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SUPPLEMENT

PROCLAMATIONS, RULES AND REGULATIONS

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THE JUDICATURE (RULES OF COURT) ACT

THE JUDICATURE (RULES OF COURT) (AMENDMENT) RULES, 2016

In exercise of the powers conferred upon the Rules Committee of the Supreme Court by section 4 of the Judicature (Rules of Court) Act, the following Rules are hereby made:—

1. These Rules may be cited as the Judicature (Rules of Court) (Amendment) Rules, 2016, and shall be read and construed as one with the Rules of the Court, 2002 (hereinafter referred to as the “principal Rules” and all amendments thereto.

2. The Rules of the Court is amended in Rule 2.2, by deleting sub-paragraph 3(a).

3. The Rules of the Court is amended in Rule 7, by inserting next after paragraph 9, the following paragraphs—

Insolvency Proceedings

“Insolvency and winding up proceedings”. (10) A claim form in insolvency proceedings may be served out of the jurisdiction with the permission of the court, where the insolvent is a person domiciled or ordinarily resident within the jurisdiction.

Winding Up Proceedings

(11) A claim form in winding up proceedings may be served out of the jurisdiction with the permission of the court, where the company is registered or incorporated within the jurisdiction.”

4. The Rules of the Court are amended by deleting “Rule 60.6”, and substituting therefore with the following—

“Amendments of grounds of appeal”. 60.6—(1) The appellant may amend the grounds for appeal without permission not less than seven days before the first hearing.

(2) An application for permission to amend the grounds of appeal may be given at the first hearing.

(3) The court may not give permission to amend the grounds of appeal after the first hearing, unless the appellant satisfies the court that the change is necessary because of some change in circumstance which became known after the first hearing.

(4) Where the court gives permission to amend the grounds of appeal it may give directions as to—

- (a) amendments to any other grounds of appeal; and
- (b) the service of any amended grounds of appeal.”.

5. The Rules of the Court is amended in Rule 71.3 by—

- (a) deleting from paragraph (m) the word “and”;
- (b) renumbering paragraph (n) as paragraph (o); and
- (c) inserting next after paragraph (m), as amended, the following—

“(n) winding up proceedings; and”.

6. The Rules of the Court is amended by inserting next after Part 76, the following—

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Part 77

INSOLVENCY AND WINDING UP PROCEEDINGS

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Scope of this Part

- 77.1—(1) This Part sets out rules which apply to both insolvency and winding up proceedings.
- (2) In this Part,
- (a) “commencement date” means September 1, 2016.
 - (b) “new proceedings” means insolvency or winding up proceedings started after the commencement date.
 - (c) “old proceedings” means insolvency or winding up proceedings started before the commencement date.

Section 1

INSOLVENCY PROCEEDINGS

Scope of this Section

- 77.2 In this Section unless the context otherwise provides:
- (a) “the Act” means the Insolvency Act;

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- (b) “insolvency proceedings” means:
- (i) any proceedings initiated pursuant to, or provided for in, the Act, including appeals;
 - (ii) proceedings filed pursuant to the Bankruptcy Act before the coming into operation of the Act; and
 - (iii) applications to wind up a company on the ground that it is unable to pay its debts, filed before the coming into operation of the Act.
- (c) “the Regulations” means the Regulations made under the Act;
- (d) “the Supervisor” means the Supervisor of Insolvency designated under the Act;
- (e) “trustee” means a person licensed to act as a trustee pursuant to the Act.

Constitution of Insolvency Division

- 77.3—(1) The Chief Justice may assign any one or more judges of the court to constitute the Insolvency Division of the court.
- (2) The Chief Justice may appoint a judge assigned to the Insolvency Division to be in charge of the list of insolvency proceedings.

Commencement of Proceedings

- 77.4—(1) Insolvency proceedings must be commenced by fixed date claim form.
- (2) The heading of the fixed date claim form must—
- (a) include “In the Insolvency Division”; and
 - (b) indicate the section of the Act pursuant to which it is filed.
- (3) Part 60 of these Rules shall apply to appeals pursuant to the Act.

Applications for Receiving Orders

- 77.5—(1) An application for a receiving order pursuant to Part V of the Act, must be commenced by a fixed date claim form in Form 2—
- (a) with prescribed notes in Form I.1; and
 - (b) Form 4.

