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SUPPLEMENT

Statutory Instrument

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General Notice No. 504 of 2013.

MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT

NOTICE TO ISSUE UGANDA NATIONAL LAND POLICY

It is hereby notified for public information that the Uganda Government has issued a National Land Policy for Uganda with effect from February, 2013.

FOREWORD

The Government of Uganda has formulated a national land policy to provide a framework for articulating the role of land in national development, land ownership, distribution, utilization, alienability, management and control of land. This is intended to ensure that the country transforms from a peasant society to a modern, industrialized and urbanized society.

To ensure that the land policy is relevant to Uganda's development agenda, the Ministry undertook a comprehensive stakeholder consultation exercise, which culminated into a National Land Conference. This policy therefore, reflects the views of all Ugandans. It is a hallmark of the rare sense of dialogue and collaboration between the Government and the citizenry in tackling what is arguably the most emotive, culturally sensitive, politically volatile and economically central issue in Uganda.

The policy harmonizes the diverse views on historical land injustices; land management and land use; and contemporary land issues. It further protects the rights of the citizens to own land, which should be optimally utilized.

The policy provides a framework for reforms geared towards having an efficient and effective land delivery system, which is a basis for poverty reduction, wealth creation and socio-economic transformation.

My Ministry has embarked on the development of a policy implementation action plan and a public awareness campaign to popularise the policy. The participation of all stakeholders will continue to be sought to ensure continued public debate and feedback on the implementation of the land policy framework. In this way, I am confident we will collectively achieve the vision of the National Land Policy of "a transformed Ugandan society through optimal use and management of land resources for a prosperous and industrialized economy with a developed services sector".

Finally, I wish to thank His Excellency the President for mainstreaming land issues and guiding Cabinet while deliberating the same. I am also indebted to all those who contributed to the development of this policy. In particular the Consultants who prepared the various drafts; the National Land Policy Working Group which steered the process up to the end, the stakeholders whose views shaped the policy and Ford Foundation for their expert input.

DAUDI MIGEREKO (M.P)

MINISTER OF LANDS, HOUSING AND URBAN DEVELOPMENT

FEBRUARY 2013

management and use, continues to be a critical factor in Uganda.

II. THE LAND QUESTION IN UGANDA

A. Historical Background and Colonial Legacy

The advent of colonialism left a historical legacy structured around land relations and management. Initially, colonialists introduced individualised ownership of property rights in land previously held either communally or on the basis of sovereign trustees. In the process, an intricate system of political relationships was legitimized. The newly introduced system of property ownership was super-imposed to either supersede existing indigenous land rights systems or formally confirm pre-existing customary arrangements as the case for kingdom areas. In other parts of the country outside the kingdom areas, customary tenure was left to continue existing with moderation but without a chance to evolve properly. This duality of property rights systems resulted in land tenures, whose maintenance has turned cumbersome and confusing in the current social, economic and political circumstances.

Perhaps the most critical and challenging elements of Uganda's land question, courtesy of colonial legacy, are to do with disentangling the multiple and conflicting tenure rights and interests often overlapping over the same piece of land. At the time of the creation of *mailo* and native freeholds, pre-existing private interests of smallholder farmers particularly land use rights were not legally recognized. An attempt to rectify this, with the enactment of the *Busuulu* and *Envujjo* Law of 1928 for Buganda and similar laws in Ankole and Toro in 1938, the multi-layered structure of rights persisted and has become a defining characteristic of the complexity of land relations in Uganda. In addition, the multi-layered system has been largely blamed for the escalating land conflicts and evictions in the central region where resolving dual interests of ownership between the registered owner and the lawful or bonafide occupants are common.

Also, conflicts arose out of the implementation of the Land Reform Decree, 1975 where occupants on land became tenants at sufferance while land owners became lessees. Further attempts to address the landlord-tenant relationship as enacted under the Land Act, Cap 227 became controversial around three issues: the definition of bonafide occupant, definition

of occupancy in terms of size of land utilized by occupants, and the rights conferred on the tenants as well as the rent payable.

The Buganda Kingdom has been making persistent demands for the return of its public land, estimated to be '9,000 square miles'; the 1,500 square miles of forests, and the 160 square miles of official estates at former Buganda county and sub-county headquarters taken over by the central government in 1967 and vested in the Uganda Land Commission. The Traditional Rulers (Restitution of Assets and Properties) Act 1993, which instantly returned some assets and properties specified in the schedule of the Act. It also made provision that the rest of the properties and assets not included in the schedule be returned following negotiations between Government and the traditional rulers. The principles to govern these negotiations were never detailed though they are necessary for attaining social harmony and calm between the Central Government and the Buganda Kingdom.

The Kibaale land question, which should have been fixed by the 1964 Referendum over the counties of Buyaga and Bugangaizi, became contentious in the Constituent Assembly (1993-95) as the new Constitution of Uganda of 1995 was being debated. Government resettlement schemes in 1973 and 1992, and the incessant immigration and settlement by non-Banyoro further complicated what started off as a land question and turned it into a political question as the immigrants gained political control. The resentment to this turn of events bred political tension and ethnic conflicts, with violent clashes. The indigenous Banyoro are worried that they may never be able to regain their ancestral land, which is formally held by absentee landlords in *mailo* tenure and increasingly taken over by immigrants. Additionally, public lands especially forest reserves have been massively encroached by immigrants. The Government paid off some absentee landlords basing on the Land Act Cap 227, but due to limited budget allocations the bigger portion of the *mailo* land is yet to be bought out.

Land rights of pastoral communities and ethnic minorities have registered exploitation for a long time. Many pastoral communities and ethnic minorities have lost their land rights to conservation projects, mainly national parks, and other government projects including government ranches. This has led to a depletion of their resources or landlessness. Privatization of communal grazing lands and other pastoral resources has forced some pastoral

C. Land Administration and Land Management Issues

The land administration system is inadequately resourced, which has resulted in performance below expected standards. The dual system of land administration, (the formal/statutory and informal/customary), breeds conflict, confusion and overlaps in institutional mandates. For the greater percentage of Uganda, where customary tenure still abounds, the roles of traditional institutions of land management, dispute resolution and land governance have not been legally accepted, integrated and mandated to execute their functions. Manual record keeping system has severely hindered progress in the delivery of land services to the public, making it slow, cumbersome, frustrating and too costly. Partial decentralisation of land delivery services has not yielded much due to human and financial constraints.

Although the National Land Use Policy (2007) made attempts to harmonize aspects related to regulation of land use as regards standards and guidelines for sustainable management of land resources, it was incapable, by its very nature, of dealing with issues of tenure that may challenge its implementation. For instance, vesting wetlands in the State in trust for the Citizens of Uganda, without due compensation to land owners who acquired and registered land before 1995 has stalled the implementation of the Wetlands Policy as it contradicts Article 26 of the 1995 Constitution on the principle of "sanctity of property."

The 1995 Constitution created a public trust over specified important renewable natural resources such as natural lakes, rivers, wetlands, forest reserves, game reserves and national parks, vesting them in the State to hold and protect for the common good of all Citizens of Uganda. Legally, these natural resources moved from the absolute ownership of the government to the public realm, under a constitutionally brokered fiduciary relationship between the State and the Citizens of Uganda. The Land Act explicitly prohibits the Government, or local government, from leasing out or otherwise alienating any of these natural resources except by way of a concession, license or permit. However, the State has often failed to observe the well-established principles of the public trust doctrine. It has inefficiently exercised the trustee powers resulting in under-utilization and ineffective management of these natural resources.

The Government of Uganda has a duty to attract private investment, both domestic and foreign, into

productive sectors of the economy. This duty includes creating an enabling investment climate and facilitating investors to access land. One of the major concerns in the land sector at present is the allocation of government land, public land, and natural resources held by the State in trust for the citizens for private investment. Such land allocations have taken place amidst an environment of incoherent and/or non-existent and/or non-transparent processes and procedures. This in effect, has weakened institutions governing the use and management of these lands and natural resources. Some of the allocations have not considered ecological, environmental, economic and social impacts; and as such have displaced vulnerable land and natural-resource-dependent communities whose rights to land access, food security and livelihoods are lost. Whereas private sector investment in land and natural resources is necessary and should be promoted, safeguards ought to be put in place to ensure a transparent process with due diligence so that the land rights of vulnerable sections of society and the environment are not compromised.

In the course of receipt of land policy submissions from the public on this policy, it was evident that many people were opposed to the practice of holding large tracks of land for prestige or speculative purposes while serious developers or landless people are without access to land. The policy has provided a number of incentives to enhance land utilization for development.

III. RATIONALE FOR THE NATIONAL LAND POLICY

A national land policy is essential for the optimal utilization and management of land resources since it is known that the majority of Ugandans are dependent on land for employment and survival. It is crucial for an integrated and effective system responding to a wide variety of intra-sectoral variables between the land sector and other productive sectors in the economy. Without a comprehensive policy, it is a challenge to confront the fact that land is a factor of production influenced by and interacting with socio-cultural processes as well as macro-level policy processes and strategies, whose strategic management is important for sustainable economic growth and social transformation.

The rationale for a national land policy in Uganda rests on the following reasons:

Appointment of the Constitutional Review Commission, in 1988, more popularly known as the Odoki Commission, surpassed the work of the Agricultural Policy Committee. It made broad recommendations for constitutional reforms, which lay firm policy principles regarding what constitutes a good land tenure policy in Uganda. The most fundamental of changes out of the work of the Odoki Commission is enshrined in Article 237 (1) of the 1995 Constitution, which, in break from the past, declared land to belong to the citizens of Uganda, making Uganda the first State in Sub-Saharan Africa to vest its "radical title" in its Citizens. Extensive changes were also introduced in land administration and land dispute resolution.

The 1998 Land Act, legislatively actualized most of the reforms provided for in the 1995 Constitution, while the Land Sector Strategic Plan (LSSP) 2001-2011 provided the implementation framework for execution of sector wide reforms in the land sector. One of the strategic objectives under LSSP was the development of *a national land policy* to serve as a systematic frame work for addressing the role of land in national development, land ownership, distribution, utilization, alienability, management and control. In 2001, a National Land Policy Working Group (NLPWG) was instituted under the Ministry responsible for lands to steer the policy-making process.

