(Title Form I)

I, _____ (*name of creditor*), of _____ (*name of town or city*), a creditor in the above matter, hereby appoint _____, of _____, to be my proxyholder in the above matter, except as to the receipt of dividends, with (*or without*) power to appoint another proxyholder in his or her place.

Dated at _____, this _____ day of _____, _____.

Witness

Individual Creditor

Name of Corporate Creditor

Per

Witness

Name and Title of Signing Officer

FOR USE BY BLIND CREDITOR ONLY

FORM 60

Special Proxy

(Regulation 116)

(Title Form I)

I, _____ (name of creditor) of _____, a creditor in the above matter, hereby APPOINT _____, of _____ (Insert address of Proxy), to be my proxy except as to the receipt of dividends at the meeting of _____ creditors to be held on _____, the _____ day of _____, 20 __, or any adjournment thereof.

I certify that all the insertions appearing herein have been made by me _____, the said witness to this Special Proxy at the request of _____ the creditor and the insertions were made by me in his/her presence prior to the creditor affixing his/her signature (signature or mark as the case may be.)

Dated at _____, this _____ day of _____, _____.

Signature of Witness:

Name: _____

Address: _____

Calling or Description: _____

Signature or mark of appointing party

Name: _____

Address: _____

Calling or Description: _____

FORM 61

Voting Letter (Proposal)

(Section 31(1)(f) of the Act)

(Title Form 1)

I, _____, creditor (or I, _____,
 representative of _____, creditor), of
 _____ (address), a creditor in the above matter for the
 sum of \$ _____, hereby request the trustee acting with respect to the proposal of
 _____ to record my vote _____ (for or
 against) the acceptance of the proposal as made on the _____ day of
 _____, _____.

Dated at _____, this _____ day of _____, _____.

 Witness

 Individual Creditor

 Name of Corporate Creditor

Per

 Witness

 Name and Title of Signing Officer

FORM 62

Notice to Landlord to Disclaim Commercial Lease by Tenant

(Regulation 122)

(Title Form 1)

To: _____, Landlord

TAKE NOTICE that, as trustee of the estate of _____, a bankrupt, I hereby disclaim the lease dated the ____ day of _____, _____, entered into between you as landlord and _____ as tenant for the premises at _____. This disclaimer to be effective as of the ____ day of _____, _____.

(name) _____
Trustee in bankruptcy of the estate of

FORM 63

Application for Appointment of a Committee
under Section 264(c) of the Act

(Regulation 140(2))

(Title Form 1)

Take notice that I, _____, a duly authorized representative (or relative or friend of, as the case may be) of _____, an individual of unsound mind or with a mental disorder, apply to the Court for an order appointing a committee to appear for, represent, or act for and in the name of _____ in relation to proceedings pursuant to the *Bankruptcy and Insolvency Act* on terms which the Court shall deem fit.

A draft of the Order that I seek is attached.

The grounds of the application are:

[An Affidavit in support accompanies this application.]

Dated at _____, this _____ day of _____, _____.

(Signature of applicant or applicant's
attorney-at-law)

NOTICE

This application will be heard by [the Judge in Chambers] on _____ day, the _____ day of _____, _____, at _____ am/pm at _____.

If you do not attend this hearing, an Order may be made in your absence.

OR

The [Judge in Chambers] will deal with this application by _____.

NB: This notice of application must be served as quickly as possible on the respondent to the application.

The Court Office is located at _____, telephone number _____, facsimile number _____. The Court Office is open between [____ am] and [____ pm] _____ to _____ except public holidays.

FORM 64

Order for Summary Administration

(Regulation 141, sections 24(6) and 144 of the Act)

(Title Form I)

Summary Administration

Upon the application of _____ and reading _____, it is ordered that the estate of the above-named debtor be administered in a summary manner pursuant to Sections 24(6) and 144 of the Act.

Dated at _____, this _____ day of _____, _____.

By order

Registrar

FORM 65

Notice of Deemed Taxation of Trustee's Accounts and Deemed Discharge of Trustee

(Regulation 144)

(Title Form 1)

Take notice that:

1. I, _____, the trustee of the estate of _____, a bankrupt, have applied for the taxation of my accounts and for my discharge.
2. The Supervisor of Insolvency has issued a letter of comment to me that does not request that my accounts be taxed.
3. Attached to this notice are the following:
 - (a) a copy of my final statement of receipts and disbursements;
 - (b) a copy of the dividend sheet, showing the dividends paid or to be paid to the creditors of the bankrupt; and
 - (c) the final dividend that is owed to you, if applicable.
4. Any creditor may object to the taxation of my accounts and to my discharge by doing the following within the 30 days after the day on which this notice is sent:
 - (a) serving a notice of objection on me or sending me a notice of objection by registered mail or by courier;
 - (b) filing a copy of the notice of objection with the Registrar, along with any applicable fee as provided by the tariff, and;
 - (c) sending a copy of the notice of objection to the Supervisor of Insolvency.

Where a creditor objects to the taxation of my accounts, I will apply to the Registrar for a date for the hearing of the objection and will send to any creditor who has objected a notice of the hearing.

5. If I do not receive notice of objection to the taxation of my accounts and to my discharge within the 30 days after the day on which this notice is sent, I will:
- (a) at the expiration of that time limit, take my fee;
 - (b) at the expiration of that time limit, if I have not already done so, send to each creditor his or her final dividend; and
 - (c) within the three months after the day on which this notice is sent,
 - (i) close the bank account used in administering the estate of the bankrupt, if that account is not a consolidated account, or, where the account is a consolidated account, ensure that all estate funds have been withdrawn from it,
 - (ii) remit any unclaimed dividends and undistributed funds to the Supervisor of Insolvency, and
 - (i) send a certificate of compliance and deemed discharge to the Supervisor of Insolvency.
6. After doing the things referred to in item 5, I will be deemed to be discharged.

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 66

Notice of Hearing for Taxation of Trustee's Accounts and Discharge of Trustee

(Regulation 146)

(Title Form 1)

Summary Administration

Take notice that the hearing for the taxation of the accounts and discharge of _____, trustee of the estate of _____, a bankrupt, under summary administration, will be held before the Eastern Caribbean Supreme Court, High Court of Justice of Saint Vincent and the Grenadines (In Bankruptcy and Insolvency).

Attached to this notice are copies of those documents listed in paragraphs 146(b) and (c) of the Regulations.

Any creditor may object to the taxation of my accounts and to my discharge by:

- (a) serving a notice of objection on me or sending me a notice of objection by registered mail or by courier, which notice of objection must be received by me before the start of the hearing;
- (b) filing a copy of the notice of objection with the Court, along with any applicable fee as specified in the tariff; and
- (c) sending a copy of the notice of objection to the Supervisor of Insolvency.

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 67

Notice of Final Dividend and Application for Discharge of Trustee

(Regulation 145(1)(b))

(Title Form 1)

Take notice that:

1. A final dividend sheet has been prepared. There is enclosed with this form a copy of the dividend sheet and a copy of my final statement of receipts and disbursements as taxed.
2. The final dividend will be paid after the expiration of 15 days following the date of the mailing of this notice.
3. Notice of objection of the final statement and dividend sheet must be filed with the Registrar at _____, before the ____ day of _____, _____, and a copy of the notice served on the undersigned. The notice must state the reasons for the objection.
4. I will apply to the court on the ____ day of _____, _____, at the hour of _____ o'clock, or so soon thereafter as the motion can be heard, for an order of discharge with respect to the above-mentioned estate and for a release of the security provided by me pursuant to section 198 of the Act.
5. Notice of objection to my discharge, setting out the reasons for opposition, must be filed with the Registrar, at _____ at least five days before the date of the hearing, and a copy of the notice must be served on me within those five days.

