



Republic of Namibia  
Annotated Statutes

**REGULATIONS**

---

REGULATIONS MADE IN TERMS OF

**Insolvency Act 24 of 1936**  
section 158

---

**Regulations under the Insolvency Act, 1936**

RSA Government Notice R.1379 of 1962

[\(RSA GG 317, republished in OG 2436\)](#)

came into force on date of publication: 24 August 1962

**as amended by**

**Government Notice 32 of 1999** [\(GG 2051\)](#)

came into force on date of publication: 23 February 1999;

these amendments replicate those in RSA GN 951/1985 [\(RSA GG 9715\)](#)

which were issued after the relevant date of transfer

Virtually-identical regulations are contained in GN 201/1963 [\(OG 2517\)](#), which was issued in SWA – with the exception of references to the SWA *Official Gazette* instead of the RSA *Government Gazette*, and some minor differences in the forms appended to the regulations. The 1963 regulations do not repeal these 1962 ones, and the 1962 regulations were amended in Namibia after independence.

---

**ARRANGEMENT OF REGULATIONS**

1. Definitions
2. Trustee's report
3. Objections to proved claims
4. Interrogation of witnesses
5. Publication of notices
6. Liquidation account: objections

**ANNEXURE**

Form No. 1: Appointment of trustees and proof of claims in sequestrated estates

**REGULATIONS**  
**Insolvency Act, No. 24 of 1936**  
**Regulations under the Insolvency Act, 1936**

---

Form No. 2: Meeting of creditors in sequestrated estates

Form No. 3: Extension of time within which to lodge liquidation accounts and plans of distribution or contribution in sequestrated estates

Form No. 4: Liquidation accounts and plans of distribution or contribution in sequestrated estates

Form No. 5: Payment of dividends and collection of contributions in sequestrated estates

Form No. 6: Application for rehabilitation

Form No. 7: Notices of trustees

---

### **Definitions**

1. In these regulations, unless the context otherwise indicates -

“prescribed form” means a form prescribed in the Annexure to these regulations;

“presiding officer” means the officer before whom a meeting is held or has been duly convened to be held;

“the Act” means the Insolvency Act, 1936 (Act No. 24 of 1936); and

a word or expression to which a meaning has been assigned in the Act, shall bear that meaning.

### **Trustee’s report**

2. The trustee’s report referred to in section *eighty-one* of the Act shall be lodged, in triplicate, with the presiding officer and the original thereof shall be annexed to the minutes of the proceedings of the meeting.

### **Objections to proved claims**

3. (1) When, under section *forty-five*, a trustee reports to the Master his reasons for disputing a claim, he shall -

(a) furnish the claimant with a copy of such reasons and notify him that he may, within 14 days or within such period as the Master may upon application allow, show cause, in writing, why his claim shall not be disallowed or reduced; and

(b) furnish the Master with a certificate that he has complied with the provisions of paragraph (a).

(2) When showing cause as provided in subregulation (1) the claimant shall furnish the trustee with copies of the documents submitted by him to the Master, and the trustee shall thereupon submit his remarks thereanent to the Master in writing.

### **Interrogation of witnesses**

4. (1) If the attendance of any person is necessary for purposes of interrogation or for producing any book or document as is provided by subsections (2) and (3) of section *sixty-four* of the Act, a notice to attend for interrogation shall be served on such person.

**REGULATIONS**  
**Insolvency Act, No. 24 of 1936**  
**Regulations under the Insolvency Act, 1936**

---

(2) The notice referred to in subregulation (1) shall be served on the person named therein by the messenger of the magistrate's court within whose area of jurisdiction the said person resides, in the manner provided for the service of a subpoena issued out of that court in a civil case, or it may be served by the trustee or his clerk by delivering it to such person.

(3) The fees and charges prescribed for the service of a subpoena issued out of a magistrate's court in a civil case shall *mutatis mutandis* apply in respect of the service of the notice by the messenger of the court.

