

Tanzania

Bankruptcy Act

Official Receiver's Agents (Remuneration) Rules, 1966

Government Notice 65 of 1966

Legislation as at 31 July 2002

FRBR URI: /akn/tz/act/gn/1966/65/eng@2002-07-31

There may have been updates since this file was created.

PDF created on 20 April 2024 at 13:56.

Collection last checked for updates: 31 July 2002.

[Check for updates](#)



About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from the TanzLII website and is presented in collaboration with the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

www.tanzlii.org | info@tanzlii.org

www.laws.africa | info@laws.africa

There is no copyright on the legislative content of this document.

This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

Official Receiver's Agents (Remuneration) Rules, 1966

Contents

1. Citation	1
2. Interpretation	1
3. Remuneration	1
4. Official Receiver's fees	1
5. Expenses payable by agent	1
6. Official Receiver may allow additional claim for expenses	1
7. Fees	2
8. Revocation	2
Schedule (Rule 3)	2
Appendix	2

Tanzania

Bankruptcy Act

Official Receiver's Agents (Remuneration) Rules, 1966

Government Notice 65 of 1966

Published in Tanzania Government Gazette

Commenced on 1 March 1966

[This is the version of this document at 31 July 2002.]

[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]

[Sections 121 and 123; G.N. No. 65 of 1966]

1. Citation

These Rules may be cited as the Official Receiver's Agents (Remuneration) Rules, and shall come into force on the first day of March, 1966.

2. Interpretation

In these Rules, unless the context requires otherwise, "**agent**" means and includes any person, not being a member of the Official Receiver's staff, employed by the Official Receiver for the purpose of taking and keeping possession of or selling any property, movable or immovable or employed by the Official Receiver for the collection of rents or for any other purpose connected with the management of property, movable or immovable, of which the Official Receiver is in possession in his official capacity.

3. Remuneration

The remuneration of an agent shall be in accordance with these Rules and the Schedule hereto.

4. Official Receiver's fees

Where the duties of an agent are performed by any Government official the fees or remuneration prescribed by these Rules shall be leviable and shall be credited to the public revenue as Official Receiver's fees.

5. Expenses payable by agent

Save as provided for in section 6 hereof, all expenses of advertisement, inventories, catalogues, insurance and all necessary charges for safe-guarding property shall be payable by the agent out of his remuneration and shall not be charged for additionally.

6. Official Receiver may allow additional claim for expenses

- (1) The Official Receiver may in special circumstances, on the application of an agent, allow all or any of the said expenses to be charged for additionally.
- (2) Where the Official Receiver has refused an agent's application to allow any of the said expenses to be charged for additionally, the agent may within thirty days after the receipt by him of the

notification of such refusal appeal to the High Court against such refusal by way of chamber application.

- (3) Where an agent makes an application under paragraph (2) such application shall be lodged and disposed of in accordance with the rules relating to applications made in civil suits in so far as such rules may be applicable:

Provided that no application made under paragraph (1) shall be disposed of by the High Court unless the Official Receiver has been given an opportunity to be heard thereon.

7. Fees

The fees prescribed in Table C of the Scale of Bankruptcy Fees and Percentages, shall not apply to agents employed by the Official Receiver.

8. Revocation

[Revokes G.N. No. 300 of 1943.]

Schedule (Rule 3)

Fees

[Fees omitted: Subject to variation. Items for which fees may be levied are listed below.]

1. (a) On taking possession of movable property and keeping possession of the same for 15 days or any lesser period
- (b) For keeping possession of such movable property for each day after the fifteenth day
2. On taking possession of immovable property—
 - (a) In respect of each property owned by the debtor in which he or his relatives (not paying rent) reside and continue to reside
 - (b) In respect of each other property.
3. On sale—
 - (a) On movable property
 - (b) On immovable property
4. On valuation, where the valuer is not otherwise employed as an agent for taking possession and/or sale
5. On collection of rents, for each property
6. On any other work carried out.

Appendix

Forms

[Editorial note: The forms have not been reproduced.]