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 68
Trustee's Final Statement of Receipts and Disbursements
 (Summary Administration)
 (Regulation 142)
 (Title Form 1)

RECEIPTS:*(Itemize the receipts)*

Total Receipts.....\$ _____

Less payments made to secured creditors \$ _____

Less necessary disbursements relating directly to realization \$ _____ \$ _____

(Identify separately the costs pertaining to all assets) \$ _____

NET RECEIPTS AVAILABLE TO THE ESTATE:.....\$ _____

DISBURSEMENTS:

1. Counselling fees\$ _____

2. Fees paid:

(a) To Supervisor of Insolvency\$ _____

(b) To the court *(where applicable)*.....\$ _____

3. Administrative Disbursement:.....\$ _____

4. Trustee's Fees:

100% of \$ _____\$ _____

35% of \$ _____\$ _____

20% of \$ _____\$ _____

Total Fees.....\$ _____

5. Applicable Taxes\$ _____

TOTAL DISBURSEMENTS:\$ _____

Amount available for distribution\$ _____

Proved Claims.....\$ _____

Dividend.....\$ _____

Supervisor's Levy.....\$ _____

Total Dividend and Levy.....\$ _____

170

Status of Bankrupt's Discharge:

(Give the description and value of all property of the bankrupt (whether or not secured) as shown in the statement of affairs or otherwise known and not accounted for in the receipts, stating why the property has not been sold or realized and stating the disposition made)

Date

Trustee

Approved by the following inspectors:

FORM 69

Certificate of Compliance and Deemed Discharge of Trustee or Administrator

(Regulations 145(1)(c)(iii) and 147(2)(c)(iii))

(Title Form 1)

I, _____, trustee of the estate of _____,
a bankrupt hereby certify that:

1. The statements made in connection with my application for discharge are true.
2. The final statement of receipts and disbursements in the estate is an accurate and correct reflection of the administration of the estate.
3. Every disbursement included in the statement of receipts and disbursements is accurate and correct.
4. I have disposed of, in a proper manner, all of the property of the bankrupt that came into my hands.
5. All claims of creditors being paid a dividend were properly examined and, to the best of my knowledge, the dividend sheet contains a true and correct list of the claims of creditors, all payments shown on the dividend sheet have been duly made, and all unclaimed dividends and undistributed funds have been remitted to the Supervisor of Insolvency.
6. I have not received, nor do I expect to receive, nor have I been promised, any remuneration or consideration other than as shown in the statement of receipts and disbursements.
7. I have not been a party to, nor have I knowledge of, any undisclosed arrangement with the bankrupt or with any other person as a result of which a creditor received or will receive a consideration or payment in excess of that to which the creditor was properly entitled.
8. A copy of the final statement of receipts and disbursements, dividend sheet and notice of taxation (*or* notice of hearing for taxation) have been sent to the bankrupt and to every creditor who has proved a claim.
9. I have complied with the requirements of the Regulations.

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 70

Notice of Objection by Creditor to Taxation

of Trustee's Accounts

(Regulations 144(2)(a) and 145(3))

(Title Form 1)

TO: _____, trustee

AND TO:
Supervisor of Insolvency

COPY TO:
Registrar of the Court

I, _____, a creditor of the above-named debtor, hereby object to the taxation of the accounts of _____, trustee of the above-named debtor, and object to the discharge of the trustee in this matter.

The grounds for my objection are as follows:

(set out grounds)

Dated at _____, this _____ day of _____, _____.

(Creditor signature and name)

FORM 71

Notice of Hearing of the Objection by Creditor to
Taxation of Trustee's Accounts and Discharge of Trustee

(Regulation 145(3)(c))

(Title Form 1)

Take notice that the hearing of the objection of _____, creditor of the above-named debtor to the taxation of the accounts and discharge of _____, trustee of the estate of _____, a bankrupt under summary administration, will be held before the Eastern Caribbean Court, High Court of Saint Vincent and the Grenadines (In Bankruptcy and Insolvency), at _____, on the _____ day of _____, _____, at _____ o'clock.

Dated at _____, this _____ day of _____, _____.

Trustee

Note: A copy of this Notice of Hearing must be sent to the objecting creditor no later than 30 days following the trustee's receipt of that objecting creditor's Notice of Taxation, and this Notice of Hearing must be sent to the objecting creditor no sooner than 30 days in advance of the date fixed for the hearing of the creditor's objection (Regulation 145(3)(c)).

FORM 72

Application by Trustee for Discharge of Bankrupt

(Regulation 151 and Section 160 of the Act)

(Title Form 1)

I, _____, of _____, trustee of the estate of _____, bankrupt, who made an assignment on the _____ day of _____, _____ (or against whom a receiving order was made on the _____ day of _____, _____), hereby apply to the Court to fix a day for hearing the application for discharge of the said _____.

Dated at _____, this _____ day of _____, _____.

Trustee

TO: The Registrar of the High Court

NOTICE OF HEARING OF DISCHARGE APPLICATION

(Regulation 151 and Section 160 of the Act)

Take notice that the Court has fixed the _____ day of _____, _____, at _____ o'clock in the _____ noon (or as soon thereafter as can be heard), to hear the application for discharge of the said _____, a bankrupt.

Registrar

FORM 73**Application of Bankrupt for Discharge**

(Regulation 151 and Sections 160(3) and 161(2) of the Act)

(Title Form 1)

I, _____, of _____, Saint Vincent and the Grenadines, having made an assignment on the _____ day of _____, _____ (or against whom a receiving order was made on the _____ day of _____, _____), hereby apply to the Court to fix a day for hearing of my application for discharge.

Dated at _____, this _____ day of _____, _____.

(Signature of the bankrupt)

TO: The Registrar of the High Court

NOTICE OF HEARING OF DISCHARGE APPLICATION

(Regulation 151 and Section 160(3) and 161(2) of the Act)

Take notice that the Court has fixed the _____ day of _____, _____, at _____ o'clock in the _____ noon (or as soon thereafter as can be heard), to hear the application for discharge of the said _____, a bankrupt.

Registrar

FORM 74

Certificate of Discharge

(Section 159(1)(g)(ii) of the Act)

(Title Form 1)

Date of bankruptcy _____

I, _____, trustee of the estate of _____, a bankrupt, hereby certify that pursuant to Section 159 of the Act, on the _____ day of _____, _____, the bankrupt is discharged and released from all debts, except those matters referred to in Section 169 of the Act.

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 75

Certificate of Discharge (Conditions Met)

(Section 162(8)(a) of the Act)

(Title Form 1)

Date of bankruptcy _____

I, _____, trustee of the estate of _____, a
bankrupt, hereby certify that:

the bankrupt has complied with the conditions that were established as a result of the mediation agreement and that, pursuant to section 162(8)(a) of the Act, on the _____ day of _____, _____, the bankrupt is discharged and released from all debts, except those matters referred to in Section 169 of the Act.

pursuant to Section 159 of the Act, on the _____ day of _____, _____, the bankrupt is discharged and released from all debts, except those matters referred to in Section 169 of the Act.

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 76

Notice to Trustee of Bankrupt's Application for Discharge

(Section 159(2) and 160(3) of the Act)

(Title Form 1)

Whereas _____, a bankrupt, has applied to the Court to fix a day for the hearing of his application for discharge, the Court has fixed the _____ day of _____, _____, at _____ o'clock in the _____ noon at _____ (address) for hearing of the application.

Dated at _____, this _____ day of _____, _____.

Registrar

TO: _____

Trustee of the estate of the said

FORM 77

Notice to Supervisor of Application for Discharge of Bankrupt

(Section 160(6) of the Act)

(Title Form 1)

Whereas _____, a bankrupt, has applied to the Court to fix a day for the hearing of his application for discharge, be advised that the Court has fixed the _____ day of _____, _____, at _____ o'clock in the _____ noon at _____ (address) for hearing of the application.

Dated at _____, this _____ day of _____, _____.

