

### **Control over trustee**

#### **82. Discretionary powers of trustee and control thereof**

- (1) Subject to the provisions of this Ordinance, the trustee shall, in the administration of the property of the bankrupt and in the distribution thereof amongst his creditors, have regard to any directions that may be given by resolution of the creditors at any general meeting or by the creditors' committee, and any directions so given by the creditors at any general meeting shall, in case of conflict, be deemed to override any directions given by the creditors' committee. *(Amended 76 of 1996 s. 74)*
- (2) The trustee may from time to time summon general meetings of the creditors for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors, by resolution, either at the meeting appointing the trustee or otherwise may direct, and it shall be lawful for any creditor, with the concurrence of one-fourth in value of the creditors (including himself), at any time to request the trustee to call a meeting of the creditors, and the trustee shall call such meeting accordingly within 14 days:  
  
Provided that the person at whose instance the meeting is summoned shall, if so required, deposit with the trustee a sum sufficient to pay the costs of summoning the meeting, such sum to be repaid to him out of the estate if the court so directs. *(Amended 18 of 2005 s. 26)*
- (3) The trustee may apply to the court in manner prescribed for directions in relation to any particular matter arising under the bankruptcy.
- (4) Subject to the provisions of this Ordinance the trustee shall use his discretion in the management of the estate and its distribution among the creditors.

*[cf. 1914 c. 59 s. 79 U.K.]*