The NLPWG produced an *Issues Paper for the National Land Policy in 2002*. Simultaneously, the Government of Uganda also published the *Constitutional Review Report* by Ssempebwa Commission in 2003, which intensely implored, the adoption of a comprehensive land policy to harmonize the diverse needs for human settlement, production and conservation, by adopting best practice in land utilization for purposes of growth in the agricultural, industrial, and technological sectors taking into account population trends, without losing control over the structuring of land tenure systems.

Taking note of the opinions of the Odoki Commission, the Ssempebwa Commission, the *first draft of the National Land Policy* was produced in 2005, circulated and discussed amongst the NLPWG and professionals in the land sector. The same was subsequently progressed into a Draft Three in 2007, on the basis of which, consultations including countrywide stakeholder consultations through ten (10) Regional Consultative Workshops, covering all the districts of Uganda, and several Special Interest Groups Consultative Workshops were carried out. Memoranda and submissions were received from

various institutions, including civil society organizations and Ugandans in the diaspora. Government agencies, charged with regulation of land use and planning, and departments responsible for enforcement of land laws, and the maintenance of law and order, were also consulted. The consultative process was concluded with a delegates National Land Conference, which debated and to built consensus on contentious issues and adopted the policy statements and strategies proposed draft policy.

CHAPTER 2: NATIONAL LAND POLICY FRAMEWORK

2.1 INTRODUCTION

1. The Uganda National Land Policy vision, goal, objectives and principles, aim for the optimal utilization and management of land resources. The policy acknowledges the centrality of land in social and economic development by leveraging the land resource base for all other productive sectors to facilitate Uganda's transition from a rural subsistence agro-based economy to a modern economy, through sustained economic growth, employment creation, supporting industrialization, urbanization and the growth of a vibrant services sector.

2.2 VISION OF THE NATIONAL LAND POLICY

2. The vision of the National Land Policy is: '**a transformed Ugandan society through optimal use and management of land resources for a prosperous and industrialized economy with a developed services sector**'. The vision attributes are:

- (i) **Centrality of Land Sector:** Land plays a vital role in the health and vitality of other sectors that depend on it for productivity and these include agriculture, livestock, energy, minerals, water, wildlife, forestry, and human settlements. The integration of the land sector into the overall national planning through the identification of effective linkages with other productive sectors will leverage these sectors to realize economic growth and employment creation.

2.5 GUIDING PRINCIPLES FOR THE NATIONAL LAND POLICY

5. The principles that underpin and guide this national land policy include:

- (i) Equitable access to land for all Citizens of Uganda to hold, own, enjoy, use and develop either individually or in association with others;
- (ii) Equity and justice in access to land irrespective of gender, age, disability or any other reason created by history, tradition or custom;
- (iii) Effective regulation of land use and land development;
- (iv) Optimal land use and sustainable management for economic productivity and commercial competitiveness;
- (v) Transparency and accountability in democratic land governance;
- (vi) Reverse the decline in soil and land quality and mitigate environmental effects;
- (vii) Acquisition of land by non-citizens;
- (viii) Land as the central factor to leveraging other productive sectors.

CHAPTER 3: CONSTITUTIONAL AND LEGAL FRAMEWORK

3.1 INTRODUCTION

- 6. Land is at the center of the constitutional and legal discourse in Uganda, drawing legitimacy from historical as well as contemporary demands. Ambiguities that arose in the 1995 Uganda Constitution with regard to the sovereign powers of the State are clarified in this policy. The role of the State in land management effected through the sovereign powers of radical title, eminent domain or compulsory acquisition, police

power of the State, the doctrine of trusteeship, land taxation, use and management of government and public land is articulated. The fiduciary relationship between the State and the Citizens of Uganda created under the 1995 Constitution and the Land Act 1998 for the efficient utilization and management of land-based resources is re-affirmed.

3.2 RESIDUAL SOVEREIGNTY OVER LAND AS PROPERTY

- 7. Article 237(1) of the 1995 Constitution, states that land belongs to the Citizens of Uganda, making Uganda, one of the few States in Africa, to vest the ultimate ownership of land, as property, in its Citizens. Much as this vestment resolved an important historical anachronism in the land law, namely the location of ultimate authority over land as property, it is not entirely clear how the Citizens of Uganda, individually or collectively, can exercise this authority. In addition, the Citizens of Uganda did not assign the said authority to the State to guarantee "title to land," neither did they assign authority to the District Land Boards to hold or allocate land in the district which is not owned by any person or authority. Lastly, there is a need for this policy to anchor the authority of the District Land Boards to convert into freehold any lease that was granted to Ugandan Citizens out of public land and/or to exercise the reversionary interest in any lease that was granted out of public land.

Policy Statements

- 8. To clarify the sovereign powers of the State over land as property in Uganda, this policy provides as follows:
 - (a) The radical title to all land in Uganda shall vest in the Citizens of Uganda and the State shall exercise residual sovereignty over all land in Uganda on behalf of and in trust for the Citizens of Uganda;
 - (b) The State shall guarantee 'title to land' on behalf of and in trust for the Citizens of Uganda;

Strategies

15. To address the challenges of public regulation of land use, Government will take measures to:

- (i) Harmonize the application of the power of public regulation of land use by the Central Government and Local Governments in a set of prescribed guidelines;
- (ii) Ensure that the use of police power by state agencies takes into account sectoral policies and laws on land use, the environment and natural resources;
- (iii) Review existing policies and laws on public regulation of land use to conform with the provisions of this policy;
- (iv) Educate the public on the need for public regulation of land use and overall goals and merits of public regulation; and
- (v) Ensure compliance with the laws and regulations for land use, both in urban and rural areas through incentives and rewards as well as sanctions and penalties.

3.5 LAND TAXATION

16. In Uganda, the State's duty to regulate the use of privately owned land without arbitrarily extinguishing interests or rights, through over-taxation or inappropriate taxation, is embryonic except for property rates charged by local governments. Whereas land taxation is desirable for attaining optimality in the use of both rural and urban land, its application cannot be advanced until Uganda is a middle-income country. However, the call for harmonization of tax policy on land with Partner States in the East Africa Community (EAC) cannot be disregarded given the launch of the EAC common market.

Policy Statement

17. During the lifetime of this Policy, the Government may explore the proposal to

institute a comprehensive and appropriate framework for land taxation, based on evidence derived from technical evaluation and studies.

Strategies

18. Government shall:

- (i) Undertake empirical and other studies to clarify the feasibility of land taxation;
- (ii) Enlighten the public on the merits of the taxation measures and gauge public readiness for such measure; and
- (iii) Sensitize and create public awareness on land use and management for increased productivity.

3.6 PUBLIC TRUSTEESHIP OVER NATURAL RESOURCES

19. Article 237(1)(b) of the 1995 Constitution of Uganda, vests natural lakes, rivers, wetlands, forest reserves, game reserves, national parks and any land to be reserved for ecological and touristic purposes for the common good of all citizens. Section 44 of the Land Act Cap 227, prohibits the leasing or alienation of natural resources, but allows the grant of concessions or licenses or permits. As a trustee, the State holds the legal title or "corpus" to the trust property, while exercising an ethical relationship of confidence or "fiduciary duties" as entrusted by the citizens who are the beneficiaries of the trust. In the absence of regulations or guidelines to govern the management and use of such resources by the State as a trustee, including accountability and transparency principles, the "trustee" has carried on as if it is the "owner" thus breaching the public trust doctrine. Safeguards in legislation have not deterred extensive degeneration, occasioned by administrative abuse. The rules that delineate rights, roles, obligations of

25. The State shall define public land as land reserved or held and used for a public purpose, including public open spaces, public infrastructure and land with a reversionary interest held by the District Land Board under Section 59 (8) of the Land Act.

Strategies

26. To clarify the status of government land and public land, the Government shall in an Act of Parliament:

- (i) Define the manner in which government or local government will hold and manage such land taking into account the principles of public trusteeship, transparency and accountability;
- (ii) Define the terms and conditions under which such land may be acquired, used or otherwise disposed by the government and local governments;
- (iii) Clarify the tenure and reversionary interest in such lands especially for holders of subsisting leaseholds;
- (iv) Empower the State to re-possess public land or government land, given away in an illegal or irregular manner; and
- (v) Ensure District Land Boards hold and manage land entrusted to them by the Constitution and the Land Act as trustees for the Citizens of Uganda.

27. Government, through administrative and other measures, shall:

- (i) Adjudicate, survey, register or title government and public lands;
- (ii) Carry out an audit of all government and public land;
- (iii) Establish and maintain an inventory of all government and public land;

- (iv) Set guidelines for the Uganda Land Commission to lease or sell government land;

- (v) Audit all land currently gazetted as refugee resettlement schemes to assess current and future needs and redistribute any excess land to the landless citizens and/or communities.

3.8 MINERALS AND PETROLEUM

28. Article 244 (1) of the 1995 Constitution of Uganda vests petroleum and mineral resources in Government on behalf of the Republic of Uganda. As a trustee, the Government has not fully exercised ethical relationship of confidence embracing principles of democratic governance, accountability and transparency..

Policy Statement

29. Minerals and petroleum being strategic natural resources shall vest in the State for the beneficial interest of all the Citizens of Uganda.

Strategies

30. To ensure appropriate holding and management of strategic natural resources, Government shall:

- (i) Protect the land rights and land resources of customary owners, individuals and communities owning land in areas where mineral and petroleum deposits exist or are discovered;
- (ii) Allow to the extent possible, co-existence of customary owners, individuals and communities owning land in areas where petroleum and minerals are discovered;
- (iii) Provide for restitution of land rights in event of minerals or oil being exhausted or expired depending on the mode of acquisition;

4.2 CLASSIFICATION OF LAND TENURE REGIMES

35. There are basically three ways of classifying land tenure regimes. The first is in terms of the legal regime governing the tenure; whether statutory/formal or customary/informal. The second is in terms of the manner in which such land is used, whether private, public or government. The third is in terms of the quantum of rights held, whether owned in perpetuity or leasehold. The 1995 Constitution and the Land Act Cap 227 have classified land tenure only in terms of the first and the third. Both legislation provide that land in Uganda may be held in terms of four tenure categories namely: customary, freehold, *mailo*, and leasehold. However, these legal instruments have failed to classify land tenure in terms of the manner and purpose for which such land is held whether as private, government or public.

