

INSOLVENCY (NEW GUINEA) ORDINANCES 1951.⁽¹⁾⁽²⁾

BEING THE

INSOLVENCY (NEW GUINEA) ORDINANCE 1951

AS AMENDED BY THE

INSOLVENCY (NEW GUINEA) ORDINANCE (No. 2) 1951.

INSOLVENCY (NEW GUINEA) ORDINANCE 1951.⁽¹⁾⁽²⁾

No. 18 of 1951.

An Ordinance relating to the Finalization of the Affairs of Certain Insolvents.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Papua and New Guinea Act 1949-1950*, as follows:—

1. This Ordinance may be cited as the *Insolvency (New Guinea) Ordinance 1951*.⁽¹⁾⁽²⁾⁽³⁾ Short title.

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice⁽¹⁾ in the *Gazette*. Commencement.

3. In this Ordinance, unless the contrary intention appears— Definitions.
“insolvent” means a person who was adjudicated insolvent before the twelfth day of February, One thousand nine hundred and forty-two and has not before the commencement of this Ordinance been granted a certificate of discharge under the *Insolvency Ordinance*;

(1) The *Insolvency (New Guinea) Ordinances 1951* comprise the *Insolvency (New Guinea) Ordinance 1951*, as amended by the other Ordinance referred to in the following Table:—

ORDINANCES MADE BY THE GOVERNOR-GENERAL IN COUNCIL.

Short title, number and year.	Date on which made by Gov.-Gen. in Council.	Date on which notified in <i>Cwilt. Gaz.</i>	Date on which took effect.
<i>Insolvency (New Guinea) Ordinance 1951 (No. 18 of 1951)</i>	13.7.1951	26.7.1951	7.9.1951 (Papua and N.G. <i>Govt. Gaz.</i> of 6.9.1951)
<i>Insolvency (New Guinea) Ordinance (No. 2) 1951 (No. 65 of 1951)</i>	13.11.1951 (a)	13.11.1951	13.11.1951 (<i>Cwilt. Gaz.</i> of 13.11.1951)

(a) Made by the Administrator of the Government of the Cwilt. of Australia in Council.

(2) Amendments made by the *Insolvency (New Guinea) Ordinance (No. 2) 1951* (printed in this Volume on p. 600) are indicated by footnotes.

(3) Words which have been repealed by the *Insolvency (New Guinea) Ordinance (No. 2) 1951* are enclosed in square brackets and printed in *italics*.

PART A : INSOLVENCY—

[“the *Insolvency Ordinance*” means the *Insolvency Ordinance, 1912*⁽⁴⁾ of the Territory of Papua in its application to the Territory of New Guinea;⁽⁵⁾]

“the Official Trustee” means the Official Trustee appointed under the *Insolvency Ordinance*.

Publication of notice calling for claims.

4.—(1.) Where owing to the loss or destruction of official records during the Japanese invasion of the Territory the Official Trustee has no official records of an insolvent's affairs, he may cause to be published in the *Gazette* a notice requiring the creditors of the insolvent to submit and prove their claims within three months from the date of publication of the notice.

(2.) A claim required by this Ordinance to be proved shall be proved in the manner prescribed by [section seventy-three⁽⁶⁾] of the *Insolvency Ordinance*.

Procedure where no claim received.

5. If at the expiration of the period of three months referred to in the last preceding section, no creditor has submitted and proved a claim against the insolvent named in the notice, the insolvent shall thereupon be deemed to be discharged from his insolvency to the same extent and subject to the same exceptions as if he had been granted an unconditional certificate of discharge under the provisions of the *Insolvency Ordinance*.

Certificate of discharge and return of property.

6.—(1.) Where an insolvent is deemed to be discharged from his insolvency under the provisions of the last preceding section, the Official Trustee shall—

- (a) issue a certificate under his hand that the insolvent has been deemed to be discharged in accordance with the provisions of this Ordinance; and
- (b) return or re-transfer to the insolvent any property held by the Official Trustee in the insolvent's estate.

(2.) The provisions of [section one hundred and fifty-seven⁽⁷⁾] of the *Insolvency Ordinance* shall, *mutatis mutandis*, apply to a certificate issued under this section.

Disposal of certain moneys held by Official Trustee.

7. Any moneys held by the Official Trustee at the commencement of this Ordinance on account of the estates of insolvents and

(4) Printed in *The Laws of the Territory of New Guinea 1921-1945 (Annotated)*, Vol. III., on pp. 2565-2625. Repealed and replaced by the *Insolvency Ordinance 1951* printed in this Volume on pp. 537-596.

(5) The definition “the *Insolvency Ordinance*” has been repealed and a new definition substituted by Section 2 of the *Insolvency (New Guinea) Ordinance (No. 2) 1951*, printed in this Volume on p. 600.

(6) Section 4 has been amended by Section 3 of the *Insolvency (New Guinea) Ordinance (No. 2) 1951*, printed in this Volume on p. 600, by the substitution of the words “section seventy-six” for the words “section seventy-three”.

(7) Section 6 has been amended by Section 4 of the *Insolvency (New Guinea) Ordinance (No. 2) 1951*, printed in this Volume on p. 600, by the substitution of the words “section one hundred and sixty” for the words “section one hundred and fifty-seven”.

which he is unable, owing to the loss or destruction of official records, to allot to the estates of individual insolvents, shall be paid into and form part of the Public Revenue of the Territory.

8. Where a claim is submitted and proved against an insolvent in pursuance of section four of this Ordinance the Official Trustee shall proceed to administer the estate of the insolvent in accordance with the provisions of the *Insolvency Ordinance*. Procedure where claim received.