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- (2) The application must name a trustee.
 - (3) The applicant must file an affidavit pursuant to section 58 of the Act.
 - (4) The application must be served—
 - (a) with the affidavit, prescribed notes (Form I.1) and a form of acknowledgment of service (Form 4);
 - (b) on the trustee named in the application and the Supervisor; and
 - (c) not less than 14 days before the hearing date.

Notice of Dispute

- 77.6—(1) When an application under rule 77.5 is served, the application must be accompanied by a notice of dispute in Form I.2.
- (2) A debtor who wishes to dispute an application for a receiving order must, not less than 3 days prior to the date for the hearing of the application—
 - (a) file a notice of dispute in Form I.2; and
 - (b) serve a copy of the notice on the applicant or the applicant's attorney-at-law.

Proof of Service

- 77.7—(1) The applicant must file proof of service with the court no less than 2 days prior to the hearing of the application.
- (2) Where the debtor does not deliver a notice of dispute prior to the hearing date for the application or does not attend at the hearing of the application, the court may make a receiving order based on the allegations contained in the application and the supporting affidavit.

Receiving Orders

- 77.8—(1) Receiving orders made pursuant to the Act must be made in Form I.3.
- (2) The applicant must, within 2 days after a receiving order is made, serve a copy of the order on the trustee named in the receiving order.
- (3) Within 2 days after receiving the copy of the receiving order, the trustee must serve a copy of the order on the bankrupt and send a copy to the Supervisor.

Reports

77.9 A trustee, interim receiver or receiver may provide evidence by way of a report signed by the trustee, interim receiver or receiver.

Approval of Proposal

- 77.10—(1) An insolvent person or a trustee may apply for a formal order approving a proposal that is deemed to be approved pursuant to section 39(6) of the Act by filing a request in Form I.4 signed by the trustee.
- (2) The court must make an order approving a proposal in Form I.5 at the request of an insolvent person or trustee where the conditions set out in sections 38 and 39 of the Act are satisfied.
- (3) The court may set aside an order made under paragraph (2), where it is satisfied that the insolvent person was not entitled to an order approving the proposal.
- (4) An application to set aside an order made under paragraph (2) may be made by any creditor to whom the proposal was made, and must be supported by evidence on affidavit.
- (5) Nothing in this rule prevents an insolvent person or trustee from applying to the court for any order necessary to give effect to a proposal that has been deemed to be approved or the transactions contemplated in it.

Examinations

- 77.11—(1) This Rule applies to an examination conducted pursuant to section 131 or 132 of the Act.
- (2) A person (“the examinee”) is required to attend an examination conducted pursuant to section 131 or 132 of the Act by delivery of a summons in Form I.6.
- (3) The trustee must serve the summons personally on the examinee not less than 7 days before the date fixed for the examination.
- (4) The trustee must file an affidavit of service not less than 3 days before the date fixed for the examination.
- (5) The examination may take place before the Registrar or an officer of the Court authorised by the Chief Justice (“the examiner”).
- (6) An examination conducted under this rule must be on oath or affirmation.
- (7) Any statement made by the examinee pursuant to this rule must be taken down, read to the examinee who must be asked to sign it.

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- (8) Where the examinee refuses to sign the statement it must be signed by the examiner and certified to be a true record of the examination.
 - (9) The examiner may adjourn the examination to take place before a judge if the examinee—
 - (a) fails to attend the examination; or
 - (b) refuses to be sworn or to affirm; or
 - (c) refuses to answer any question during the examination.

Arrest and custody of Examinees

- 77.12—(1) Where the court is satisfied that—
- (a) an examinee has failed to attend for examination as required by section 129 or 130 of the Act; or
 - (b) a summons has been served on the examinee and the examinee is about to leave Jamaica and is unlikely to appear in obedience to the order,
- the court may—
- (i) issue a warrant for the arrest and custody of the examinee;
 - (ii) make an order for the detention or preservation of any property, until the date fixed for the examination; or
 - (iii) both issue such warrant and make such order.
- (2) The Court may discharge an order under paragraph (1) upon such terms (if any) as it considers just.

Discharge of Bankrupt

- 77.13—(1) This rule applies where an individual bankrupt is not entitled to an automatic discharge pursuant to section 137 of the Act.
- (2) This rule applies notwithstanding that the receiving order or assignment of an individual operates as an application for discharge pursuant to section 140(1) of the Act.
 - (3) The trustee of an individual bankrupt must, on behalf of the bankrupt, apply to the Court seeking a discharge for the bankrupt, unless the bankrupt files and serves the waiver referred to in section 140(1) of the Act.
 - (4) No application by a trustee for a discharge shall be listed for hearing prior to the expiry of 12 months from the date of the bankruptcy.