Policy Statements

36. (a) **Land will be categorized as Private Land, Public Land and Government Land;**
- (b) **All land tenure systems will be defined in detail to confer social, economic, environmental and political security to land owners, occupiers and users;**
- (c) **The use and management of land held under all tenure systems shall be subject to the regulatory powers of the State to ensure compliance with physical planning standards, regulations and guidelines for orderly development.**

Strategies

37. To ensure completeness in the classification of land tenure regimes, Government will take legislative and other measures to:
- (i) Define and categorize land as Private Land, Public Land and Government Land;

- (ii) Resolve all structural and normative impediments internal to the operation of each land tenure system;
- (iii) Guarantee that the transfer of land under all tenure regimes does not deny any person rights in land on the basis of gender, age, ethnicity, social and economic status;
- (iv) Ensure equity in the distribution of land resources, and preserve and conserve land for future generations; and
- (v) Ensure that all tenure regimes do not promote speculative accumulation of land or deprive the poor of their access rights.

4.3 CUSTOMARY TENURE

38. The majority of Ugandans hold their land under customary tenure. This tenure is often associated with three problems, (a) it does not provide security of tenure for landowners; (b) it impedes the advancement of land markets; and (c) it discriminates against women. The 1995 Constitution and the Land Act (Cap. 227) attempted to formalize customary tenure and were criticized for destabilizing and undermining its progressive evolution. Despite these attempts, customary tenure continues to be:
- (i) Regarded and treated as inferior in practice, to other forms of registered property rights, denying it opportunity for greater and deeper transformation;
- (ii) Assessed as lesser regarding dispute resolution and mediation compared to the statutory system;
- (iii) Assessed as lesser to other tenures that have titles for proof of ownership in courts of law in the administration of justice;
- (iv) Converted to freehold before it attains the totality of the bundle of rights inherent in all other registered tenures that are held in perpetuity;

first instance in respect of land rights allocation, land use regulation and land dispute dispute for land under customary tenure;

- (iii) Ensure that the decisions of traditional land management institutions uphold constitutional rights and obligations with regard to gender equity;
- (iv) Develop guidelines and procedures under customary land law for the allocation and distribution of land complying with the principles of equality and natural justice.

4.4 MAILO TENURE AND NATIVE FREEHOLD TENURE

43. *Mailo* tenure and “native” freeholds, separate the ownership of land from occupancy or ownership of developments by “lawful or *bonafide*” occupants. This creates conflicting interests and overlaps in rights on the same piece of land. The definition of rights accorded to *bonafide* occupants in the Land Act (Cap 227) continue to be contested by landowners. The Land (Amendment) Act 2010 grants statutory protection to the *bonafide* and lawful occupant and his or her successors against any arbitrary eviction as long as the prescribed nominal ground rent is paid. However, the nominal ground rent provided for is largely ignored creating a land use deadlock between the tenants and the registered land owner, hence conflicts and in many instances evictions. The landlord-tenant relationship as legally regulated is not amicable or harmonious.

Policy Statement

44. The Government shall resolve and disentangle the multiple, overlapping and conflicting interests and rights on *mailo* tenure and “native” freehold tenure.

Strategies

45. To resolve the land use impasse between the lawful and *bonafide* occupants and the registered landowners, Government shall take measures to:

- (i) Promote the principle and practice of land sharing and land re-adjustment through negotiations between the registered land owner and lawful or *bonafide* occupant;
- (ii) Facilitate tenants on registered or government land to access the Land Fund to purchase or acquire registrable interests;
- (iii) Establish an administrative mediation committee in districts with predominantly landlord-tenant issues to mediate between landlords and tenants willing to share land. The committee will be constituted of both political and technical officers at both district, sub county level and locus;
- (iv) Set guidelines to adjudicate, mediate and sensitize on land rights between *bonafide* or lawful tenants, and registered land owners; and
- (v) Purchase the interest of the registered landowner in the land occupied by the lawful or *bonafide* occupants using the Land Fund and sell the interest to the said occupants, based on social justice and equity considerations.

46. To ensure an amicable landlord-tenant relationship, Government through legislative and administrative measures, shall:

- (i) By statutory instrument, fix annual nominal ground rent for rural areas and economic ground rent for urban areas, subject to periodic reviews;
- (ii) Ensure that annual nominal ground rent for absentee land owners is deposited at the sub-county headquarters where the land in question is located;
- (iii) Ensure that a lawful or *bonafide* occupant is not evicted from registered land except for non-payment of annual nominal ground rent for rural areas or economic ground rent for urban areas;

land holdings before the 1995 Constitution, to freehold;

- (ii) Convert all leaseholds, issued to customary owners over their personal land holdings after the 1995 Constitution to freehold;
- (iii) Discontinue the conversion of leaseholds issued out of public land which was not owned under customary tenure at the time of the grant to freehold except for degazetted lands;
- (iv) Encourage the utilization of leasehold in respect of all registered tenure categories through the provision of simplified standard format;
- (v) Amend the Land Act Cap 227 to provide for the duration of 49 years in leasehold for non-citizens;
- (vi) Limit the duration of leasehold over public land not to exceed 99 years for Citizens of Uganda and 49 years for non-citizens, or periods consistent with specific development requirements whichever is lesser;
- (vii) Provide standards for exercise of reversionary rights to comply with first-option-of-renewal to the current lessee on public land;
- (viii) Protect the rights of any lawful or *bonafide* occupants on leaseholds out of public land; and
- (ix) Impose periodic reviews to enforce compliance with use and development conditions in leasehold covenants upon renewal or extension.

4.7 COMMON PROPERTY RESOURCES ON PRIVATE LAND

53. Common property resources are usually managed through institutional arrangements, customs and social conventions, designed to

induce joint solutions to issues of access and benefit-sharing. These resources are often, situated on land owned privately by individuals and/or communities. The 1995 Constitution and Land Act (Cap 227) do not take into account the role of local communities in the preservation and management of common property resources. Common Property Resources, especially communal grazing land have in the past been grabbed, sold illegally or individualized by some members of the local communities.

Policy Statements

54. (a) **Government will reform laws and regulations for the management of common property resources to conform with standards for sustainable use and development;**
- (b) **Government shall, in collaboration with individual or community owners, ensure the sustainable use and management of privately owned land-based resources.**

Strategies

55. Government will take measures to institute the following reforms:
- (i) Identify and gazette access routes or corridors to common property resources for public use;
 - (ii) Enact appropriate legislation to clarify who may have access to what categories of common property resources and how such access may be secured;
 - (iii) Identify and document all common property resources wherever located and irrespective of their tenure status;
 - (iv) Ensure that common property resources exclusively used by or available to particular communities are directly held and managed by them;

59. Pastoral communities occupy rangelands with harsh climatic and ecological conditions. The severity of competition for grazing and water resources with neighboring communities has increased as cultivators expand into areas suitable for grazing. Pastoral mobility is constrained, yet it is a key ingredient in managing the low net productivity, risk and unpredictability in the rangelands. Access to land resources has also progressively reduced, as successive individual, private and government agency actions, alienated grazing areas for the establishment of national parks, wildlife reserves, protected areas, government or military schemes and ranching schemes. Whereas nomadic pastoral practices are allegedly associated with land invasions or grabbing and "illegal" land buying in some areas, it is necessary to protect pastoral land rights, but not at the expense of non-pastoral communities.

Policy Statement

60. **Land rights of pastoral communities will be guaranteed and protected by the State.**

Strategies

61. To protect the land rights of pastoralists, government will take measures to:

- (i) Ensure that pastoral lands are held, owned and controlled by designated pastoral communities as common property under customary tenure;
- (ii) Develop particular projects for adaptation and reclamation of pastoral lands for sustainable productivity and improved livelihood of communities;
- (iii) Protect pastoral lands from indiscriminate appropriation by individuals or corporate institutions under the guise of investment;
- (iv) Promote the establishment of Communal Land Associations and the use of communal land management schemes among pastoral communities;

(v) Establish efficient mechanisms for the speedy resolution of conflict over pastoral resources in pastoral communities and sedentary communities; and

(vi) Consider land swapping, resettlement or compensation for pastoral communities displaced by government from their ancestral lands.

62. To support pastoral development, Government shall:

(i) Prescribe clear principles for the ownership, control and management of pastoral lands in a policy by the Ministry responsible for livestock;

(ii) Prescribe clear principles for voluntary resettlement of pastoral communities with approval of local governments in a resettlement policy;

(iii) Ensure zoning to establish appropriate agro-ecological zones, pastoral resource areas and access, maintaining an equitable balance between the use of land for pasture, agriculture, energy, industry and for wildlife protection; and

(iv) Establish mechanisms for flexible and negotiated cross-border access to pastoral resources among clans, lineages and communities for their mutual benefit.

4.10 LAND RIGHTS OF WOMEN AND CHILDREN

63. In Uganda, women are generally unable to own or inherit land due to restrictive practices under customary land tenure or are not economically endowed to purchase land rights in the market. In general, customary practices in some areas of the country continue to override statutory law in recognition and enforcement of women's land rights, abating unnoticed land grabbing at family level. Attempts to redress this situation by outlawing discriminatory cultures, customs and practices

- (iv) Solicit the support of faith based institutions and cultural leaders to accept and implement measures in the National Land Policy designed to protect the rights of women and children.

4.11 LAND RIGHTS OF DWELLERS IN INFORMAL SETTLEMENTS AND SLUMS

- 69. Slum dwellers form an important part of the urban fabric and make a substantive contribution to the urban economy; however, it is common for them to settle in marginal areas with high environmental concerns and health hazards under precarious conditions.

Policy Statement

- 70. **Government will ensure the supply of affordable land in urban areas and provide a framework for regularizing land tenure for dwellers in informal settlements and slums.**

Strategies

- 71. Government will take measures to:
 - (i) Facilitate negotiations between registered land owners, the government and dwellers of informal settlements and slums to regularize their land rights;
 - (ii) Promote public -private partnerships to enhance tenure security and stem the growth of slums and informal settlements;
 - (iii) Regulate the sub-division of land in urban and peri-urban areas to guarantee the maintenance of economic security in the land sector;
 - (iv) Promote and confer legitimacy to the land use activities of the urban poor especially in relation to agriculture and silviculture;

- (v) Regulate and regularize settlement to conform with health, safety, sustainable environment and public order standards;

- (vi) Set aside serviced land for housing development for the poor at affordable rates;

- (vii) Accord statutory security to informal sector activities without compromising physical planning standards and requirements;

- (viii) Provide basic infrastructure for informal sector developments; and

- (ix) Provide affordable infrastructure for self-improvement for the urban poor.