Trustee

TO: Supervisor

COPY TO: _____, (the bankrupt)

COPY TO: _____ (every creditor who has proved a claim)

FORM 78

Notice to Bankrupt of Application to Court for Appointment for

Hearing of Application for Discharge

(Section 160(2) of the Act)

(Title Form 1)

TO: _____ (bankrupt)

Take notice that, unless a waiver of application is served upon the undersigned prior thereto, application will be made to the Court on the _____ day of _____, _____, to fix a date for the hearing of your application for discharge pursuant to section 160(2) of the *Bankruptcy and Insolvency Act*.

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 79

Waiver of Application for Discharge

(Sections 160(1) and 160(3) of the Act)

(Title Form 1)

Pursuant to sections 160(1) and 160(3) of the *Bankruptcy and Insolvency Act*, I _____, a bankrupt, do hereby give you notice of waiver of application for discharge.

Dated at _____, this _____ day of _____, _____.

(Signature of bankrupt)

TO: _____, trustee of the above estate

AND TO: The Registrar of the Eastern Caribbean Supreme Court, High Court of Justice of Saint Vincent and the Grenadines (In Bankruptcy and Insolvency)

FORM 80

Notice to Creditors of Hearing for Bankrupt's Application for Discharge

(Section 160(6) of the Act)

(Title Form 1)

Take notice that the Court has fixed the _____ day of _____, _____, at
_____ o'clock (or as soon thereafter as can be heard), at
_____ to hear the application for discharge of
_____, a bankrupt.

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 81

Notice of Impending Automatic Discharge of First-time Bankrupt

(Section 159(1)(b) of the Act)

(Title Form 1)

Take notice that:

1. _____ (*name of bankrupt*) filed (*or was deemed to have filed*) an assignment (*or a receiving order was made against*) _____ (*name of bankrupt*) on the _____ day of _____, _____, and the _____ undersigned, _____ (*name of trustee*), was appointed as trustee.
2. Pursuant to section 159 of the Act, the bankrupt, being an individual who has never before been bankrupt, will be given an automatic discharge on the _____ day of _____, _____ (*insert the date that is nine months after the date on which the assignment or the receiving order was made*), unless the Supervisor of Insolvency, the trustee of the estate of the bankrupt or a creditor of the bankrupt gives notice of intended opposition to the discharge of the bankrupt before that date.
3. Any creditor who intends to oppose the discharge of the bankrupt shall give notice of the intended opposition, stating the grounds for their opposition, to the trustee of the estate of the bankrupt, the bankrupt, and the Supervisor of Insolvency at _____, at any time before the _____ day of _____, _____ (*insert the same date as in item 2*).
4. If any creditor opposes the discharge of the bankrupt, a court fee applies.
5. If the discharge of the bankrupt is opposed, the trustee will apply to the court without delay for an appointment for the hearing of the opposition in the manner prescribed by the Act unless it is a matter to be dealt with by mediation pursuant to Section 162 of the Act.

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 82

Notice by Trustee or Creditor of Intended Opposition to Discharge of First-time Bankrupt
(Regulation 150 and Sections 159(1)(d) and (e) of the Act)

(Title Form 1)

Take notice that _____, a creditor of
_____, a bankrupt (or _____, the trustee
of the estate of _____, a bankrupt) intends to oppose the discharge of
the bankrupt on the following grounds:

(Set out the grounds for opposing the discharge.)

Dated at _____, this _____ day of _____, _____.

Signature of Creditor

(or trustee as the case may be)

FORM 83

Notice by Supervisor of Insolvency of Intended Opposition to Discharge of First-time Bankrupt

(Regulation 150 and Section 159(1)(c) of the Act)

(Title Form 1)

Take notice that I, the Supervisor of Insolvency, intend to oppose the discharge of _____, a bankrupt on the following grounds:

(Set out the grounds for opposing the discharge.)

Dated at _____, this _____ day of _____, _____.

Supervisor of Insolvency

FORM 84

Report of Trustee on Bankrupt's

Application for Discharge

(Regulation 169(2)(g) and Sections 159(1)(a) and 161(1) of the Act)

(Title Form 1)

Date of bankruptcy:		Date of initial bankruptcy event:	
Marital status:			
Type of employment:	Number of persons in household family unit, including bankrupt:		
LIABILITIES			
	Secured	Preferred	Unsecured
Declared	\$	\$	\$
Proven	\$	\$	\$
ASSETS			
Description	Value as per Statement of Affairs	Amount realized	Estimate of assets to be realized
	\$	\$	\$
TOTAL			
ANTICIPATED RATE OF DIVIDENDS			
Preferred creditors:		Unsecured creditors:	

A. CAUSES OF BANKRUPTCY

1. Provide details of the causes of bankruptcy:

B. INFORMATION CONCERNING THE FINANCIAL SITUATION *(The same method of calculation must be used to establish the available monthly income of the bankrupt and the family unit at date of bankruptcy and at date of this report. Explain any material changes.)*

2. (a) Available monthly income of the bankrupt at date of bankruptcy
(Same amount as line (7) on Form 97.....) \$ _____

(b) Available monthly income of the bankrupt at date of this report.....\$ _____

2.(a) Available monthly income of the family unit at date of bankruptcy
(Same amount as line (8) on Form 97).....\$ _____

(b) Available monthly income of the family unit at date of this report.....\$ _____

CONDUCT OF THE BANKRUPT

4. (a) Was the bankrupt required to pay to the estate an amount pursuant to Section 52 of the Act (Surplus Income)? (If yes, attach Appendix A) Yes No

(b) Could the bankrupt have made a viable proposal rather than proceeding with bankruptcy? (If yes, attach Appendix A) Yes No

5. (a) Did the bankrupt fail to perform any of the duties imposed on him/her under the Act? (If yes, provide details) Yes No

(b) Can the bankrupt be justly held responsible for any of the facts referred pursuant to section 164 of the Act? (If yes, provide details) Yes No

(c) Did the bankrupt commit any offence in connection with the bankruptcy? (If yes, provide details) Yes No

6. (a) Did the bankrupt ever make a proposal under the *Bankruptcy and Insolvency Act*? (If yes, provide details) Yes No

(b) Has the bankrupt been bankrupt before either in Saint Vincent and the Grenadines or elsewhere? (If yes, provide details) Yes No

7. Were inspectors appointed in this estate? (Provide details if the trustee has reasonable grounds to believe that the inspectors will not approve this report. Attach a copy of the resolution.) Yes No

B. DISCHARGE OF THE BANKRUPT Yes No

(a) Is it the intention of the trustee to oppose the bankrupt's discharge? (If yes, provide details) Yes No

(b) Does the trustee have reasonable grounds to believe that a creditor or the Superintendent will oppose the bankrupt's discharge for a reason other than those set out in section 164(m) or (n) of the Act? *(If yes, provide details)* Yes No

9. Did the bankrupt refuse or neglect to receive counselling pursuant to Section 147 of the Act? *(If yes, provide details)* Yes No

10. Are there other facts, matters or circumstances that would justify the Court in refusing an absolute order of discharge? *(If yes, provide details)* Yes No

11. Other pertinent information (e.g. exceptional personal circumstances, preferential payments, etc.). *(If yes, provide details)* Yes No

Note: Section 162(1) of the Act provides that the Trustee's report pursuant to Section 161(1) shall include a recommendation as to whether or not the bankrupt should be discharged subject to conditions, having regard to the bankrupt's conduct and ability to make payments.

Additional details as required

Number

Additional information

Dated at _____, this _____ day of _____, _____.