(4) The person serving the notice shall, if he is the messenger of the court, set forth in his return or, if he is the trustee or his clerk, in an affidavit, the manner and the date of service and such return or affidavit shall be *prima facie* proof of the service of the notice as stated therein.

#### **Publication of notices**

5. (1) Every notice which is in terms of the Act required to be published in the *Gazette* and for which a form is prescribed shall be published as far as possible in such prescribed form.

(2) The particulars of every such notice, arranged in the prescribed form under the headings concerned and signed by or on behalf of the person who is in terms of the Act required to publish it, shall be delivered to the Government Printer.

#### **Liquidation account: objections**

6. (1) Any person objecting to an account in terms of section 111 of the Act shall, when laying his or her objection before the Master, forward to the trustee a copy thereof together with copies of any documents submitted to the Master in support of the objection not already in the trustee's possession, and thereupon the trustee shall within 14 days after receipt by him or her of the copy of the objection submit his written remarks to the Master in duplicate.

(2) The Master may refer the trustee's remarks to the person objecting or may require the attendance, personally or by agent, of the trustee or the person objecting.

**[regulation 6 inserted by GN 32/1999]**

Government Notices Nos. 1546 of 1916, 1159 of 1927, 1154 of 1936 and 1153 of 1938 are hereby repealed.

**REGULATIONS**  
**Insolvency Act, No. 24 of 1936**  
**Regulations under the Insolvency Act, 1936**

ANNEXURE

Form No. 1

**APPOINTMENT OF TRUSTEES AND PROOF OF CLAIMS  
 IN SEQUESTERED ESTATES**

Pursuant to subsection (3) of section *fifty-six*, section *seventy-seven* and subsection (3) of section *forty* in the Insolvency Act, 1936, notice is hereby given that the persons mentioned in the Schedule have been appointed trustees, and that persons indebted to the estates are required to pay their debts to them forthwith unless otherwise indicated.

Meetings of creditors of the said estates will be held on the dates and at the times and places mentioned in the Schedule, for proof of claims against the estates, for the purpose of receiving the trustees' reports as to the affairs and conditions of the estates and for giving the trustees directions concerning the sale or recovery of any parts of the estates or concerning any matter relating to the administration thereof.

Meetings in a town in which there is a Master's office, will be held before the Master; elsewhere they will be held before the magistrate.

SCHEDULE

No. of Estate	Name and Description of Estate (Including Identity Number and Date of Birth of Insolvent)	Name and Address of Trustee	Date, Hour and Place of Meeting and Period within which Debt must be paid, if this is not to be done forthwith

**REGULATIONS**  
**Insolvency Act, No. 24 of 1936**  
**Regulations under the Insolvency Act, 1936**

---

Form No. 2

MEETING OF CREDITORS IN SEQUESTERED ESTATES

Pursuant to sections *forty-one* and *forty-two* of the Insolvency Act, 1936, notice is hereby given that a meeting of creditors will be held in the sequestered estates mentioned in the Schedule on the dates, at the times and places and for the purposes therein set forth.

Meetings in a town in which there is a Master's office will be held before the Master; elsewhere they will be held before the magistrate.

SCHEDULE

No. of Estate	Name and Description of Estate (Including Identity Number and Date of Birth of Insolvent)	Date, Hour and Place of Meeting	Purpose of Meeting

**REGULATIONS**  
**Insolvency Act, No. 24 of 1936**  
**Regulations under the Insolvency Act, 1936**

Form No. 3

**EXTENSION OF TIME WITHIN WHICH TO LODGE LIQUIDATION ACCOUNTS AND  
 PLANS OF DISTRIBUTION OR CONTRIBUTION IN SEQUESTERED ESTATES**

Pursuant to subsection (1) of section *one hundred and nine* of the Insolvency Act, 1936, notice is hereby given that after the expiration of a period of fourteen days as from the date of publication hereof, it is the intention of the trustees of the sequestrated estates mentioned in the Schedule, to apply to the respective Masters for an extension of time, as specified in the Schedule, within which to lodge liquidation accounts and plans of distribution or contribution.