4.12 LAND RIGHTS OF OTHER VULNERABLE GROUPS

- 72. Persons infected and affected by HIV/AIDS, the terminally ill, persons-with-disability, elders and internally-displaced persons are prone to loss of land rights and are threatened by landlessness due to poverty-induced asset transfers, distress land sales, evictions, land grabbing and abuse of land inheritance procedures.

Policy Statements

- 73. (a) **Legislation and management practices shall accord all vulnerable groups equal land rights in acquisition, transmission and use of land;**
- (b) **The State shall regulate land markets to curtail distress land sales and ensure that the land rights of the vulnerable groups are protected.**

Strategies

- 74. To protect the rights of all vulnerable groups, Government will take legislative and other measures to:

location of such land restored and the nature of any beneficial interest held by persons in occupation thereby.

79. For all properties yet to be returned to Traditional Rulers, Government will take legislative and administrative measures to:

- (i) Develop principles on which negotiation for the conclusive return of properties of Traditional Rulers will be based;
- (ii) Negotiate conclusively with Traditional Rulers for the return of assets and properties confiscated in 1967;
- (iii) Expedite the negotiation process for the return of 160 square miles of official estates, 1,500 square miles of forests and "9,000 square miles" to the Kingdom of Buganda; and
- (iv) Expedite the negotiation process for Kingdoms that have articulated claims for the return of their properties.

4.14 THE KIBAALÉ LAND QUESTION

80. The 1964 Referendum on the counties of *Buyaga* and *Bugangaizi* in Kibaale District, returned territorial affiliation and administrative responsibility to Bunyoro, but never addressed land ownership rights held by absentee landlords in *mailo* tenure that the counties lost. Government resettlement schemes in 1973 and 1992, and the incessant immigration and settlement by non-indigenous groups further complicated the situation. What started off as a land question turned political as immigrants gained political control. The resentment that resulted from this turn of events bred political tension and ethnic conflict, often with violent clashes. Based on the Land Act (Cap 227), Government embarked on buying out absentee landlords with a view to resolving this historical injustice. However, due to limited budget allocations the bigger part of *mailo* is yet to be bought.

Policy Statement

81. Government shall take conclusive measures

to redress historical land injustices in a manner that promotes harmony for peaceful co-existence of indigenous persons and immigrants in Kibaale District.

Strategies

82. To resolve the *Kibaale* land question, Government shall take measures to:
- (i) Commit sufficient financial resources under the Land Fund to purchase *mailo* interests of absentee land owners at market price and restitute the land to the indigenous persons;
 - (ii) Develop a criteria for land adjudication and re-distribution of the purchased land by Uganda Land Commission as stipulated by the Land Act and ensure equity in the re-distribution;
 - (iii) Restore land ownership rights to indigenous persons and lawful immigrants as guaranteed by the 1995 Constitution and the Land Act Cap 227;
 - (iv) Evict all people illegally and/or irregularly settled in gazetted protected areas in accordance with the relevant laws;
 - (v) Formulate a resettlement policy to guide voluntary immigration and government-led re-settlement initiatives in Uganda; and
 - (vi) Design a fair and equitable criterion for redistributing public land and land purchased from absentee landlords..

4.15 LAND MARKETS

83. The operations of a land market hinge on an efficient and effective land registry system that guarantees titles, provides accurate information and is open to public scrutiny. Land markets by nature are subject to imperfections and distortions caused by lack of effective regulation, poor land use planning and under-capitalization. When the land markets are not properly guided can lead to loss of rights for vulnerable groups through

Strategies

88. Government will put in place measures to:

- (i) Formulate a strategy to guide the State and its agencies in the provision of land for investment, including measures to:
 - (a) Regulate the amount of land investors can access in consideration of the use that the land will be put to;
 - (b) Follow due process (evaluation, due diligence and approval of land use change);
 - (c) Determine sectors open to foreign direct investment;
 - (d) Carry out cost-benefit analysis on public facilities before pulling them down to allocate the land to investors; and
 - (e) Create a land bank to acquire and allocate land for investment.
- (ii) Provide reliable and easily accessible land-based information to guide potential investors;
- (iii) Establish a framework for auditing land based local and foreign investment proposals to ensure that they are aligned with the objectives of this policy; and
- (iv) Promote long-term benefit-sharing arrangements rather than one-off compensation for loss of land right in respect of investment by supporting alternative operational business/production models between the locals and investors (such as contract farming schemes for small holder farmers, out growers schemes, equity-sharing schemes, use of leaseholds and joint-ventures).

89. Protect the land rights, including rights of citizens in the face of investments with measures for, but not limited to;

- (i) Clear procedures and standards for local consultation;
- (ii) Mechanisms for appeal and arbitration;
- (iii) Facilitation of access to land by vulnerable groups, smaller-scale land owners and land users in the face of large scale farming interests; and
- (iv) Protection against degradation of natural resources and sensitive ecosystems.

4.17 LAND FRAGMENTATION

90. Excessive fragmentation of land affects production potential as estates of land shared amongst beneficiaries are divided into uneconomic sub-units and un-productive dimensions. Fragmentation hinders consolidation, organisation and/or appropriate acreage in farming. In densely populated areas such as highlands, it has led to land degradation as land is used every season without replenishing the soil nutrients. Land fragmentation has decreased the land per capita in an environment where productivity is not rising fast enough to maintain the production needs of Uganda's fast growing population. It is important that an awareness and understanding of the causes, trends and impacts of fragmentation is created. There is need to put in place mechanisms to prevent fragmentation and its negative consequences.

Policy Statements:

- 91. a) **Government shall regulate the practice of land fragmentation and mitigate its negative consequences.**
- (b) **Government shall set minimum land sizes for rural and urban land to promote orderly development;**

- (iii) Ensure land delivery services are delegated to the local authority level as part of taking services closer to people;
- (iv) Ensure community management structures relating to land under customary tenure are strengthened;
- (v) Promote participation of non-state actors and stakeholders in the protection of land rights and tenure security of communities and vulnerable groups;
- (vi) Ensure non-state actors involved in activities of the land sector are certified by the Ministry of Lands in accordance with the NGO policy; and
- (vii) Regulate land ownership by non-citizens by converting all rights and interests in land granted to non-citizens to leaseholds of not more than 49 years with the option to renew.

98. Government shall formulate a National Resettlement Policy.

CHAPTER 5: LAND RIGHTS ADMINISTRATION FRAMEWORK

5.1 INTRODUCTION

99. Land rights administration involves the process of determining, registering and availing information about ownership, value and use of land and its associated resources. This chapter addresses land rights administration issues in order to have improved service delivery in the land sector and other productive sectors.

5.2 LAND RIGHTS ADMINISTRATION SYSTEM

100. Land rights administration operates within two parallel systems comprising of: 1) the traditional customary/informal systems

governed by customs and norms of given communities and 2) the centralized statutory/formal (or state) system governed by written law. The two are not in harmony, institutional and systemic conflict resulting from parallel practices lead to confusion as distinct roles of the various institutions under customary and statutory institutions are not spelt out. In addition, inconsistencies in the customary system with regard to standards, rules and procedures are common. Land rights administration operations have contributed to land rights insecurity, as a result of lack of proper record keeping, inaccuracies in land registry process, fraud and forgeries in land administration system. Land rights administration needs to be treated as a professional function, if it's to improve on service delivery.

Policy Statements

101. (a) **Government shall restructure the lands rights administration system to enhance efficiency, ease of access and cost-effectiveness;**
- (a) **Government shall recognize and harmonize the traditional customary system with the formal statutory system in land administration.**

Strategies

102. To restructure and re-engineer the land administration system, Government will take measures to:
- (i) Further decentralize land rights administration functions to traditional customary land governance levels;
 - (ii) Consolidate and rationalize decentralized land rights administration structures set up by the Land Act (Cap 227), in terms of cost, simplicity, efficiency, accessibility and affordability;
 - (iii) Re-design the hierarchy of the land rights administration to enable traditional customary institutions to

administration and management functions to local governments;

- (ii) In an Act of Parliament, create a semi-autonomous state agency responsible for land administration and management at the national level, and:

- (a) Specify the land administration and management functions for which the State Land Agency is responsible;

- (b) Accord the designated State Land Agency sufficient autonomy and independence to perform its functions effectively and fairly, but accountable to the tax payers;

- (c) Ensure the State Land Agency is responsive to the needs of its customers, is service oriented and is adequately staffed with skilled and competent personnel;

- (d) Encourage private sector institutions to continuously monitor and evaluate the performance of the Land State Agency;

- (e) Ensure that all land offices throughout the country are under the technical direction of the State Land Agency.

- (iii) Establish regional land offices appropriately located to deliver land services;

- (iv) Set and enforce professional standards for land administrators;

- (v) Enhance capacity of land administration institutions and professionals through periodic training;

- (vi) Privatize a limited number of land rights delivery services under

guidelines established by the semi-autonomous State Land Agency; and

- (vii) Strengthen dispute resolution mechanisms in communities and decentralized state institutions established under the Land Act.

5.4 LAND RIGHTS DEMARCATION, SURVEY AND MAPPING

107. In Uganda, performance of land rights demarcation, survey and mapping functions has been impeded by a variety of factors, which include shortage of qualified personnel, administrative bottlenecks in the preparation and approval of deed plans, among others. There is a public outcry on the exorbitant cost of privatized survey services, despite efforts by academic institutions to increase the number of qualified professionals. The deployment and regulation of the profession of surveying through the Surveyors Registration Board is currently non-effective due to proliferation by un-qualified practitioners. The absence of survey equipment limits the infrastructure for effectively supporting surveying functions within government and amongst private services providers. The destruction of survey points and loss of coordinates often fuels land conflicts and disputes. Under customary tenure, traditional boundary-marking systems are still being emphasized and recognized instead of the modern and accurate land rights adjudication, systematic demarcation and surveying.