Application to await resolution of Disputes

- 77.14 Where an application seeking a discharge has been brought and the resolution of a dispute as to the conditions (if any) to be imposed on the discharge of the bankrupt is referred to the Supervisor pursuant to section 142 of the Act, the application for discharge shall not be heard until the Supervisor has made a determination.

Conditions imposed by Supervisor

- 77.15 Where the Supervisor makes a determination as to the conditions (if any) to be imposed on the discharge of the bankrupt pursuant to section 142 of the Act, the bankrupt shall be deemed to have been discharged on those conditions.

Discharge of Trustee, Interim Trustee or Receiver

- 77.16 Where the taxation of the accounts or discharge of a trustee, interim trustee or receiver, or a dividend sheet or statement of receipts and disbursements is opposed in accordance with the Act, the trustee, interim trustee or receiver must apply to the Court by fixed date claim form, to have a dividend sheet or statement of receipts and disbursements approved, to have the accounts taxed, and for a discharge.

Intervention by Supervisor

- 77.17 The Supervisor may intervene in any application made to the court.

WINDING UP PROCEEDINGS

Scope of Section

- 77.18 This Section shall apply to—
- (a) Winding up proceedings under section 220 of the *Companies Act* save for applications to wind up a company on the basis that it is unable to pay its debts;
 - (b) Winding up subject to the supervision of the Court; and
 - (c) Applications made under Parts V, VI and IX of the Act.

Definitions

- 77.19—(1) In this Section—

“The Act” means the *Companies Act 2004*;

“The company” means a company which is being wound up or in relation to which an application under this Section has been made.

Commencement of Proceedings

- 77.20—(1) Winding up proceedings must be commenced by a fixed date claim form with affidavit evidence in support, stating:
- (a) The full name and address of the claimant;
 - (b) The name and number of the company;
 - (c) The date of incorporation of the company;
 - (d) The address of the company's registered office or of its principal place of business;
 - (e) A statement as to the amount of the share capital of the company and the total number of shares of the company issued as fully or partly paid up;
 - (f) Brief details of the principal business of the company; and
 - (g) Details of the basis on which it is being contended that the company is to be wound up.
- (2) All applications under the Act must be made by notice with affidavit in support pursuant to Part 11.
- (3) The heading of all documents filed pursuant to this Section must state the section of the Act pursuant to which the application is filed.

Advertisement of Fixed Date Claim Form

- 77.21—(1) The claimant must give notice of the claim by placing 2 advertisements—
- (a) not less than 1 week apart in a newspaper published daily and circulated throughout Jamaica; and
 - (b) the second advertisement must be placed not less than 14 days prior to the date scheduled for the first hearing.
- (2) The advertisement must state
- (a) the date on which the fixed date claim form was filed;
 - (b) the name and address of the claimant;
 - (c) the name and address of the claimant's Attorney-at-Law, if any;
 - (d) the date and venue for the first hearing;

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- (e) that any person intending to appear at the hearing (whether to support or oppose the claim) must give notice of that intention in accordance with Rule 77.23.
 - (3) Failure to comply with this rule, without good reason, may lead to the summary dismissal of the claim or to the court denying the claimant's costs of the hearing.
 - (4) An affidavit exhibiting copies of every advertisement must be filed with the court not less than 5 days before the hearing of the application.

Persons entitled to copy of Fixed Date Claim Form

- 77.22—(1) Subject to paragraph (2), every director, contributor or creditor of the company shall be entitled to a copy of the fixed date claim form and affidavit in support.
- (2) Where the person who wishes to obtain a copy pays or undertakes to pay the reasonable cost of copying, the claimant must supply a copy of each document requested not more than 3 days after the date on which the payment was made or the undertaking was received.

Notice of Intention to Appear

- 77.23—(1) Every person who intends to appear at the hearing of the fixed date claim form must give to the claimant notice of such intention to appear.
- (2) The notice referred to in paragraph (1) must state—
- (a) the name, address and telephone number of the person giving such notice;
 - (b) whether the person giving such notice intends to oppose or support the claim; and
 - (c) the nature of the interest of the person giving such notice and that person's interest or the amount and value of any debt.
- (3) The notice referred to in paragraph (1) must be signed by or on behalf of the person who intends to appear.
- (4) The notice must be sent to the claimant at the address provided by him for service.
- (5) The notice must be delivered to the claimant no later than 3 days prior to the date of the first hearing of the fixed date claim form.
- (6) A person failing to comply with this rule may appear at the hearing of the fixed date claim form only with the permission of the court.