Trustee

APPENDIX A

A. AMOUNT REQUIRED TO BE PAID MONTHLY BY THE BANKRUPT

Monthly amount required by Section 52 (Surplus Income) \$ _____ (1)
(Same amount as line (15) on Form 97)

Amount bankrupt has agreed to pay monthly *(Same amount as line (12) on Form 97)* \$ _____ (2)

Difference between lines (1) and (2) \$ _____

Amount bankrupt has agreed to pay monthly to repurchase assets *(Same amount as line (13) on Form 97, provide details)* \$ _____ (3)

Total anticipated payments, lines (2) – (3) \$ _____

B SURPLUS INCOME

1. Did the bankrupt make all required payments pursuant to section 52 of the Act? *(If no, provide details)* Yes No
2. Was the bankrupt made aware of the possibility of requesting mediation? Yes No
3. Were there any amendments or material changes during the period of bankruptcy? *(If yes, provide details)* Yes No
4. Was mediation necessary under sections 52(6) or 52(7) of the Act to determine the amount to be paid by the bankrupt? Yes No

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 85

Absolute Order of Discharge of Bankrupt

(Section 163(2) of the Act)

(Title Form 1)

Upon the application of _____, who made an assignment (*or against whom a Receiving Order was made*) on the _____ day of _____, _____, and upon reading the report of the trustee as to the bankrupt's conduct and affairs (*and the report of the Supervisor, if any*) and upon hearing the trustee and _____ creditors (*or as the case may be*).

And whereas no proof has been made of any facts mentioned in Section 164 of the *Bankruptcy and Insolvency Act*, and the bankrupt has not been found guilty of any misconduct in relation to his property or affairs.

It is ordered that he be and he hereby is discharged.

Dated at _____, this _____ day of _____, _____.

By order

Registrar

FORM 86

Order Refusing Bankrupt's Discharge

(Sections 163(2) and 163(3) of the Act)

(Title Form 1)

Upon the application of _____, who made an assignment (or against whom a receiving order was made) on the _____ day of _____, _____;

And whereas proof has been made of the following fact (or facts) under section 164 of the *Bankruptcy and Insolvency Act*, namely:

(state particulars)

Or whereas it has been proved that the bankrupt is guilty of misconduct in relation to his property and affairs in the following respects:

(state particulars)

It is ordered that the discharge of the bankrupt be and it is hereby refused.

Dated at _____, this _____ day of _____, _____.

By order

Registrar

FORM 87

Order Suspending Bankrupt's Discharge

(Section 163(2) of the Act)

(Title Form 1)

Upon the application of _____, who made an assignment (or against whom a receiving order was made) on the _____ day of _____, _____;

And whereas proof has been made of the following fact (or facts) under section 164 of the *Bankruptcy and Insolvency Act*, namely:

(state particulars)

Or whereas it has been proved that the bankrupt has been guilty of misconduct in relation to his property and affairs in the following respects:

(state particulars)

And whereas the Court has for the following reasons determined that the discharge of the bankrupt shall not be absolutely refused:

(state reasons)

It is ordered that the bankrupt's discharge be suspended for _____ *(duration)* and that he be discharged on and from the _____ day of _____, _____.

Dated at _____, this _____ day of _____, _____.

By order

Registrar

FORM 88

Order Setting Terms for Discharge

(Section 163(2) of the Act)

(Title Form 1)

Upon the application of _____, who made an assignment (or against whom a receiving order was made) on the _____ day of _____, _____;

And whereas proof has been made of the following fact (or facts) under section 164 of the *Bankruptcy and Insolvency Act*, namely:

(state particulars)

It is ordered that, upon the Court being satisfied that the bankrupt has

*(set out any acts which the bankrupt may be required to perform**or terms with which he must comply)*

an Absolute Order of Discharge shall issue.

Dated at _____, this _____ day of _____, _____.

By order

 Registrar

FORM 89

Notice of Application by Bankrupt to Modify Terms
of Conditional Order of Discharge
(Section 163(4) of the Act)

(Title Form 1)

Take notice that application will be made to _____, in Chambers
at _____ on the _____ day of _____,
at _____ o'clock in the _____ noon, or so soon after as the application may be heard
to modify the terms of the order of this Court dated the _____ day of _____,
_____.

Dated at _____, this _____ day of _____, _____.

(Signature of bankrupt)

FORM 90

Order Annuling Discharge

(Sections 171(1) and (2) of the Act)

(Title Form 1)

Upon the application of _____ and upon reading _____ and upon hearing _____ and it appearing that the bankrupt has failed to *(state, with reference to the specific section of the Bankruptcy and Insolvency Act, the duty or duties which the bankrupt has failed to perform) (or that the discharge of the bankrupt was obtained by fraud)*:

IT IS ORDERED that the discharge of the above-named _____ under Order dated the _____ day of _____, _____, be and the same is hereby annulled.

Dated at _____, this _____ day of _____, _____.

By order

 Registrar

FORM 91

Order Annulling Bankruptcy

(Section 172(1) of the Act)

(Title Form 1)

Upon the application of _____ and upon reading
_____ and upon hearing _____;

And upon it appearing that *(explain circumstances)*:

IT IS ORDERED that the receiving order made against the above-named
_____ (or the assignment filed by the above-named
_____) on the _____ day of _____, _____, be and the same
is hereby annulled.

IT IS FURTHER ORDERED that the property of _____ vested in
_____, the trustee of the estate of the said bankrupt, be and the same is hereby
revested in the bankrupt (or as the case may be) for all right, title and interest of the trustee
therein and thereto subject to the following terms and conditions: (if any)

Dated at _____, this _____ day of _____, _____.

By order

Registrar

FORM 92

Affidavit of Bankrupt as to Earnings,

After-Acquired Property and Income

(Section 163(2) of the Act)

(Title Form 1)

I, _____, bankrupt, make oath and say:

1. That I have since the date of my discharge, namely the ____ day of _____, _____, resided and carried on business at _____ and that I now reside and carry on business at _____.
2. That the statement hereto annexed, marked as Exhibit "A", is to the best of my knowledge and belief a full, true and complete statement of all moneys earned, property acquired and income received by me since the date of my discharge (or since the date when I last filed in Court a statement of my earnings, after-acquired property and income), namely the ____ day of _____, _____.

SWORN TO at _____, Saint
 Vincent and the Grenadines, on this ____ day
 of _____, _____, before me:

 Commissioner of Oaths/Notary Public

 (Signature of bankrupt)

FORM 93

Notice of Hearing for Bankrupt's Application for Discharge

(Regulation 151 and Section 160 of the Act)

(Title Form 1)

Take notice that the Court has fixed the _____ day of _____, at _____
o'clock (or as soon thereafter as can be heard), at _____ to hear
the application for discharge of _____, a bankrupt.

Dated this _____ day of _____, _____.

Trustee

FORM 94

Application by Trustee for Leave to Issue Execution on Judgment

(Regulation 154 and Section 163(3)(c) of the Act)

(Title Form 1)

Take notice that _____, trustee of the estate of the above-named debtor shall apply to the Eastern Caribbean Supreme Court High Court of Justice of Saint Vincent and the Grenadines, at the date and time fixed below by the Registrar of the Court, for an order granting the trustee leave to issue execution on a judgment pursuant to Section 163(3)(c) of the *Bankruptcy and Insolvency Act*.

The grounds on which the application is being made are as follows:

(Describe the grounds)

Dated at _____, this _____ day of _____, _____.

(Signature of trustee)

The above-referenced application shall be heard by the Honourable Justice in Chambers at the High Court of Justice of Saint Vincent and the Grenadines on the ____ day of _____, _____, at the hour of _____ in the _____ noon.

Registrar

NOTE: The trustee shall give the debtor of this application not less than 7 days before the date appointed for the hearing and shall at the same time furnish the debtor with a copy of the application.

FORM 95

Request for Mediation Made by Trustee

(Regulation 156(3) and Sections 52(5), 52(6) and 162(5) of the Act)

(Title Form 1)

I, _____, trustee of the estate of _____, a bankrupt, who made an assignment (or against whom a receiving order was made) on the day of _____, hereby apply to the Supervisor of Insolvency to refer this matter to the mediator, who shall set the time and place for the mediation. This application for mediation is being made for the following reasons:

(Check appropriate description)

- Section 52(5) - There is disagreement as to the amount of surplus income to be paid _____ by the bankrupt.
- Section 52(6) - There is a written request from _____, a creditor, _____ (*creditor's address*), to proceed with the mediation process.
- Section 162(4) - The bankrupt does not agree with the recommendation of the trustee Section 162(5) - The trustee is opposed to the discharge of the bankrupt on a ground referred to in section 164 of the Act.
- Section 162(5) - _____, a creditor, _____ (*creditor's address*), is opposed to the discharge of the bankrupt on a ground referred to in section 164 of the Act.