Policy Statement

108. Government shall enhance the capacity for land rights adjudication, demarcation, survey and mapping services.

Strategies

109. To review and update the legal and regulatory framework on demarcation, surveying and mapping, Government will take measures to:

- (i) Amend and reform the Survey Act for improved regulation of surveys;

- (iv) Procure technological infrastructure needed for the establishment of a decentralized system;
- (v) Establish, rehabilitate, re-organize, upgrade, authenticate and digitize existing land records in readiness for the establishment of a computerized land information system;
- (vi) Computerize and update existing land records to support the Land information System; and
- (vii) Decentralize and present the proposed land information system in a language understood by community-level land managers and users.

5.6 LAND DISPUTES RESOLUTION

114. The land dispute management system does not recognize the inherent differences between disputes over land held under customary tenure and those held under other tenure regimes. There is no specific recognition given to traditional mechanisms for dispute processing or customary law as a normative framework for the processing of disputes under customary tenure. The Land Act (Cap 227) established an elaborate structure of land tribunals; however, the operation of these has since been suspended by the Judiciary due to limited resources and duplication of services with Magistrate Courts. Overlaps in dispute resolution institutions and the absence of a clear hierarchy have resulted in fora shopping by aggrieved parties. Access to timely, efficient and affordable dispute resolution mechanisms for efficient land markets, tenure security and investment stability in the land sector is imperative to realizing the vision and objectives of this policy.

Policy Statements

115. (a) **Administrative Land Tribunals will be reinstated, adequately resourced and facilitated to enable them carry out their constitutional mandate;**
- (b) **Land disputes resolution mechanisms will be reformed to facilitate speedy and affordable resolution of land disputes.**

Strategies:

116. Legislative and other measures will be taken to:
- (i) Ensure the operations of Land Tribunals are devoid of complex jurisdiction and litigation procedures usually associated with ordinary courts of law;
 - (ii) Land Tribunals, shall in their administrative functions, be supervised by the Ministry responsible for Lands;
 - (iii) Provide clear rules for application of law by land tribunals to permit hierarchal application of state and customary law depending on the circumstances, facts and characteristics of the dispute in question;
 - (iv) Accord precedence to indigenous principles and practice in dispute management institutions in respect of disputes over land held under customary land tenure;
 - (v) Empower customary/traditional institutions to keep proper written records of all disputes dealt with under their jurisdiction;
 - (vi) Define a clear hierarchy for dispute resolution structures to guarantee the finality and authoritativeness of decisions, subject to appeal to higher levels of jurisdiction;
 - (vii) Provide free legal aid to the vulnerable sections of society through a system of partnerships and incentives to private and civil society organizations to deal with the ever increasing land litigation; and
 - (viii) Encourage and build capacity for alternative dispute resolution on land matters and application of principles of natural justice.

Strategies

123. To ensure simultaneous land development and land ownership, Government will put in place measures to:

- (i) Fully integrate the land sector into the overall national development planning framework;
- (ii) Reform the land ownership rights and interests as the starting point before proceeding to land development aspects;
- (iii) Facilitate central government agencies and local governments to adopt and enforce standardized land use planning and land development practices for orderly development;
- (iv) Strengthen community level institutions for effective management of land development and land use regulation; and
- (v) Apply land use planning and fiscal instruments to ensure land use and land development.

124. Government will take additional measures to:

- (i) Design appropriate public policies and incentives to improve the efficiency of small-holder farming through the use of production intensive technologies that do not jeopardize the environment;
- (ii) Design appropriate public policies and incentives to deal with labour and credit for agricultural productivity;
- (iii) Carry out a periodic land audit to determine the land needs of all productive sectors at least once every 10 years to support the attainment of national development goals; and

- (iv) Enhance access to land for large-scale commercial investments without prejudicing security of tenure for the Citizens of Uganda.

6.3 OPTIMAL USE AND MANAGEMENT OF LAND RESOURCES

125. Land resources have not been put to optimal, productive and sustainable management and use. Land use and land management lies in different bureaucracies managing isolated portions and aspects which are often uncoordinated and in competition with one another for recognition and resources. These critical overlaps in institutional responsibilities symbolize a framework that does not promote sustainable land development. Insufficient collaboration among public sector institutions and agencies presents an obstacle to the rational, effective and efficient management of land resources.

Policy Statements

126. (a) **Government shall ensure that land resources are optimally used and sustainably managed in an integrated manner;**
- (b) **Government shall design and implement a comprehensive framework for proper stewardship of land resources.**

Strategies

127. To address the challenges of optimal and sustainable use and management of land resources, Government will take measures to:

- (i) Develop and enforce adequate land use standards;
- (ii) Provide capacity, through training, to enable land management agents to function efficiently;
- (iii) Deploy professional land auditors at local government and community levels to monitor and enforce the implementation of land use standards;

- (b) **Government shall review and re-establish the framework for physical development planning and regulation.**

Strategies

133. Through legislation and other regulatory measures, Government will:

- (i) Declare the entire country a Physical Planning Area for effective land use management;
- (ii) Enforce compliance with land use regulations, standards and guidelines in urban and rural areas;
- (iii) Integrate physical infrastructure planning (i.e. roads, transportation, and service lines) into overall national and regional physical development planning schemes;
- (iv) Provide guidelines on zoning, subdivision, housing design and standards, provision of socio-economic and physical infrastructure services; and
- (v) Review all relevant legislation on land use planning and regulation to ensure that they are in tandem with the National Land Policy.

134. Government will take additional measures to:

- (i) Review and strengthen the framework for land use planning and development control;
- (ii) Prepare a medium to long-term national land use framework for Uganda, setting out broad land use expectations and strategies for land use management and land development;
- (iii) Prepare regional physical development plans;

- (iv) Design a framework and provide capacity for land use audits in rural and urban areas to support national, regional and local land use planning;

- (v) Maintain an inventory of land availability and suitability for specific users as part of the national land information system;

- (vi) Monitor growth of rural settlements with a view to providing infrastructure and services;

- (vii) Continuously monitor and evaluate the effects of public regulation on land sector development;

- (viii) Integrate physical planning into the overall national, regional and local development planning frameworks, including all urban economic activities, urban agriculture and forestry;

- (ix) undertake public education on the overall goals, advantages and benefits of public regulation of land use; and

- (x) Enact a law to provide a framework for metropolitan planning.

6.6 LAND QUALITY AND PRODUCTIVITY ASSURANCE

135. Reversing the trend of deterioration and degradation of land and its resources through measures and strategies for land quality assurance is one of the major needs of the land sector. Inefficient technologies of production, inappropriate land use and management practices have led to severe soil degradation, wastage and pollution of land and water resources. Desertification due to climate change effects and the lack of adequate support services for agriculture has affected productivity management for food security or surplus production for income generation and export earnings. Besides, population growth and the demand for land have resulted in excessive fragmentation of land into uneconomic sub-units.

sound environmental management, including biodiversity preservation, soil and water protection, conservation and sustainable land management.

Strategies

141. Government will develop an appropriate legal and institutional framework to:

- (i) Develop and promote a scheme of incentives for participation of communities and other stakeholders in the devolved management of natural resources;
- (ii) Mobilize communities and assist them to develop and implement action strategies for effective enforcement of established environmental and natural resource management standards;
- (iii) Promote benefit-sharing between land resource management institutions, authorities, and local communities;
- (iv) Strengthen the enforcement mechanisms of natural resource regulations, environmental planning, and monitoring; and
- (v) Provide incentives and rewards to encourage restoration, maintenance and protection of natural resources on privately-owned land.

142. Government will take measures to:

- (i) Design appropriate environmental standards for all production sectors;
- (ii) Develop programs for the restoration of waste disposal sites, polluted watercourses, and control of land use-related greenhouse gas emissions;
- (iii) Provide special protection for fragile ecosystem, including unique and sensitive biodiversity colonies, like

hill tops, wetlands, water catchment areas, lake-shores and river banks;

- (iv) Compensate all land owners whose land stretches into designated wetlands, hilltops, water catchment areas, lake shores, river banks and other sensitive eco-systems who acquired title before the coming into force of the 1995 Constitution;
- (v) Discontinue the alienation of designated wetlands, hilltops, water catchment areas, lake shores, river banks and other sensitive eco-systems by enforcing legislation, regulations, guidelines and standards; and
- (vi) Carry out public education on sustainable use and management of natural resource and the environment,

143. Government will take additional measures to:

- (i) Develop a harmonized criteria for gazettement and de-gazettement of conservation areas, considering the following:
 - (a) Reason for which an area was gazetted no longer exists,
 - (b) De-gazette to address historical or colonial injustice,
 - (c) A technical evaluation recommends change of land use;
- (ii) Establish and implement an effective mechanism for the management of wildlife outside protected areas;
- (iii) Create incentives for community participation in conservation on privately-owned land and co-management of conservation on public land;

Policy Statement

148. **Government shall regulate the use of land and water resources for agricultural production aligned with a National Agriculture Policy.**

Strategies

149. Government will take measures to:

- (i) Formulate a comprehensive National Agriculture Policy;
- (ii) Formulate a National Soils Policy;
- (iii) Promote and ensure viable zonal agricultural production to enhance production, productivity, marketing and agro-processing;
- (iv) Make available an updated soil and arable land resource inventory at an appropriate scale;
- (v) Promote farming practices that reduce land degradation and enhance soil quality and productivity;
- (vi) Encourage voluntary consolidation of agricultural land holdings to sizes suitable for optimum, productive and sustainable use;
- (vii) Plan, use and regulate agricultural activities and other practices that degrade the quality of agricultural land;
- (viii) Discourage land fragmentation through education, incentives, laws and bye-laws; and
- (ix) Promote sustainable use and management of water, soil and land resources.

6.10 CLIMATE CHANGE

150. Uganda is a signatory to the United Nations Framework Convention on Climate Change (1992) and the Kyoto Protocol (1997), both of which require collective domestic, regional and international action to stabilize greenhouse gas emissions to levels which would allow ecosystems to adapt naturally to climate change. The issues of greatest concern include deforestation, wetland degradation, land degradation and poor settlements planning. The country is already suffering from the impacts of climate change and variability which hampers the realization of development goals. Increasingly adaptation to the impact of climate change is a challenge, as environmental degradation and disasters cause their victims to migrate in search of better conditions. The country's social and economic development and people's livelihoods, for now and in the foreseeable future, depend almost entirely on sound management and sustainable utilization of the natural resource base.