List of Appearances

- 77.24—(1) The claimant must prepare for the court a list of the persons (if any) who have given notice under rule 77.23, indicating their names and addresses and if known, the name of their attorneys-at-law.
- (2) The list must indicate whether each person intends to oppose or support the claim.
- (3) On the date of the hearing of the fixed date claim form, a copy of the list must be provided to the court prior to the commencement of the hearing.

Substitution of Creditor or Contributor for Claimant

- 77.25—(1) This rule applies—
- (a) where a claimant files a claim and is subsequently found not entitled to do so, or where the claimant:
- (i) fails to advertise the claim within the time prescribed or such extended time as the court may allow;
 - (ii) at the hearing, withdraws or consents to withdraw the claim, or to allow it to be dismissed;
 - (iii) consents to an adjournment; or
 - (iv) fails to appear in support of his claim when it is called in court on the day originally fixed for the hearing, or on a day to which it is adjourned; or
 - (v) appears, but does not apply for an order in terms of the relief sought in the fixed date claim form; or
- (b) in such circumstances as the court deems fit.
- (2) The court may, on such terms as it thinks just, substitute as claimant any creditor or contributor who in its opinion would have a right to file a claim, and who is desirous of prosecuting it.
- (3) An order may be made under this rule at any time where a claimant fails to advertise the claim within the time prescribed by these Rules, or consents to withdraw the claim.

Appointment of Interim Trustee

- 77.26 At the hearing of a fixed date claim form the court may appoint an interim trustee if it thinks fit and upon such terms as in the opinion of the court shall be just and necessary.

Service of Winding up Order

- 77.27 On the making of a winding up order, a copy of the order must be served on:
- (a) the company;
 - (b) the Registrar of Companies; and
 - (c) any other person as the court may direct.

Section 3

GENERAL

Application of other Parts of these Rules

- 77.28—(1) Subject to paragraph 2, the other provisions of these Rules, with any necessary modifications, apply to insolvency and winding up proceedings.
- (2) The following provisions of these Rules do not apply to insolvency and winding up proceedings—
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|---------|--|
| Part 10 | Defence; |
| Part 12 | Default Judgments; |
| Part 13 | Setting Aside or Varying Default Judgment; |
| Part 14 | Judgment on Admissions; |
| Part 15 | Summary Judgment; |
| Part 16 | Assessment of Damages; |
| Part 35 | Offers to Settle; |
| Part 36 | Payments into Court; |
| Part 37 | Discontinuance |

Service

- 77.29—(1) Service of the fixed date claim form on a company may be effected—
- (a) by any of the means provided in Part 5;
 - (b) by sending the claim form to an electronic mail address provided by an officer of the company for the purposes of service; or

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- (c) in the case of an overseas company registered under the *Companies Act*, by serving the claim form on a person designated pursuant to Section 363(1) of the *Companies Act*.
 - (2) The claimant must serve the fixed date claim form not less than 14 days before the first hearing.

Discontinuance

- 77.30—(1) The general rule is that an applicant, other than for an application for a receiving order, may discontinue the claim or any part of a claim without the permission of the court at any time before a receiving or winding up order is made.
- (2) Where there is more than one applicant, an applicant may not discontinue the claim unless:
 - (a) every other applicant consents in writing; or
 - (b) the court gives permission.
 - (3) Where there is more than one respondent, the applicant may discontinue the claim against all or any of the respondents.
 - (4) An application for a receiving order may not be discontinued without permission of the court obtained on an application brought on notice to the Supervisor and all known creditors.

Procedure for discontinuing

- 77.31—(1) To discontinue a claim or any part of a claim an applicant must—
- (a) serve a notice of discontinuance on every other person on whom the claim was served; and
 - (b) file a copy of the notice of discontinuance.
- (2) The applicant must certify on the filed copy that notice of discontinuance has been served on every other person on whom the claim was served.
 - (3) Where the applicant needs the consent of some other person, a copy of the necessary consent must be attached to the notice of discontinuance.
 - (4) Where the applicant needs permission from the court, a copy of the order by which the court gave permission must be attached to the notice of discontinuance.
 - (5) Where there is more than one respondent, the notice of discontinuance must specify against which respondent or respondents the claim is discontinued.