An income and expense statement of the bankrupt is attached to this request (Form 97).

(Indicate name, address, phone numbers of all parties), including the trustee's representative (if applicable))

(Provide details (names and estate number of any related estate file requiring concurrent mediation (e.g. spousal file))

(Check applicable box(es))

Has a *Mediation Settlement Agreement* (Form 99) been reached by the parties?

- Yes
- No

If "yes,"

- (i) Has the *Mediation Settlement Agreement* (Form 99) been signed by the parties?

Yes, and a copy of the signed settlement agreement is attached to this request.

No, but details pertaining to the settlement agreement (draft – Form 99) are attached to this request.

- (ii) Are you willing to proceed with this mediation via telephone conference or by means of any other communications, *if applicable*?

Yes

No

Dated at _____, this _____ day of _____, _____.

Trustee

*Note:

Subject to the mediator's discretion pursuant to Regulation 156(5), the mediator will only consider conducting the mediation via telephone or other means of communication where all parties to the mediation agree to proceed by this means of communication and where an agreement has been reached prior to the mediation.

Upon determining that all the requested mediation may be eligible for the expedited process, the mediator will contact the parties by telephone to obtain/confirm their email address and to ensure that all parties agree and are able to have the mediation conducted in this manner. If the mediator determines that the expedited mediation process is not feasible, the standard mediation process will be required and face-to-face arrangements will be made.

FORM 96

Notice of Mediation

(Regulation 156(6))

(Title Form 1)

To: _____ Bankrupt
 To: _____ Trustee
 To: _____ Creditor(s) (if applicable)

Take notice that the mediation in the matter of the bankruptcy of _____, bankrupt, will be held on the _____ day of _____, _____, (or as soon as possible) at _____:

The mediation will be held for the following reasons:

(Check appropriate description)

- Section 52(5) - There is disagreement as to the amount of surplus income to be paid by the bankrupt.
- Section 52(6) - There is a written request from _____, a creditor, _____ (creditor's address), to proceed with the mediation process.
- Section 162(4) - The bankrupt does not agree with the recommendation of the trustee.
- Section 162(5) - The trustee is opposed to the discharge of the bankrupt on a ground referred to in section 164 of the Act.
- Section 162(5) - _____ a creditor, _____ (creditor's address), is opposed to the discharge of the bankrupt on a ground referred to in section 164 of the Act.

Dated at _____, this _____ day of _____, _____.

 Mediator

FORM 97

(Monthly Income and Expense Statement of the Bankrupt/Debtor and the Family Unit and Information (or Amended Information) Concerning the Financial Situation of the Individual Bankrupt
(Regulation 156(3), Section 52 and Section 92(4) of the Act)

(Title Form 1)

(To be appended to Form 51, where applicable)

Original Amended

Information concerning the monthly income and expense statement of the bankrupt/debtor and the family unit, financial situation of the bankrupt/debtor and bankrupt's obligation to make payments required under section 52 of the Act to the estate of the bankrupt are as follows:

MONTHLY INCOME	Bankrupt/Debtor	Other members of the family unit	Total
Net employment income.....	_____	_____	_____
Net pension/annuities.....	_____	_____	_____
Net child support.....	_____	_____	_____
Net spousal support.....	_____	_____	_____
Net employment insurance benefits.....	_____	_____	_____
Net social assistance.....	_____	_____	_____
Self-employment income.....	_____	_____	_____
Gross _____ Net.....	_____	_____	_____
Other net income.....	_____	_____	_____

Such as amounts received as damaged for wrongful dismissal, as pay equity settlement, or that relate to workers' compensation(Provide details _____)

TOTAL MONTHLY INCOME \$ _____ (1) \$ _____ (2)

TOTAL MONTHLY INCOME OF THE FAMILY UNIT ((1) + (2)) \$ _____ (3)

MONTHLY NON-DISCRETIONARY EXPENSES

Child support payments _____
Spousal support payments _____
Child care _____
Health condition expenses _____
Fines/penalties imposed by the Court _____
Expenses as a condition of employment _____
Debts where stay has been lifted _____
Other expenses _____
(Provide details) _____
TOTAL MONTHLY NON-DISCRETIONARY EXPENSES \$ _____ (4) \$ _____ (5)

TOTAL MONTHLY NON-DISCRETIONARY EXPENSES \$ _____ (6)
OF THE FAMILY UNIT ((4) + (5))

AVAILABLE MONTHLY INCOME OF THE BANKRUPT/ \$ _____ (7)
DEBTOR ((1) - (4))

AVAILABLE MONTHLY INCOME OF THE FAMILY UNIT \$ _____ (8)
((3) - (6))

BANKRUPT'S/DEBTOR'S PORTION OF THE AVAILABLE
MONTHLY INCOME OF THE FAMILY UNIT ((7) / (8) X 100) \$ _____ (9)

* If one or more member's of the bankrupt's/debtor's family unit have refused to divulge this information, please provide details

MONTHLY DISCRETIONARY EXPENSES: (*Family Unit*)

Housing Expenses	Living Expenses
Rent/mortgage hypothec.....	Food/grocery.....
Property taxes/condo fees.....	Laundry/dry cleaning.....
Heating/gas/oil.....	Grooming/toiletries.....
Telephone.....	Clothing.....
Cable.....	Other.....
Hydro.....	Transportation Expenses.....
Water.....	Car lease/payments.....
Furniture.....	Repair/maintenance/gas.....
Other.....	Public transportation.....
Personal expenses	Other.....
Smoking.....	Insurance Expenses
Alcohol.....	Vehicle.....
Dining/lunches/restaurants.....	House.....
Entertainment/sports.....	Furniture/contents.....
Gifts/Charitable donations.....	Life insurance.....
Allowances.....	Other.....
Other.....	Payments
Non-recoverable medical expenses	To the estate.....
Prescriptions.....	To secured creditor.....
Dental.....	(<i>Other than mortgage and vehicle</i>)
Other.....	Other.....

TOTAL MONTHLY DISCRETIONARY EXPENSES (FAMILY UNIT) -\$ _____ (10)
 MONTHLY SURPLUS (OR DEFICIT) FAMILY UNIT ((8) - (10)) = \$ _____ (11)

**INFORMATION (OR AMENDED INFORMATION) CONCERNING THE FINANCIAL
 SITUATION
 OF THE INDIVIDUAL BANKRUPT**

Payment to the estate as per agreement

Number of persons in household family unit, including bankrupt: _____ (12)

Total amount bankrupt has agreed to pay monthly.....

Amount bankrupt has agreed to pay monthly to repurchase assets.....

(Provide details)..... (13)

Residual amount paid into the estate ((12) - (13))..... (14)

Payments required (Surplus Income)

Monthly amount required (Surplus Income) based on
percentage established on line (9).....(15)
Difference between (14) and (15).....(16)

Other applicable comments (*if amount on line (14) is less
than amount on line (15) Explain why the required payments
are not being made:*_____)

Amendment or material change (*if the information relates to a
material change or an amendment, provide details*_____)

Dated this _____ day of _____, _____.

Trustee

Bankrupt/Debtor

Notes: If a joint assignment, only one form is required and each debtor's monthly income and non-discretionary expenses have to be explained in detail.

FORM 98

Notice of Cancellation of Mediation

(Regulations 156(9) and 156(11))

(Title Form 1)

Take notice that the mediation of issues related to the bankruptcy of _____, bankrupt, was cancelled for the following reason(s):

(Check appropriate description)

- There was an outstanding opposition to the discharge of the bankrupt on a ground referred to in section 164 of the Act.
- I believe on reasonable grounds that _____ (*indicate the bankrupt, the trustee or a creditor, as applicable*) abused the mediation or rescheduling procedures.
- I believe on reasonable grounds that _____ (*indicate the bankrupt or a creditor, as applicable*), in the case of a mediation requested by a creditor under section 162(5) of the Act, cannot continue the mediation at all.
- All parties, other than the trustee who were informed of the mediation, failed to appear.

