

89A. Application for non-commencement order

- (1) On an application for a non-commencement order against a bankrupt—
 - (a) (if the application is made by the Official Receiver as trustee) the Official Receiver must, with the application, file in court a report setting out the matters mentioned in subrule (2); or
 - (b) (if the application is made by a trustee other than the Official Receiver) the trustee must, with the application, file in court an affidavit setting out the matters mentioned in subrule (2).
- (2) The matters are that—
 - (a) the reasons why it appears to the trustee that the order should be made;
 - (b) (if the application is based on the matter referred to in section 30AB(1)(b)(i) of the Ordinance) the particulars of the steps taken for notifying the bankrupt of the time and place for the initial interview; and
 - (c) the terms proposed to be complied with by the bankrupt for the relevant period to commence to run pursuant to section 30AC(4) of the Ordinance.
- (3) The court must—
 - (a) fix the date, time and place for hearing the application; and
 - (b) give notice of the hearing to the trustee and the bankrupt.
- (4) The trustee must send a copy of the report or affidavit to the bankrupt so as to reach the bankrupt at least 21 days before the date fixed for the hearing.
- (5) The bankrupt may, not less than 7 days before the date of the hearing, file in court a notice specifying any statements in the trustee's report or affidavit that the bankrupt intends to deny or dispute.
- (6) The bankrupt must, not less than 4 days before the date of the hearing, send a copy of the notice under subrule (5) to the trustee.
- (7) If the court makes a non-commencement order against the bankrupt, the trustee must, within 14 days after the date of the order, send a copy of the order to—
 - (a) the bankrupt; and
 - (b) (where the trustee is not the Official Receiver) the Official Receiver.

(1 of 2016 s. 10)