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- (6) A notice of discontinuance which does not specify against which respondents it is intended to discontinue is deemed to discontinue the claim against all respondents.

Right to apply to have notice of discontinuance set aside

- 77.32—(1) Where the applicant discontinues without the consent of the respondent or the permission of the court, any respondent who has not consented may apply to have the notice of discontinuance set aside.
- (2) A respondent may not apply under this rule more than 28 days after the date when the notice of discontinuance was served on that respondent.

Effect of discontinuance

- 77.33—(1) Discontinuance against any respondent takes effect on the date when the notice of discontinuance is served on that respondent under Rule 77.31(1)(a).
- (2) The claim or the relevant part of the claim is brought to an end as against that respondent on the date the notice of discontinuance is served on the respondent.
- (3) However, a notice of discontinuance under paragraph (1) does not affect—
- (a) the right of the respondent under Rule 77.32, to apply to have the notice of discontinuance set aside; or
 - (b) any proceedings relating to costs.

Liability for costs

77.34 Unless—

- (a) the parties agree; or
- (b) the court orders otherwise,

an applicant who discontinues is liable for the costs of any respondent against whom the claim is discontinued, incurred on or before the date on which notice of discontinuance was served.

Transitional

- 77.35—(1) This Part applies to all new proceedings.
- (2) Notwithstanding paragraph (1), this Part applies to any old proceedings in which a hearing date has not been fixed.

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- (3) This Part does not apply to any old proceedings in which a hearing date has been fixed unless that date is adjourned.
 - (4) Where any old proceeding has been adjourned part heard the judge may give directions as to the future conduct of the proceedings, including as to whether this Part shall apply to the proceedings.
 - (5) Where any old proceeding is being adjourned without being part heard, the hearing shall be treated as a case management conference and this Part shall apply to those proceedings from the date of that hearing.
 - (6) Where in any old proceeding a hearing date has not been fixed, it is the duty of the claimant or petitioner to apply for a case management conference to be scheduled.
 - (7) Where in any old proceeding the claimant or petitioner does not make an application as required by (6), any other party may apply.
 - (8) Notwithstanding paragraph (1), this Part applies to old proceedings from the date that notice of the case management conference is given.
 - (9) Where no application for a case management conference to be fixed is made by the 1st of September, 2017, the proceedings are struck out without the need for an application by any party.
 - (10) A striking out pursuant to 77.35(9), is without prejudice to a defendant's or respondent's ability to claim costs.

Application to Restore Proceedings

- 77.36—(1) Any party to proceedings which have been struck out under Rule 77.35(9), may apply to restore the proceedings.
- (2) The application made under paragraph (1), must be made by 1st March, 2018.
 - (3) The application must be on notice to all other parties and must be supported by evidence on affidavit.
 - (4) The court may restore the proceedings only if—
 - (a) a good reason is given for failing to apply for a case management conference under Rule 77.35(6) or (7);
 - (b) the applicant has a realistic prospect of success in the proceedings; and
 - (c) the other parties to the proceedings would not be more prejudiced by granting the application than the applicant by refusing it.

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- (5) Any order restoring the proceedings may be made on such terms as the court thinks just.
 - (6) This Part applies to any proceedings restored under this Rule.

Exercise of Discretion

77.37 Where the former rules are applicable and the court has to exercise its discretion the court may take into account the principles set out in these Rules and, in particular, Parts 1 and 25.

PRESCRIBED NOTES FOR APPLICATION FOR RECEIVING ORDER

(FIXED DATE CLAIM FORM)

Form I.1 (Rule 77.5)

This Form is important. When you get this document you should consider getting legal advice.

The Claimant is seeking a Receiving Order from the court declaring you a bankrupt on the basis of the facts or evidence set out in the Claim and the Affidavit which was served with it.

The Claimant will not be entitled to enter judgment against you without a hearing. You may:

A. *Admit the Claim*

If so, you should complete and return the form of Acknowledgement of Service to the registry within FOURTEEN DAYS stating this.

You may attend the first hearing if you wish to do so.

B. *Dispute the Claim*

If so, you should complete and return the form of Acknowledgement of Service as under A.