SCHEDULE

No. of Estate	Name and Description of Estate (Including Identity Number and Date of Birth of Insolvent)	Name and Date of Appointment of Trustee	Date when Account due	Period of Extension required and to which Master Application will be made

**REGULATIONS**  
**Insolvency Act, No. 24 of 1936**  
**Regulations under the Insolvency Act, 1936**

Form No. 4

**LIQUIDATION ACCOUNTS AND PLANS OF DISTRIBUTION OR CONTRIBUTION IN SEQUESTRATED ESTATES**

Pursuant to subsection (2) of section *one hundred and eight* of the Insolvency Act, 1936, notice is hereby given that the liquidation accounts and plans of distribution or contribution in the estates mentioned in the Schedule, will lie open for inspection by creditors at the offices of the Masters and the magistrates stated therein, for a period of fourteen days, or for such a period as stated therein, from the dates mentioned in the Schedule or from the date of publication hereof, whichever may be the later date.

SCHEDULE

No. of Estate	Name and Description of Estate (Including Identity Number and Date of Birth of Insolvent)	Description of Account	Account for inspection – (a) Master’s and Magistrate’s Office (b) Date (if later than date of publication hereof). (c) Period (if longer than 14 days).

**REGULATIONS**  
**Insolvency Act, No. 24 of 1936**  
**Regulations under the Insolvency Act, 1936**

Form No. 5

**PAYMENT OF DIVIDENDS AND COLLECTION OF CONTRIBUTIONS IN  
 SEQUESTRATED ESTATES**

The liquidation accounts and plans of distribution or contribution in the sequestrated estates mentioned in the Schedule having been confirmed on the dates therein mentioned, notice is hereby given, pursuant to subsection (1) of section *one hundred and thirteen* of the Insolvency Act, 1936, that dividends are in the course of payment or contributions are in the course of collection in the said estates as set forth in the Schedule, and that every creditor liable to contribution is required to pay to the trustee the amount for which he is liable at the address mentioned in the Schedule.

SCHEDULE

No. of Estate	Name and Description of Estate (Including Identity Number and Date of Birth of Insolvent)	Date when account Confirmed	Whether a Dividend is being paid or Contribution being collected or both	Name and Address of Trustee

**REGULATIONS**  
**Insolvency Act, No. 24 of 1936**  
**Regulations under the Insolvency Act, 1936**

Form No. 6

**APPLICATION FOR REHABILITATION**

Pursuant to section *one hundred and twenty-four* of the Insolvency Act, 1936, notice is hereby given that the insolvents mentioned in the Schedule will apply for their rehabilitation on the dates, at the times and places and upon the grounds as therein set forth opposite their respective names.

**SCHEDULE**

No. of Estate	Full name and Description of Insolvent (including his Identity Number and Date of Birth) and Place of Business or Residence	Date when Estate Sequestrated	Date, Time and Division of Supreme Court to which Application will be made	Ground of Application

**REGULATIONS**  
**Insolvency Act, No. 24 of 1936**  
**Regulations under the Insolvency Act, 1936**

Form No. 7

NOTICES OF TRUSTEES

Notice is hereby given that a period of six months having elapsed since the confirmation of the final trustees' accounts in the estates mentioned in the Schedule, the trustees of the said estates will, pursuant to section *one hundred and fifty-five* of the Insolvency Act, 1936, destroy all the books and documents in their possession relating to the said estates (except those which are required to be lodged with the Masters) after six weeks from the date of this notice.

SCHEDULE

No. of Estate	Name and Description of Estate (Including Identity Number and Date of Birth of Insolvent)	Date of Sequestration Order	Division of the Supreme Court by which Order made	Date of Confirmation of Final Account	Trustee's Name and Address