Dated at _____, this _____ day of _____, _____.

Mediator

FORM 99

Mediation Settlement Agreement

(Regulation 156(13))

(Title Form 1)

Final Draft

The parties acknowledge that an agreement was reached in the mediation held on _____, the _____ day of _____, _____, and that the results of the mediation are as follows:

(Set out details of agreement.)

Confidentiality

We accept that the mediator cannot be asked by any of the parties to testify in any proceedings before a court of law.

We accept that all statements or documents obtained during the course of mediation, which would not have been obtained otherwise, will not be used when discussing the matter before the court or during any other proceedings. Also, we accept that all the information obtained during the course of mediation will not be admissible as evidence or to impeach the credibility of a party.

We understand that the mediator or any party to the mediation shall not disclose to the public any confidential information concerning an issue submitted to mediation unless the disclosure is:

- (a) Required by law, in such cases where one party has committed an offence in violation of the *Bankruptcy and Insolvency Act* or other legislation.
- (b) Authorized by the person to whom the confidential information relates.

Signature of the mediation agreement

We hereby agree that this agreement may be signed in counterparts and submitted electronically to the Supervisor of Insolvency.

Dated at _____, this _____ day of _____, _____.

Bankrupt

Bankrupt's Legal Counsel (if applicable)

Trustee

Trustee's Legal Counsel (if applicable)

Creditor (as applicable)

Creditor's Legal Counsel (if applicable)

FORM 100

Notice of Non-Resolution by Mediation

(Regulation 156(16))

(Title Form 1)

Take notice that in the matter of the mediation of _____, bankrupt,
which was held on the ____ day of _____, _____, the issues submitted
to mediation were not resolved because the parties have failed to reach an agreement.

Dated at _____, this ____ day of _____, _____.

Mediator

210

FORM 101

Report on Mediation

(Regulation 156(16))

(Title Form 1)

Take notice that in the matter of the mediation of _____,
bankrupt, which was held on the _____ day of _____, _____, the issues submitted
to mediation were not resolved because the parties have failed to reach an agreement.

The reasons why the issues submitted for mediation were not resolved are as follows:

Specify

Dated this _____ day of _____, _____.

Mediator

TO: Supervisor of Insolvency

TO: (the parties to the mediation)

FORM 102

Notice of Appointment or Substitution of Trustee

(Regulation 157)

(Title Form 1)

Take notice that on the _____ day of _____, _____,
_____ was appointed (*or substituted*) as the trustee of the above-
named estate (for and in the place of _____ (former trustee)).

Dated at _____, this _____ day of _____, _____.

Supervisor of Insolvency

FORM 103

Certificate of Appointment of Trustee
(Regulation 158 and Section 24 of the Act)

(Title Form 1)

In the Matter of the Bankruptcy of:

Debtor

Trustee

Administration

Date of bankruptcy:	Security:
Date of trustee appointment:	
Meeting of creditors:	
Chair:	

CERTIFICATE OF APPOINTMENT - Section 24 of the Act; Regulation 158

I, the undersigned, Supervisor of Insolvency in and for this jurisdiction, do hereby certify that:

- the afore-named debtor filed an assignment under section 24 of the *Bankruptcy and Insolvency Act*;
- the afore-named trustee was duly appointed trustee of the estate of the debtor.

The said trustee is required:

- to provide to me, without delay, security in the aforementioned amount;
- to send to all creditors, within five days after the date of the trustee's appointment, a notice of the bankruptcy; and
- when applicable, to call in the prescribed manner a first meeting of creditors, to be held at the aforementioned time and place or at any other time and place that may be later requested by the Supervisor of Insolvency.

Supervisor of Insolvency

FORM 104

Certificate of Appointment of Trustee
(Regulation 158 and Section 24 of the Act)

(Title Form 1)

In the Matter of the Bankruptcy of:

Debtor

Trustee

Administration

Date and time of bankruptcy:	Security:
Date of trustee appointment:	
Meeting of creditors:	
Chair:	

CERTIFICATE OF APPOINTMENT - Section 24 of the Act; Regulation 158

I, the undersigned, Supervisor of Insolvency in and for this jurisdiction, do hereby certify that:

- the afore-named debtor, in respect of whom a notice of intention was filed under section 29 or a proposal filed under section 43, subsequently filed prior to Court approval, an assignment under section 24 of the *Bankruptcy and Insolvency Act*;
- the afore-named trustee was duly appointed trustee of the estate of the debtor.

The said trustee is required:

- to provide to me, without delay, security in the aforementioned amount;
- to send to all creditors, within five days after the date of the trustee's appointment, a notice of the bankruptcy; and
- when applicable, to call in the prescribed manner a first meeting of creditors, to be held at the aforementioned time and place or at any other time and place that may be later requested by the Supervisor of Insolvency.

Supervisor of Insolvency

FORM 105

Certificate of Appointment of Trustee
(Regulations 71 and 158 and Sections 4(10) and 4(13) of the Act)
(Title Form 1)

In the Matter of the Bankruptcy of:

Debtor

Trustee

Administration

Date of bankruptcy:	Security:
Date of trustee appointment:	
Meeting of creditors:	
Chair:	

CERTIFICATE OF APPOINTMENT – Sections 4(10), 4(13) of the Act; Regulations 71, 158

I, the undersigned, Supervisor of Insolvency in and for this jurisdiction, do hereby certify that:

- A receiving order was made in respect of the afore-named debtor under section 4(10) of the *Bankruptcy and Insolvency Act*;
- the afore-named trustee was duly appointed trustee of the estate of the debtor.

The said trustee is required:

- to provide to me, without delay, security in the aforementioned amount;
- to send to all creditors, within five days after the date of the trustee’s appointment, a notice of the bankruptcy; and
- when applicable, to call in the prescribed manner a first meeting of creditors, to be held at the aforementioned time and place or at any other time and place that may be later requested by the Supervisor of Insolvency.

Supervisor of Insolvency

FORM 106

Application of Former Trustee to Pass Accounts

(Regulation 166, Section 218 of the Act)

(Title Form 1)

I, the undersigned former trustee of the above-named debtor, hereby apply to the court pursuant to section 218(1) of the Act to pass my accounts.

Attached and marked as Exhibit A is a statement of receipts and disbursements.

I have sold or realized all the property of the bankrupt, with the exception of the following:

(Give the description and value of all property not sold or realized and the reasons why these items were not sold or realized.)

Dated at _____, this _____ day of _____, _____.

Former Trustee

FORM 107

Affidavit Verifying Application to Pass Accounts

(Regulation 166 and Section 218 of the Act)

(Title Form 1)

I, _____, the person named in the attached application, do swear (or solemnly declare):

1. That the statements in this application are to my knowledge, true.
2. That the statement of receipts and disbursements attached to the application and marked as Exhibit A is an accurate and correct statement of my administration of the estate.
3. That all the property of the bankrupt that came into my hands has been realized or disposed of in a proper manner.
4. That all claims filed were properly examined and that, to my knowledge, the attached dividend sheet marked as Exhibit B contains a true and correct list of the claims of creditors and that all payments shown on the dividend sheet have been duly made.
5. That every disbursement included in the statement of receipts and disbursements is accurate and correct.
6. That I have not received, nor do I expect to receive, nor have I been promised, any remuneration or consideration other than as shown in the statement.
7. That I have not been a party to, nor have I knowledge of, any undisclosed arrangement with the bankrupt or with any other person as a result of which a creditor received or will receive a consideration or payment in excess of that to which the creditor was properly entitled.
8. That notice of the application in the attached form marked as Exhibit C was, on the ____ day of _____, _____, sent to every creditor whose claim had been proved, to the Registrar, to the bankrupt, to the substituted trustee and to the Supervisor of Insolvency.