Policy Statements:

151. (a) **Government shall, in its plans and programs mitigate and adapt to the impacts of climate change, mainstream sustainable management of the environment and natural resources;**
- (b) **Government shall put in place strategies to mitigate and adapt to climate change and variability, to reduce impact on climate, on the population and the economy;**
- (c) **Government will develop a framework for compliance with all international commitments on management of climate change.**

Strategies

152. To address the challenges of climate change, Government will take measures to:

- (vi) Create land management structures that are efficient, cost-effective and democratically-operated in a decentralization policy framework;
- (vii) Design and enforce precautionary but achievable performance standards for land management; and
- (viii) Develop capacity and an enabling infrastructure for evolution and implementation of sustainable land use practices and land management.

CHAPTER 7: REGIONAL AND INTERNATIONAL FRAMEWORK

7.1 INTRODUCTION

156. Uganda is a party to a large body of international and regional conventions, treaties and declarations dealing with human rights issues, environmental and land governance, shared aquatic, terrestrial and other trans-boundary resources. These instruments establish the international framework for the governance of land-based resources and provide principles for partner States to implement. As Uganda develops closer political linkages with other East African Community countries, a number of domestic law principles will be revisited for re-alignment, especially access to land, which is not merely linked to territorial sovereignty, but specifically to citizenship.
157. Internationally and regionally, various instruments direct attention to the need to:
- (i) Guarantee national food security;
 - (ii) Reduce extreme poverty and hunger;
 - (iii) Manage global climate change through domestic economic policies and strategies;
 - (iv) Conserve biodiversity and the environment;

- (v) Resolve resource conflicts arising from trans-boundary movements of population and animal species;
- (vi) Ensure gender equality and equity;
- (vii) Protect the human right to adequate housing and other related human rights; and
- (viii) Prevent forced evictions and guarantee security of tenure.

7.2 REGIONAL AND INTERNATIONAL INSTRUMENTS AND OBLIGATIONS

158. Implementation of regional and international instruments and/or obligations, within domestic policy and law requires the consideration of a number principles and standards which are part of international law. The instruments creating such obligations should neither be oppressive nor burdensome, but confer benefits in excess of the costs of compliance. In addition, compliance is considered a prudent investment for economic growth and the expansion of opportunities for Ugandan Citizens. It is desirable that, compliance is attained at a pace matching the on-going social, economic and political processes. It does not introduce radical changes in domestic institutions and structures that are disruptive to long-term development policies and plans.

Policy Statement

159. **Government will, in the implementation of obligations in international and regional instruments, comply with areas of convergence in land policy and strive to re-align on divergent areas in land policy.**

Strategies

160. Government will take measures to:
- (i) Define areas of convergence in land policy for compliance and implementation, excluding those that are repugnant to Uganda's legislation;

7.4 MANAGEMENT OF TRANS-BOUNDARY RESOURCES

165. Uganda shares many aquatic, terrestrial and other trans-boundary resources, and eco-systems with neighboring countries. Amongst these are grazing lands, water catchment areas, lake basins and river basins. In addition, several districts in Uganda share eco-systems of social and economic importance without structured systems for harmonious of utilization and overall management. Although treaties, conventions and customary practices exist in relation to the management of these resources, some of these are of doubtful efficacy.

Policy Statement

166. **Government shall develop a framework for participation in development of policies and protocols for management of trans-boundary and shared natural resources in consultation with Partner States.**

Strategies

167. Government will take measures to:
- (i) Design and implement a system for the monitoring of the effects of trans-boundary movement of migratory species on the environment;
 - (ii) Negotiate and implement protocols for integrated management and protection of migratory species and related ecosystems such as water bodies, mountains, forests and wetlands;
 - (iii) Undertake voluntary reduction measures in respect of anthropogenic activities which would upset the ecology of Lake Victoria and the Nile Basin;
 - (iv) Negotiate mechanisms for coordination and benefit-sharing of the resources of Lake Victoria and Nile Basin; and

- (v) Design mechanisms for monitoring all trans-boundary resources with Partner States.

7.5 CROSS-BORDER POPULATION MOVEMENTS

168. Cross-border population movements are frequent as a result of conflict, ecological or environmental stress or interactive accommodation among cross-border communities sharing common heritage and culture. A significant proportion of these populations sometimes end up being classified as either refugees or internally- displaced persons. Settlement or resettlement of such populations often leads to severe strains on resources and/or serious environmental damage.

Policy Statement

169. **Government will develop a framework to regulate, manage and mitigate the negative consequences and maximize the positive impacts of cross-border population movements.**

Strategies

170. To regulate, manage and mitigate cross-border movements, Government will:
- (i) Respect regional and international conventions governing the settlement and treatment of refugees and internally displaced persons;
 - (ii) Negotiate protocols for the reciprocal treatment and settlement of mass cross-border movements; and
 - (iii) Jointly implement with neighboring countries, measures for effective border management, control and supervision.

- (i) Phase the implementation of this policy based on sequenced priorities and develop cost estimates for all phased activities or programs anticipated by the policy;
- (ii) Make an inventory of existing resource capacity in the land sector to determine usability and level of short-fall in the implementation of the policy;
- (iii) Assess the capacity of existing systems and structures in place, to kick-start land policy implementation as new structures are being set up;
- (iv) Assess the relevancy, appropriateness, efficiency and cost-effectiveness of the proposed institutional structures; including audit of existing and proposed new structures to eliminate wastage due to duplication, overlaps and unproductive competition among various decision-making centers;
- (v) Identify institutional and governance structures needed to implement the reforms; and
- (vi) Ensure that the cost of implementation of the policy is fully-budgeted and funded as part of the national development framework.

8.3 IMPLEMENTATION PLAN FOR THE NATIONAL LAND POLICY

178. A critical challenge in land policy implementation involves the programming of its various components. This entails the design of appropriate legislation, the establishment of institutional requirements and the preparation of a program of activities based on the strategies. These have to be sequenced and prioritized for implementation as well as putting in place indicators for measuring progress. Programming should be preceded by consulting key stakeholders within Government, Parliament, local authorities and communities. There is also need to have co-

operation with agencies in sectors involved in land use and natural resources management, as well as non-state actors.

Policy Statement

179. Government shall undertake the preparation of an Action Plan for implementation of the National Land Policy.

Strategies

180. To ensure implementation of the National Land Policy, Government shall:

- (i) Put in place a multi-sectoral committee to lead the implementation process;
- (ii) Establish a Land Policy Implementation Unit to spearhead and coordinate the implementation of the national land policy;
- (iii) Propose a time-table for development of new legislation, review of existing legislation and institutional arrangements in line with the national land policy;
- (iv) Design and strengthen structures for co-ordination of implementation between land related sectors and other sectors;
- (v) Accord priority to the implementation of program components that are key to the revitalization of the land sector; and
- (vi) Define the roles of the Ministry responsible for lands and other actors, such as development partners, private sector, civil society among others.

181. Specific tasks of the National Land Policy Implementation Unit will include, among others:

- (iv) Alliances and partnerships are built amongst stakeholder groups.

8.6 MONITORING, EVALUATION AND REVIEW

188. Successful land policy implementation will enable a faster rate of social and economic transformation. It is important, therefore, that visible mechanisms are put in place to monitor progress and evaluate the effectiveness of the policy statements and strategies in attaining the vision, goal and objectives of the policy. Where necessary, this may lead in some instances to the selective revision of elements of the land policy. This will be based on appropriate and integrated national indicators, established for the economy in general and the land sector in particular.

Policy Statement

189. The Government shall institutionalize a monitoring, evaluation and review framework for the implementation of the National Land Policy.

Strategies

190. To institutionalize a monitoring and evaluation system, Government shall:
- (i) Develop and apply responsive indicators for monitoring and evaluation system;
 - (ii) Develop appropriate tools for policy refinement and review;
 - (iii) Integrate land policy values and principles into the political discourse of Uganda;
 - (iv) Link the Monitoring and Evaluation System to other national level monitoring processes of the National Development Plan; and
 - (v) Define roles and responsibilities of key stakeholders and players in monitoring and evaluation.

191. In order to maintain consistency of the National Land Policy with emerging land issues in the country, Government will:

- (i) Undertake periodic reviews of the land sector performance and the policy by identifying persistent and/or new issues requiring further policy interventions at least every 5 years;
- (ii) Review the National Land Policy at least every ten years;
- (iii) Review the National Land Policy Implementation Action Plan and strategies every 5 years or as necessary; and
- (iv) Create awareness on policy prescriptions for stakeholders of in respect of issues reviewed.

Copies of the policy may be obtained at the Headquarters of the Ministry of Lands, Housing and Urban Development or at such other places as may be directed by the Ministry.



SAVINO KATSIGAIRE
For Permanent Secretary

Ministry of Lands, Housing and Urban Development
Kampala.

General Notice No. 505 of 2013.

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(Under Regulation 5(1))

NOTICE OF APPLICATION FOR REGISTRATION OF COPYRIGHT OR NEIGHBOURING RIGHTS

TAKE NOTICE THAT WAKIKU EDWARD MUZAAYA of 0782-766614, has lodged an application with the Registrar of Copyright, for the registration of Copyright/Neighbouring Rights, for the following works:

1. "FUN LEARNING"
A BOARD GAME.

Any person intending to object to the application for registration of copyright or neighbouring rights may file a letter of objection with this office within 60 days from the date of this notice.

Dated this 13th day of August, 2013.

AGABA GILBERT,
Registrar of Copyright.

[illegible]

J. M. OKOTH – OCHOLA Esq.
For: INSPECTOR GENERAL OF POLICE

9. SOUTH EASTERN

KIIRA REGION

10.

BUSOGA EAST

11.

BUSOGA NORTH

12. EASTERN

ELGON REGION

13.

SIPI

14.

BUKEDI

15. SOUTHERN

GREATER MASAKA

16. CENTRAL EAST

SAVANNAH

17.

