



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS MADE IN TERMS OF

Insolvency Act 24 of 1936
section 158, read with section 37 of the
Insolvency Law Amendment Act 16 of 1943

Regulations under the Insolvency Act, 1936

Government Notice 201 of 1963

(OG 2517)

came into force on date of publication: 2 December 1963

Virtually-identical regulations made under this Act are contained in RSA GN R.1359/1962 ([RSA GG 317](#), republished in [OG 2436](#)). These 1963 regulations do not repeal the 1962 ones, and the 1962 regulations were amended in Namibia after independence. (The 1962 regulations were amended in South Africa after the date of transfer by RSA GN 951/1985 ([RSA GG 9715](#)); this amendment did not apply to South West Africa, but it was replicated in Namibia by GN 32/1999 ([GG 2051](#)).)

ARRANGEMENT OF REGULATIONS

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ANNEXURE

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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* of the Act, 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.

(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.

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(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 *Official 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 Clerk to the Legislative Assembly of the Territory.

Government Notices Nos. 55 and 56 of 1946 are hereby repealed.

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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* of 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 and 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.

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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 sequestrated 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.

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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.

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FORM NO. 4

LIQUIDATION ACCOUNTS AND PLANS OF DISTRIBUTION OR
CONTRIBUTION IN SEQUESTERED 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).

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FORM NO. 5

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

The liquidation accounts and plans of distribution or contribution in the sequestered 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.

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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.

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FORM NO. 7

NOTICES OF TRUSTEES

Notice is hereby given that a period of six months having elapsed since the confirmation of the final trustee's 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 his 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.