List of forms

	Form
Adjournment of Petition	22
Admission of Debt by Debtor or Bankrupt	30
Affidavit by Special Manager	163
Affidavit in Support of Application of Committal of Debtor for Contempt under Section 24	111
Affidavit in Support of Application for Enforcement of Provisions of Composition or Scheme	80
Affidavit of Justification	21
Affidavit of Non-Compliance with Order under Section 100(2)	119
Affidavit of a Person Interested in Composition for Committal	110
Affidavit or Certificate of Postage of Notices of First Meeting	38
Affidavit and Certificate of Postage of Notices (General)	47
Affidavit of Service of Bankruptcy Notice	6
Affidavit of Service of Petition	14
Affidavit of Trustee under Section 53(5)	112
Affidavit of Truth of Statement in Petition	11
Affidavit of Truth of Statement in Joint Petition	12
Affidavit on an Application to Set Aside Bankruptcy Notice	7

Affidavit verifying Trustee's Account	158
Affidavit verifying Trustee's Trading Account	161
Affidavit by Bankrupt whose Discharge has been Granted Conditionally as to After Acquired Property or Income	105
Application by Creditor for Order for Trustee to Pay Dividend Withheld and Order thereon	156
Application by Receiver for an Order Appointing a Sitting for the Public Examination of the Debtor	59
Application by Receiver for Adjudication	84-88
Application by Receiver for Adjudication (Summary Case)	87
Application by Trustee for Committal of Bankruptcy or other Person	109
Application by Trustee for Release	165
Application for Directions by Trustee	147
Application for Enforcement of Provision in a Composition or Scheme	79
Application for Extension of Time for Holding First Meeting and Order thereon	32
Application for Interim Receiver	13
Application for Order of Discharge	94
Application for Summary Administration	30
Application to Annul Adjudication	91
Application to Court to Appoint a Day for Approving Composition or Scheme	73

Application to Court to Appoint a Day for Approving Composition or Scheme in Summary Case	74
Application to Extend Time for Approving Composition or Scheme, and Order thereon	72
Authority to Deputy to Act as Chairman of Meeting and Use Proxies	40
Authority to Trustee to Pay Dividends to Another Person	155
Bankruptcy Notice	5
Bond on Stay of Proceedings, Security, etc	19
Certificate by Committee of Inspection as to Audit of Trustee's Accounts	157
Certificate for Removal of Disqualification	106
Certificate of Appointment of Trustee	107
Certificate of Number of Creditors	95
Certificate of Postage of Notices (First Meeting)	38
Certificate of Postage of Notices (General)	47
Certificate of Approval of Composition or Scheme	82
Consent of Bankruptcy to Judgment being Entered under Section 29	103
Creditors' Petition	9
Creditors' Petition for Administration of Deceased Debtor (Section 120)	10
Debtors' Petition	3
Declaration of Inability to Pay	2

Disclaimer without Notice	141
Disclaimer of Leasehold Property after Notice to Landlord, Mortgagees, etc.	142
Disclaimer, with Leave, of Lease	143
Dismissal of Petition	23
Dismissal of Petition (Stay of Proceedings)	24
General Proxy	57
General Title	1
Judgment to be Entered Pursuant to Consent	104
List of Creditors Assembled to be Used at Every Meeting	51
List of Creditors at Meeting to Consider Composition or Scheme	52
Memorandum of Adjournment of First or Other Meeting	43
Memorandum of Advertisement or Gazetting	170
Memorandum of Proceedings at First Meeting (Summary Case)	42
Memorandum of Proceedings at Adjourned First Meeting (No Quorum)	44
Memorandum of Public Examination of Debtor	72
Minutes of Meeting for Receiving Resignation of Trustee, etc.	50
Notes of Public Examination of Debtor when Shorthand Writer Not Appointed	61
Notice by Debtor of Intention to Oppose Petition	17

Notice for <i>Gazette</i> of Intention to Transfer Separate Estate to Joint Estate	169
Notices for <i>Gazette</i>	170
Notice in <i>Gazette</i> of Substituted Service of Petition or Bankruptcy Notice	15
Notice of Application for Committal under Section 18 or 23	113
Notice of Application for Committal under Section 24	114
Notice of Application for Committal under Section 53(5)	115
Notice of Application to Set Aside Income of Property of Bankrupt Married Woman	135
Notice of Disclaimer Without Leave of the Court	144
Notice of Disclaimer of Lease With Leave of the Court	145
Notice Requiring Question of Disclaimer to be Brought before Court	146
Notice of Dividend	154
Notice to Landlord of Intention to Disclaim Leasehold Property Not Sub-let or Mortgaged	139
Notice of Intention to Disclaim Leasehold Property Sub-let or Mortgaged	140
Notice of Meeting (General Form)	46
Notice of Meeting to Appoint New Trustee	49
Notice of Receiving Order, etc.	170
Notice of Rejection of Proof of Debt	56
Notice of Sureties	20

