

## Official Petitioner

### 74B. Office and functions of Official Petitioner

- (1) For the purposes of discharging, in relation to cases in which a criminal bankruptcy order is made, the functions mentioned in subsection (2), there shall be an officer known as the Official Petitioner; and the Secretary for Justice shall, by virtue of his office, be the Official Petitioner. (*Amended L.N. 362 of 1997*)
- (2) The functions of the Official Petitioner shall be—
  - (a) to consider whether, in a case where a criminal bankruptcy order is made, it is in the public interest that he should himself present a criminal bankruptcy petition;
  - (b) to present a criminal bankruptcy petition in any such case where he determines it is in the public interest for him to do so;
  - (c) to make payments, in such cases as he may determine, towards expenses incurred by other persons in connexion with proceedings pursuant to a criminal bankruptcy petition or a criminal bankruptcy administration petition;
  - (d) to exercise, so far as he considers it to be in the public interest to do so, any of the powers conferred on him by Schedule 1. (*Amended 39 of 1992 s. 2*)
- (3) Neither the Official Petitioner nor any person acting under his authority shall be liable to any action or proceeding in respect of anything done or omitted in the discharge, or purported discharge, of the functions of the Official Petitioner under or by virtue of this Ordinance.
- (4) Any functions of the Official Petitioner under this Ordinance may be discharged on his behalf by any person acting with his authority.

[*cf. 1972 c. 71 s. 9 U.K.*]