

Bankruptcy Act 1867 Amendment Act 1874

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Contents

	Page
Title	1
Preamble.	
1 Short Title.	2
2 Clause 22 of “Bankruptcy Act 1867” repealed.	2
3 Clerk of District Court to have certain powers.	2
4 No Registrar or Clerk of District Court to preside at final examination of bankrupt.	2

An Act to amend “The Bankruptcy Act, 1867,” by making other provision for the appointment of Provisional Trustees, and authorizing Clerks of District Courts to preside at Meetings of Creditors.

Preamble.

WHEREAS it is expedient to repeal section twenty-two of “The Bankruptcy Act, 1867,” and to make other provision in lieu thereof: And whereas by section ninety-five of the said Act it is provided that the Registrar or some fit person appointed by him shall attend at meetings of creditors held in pursuance of an order of the Court: And whereas it is expedient to provide that at any such meeting held under an order of a District Court, the Clerk of such Court may so attend and perform and discharge all such acts or functions as might be performed or discharged by such Registrar or person appointed by him:

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by and with the authority of the same, as follows:—

1 Short Title.

The Short Title of this Act shall be “The Bankruptcy Act 1867 Amendment Act, 1874;” and it shall come into operation on the first day of November, one thousand eight hundred and seventy-four.

2 Clause 22 of “Bankruptcy Act 1867” repealed.

The twenty-second clause of “The Bankruptcy Act, 1867,” is hereby repealed: Provided however that every appointment heretofore made under the proviso to the said section shall remain in force so far as regards all estates brought under the said Act prior to the coming into operation of this Act.

Power to appoint Provisional Trustees.

The Registrar, or if there be no Registrar the Deputy Registrar, at each office of the Supreme Court, shall be the Provisional Trustee of every estate brought under this Act at that office; and the Clerk of each District Court at each office of such Court shall be the Provisional Trustee of every estate brought under this Act at that office: Provided that whenever it shall be made to appear to the Governor that it is expedient that some person should be appointed to perform the duties of Provisional Trustee with respect to estates brought under this Act at any office of the Supreme Court other than the Registrar or Deputy Registrar thereat, or with respect to estates brought under this Act at the office of any District Court other than the Clerk of such Court, it shall be lawful for the Governor to appoint such person or persons as he may deem fit to be Provisional Trustee or Trustees of all estates thereafter brought under this Act at any office of such Supreme or District Court respectively.

3 Clerk of District Court to have certain powers.

The Clerk of any District Court shall have all such powers and authority, in respect to the calling of the first or any other meeting of creditors, as are given to the Registrar of the Supreme Court by the said Act or any Act amending the same.

4 No Registrar or Clerk of District Court to preside at final examination of bankrupt.

No Registrar of the Supreme Court or Clerk of the District Court shall have power to hear the last examination of, or to suspend or grant an order of discharge to, any bankrupt.