SWORN TO at _____, Saint Vincent and the Grenadines, on this ____ day of _____, _____, before me:

Commissioner of Oaths/Notary Public

Former trustee

FORM 108

Notice of Former Trustee's Application to Pass Accounts

(Regulation 166, Section 218 of the Act)

(Title Form 1)

Take notice that:

1. A substitute trustee of the estate of _____, a bankrupt, having been appointed on the ____ day of _____, _____, I, the undersigned, will, on the ____ day of _____, _____, at the hour of _____ o'clock, apply to the Court at _____ to pass my accounts.
2. Enclosed is my statement of receipts and disbursements.
3. I have sold or realized all the property of the bankrupt, with the exception of the following:

(Give the description and value of all property not sold or realized and the reasons why these items were not sold or realized.)
4. You are at liberty to attend in person or by legal counsel at the passing of the said accounts and to be heard in respect of the same.

Dated at _____, this _____ day of _____, _____.

Former Trustee

FORM 109

Notice of Final Dividend and Application for Discharge of Trustee

(Regulation 169(1)(b) and Section 141(5) of the Act)

(Title Form 1)

Take notice that:

1. A final dividend sheet has been prepared. There is enclosed with this form a copy of the dividend sheet and a copy of my final statement of receipts and disbursements as taxed.
2. The final dividend will be paid after the expiration of 15 days following the date of the mailing of this notice.
3. Notice of objection of the final statement and dividend sheet must be filed with the Registrar at _____, before the ____ day of _____, _____, and a copy of the notice served on the undersigned. The notice must state the reasons for the objection.
4. I will apply to the court on the ____ day of _____, _____, at the hour of _____ o'clock, or so soon thereafter as the motion can be heard, for an order of discharge with respect to the above-mentioned estate and for a release of the security provided by me pursuant to section 198 of the Act.
5. Notice of objection to my discharge, setting out the reasons for opposition, must be filed with the Registrar, at _____ at least five days before the date of the hearing, and a copy of the notice must be served on me within those five days.

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 110

Statement of Receipts and Disbursements
 (Other than Summary Administration)
 (Regulation 169(1)(b) and Section 141 of the Act)

(Title Form 1)

TRUSTEE'S STATEMENT OF RECEIPTS AND DISBURSEMENTS

RECEIPTS

1. Cash in hand and in bank\$ _____

2. Realization of assets: Book debts and bills of exchange.....\$ _____

3. Realization of assets: Stock, fixtures, machinery and furniture.....\$ _____

4. Realization of assets: Real property or immovable.....\$ _____

5. Received from:

 (a) Interim receiver as taxed.....\$ _____

 (b) Former trustee as taxed.....\$ _____

6. Operating receipts.....\$ _____

 less (a) purchases\$ _____

 (b) operating expenses.....\$ _____

 (Attach statement detailing purchases and expenses)

Net profit (net loss to be shown in miscellaneous disbursements, 19(a)) \$ _____

7. Miscellaneous

 (a) Bank interest, etc. (specify).....\$ _____

 (b) Funds received from guarantor (if applicable).....\$ _____

TOTAL RECEIPTS.....\$ _____

DISBURSEMENTS

8. Fees paid:

- (a) To Supervisor of Insolvency.....\$ _____
- (b) To Court.....\$ _____ \$ _____

9. Notice of first meeting:

- (a) Local paper.....\$ _____
- (b) To (number) _____ creditors.....\$ _____
- (c) Postage.....\$ _____

10. Other advertising.....\$ _____

11. Stock-taking and possession (*actual expenses only*).....\$ _____

12. Premiums:

- (a) Bond or suretyship.....\$ _____
- (b) Insurance.....\$ _____

13. Notice of bankrupt's application for discharge:

- (a) To (number) _____ creditors.....\$ _____
- (b) Postage.....\$ _____ \$ _____

14. Auctioneer:

- (a) Commission.....\$ _____
- (b) Expenses.....\$ _____ \$ _____

15. Notice of final dividend and trustee's application for discharge:

- (a) To (number) _____ creditors.....\$ _____
- (b) Postage.....\$ _____ \$ _____

16. Other notices and reports:

- (a) To (number) _____ creditors.....\$ _____
- (b) Postage.....\$ _____ \$ _____

17. Postage on general correspondence.....\$ _____

18. Inspector:

(a) Fees (provide details).....\$ _____ \$ _____
(b) Expenses\$ _____ \$ _____

19. Miscellaneous:

(a) Loss on operations.....\$ _____
(b) Cost of former trustee as taxed.....\$ _____
(c) Other (provide details).....\$ _____ \$ _____

20. Trustee's remuneration.....\$ _____

21. Legal fees and legal services costs (taxed):

(a) Legal counsel on application or assignment \$ _____
(b) Legal counsel to estate \$ _____
(c) Court fees awarded against trustee \$ _____
(d) Costs awarded to opposing creditor (pursuant to section 233)\$ _____ \$ _____

22. Taxes.....\$ _____

23. Counselling fees.....\$ _____

24. Trust claim (Crown).....\$ _____

TOTAL DISBURSEMENTS \$ _____

Total disbursements paid for services provided by persons related to the trustee: \$ _____

Note:(a) Amount:	\$ _____
(b)Name of person related to the trustee:	\$ _____
(c)Relationship to the trustee (e.g. spouse, parent):	\$ _____

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25. Amount available for distribution.....\$ _____

26. Levy payable to Supervisor under section 136 of the Act.....\$ _____

27. Secured creditors:

Dividend \$ _____ less levy..... \$ \$ _____

28. Preferred creditors:

Dividend \$ _____ less levy..... \$ \$ _____

29. Unsecured creditors

Proved claim of _____ \$ _____

Interim dividend
_____ % \$ _____ less levy \$ \$ _____

Final dividend
_____ % \$ _____ less levy \$ \$ _____

30. Amount refunded to debtor.....\$ _____

31. Undistributed assets.....\$ _____

32. Status of Bankrupt's Discharge (if an individual) / Status of Proposal

- | | | | |
|--|---|---|--|
| <input type="checkbox"/> Absolute discharge | <input type="checkbox"/> Automatic | <input type="checkbox"/> Conditional | <input type="checkbox"/> Deceased |
| <input type="checkbox"/> Discharge suspended | <input type="checkbox"/> Hearing set | <input type="checkbox"/> Refused | <input type="checkbox"/> <i>Sine die</i> |
| <input type="checkbox"/> Annulled by Court | <input type="checkbox"/> Court approval refused | <input type="checkbox"/> Creditor acceptance rejected | <input type="checkbox"/> Ongoing |
| <input type="checkbox"/> Deemed annulled | <input type="checkbox"/> Full performance | <input type="checkbox"/> Withdrawn | |

Status date:

(Provide a description and value of all property of the bankrupt (whether or not secured) as shown in the Statement of Affairs, or otherwise known and not accounted for in the receipts, stating why the property has not been sold or realized and stating the disposition made)

_____ Date

_____ Trustee

Approved by the following inspectors:

Taxed at the sum of \$ _____ on _____, 2 _____

Registrar

FORM 111

Application of Trustee for Discharge

(Regulation 169(1)(a) and Section 223(1) of the Act)

(Title Form 1)

I, _____, the trustee of the estate or acting in the proposal of _____, a bankrupt/debtor, hereby apply to the court for an order of discharge with respect to the above-mentioned estate or proposal and, consequently, for a release of the security that I have provided pursuant to section 198 of the Act.

I certify that I have observed the applicable terms set out in the Bankruptcy Regulations.

Dated this _____ day of _____, _____.