Notice to Bankrupt under Section 55	134
Notice to Creditors of Adjourned Meeting	37
Notice to Creditors of Application to Approve Composition or Scheme	75
Notice to Creditors of Application to Approve Composition or Scheme (Summary Case)	76
Notice to Creditors of First Meeting	33
Notice to Creditors of Meeting to Remove Trustee and to Fill Vacancy	48
Notice to Creditors of Application for Discharge	97
Notice to Creditors of Intention to Declare Dividend	151
Notice to Creditors of Intention to Pay Composition	153
Notice to Creditors of Intention to Apply for Release	164
Notice to Creditors of First Meeting where No Offer for Composition (Summary Case)	34
Notice of First or Other Meeting where Debtor Submits Offer of Composition or Scheme	35
Notice to Creditors of Meeting where Debtor Submits Offer of Composition (Summary Case)	36
Notice to Debtor to Attend First Meeting of Creditors	39
Notice to Debtor of Intended Application for Adjudication	83
Notice to Official Receiver of Application by Debtor to Court to Approve Composition or Scheme	77
Notice to Receiver and Trustee of Application for Discharge	96

Notice to Receiver and Trustee of Application for Amendment or Remission on Payment of Debts in Full	93
Notice to Persons Claiming to be Creditors of Intention to Declare Final Dividend	152
Order Annulling Adjudication	92
Order Appointing Time for Public Examination of the Debtor	60
Order Adjourning Public Examination	62
Order for Administration in Bankruptcy of Estate of Deceased Debtor on Petition	149
Order for Discharge from Custody on Contempt	121
Order Dispensing with Public Examination of Debtor	63
Order for Examination of Afflicted Debtor	64
Order for Production of Person in Prison for Examination before the Court	122
Order for Enforcement of Provisions of Composition or Scheme	81
Order for Payment of Income of Property of Bankrupt Married Woman	138
Order for Production of Person Apprehended under Section 28 for Examination before the Court	133
Order for Summary Administration	31
Order of Adjudication	89,90
Order of Committal under Section 18 or 23	116
Order of Committal under Section 24	117

Order of Committal under Section 53(5)	118
Order of Court that Examination is Concluded	64
Order of Court for General Meeting of Creditors	45
Orders as to Discharge	98-102
Order on Application of Trustee for Directions	148
Order on Application to Approve Composition or Scheme	78
Order Restraining Action before Receiving Order	25
Order Setting Aside Bankruptcy Notice	8
Order Setting Aside Pay, Salary, etc. under Section 55(1)	136
Order Setting Aside Pay, Salary, etc. under Section 55(2)	137
Order to Pay Admitted Debt	131
Order to Postmaster-General under Section 27	126
Order to Stay Proceedings on Petition	18
Order for Substituted Service	16
Profit and Loss Account	160
Proofs of Debt	53-55
Proposal for Composition	67
Proposal for Scheme	68
Receiving Order (Creditors' Petition)	27

Receiving Order (Debtor's Petition)	26
Register of Bankruptcy Notices	166
Register of Petitions	167
Register of Receiving Orders	168
Report of Appointment of Trustee to Fill Vacancy	108
Report of Official Receiver on Proposal for Scheme or Composition and Voting Letter	69
Request for Issue of Bankruptcy Notice	4
Resolution Accepting Composition	70
Resolution Accepting Scheme of Arrangement	71
Resolution where Adjudication Resolved on	41
Return by Bankrupt Every Three Months	171
Search Warrant	123
Special Proxy	58
Statement of Affairs	29
Statement of Accounts under Section 87	162
Statement to Accompany Notice of Dividend or Application for Release	150
Subpoena	127
Subpoena <i>Duces Tecum</i>	128
Summons under Section 28	129
Trustee's Trading Account	159

Voting Letter	69
Warrant against Debtor about to Quit Tanzania	125
Warrant of Committal for Contempt	120
Warrant of Seizure	124
Warrant to Apprehend Person Summoned under Section 28	132