SSEZIBWA

18. CENTRAL WEST

WAMALA REGION

KYELEGWA
NTOROKO

KIIRA CENTRAL
KIIRA EAST -KAKIRA
KIIRA NORTH-
BUWENGE

JINJA

IGANGA

IGANGA
NAMAYINGO
BUGIRI
NAMUTUMBA
MAYUGE

KAMULI

KAMULI
BUYENDE
LUUKA

MBALE

KALIRO
MBALE
MANAFA
BUDUDA
SIRONKO

KAPCHORWA

BULAMBULI
KAPCHORWA
KWEEN
BUKWO

TORORO

TORORO
PALISA
KIBUUKU
BUTALEJJA
BUSIA

MASAKA

BUDAKA
MASAKA
LWENGO
KALUNGU
BUKOMANSIMBI
KALANGALA
LYANTONDE
SEMBABULE
RAKAI

LUWERO

LUWERO
NAKASEKE
NAKASONGOLA

BUIKWE (LUGAZI)

LUGAZI (BUIKWE)
KAYUNGA

NJERU DIV

MITYANA

BUVUMA
MITYANA
KIBOGA
KYANKWANZI

General Notice No. 508 of 2013.

THE ADVOCATES ACT, CAP. 267.

NOTICE OF APPLICATION FOR A CERTIFICATE OF
ELIGIBILITY.

IT IS HEREBY NOTIFIED that an application has been presented to the Law Council by Pauline Nansamba who is stated to be a holder of a Bachelor of Laws Degree from Makerere University, Kampala, having been awarded on the 29th day of January, 2008 and a Diploma in Legal Practice awarded by the Law Development Centre on the 31st day of July, 2009, for the issue of a Certificate of Eligibility for entry of her name on the Roll of Advocates for Uganda.

Kampala,
19th August, 2013.

STELLA NYANDRIA,
for Ag. Secretary, Law Council.

General Notice No. 509 of 2013.

THE ADVOCATES ACT, CAP. 267.

NOTICE OF APPLICATION FOR A CERTIFICATE OF
ELIGIBILITY.

IT IS HEREBY NOTIFIED that an application has been presented to the Law Council by Kalule Fredrick Robert who is stated to be a holder of a Bachelor of Laws Degree from Makerere University, Kampala, having been awarded on the 27th day of October, 2005 and a Diploma in Legal Practice awarded by the Law Development Centre on the 16th day of August, 2013, for the issue of a Certificate of Eligibility for entry of his name on the Roll of Advocates for Uganda.

Kampala,
21st August, 2013.

MARGARET APINY,
Ag. Secretary, Law Council.

General Notice No. 510 of 2013.

THE ADVOCATES ACT, CAP. 267.

NOTICE OF APPLICATION FOR A CERTIFICATE OF
ELIGIBILITY.

IT IS HEREBY NOTIFIED that an application has been presented to the Law Council by Kisambira Sentamu Ismail who is stated to be a holder of a Bachelor of Laws Degree from Makerere University, Kampala, having been awarded on the 12th day of October, 2001 and a Diploma in Legal Practice awarded by the Law Development Centre on the 27th day of July, 2007, for the issue of a Certificate of Eligibility for entry of his name on the Roll of Advocates for Uganda.

Kampala,
31st July, 2013.

MARGARET APINY,
Ag. Secretary, Law Council.

General Notice No. 511 of 2013.

THE ADVOCATES ACT, CAP. 267.

NOTICE OF APPLICATION FOR A CERTIFICATE OF
ELIGIBILITY.

IT IS HEREBY NOTIFIED that an application has been presented to the Law Council by Odongo Daniel who is stated to be a holder of a Bachelor of Laws Degree from Makerere University, Kampala, having been awarded on the 6th day of October, 2006 and a Diploma in Legal Practice awarded by the Law Development Centre on the 27th day of July, 2012, for the issue of a Certificate of Eligibility for entry of his name on the Roll of Advocates for Uganda.

Kampala,
16th August, 2013.

STELLA NYANDRIA,
for Ag. Secretary, Law Council.

General Notice No. 512 of 2013.

THE ADVOCATES ACT, CAP. 267.

NOTICE OF APPLICATION FOR A CERTIFICATE OF
ELIGIBILITY.

IT IS HEREBY NOTIFIED that an application has been presented to the Law Council by Nagadya Solome who is stated to be a holder of a Bachelor of Laws Degree from Uganda Christian University, Mukono, having been awarded on the 27th day of June, 2009 and a Diploma in Legal Practice awarded by the Law Development Centre on the 27th day of July, 2012, for the issue of a Certificate of Eligibility for entry of his name on the Roll of Advocates for Uganda.

Kampala,
21st August, 2013.

MARGARET APINY,
Ag. Secretary, Law Council.

General Notice No. 513 of 2013.

THE COMPANIES ACT, LAWS OF UGANDA, 2000.
(Cap. 110).
NOTICE.

PURSUANT to Section 343(3) of the Companies Act, notice is hereby given that unless cause is shown to the contrary to the name of the following company will be struck off the Register after the expiration of three months from the date of publication of this Notice.

KONCEPT AUTO MOBILES LIMITED

Dated at Kampala, this 13th day of August, 2013.

BAGANDA SAMSOM,
Assistant Registrar of Companies.

General Notice No. 514 of 2013.

THE COMPANIES ACT, LAWS OF UGANDA, 2000.
(Cap. 110).
NOTICE.

PURSUANT to Section 343(3) of the Companies Act, notice is hereby given that unless cause is shown to the contrary to the name of the following company will be struck off the Register after the expiration of three months from the date of publication of this Notice.

KONCEPT CONSTRUCTION LIMITED

Dated at Kampala, this 13th day of August, 2013.

BAGANDA SAMSOM,
Assistant Registrar of Companies.

General Notice No. 515 of 2013.

THE COMPANIES ACT, LAWS OF UGANDA, 2000.
(Cap. 110).
NOTICE.

PURSUANT to Section 343(6) of the Companies Act, notice is hereby given that the undermentioned Company's name has been struck off the Register:—

CHINA YONG QIANG METAL SMELTING LIMITED

Dated at Kampala, this 22nd day of August, 2013.

RUTA DARIUS,
Assistant Registrar of Companies.

General Notice No. 516 of 2013.

THE COMPANIES ACT, LAWS OF UGANDA, 2000.
(Cap. 110).
NOTICE.

PURSUANT to Section 343(6) of the Companies Act, notice is hereby given that the undermentioned Company's name has been struck off the Register:—

540 (UGANDA) LIMITED

Dated at Kampala, this 20th day of August, 2013.

RUTA DARIUS,
Assistant Registrar of Companies.

vegetable juices for kitchen use; butter; cream; yoghurts; cheeses; processed cheese processed cheese foods; cottage cheese; sour cream; cream cheese; preparations for making bouillon; potato products, potato flakes, crisps and chips bases on potato; ready-cooked meals made with the above products; milk substitutes; beverages made with milk; desserts made with milk and desserts made with cream; soya milk (milk substitutes); Protein preparations for human consumption; whiteners for coffee and/or tea (cream substitutes); peanut butter; bouillon cubes; stock; broths; pickles; processed nuts; prepared meals containing cheese; processed cheese dips and spreads; vegetable-based spreads and dips; snack mix consisting primarily of processed fruits and nuts; protein-based snack bars.

(73) *Name of applicant*— KRAFT FOODS GLOBAL BRANDS LLC.

(77) *Address*— Three Lakes Drive, Northfield, Illinois 60093, U.S.A.).

(74) C/o. Sipi Law Associates, P.O. Box 4180, Kampala, Uganda.

(22) *Date of filing application*— 17th May, 2012.

(21) APPLICATION NO. 2012/45446 IN PART "A".

(52) Class 30.

(54)

MONDELEZ INTERNATIONAL

(53)

(59)

(64)

(57) *Nature of goods*— Bakery products; dough preparations; snack products in the form of popcorn, crisps as well as snack products based on corn, barley, rye or pastry, Coffee; tea; cocoa; sugar; rice; tapioca; sago; artificial coffee; flour and preparations made from cereals; bread; pastry and confectionery; ices; honey; treacle; yeast; baking-powder; salt; mustard; vinegar; sauces (condiments); spices; ice; cookies; wafers; waffles; biscuits; chocolate; chocolate products; vegetal preparations for use as coffee substitutes; non-medicinal infusions; natural sweeteners; glucose for food; pasta; semolina; dried cereal flakes; cakes; brioches; pancakes; tarts; pies; sugar confectionery; chocolate confectionary; royal jelly for human consumption(not for medical use); aniseed; star aniseed; malt extract for food; flavourings other than essential oils; aromatic preparations for food; dressings for salads; ketchup; mayonnaise; seasonings; thickening agents for cooking foodstuffs; weeds (condiments);spices; preserved garden herbs; ice for refreshment; sandwiches; pizzas; snacks made of rice; spring rolls; sushi; tabbouleh; tortillas; tacos; ready-cooked meals made with the above products; coffee extracts; beverages made with coffee and preparations made with coffee; iced coffee; artificial coffee; artificial coffee extracts; preparations and beverages made with artificial coffee; tea; tea extracts and preparations made with tea; cocoa; preparations and beverages made with cocoa; chocolate; preparations and beverages made with chocolate; sugar; natural sweeteners; malt-based preparations for human consumption; chewing gum, not for medical purposes; caramels; desserts (included in

this class); puddings; ices; water ices; sorbets; frozen confectionery; frozen cakes; ice cream; frozen desserts; powder sand binding agents (included in this class) for making ices and/or water ices and/or sorbets and/or frozen confectionery and/or frozen cakes and/or ice cream and/or frozen desserts; breakfast cereals; muesli; corn flakes; cereal bars; ready-to-eat cereals; pasta, noodles; foodstuffs containing rice, flour or cereals, also in the form of cooked dishes; pasta and ready-to-bake cake dough preparations; soya sauce; products for flavoring or seasoning foodstuffs; horseradish; relishes; barbeque sauces; marshmallows; grain-based snack foods; crackers; flavored and sweetened gelatins; stuffing mixes containing bread; packaged meals consisting primarily of pasta and sauces; cheese sauces.

(73) *Name of applicant*— KRAFT FOODS GLOBAL BRANDS LLC.

(77) *Address*— Three Lakes Drive, Northfield, Illinois 60093, U.S.A.).

(74) C/o. Sipi Law Associates, P.O. Box 4180, Kampala, Uganda.

(22) *Date of filing application*— 17th May, 2012.

(21) APPLICATION NO. 2012/45447 IN PART "A".