Trustee

FORM 112

Application for Trustee Licence (Corporation)

(Section 178 of the Act)

GENERAL INFORMATION

Name of corporation (pre-approved by the Supervisor of Insolvency)

Address of head office

Telephone No: _____

Fax No: _____

Email address: _____

Incorporated:

 In Saint Vincent and the Grenadines Elsewhere (*specify* _____)

Other nations in which the corporation is registered:

Date of incorporation: _____ / _____ / _____
Year Month Day

DECLARATION

I, the undersigned, do solemnly declare that I am authorized to submit the present application on behalf of the corporation named herein and that the information set out in this application and in the attached documents is, to the best of my knowledge and belief, true, correct and complete in all respects.

Dated this _____ day of _____, _____.

Signature of the applicant, on
behalf of the corporation

REQUIRED DOCUMENTATION

Please include the documents listed below with your application. If any items are not provided, please indicate the reason for the information being excluded and the date when it will be provided to the Office of the Supervisor of Insolvency.

1. The original or a certified true copy of the constituting documents (letters patent, certificate of incorporation, memorandum or articles of association, and other pertinent documentation).
2. The address of the head office and of every other office or place of business from which the corporate trustee intends to provide bankruptcy services.
3. A personal balance sheet of the firm's managing trustee (as of the date of this application).
4. The name, residential address and occupation of each shareholder and of each person having a direct or indirect proprietary interest in the corporation (including the beneficial owner, if applicable).
5. The number of shares (or proportion of total shares) and the classes of shares held by each shareholder in the corporation.
6. A list of every trustee who is simultaneously a shareholder (or financial backer) of this corporation **and** of any other corporate trustee, and all relevant details (i.e., names of those corporate trustees, and the nations in which they operate).
7. The name, residential address and occupation of each director and of each officer of the corporation.
8. The name and business address of every licensed trustee who will practise in an office or place of business of the corporate trustee.
9. Proof of insurance coverage (professional liability insurance **and** employee dishonesty (fidelity) insurance).
10. A cheque for \$300 payable to the Supervisor of Insolvency.

A copy of the following information **must also be sent** to the Supervisor of Insolvency:

11. Details of necessary resources (work facilities, equipment and personnel) available for each office from which the corporate trustee intends to provide bankruptcy services, and of banking arrangements.
12. If a trustee responsible for the administration of estates is replaced, a letter indicating which trustee will assume responsibility for those estates, and the signature of that trustee confirming his/her acceptance of the transfer.

FORM 113

Application for Directions by Trustee

(Regulation 170 and Section 216 of the Act)

(Title Form 1)

I desire to make application to the Court for its directions

(state the particulars as to the directions sought)

Trustee

To be completed by Registrar:

Let this application be heard on the _____ day of _____, _____, at _____
o'clock in the _____ noon, and let the trustee give notice:

(insert the persons to whom notice is to be given)

Dated at _____, this _____ day of _____, _____.

Registrar

FORM 114

Trustee Licence
(Section 179 of the Act)

This is to certify that

is licensed to act as a trustee in Saint Vincent and the Grenadines

Supervisor of Insolvency

Date

FORM 115

Trustee Licence (with conditions)

(Section 179 of the Act)

This is to certify that

is licensed to act as a trustee in Saint Vincent and the Grenadines

subject to the following condition(s):

Supervisor of Insolvency

Date

FORM 116

Notice by Trustee to General Post Office Requesting

Redirection of Mail Addressed to Bankrupt

(Section 217(1)(a) of the Act)

Take notice that I, _____, the trustee of the estate of _____, a bankrupt, as stated in the attached certificate of appointment, hereby request that any mail addressed to the bankrupt at the following address(es):

be redirected to the trustee (or _____), at the following address:

for the period beginning on _____ and ending on _____.

Dated this _____ day of _____, _____.

Trustee

NOTES: This notice may refer to the bankrupt's residence only if the trustee has, on application, obtained permission to do so from the court.

If the bankrupt is an individual, this notice is operative only during the 3-month period immediately following the date of bankruptcy, unless the court, on application, extends that period, on any terms that the court considers appropriate.

FORM 117

Notice of Application for Hearing of Taxation of Bill of Costs

(Regulations 186 and 187(2))

(Title Form 1)

Take notice that the hearing for the taxation of the bill of costs submitted by the attorneys-at-law for _____, trustee of the estate of _____, a bankrupt, will be held before the Eastern Caribbean Supreme Court, High Court of Justice of Saint Vincent and the Grenadines (in Bankruptcy and Insolvency), at _____ on the _____ day of _____, _____ at the hour of _____ o'clock.

Any creditor may object to the taxation of the aforesaid bill of costs by:

- (a) serving a notice of objection on me or sending me a notice of objection by registered mail or by courier, which notice of objection must be received by me before the start of the hearing;
- (b) filing a copy of the notice of objection with the Registrar, along with any applicable fee as specified in the tariff; and
- (c) sending a copy of the notice of objection to the Supervisor of Insolvency.

Dated at _____, this _____ day of _____, _____.

Trustee

FORM 118

Certificate of Taxation of Bill of Costs

(Regulation 189)

(Title Form 1)

I hereby certify that I have taxed the Bill of Costs setting forth accounts of _____, attorneys-at-law for _____ (*insert capacity: trustee, receiver, interim receiver, etc., and if applicable add: pursuant to an order of the Court dated the _____ day of _____, _____*) and have allowed the same at the sum of \$ _____. (*Where necessary add: which sum is to be paid to _____ as directed by the said Order.*)

Dated at _____, this _____ day of _____, _____.

Registrar

SCHEDULE 2

MISCELLANEOUS FEES	Fee
◦ Fee chargeable in respect of an Application to Court to Approve a Proposal (Regulation 88)	\$50.00
◦ Fee chargeable for filing Forms 82, 83 – Notice of Intended Opposition to Discharge of Bankrupt (Regulation 150)	\$50.00
◦ Fee payable to Court in respect of summary administration proceedings (Regulation 167(2)(c))	\$50.00
◦ Fees and expenses payable in respect of counselling (Regulation 200 and Section 147 of the Act)	\$85.00
	per session if counselling is provided on an individual basis and \$25.00 per person per session if counselling is provided on a group basis
◦ Total fee to file all documents relating to an Estate with the Supervisor (Regulation 201) <i>See Note 1 below</i>	
◦ Fee payable by an applicant for Trustee's Licence (Regulation 202(1)).....	\$300.00
◦ Annual fee payable by licensed trustee (Regulation 202(2)).....	\$850.00
◦ Inspectors' Fees (Regulation 203 and Section 110(5)(b) of the Act) <i>See Note 2 below</i>	
◦ Fee payable in respect of Notice sent to Supervisor delivered in accordance with Section 13(c)(i) of the Act (Regulation 204)	\$70.00

Note 1:

(a) \$75 for an estate under summary administration in respect of an individual bankrupt who has never before been bankrupt under the laws of Saint Vincent and the Grenadines or of any jurisdiction prescribed under section 159 of the Act and, in the case of any other bankruptcy, \$150, payable at the time of filing an assignment under subsection 24(3) of the Act or at the time of the making of a receiving order under subsection 4(10) of the Act;

(b) in the case of a proposal made by an insolvent person, \$150, payable at the time of filing a copy of the proposal pursuant to subsection 43(1) of the Act; and

(c) if the Supervisor directs, pursuant to subsection 24(8) of the Act, that subsection 24(6) of the Act ceases to apply in respect of a bankrupt, \$75, payable at the time of the Supervisor's direction.

Note 2:

The fees per meeting that may be paid to an inspector are determined on the net receipts, as calculated by subtracting the payments to secured creditors from the amount of total receipts received by the trustee, and are as follows:

- (a) 10, if the estate has net receipts of less than \$10,000;
- (b) 20, if the estate has net receipts of \$10,000 or more but less than \$50,000;
- (c) 30, if the estate has net receipts of \$50,000 or more but less than \$100,000; or
- (d) 40, if the estate has net receipts of \$100,000 or more.

Made this 13th day of March, 2015.

DR. THE HON. RALPH E. GONSALVES
Prime Minister, Minister of Finance, National
Security, Grenadines Affairs and Legal
Affairs.