

33. Court's power to annul bankruptcy order

- (1) The court may annul a bankruptcy order if it at any time appears to the court that—
 - (a) on any grounds existing at the time the order was made, the order ought not to have been made; or
 - (b) to the extent required by the rules, the provable debts and the expenses of the bankruptcy have all, since the making of the order, been either paid or secured to the satisfaction of the court.
- (2) The court may annul a bankruptcy order made against a debtor on a petition under section 3(1)(a), (b) or (c) if it at any time appears to the court, on an application by the Official Receiver—
 - (a) that the petition was pending at a time when a criminal bankruptcy order was made against the debtor or was presented after such an order was so made; and
 - (b) that no appeal is pending against the debtor's conviction of any offence by virtue of which the criminal bankruptcy order was made,and the court shall annul a bankruptcy order made on a petition under section 3(1)(d) if it at any time appears to the court that the criminal bankruptcy order on which the petition was based has been rescinded in consequence of an appeal.
- (3) The court may annul a bankruptcy order whether or not the bankrupt has been discharged from the bankruptcy.
- (4) Where the court annuls a bankruptcy order under this section or section 20I, any sale or other disposition of property, payment made or other thing duly done by or under the authority of the Official Receiver, a nominee or a trustee or by the court is valid, but if any of the bankrupt's estate is then vested in such a trustee, it shall vest in such person as the court may appoint or, in default of any such appointment, revert to the bankrupt on such terms (if any) as the court may direct, and the court may include in its order such supplemental provisions as may be authorized by the rules.
- (5) Where the court annuls a bankruptcy order under this section or section 20I, the court may make such order as it thinks fit respecting advertising or gazetting of the notice of the annulment and for the costs thereof.

- (6) Any interested person may apply for annulment of a bankruptcy order with leave of the court.
(Replaced 76 of 1996 s. 24)
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