

128D. Review of order

- (1) Where an income payments order is in force, either the trustee or the bankrupt may apply to the court for the order to be varied or discharged.
- (2) If the application is made by the trustee, rule 128 applies (with any necessary modification) as in the case of an application for an income payments order.
- (3) If the application is made by the bankrupt, it shall be accompanied by a short statement of the grounds on which it is made.
- (4) The court may, if it thinks that no sufficient cause is shown for the application, dismiss it; but it shall not do so unless the applicant has had an opportunity to attend the court for an ex parte hearing, of which he has been given at least 7 days' notice.
- (5) If the application is not dismissed, the court shall fix the date, time and place for it to be heard.
- (6) At least 28 days before the date fixed for the hearing, the applicant shall send to the trustee or the bankrupt (whichever of them is not himself the applicant) notice of the date, time and place, accompanied by a copy of the application, and where the applicant is the bankrupt, the notice shall be accompanied by a copy of the statement of grounds under subrule (3).
(L.N. 150 of 2014)
- (7) The trustee may, if he thinks fit, appear and be heard on the application; and, whether or not he intends to appear, he may, not less than 7 days before the date fixed for the hearing, file a written report of any matters which he considers ought to be drawn to the court's attention.
- (8) If such a report is filed, a copy of it shall be sent by the trustee to the bankrupt.
- (9) Sealed copies of any order made on the application shall, forthwith after the order is made, be sent by the applicant to the trustee or the bankrupt, if the trustee or the bankrupt is not the applicant, and the payer (if other than the bankrupt).

(L.N. 77 of 1998)