You should also file at the Registry and serve on the Claimant's Attorney-at-Law (or the Claimant if he has no Attorney-at-Law) a Notice of Dispute at least TWO DAYS before the first hearing date identified in the Claim.

YOU SHOULD ALSO ATTEND THE FIRST HEARING IF YOU DO NOT, THE JUDGE MAY DEAL WITH THE CLAIM IN YOUR ABSENCE.

Copies of forms may be obtained from the Registry or at www.supremecourt.gov.jm.

NOTICE OF DISPUTE OF APPLICATION FOR RECEIVING ORDER

Form 1.2 [Rule 77.6]

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

In the Insolvency Division

CLAIM NO.

IN THE MATTER OF THE BANKRUPTCY OF [NAME]

I intend to oppose the application for receiving order brought by [here insert the name of the applicant or applicants] on the following grounds:

I certify that all the facts set out in my Dispute are true to the best of my knowledge, information and belief.

Dated the day of 20 .

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DEBTOR

Filed by (specify name and address of Attorney-at-Law or firm of Attorneys-at-Law filing the application).

RECEIVING ORDER

Form I.3 [Rule 77.8]

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

In the Insolvency Division

CLAIM NO.

IN THE MATTER OF THE BANKRUPTCY OF [NAME]

On the application of the [here insert the name of the applicant creditor or creditors] made on the day of 20 , [here insert the name of the bankrupt] is declared bankrupt and [here insert the name of the trustee] is appointed as trustee of the bankruptcy estate of [here insert the name of the bankrupt].

Dated the day of 20 .

(Signed).....

JUDGE OR REGISTRAR

Filed by (specify name and address of Attorney-at-Law or firm of Attorneys-at-Law filing the application).

REQUEST FOR ENTRY OF ORDER APPROVING PROPOSAL

Form I.4 [Rule 77.10]

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

In the Insolvency Division

CLAIM NO.

IN THE MATTER OF THE PROPOSAL OF [INSERT NAME]

The undersigned requests, pursuant to section 39 (7) of the Insolvency Act, entry of an order approving the proposal dated the day of 20 (“the proposal”) and approved by creditors at a meeting held on the day of 20 .

Dated the day of 20 .

(Signed).....

[Insolvent Person or Bankruptcy Trustee]

Certificate of Trustee

I am the trustee named in the proposal and certify that:

- (a) the proposal was filed in accordance with and complies with the requirements of the Insolvency Act;
- (b) the proposal was approved by the required majority of creditors at a meeting called and conducted in accordance with the Insolvency Act; and
- (c) no person has indicated their opposition to the deemed approval of the proposal as provided for in section 39 (2) of the Insolvency Act.

Dated the day of 20 .

(Signed).....

[Trustee]

Filed by (specify name and address of Attorney-at-Law or firm of Attorneys-at-Law filing the application).

ORDER APPROVING PROPOSAL

Form 1.5 [Rule 77.10]

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

In the Insolvency Division

CLAIM NO.

IN THE MATTER OF THE PROPOSAL OF [NAME]

On the application of the insolvent person [here insert the name of the insolvent person] made on the day of 20 , the proposal dated the day of 20 is approved.

Dated the day of 20 .

(Signed).....

JUDGE OR REGISTRAR

Filed by (specify name and address of Attorney-at-Law or firm of Attorneys-at-Law filing the application).

SUMMONS TO ATTEND EXAMINATION

Form 1.6 [Rule 77.11]

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

In the Insolvency Division

CLAIM NO.

IN THE MATTER OF THE BANKRUPTCY [OR PROPOSAL] OF [NAME]

Pursuant to s. [here insert section number] of the Insolvency Act, you [here insert the name person to be examined] are hereby required to attend at the Supreme Court, King Street, Kingston on the day of 20 at in the morning/afternoon to be examined under oath.

You are directed to produce such books or documents as are in your [or insert the name of the debtor if the person to be examined is its officer or former officer] possession which are relevant to such property, business or affairs of [here insert the name of the debtor] upon attending for the examination.

Dated the day of 20 .

.....

TRUSTEE

Filed by (specify name and address of Attorney-at-Law or firm of Attorneys-at-Law filing the application).

Dated this 27th day of July, 2016.

ZAILA McCALLA, O.J.
Chief Justice

C. DENNIS MORRISON, O.J., C.D.
President of the Court of Appeal

HILARY PHILLIPS, C.D.
Judge of Appeal

GLORIA SMITH
Senior Puisne Judge

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