(52) Class 35.

(54)

MONDELEZ INTERNATIONAL

(53)

(59)

(64)

(57) *Nature of goods*— Advertising; business management; business administration; office functions; including offering for sale and the sale of goods in the retail and wholesale trade.

(73) *Name of applicant*— KRAFT FOODS GLOBAL BRANDS LLC.

(77) *Address*— Three Lakes Drive, Northfield, Illinois 60093, U.S.A.).

(74) C/o. Sipi Law Associates, P.O. Box 4180, Kampala, Uganda.

(22) *Date of filing application*— 17th May, 2012.

(541) *Representation of Mark*

PROVISIA

(210) APPLICATION NO. 2013/47768 IN PART "A".

(220) *Date of filing application*— 04th July, 2013.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*— Preparations for destroying and combating vermin, insecticides, fungicides, herbicides, pesticides.

(511) *Class*: 5

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*— BASF SE, CARL-BOSCH-STRASSE 38, LUDWIGSHAFEN AM RHEIN GERMANY, Germany Fed. Rep.

(740) *Address for Agent/Representative*—P.O. Box 7026, Kampala, Uganda.

(541) *Representation of Mark***GRATIVA**

(210) APPLICATION NO. 2013/47773 IN PART "A".

(220) *Date of filing application*— 4th July, 2013.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*— Chemicals used in agriculture, horticulture and forestry, especially plant fortifying preparations, chemical and/or biological preparations for stress management plants, plant growth regulating preparations, chemical preparations for treatment of seeds, surfactants, natural or artificial chemicals to be used as sexual baits or agents to confuse insects.(511) *Class*: 1(526) *Disclaimer*(591) *Restriction to Colours*(646) *Association*(731) *Name of applicant and Address*— BASF SE, CARL-BOSCH-STRASSE 38, LUDWIGSHAFEN AM RHEIN GERMANY, Germany Fed. Rep.(740) *Address for Agent/Representative*—P.O. Box 7026, Kampala, Uganda.(750) *Address for Service*— Hunter & Greig Advocates, P.O. Box 7026, Kampala, Uganda.(541) *Representation of Mark***VERRESTA**

(210) APPLICATION NO. 2013/47771 IN PART "A".

(220) *Date of filing application*— 4th July, 2013.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*— Chemicals used in agriculture, horticulture and forestry, especially plant fortifying preparations, chemical and/or biological preparations for stress management plants, plant growth regulating preparations, chemical preparations for treatment of seeds, surfactants, natural or artificial chemicals to be used as sexual baits or agents to confuse insects.(511) *Class*: 1(526) *Disclaimer*(591) *Restriction to Colours*(646) *Association*(731) *Name of applicant and Address*— BASF SE, CARL-BOSCH-STRASSE 38, LUDWIGSHAFEN AM RHEIN GERMANY, Germany Fed. Rep.(740) *Address for Agent/Representative*—P.O. Box 7026, Kampala, Uganda.(750) *Address for Service*— Hunter & Greig Advocates, P.O. Box 7026, Kampala, Uganda.(541) *Representation of Mark***PROVISIA**

(210) APPLICATION NO. 2013/47769 IN PART "A".

(220) *Date of filing application*— 4th July, 2013.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*— Chemicals used in agriculture, horticulture and forestry, especially plant fortifying preparations, chemical and/or biological preparations for stress management in plants, plant growth regulating preparations, chemical preparations for the treatment of seeds, surfactants, natural or artificial chemicals to be used as sexual baits or agents to confuse insects.(511) *Class*: 1(526) *Disclaimer*(591) *Restriction to Colours*(646) *Association*(731) *Name of applicant and Address*— BASF SE, CARL-BOSCH-STRASSE 38, LUDWIGSHAFEN AM RHEIN GERMANY, Germany Fed. Rep.(740) *Address for Agent/Representative*—P.O. Box 7026, Kampala, Uganda.(750) *Address for Service*— Hunter & Greig Advocates, P.O. Box 7026, Kampala, Uganda.(541) *Representation of Mark***MOTT MACDONALD**

(210) APPLICATION NO. 2013/47344 IN PART "A".

(220) *Date of filing application*— 23rd April, 2013.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*— Building and engineering construction, installation, repair, maintenance, modification and refurbishment; construction supervision; construction project planning, research and design and management services, quantity surveying, construction project cost modelling, construction management, inspection and testing, the provision of advice, information and consultancy services relating to the aforesaid services.(511) *Class*: 37(526) *Disclaimer*(591) *Restriction to Colours*(646) *Association*(731) *Name of applicant and Address*— Mott MacDonald Group Limited, Mott MacDonald House, 8/10 Sydenham Road, Croydon, Surrey, CRO 2EE, United Kingdom.(740) *Address for Agent/Representative*—P.O. Box 7026, Kampala, Uganda.(750) *Address for Service*— Hunter & Greig Advocates, P.O. Box 7026, Kampala, Uganda.(541) *Representation of Mark*

(210) APPLICATION NO. 2013/47794 IN PART "A".

(731) *Name of applicant and Address*— LAFARGE, 61 rue des Belles Feuilles, 75116 Paris, France.

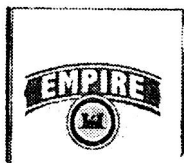
(740) *Address for Agent/Representative*— MMAKS Advocates, 3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala, Uganda.

(750) *Address for Service*—MMAKS Advocates, 3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala, Uganda.

Kampala,
1st August, 2013.

EVA MUDONDO,
Registrar of Trademarks.

(541) *Representation of Mark*



(210) APPLICATION NO. 2013/47780 IN PART "A".

(220) *Date of filing application*— 04th July, 2013.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*— Alcoholic beverages.

(511) *Class*: 33

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address* — BLUE NILE DISTILLERIES (U) LIMITED, P.O. Box 72609, Kampala, Uganda.

(740) *Address for Agent/Representative*— P.O. Box 9400, Kampala, Uganda.

(750) *Address for Service*—J. B. Byamugisha Advocates, P.O. Box 9400, Kampala, Uganda.

(541) *Representation of Mark*



(210) APPLICATION NO. 2013/47844 IN PART "A".

(220) *Date of filing application*— 12th July, 2013.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*— Insurance services.

(511) *Class*: 36

(526) *Disclaimer*—Registration of this Trademark shall give no exclusive use of the words 'ASSURANCE' except as presented in the application.

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address* — LION ASSURANCE COMPANY (U) LIMITED, Plot 50, Windsor Crescent, Kololo, P.O. Box 7658, Kampala, Uganda.

(740) *Address for Agent/Representative*

(750) *Address for Service*— LION ASSURANCE COMPANY (U) LIMITED, Plot 50, Windsor Crescent, Kololo, P.O. Box 7658, Kampala, Uganda.

(541) *Representation of Mark*

SKECHERS

(210) APPLICATION NO. 2013/47668 IN PART "A".

(220) *Date of filing application*— 14th June, 2013.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*— Retail footwear and clothing store services, mail order catalog services featuring footwear and clothing, online retail store services featuring footwear and clothing.

(511) *Class*: 35

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address* — SKECHERS U.S.A., INC. II, a Delaware Corporation, 228 Manhattan Beach Boulevard, Manhattan Beach, California 90266, U.S.A.

(740) *Address for Agent/Representative*—3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala, Uganda.

(750) *Address for Service*— MMAKS ADVOCATES, 3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala, Uganda.

(541) *Representation of Mark*

SKECHERS

(210) APPLICATION NO. 2013/47669 IN PART "A".

(220) *Date of filing application*— 14th June, 2013.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*— Footwear and apparel.

(511) *Class*: 25

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address* — SKECHERS U.S.A., INC. II, a Delaware Corporation, 228 Manhattan Beach Boulevard, Manhattan Beach, California 90266, U.S.A.

(740) *Address for Agent/Representative*—3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala, Uganda.

(750) *Address for Service*— MMAKS ADVOCATES, 3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala, Uganda.

(541) *Representation of Mark*



(210) APPLICATION NO. 2013/48074 IN PART "A".

(220) *Date of filing application*— 19th August, 2013.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*— Construction services.

(511) *Class*: 37

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address* — THOBANI VENTURES LTD., Plot 12 Old Portbell Road, P.O. Box 20028, Kampala, Uganda.

(740) *Address for Agent/Representative*—P.O. Box 4180, Kampala, Uganda.

(750) *Address for Service*— SIPI LAW ASSOCIATES, P.O. Box 4180, Kampala, Uganda.

(541) *Representation of Mark*



(210) APPLICATION NO. 2013/47665 IN PART "A".

(220) *Date of filing application*— 14th June, 2013.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*— Insurance; financial affairs; monetary affairs; real estate affairs.

(511) *Class*: 36

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*— MFS AFRICA LIMITED, Felix House, 24 Dr. Joseph Riviere Street, Port-Lois, Mauritania.

(740) *Address for Agent/Representative*—3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala, Uganda.

(750) *Address for Service*—MMAKS Advocates, 3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala, Uganda.

(541) *Representation of Mark*

SENKOSIMON

(210) APPLICATION NO. 2013/48064 IN PART "A".

(220) *Date of filing application*— 16th August, 2013.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*— Motorcycles and parts.

(511) *Class*: 12

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*— Dura Motors, P.O. Box 7662, Kampala, Uganda.

(740) *Address for Agent/Representative*

(750) *Address for Service*— Dura Motors, P.O. Box 7662, Kampala, Uganda.

(541) *Representation of Mark*



(210) APPLICATION NO. 2013/48050 IN PART "A".

(220) *Date of filing application*— 13th August, 2013.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*— Tobacco.

(511) *Class*: 34

(526) *Disclaimer*— Registration of this mark shall give no right to the exclusive use of the word "NEW" except as presented.

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*— ASHMIN INVESTMENT (U) LTD, PLOT 50 SIR APOLO KAGWA ROAD, P.O. BOX 70774, KAMPALA, UGANDA.

(740) *Address for Agent/Representative*

(750) *Address for Service*— ASHMIN INVESTMENT (U) LTD, PLOT 50 SIR APOLO KAGWA ROAD, P.O. BOX 70774, KAMPALA, UGANDA.

Kampala,

AGABA GILBERT,

13th August, 2013.

Registrar of Trademarks.

(541) *Representation of Mark*

OPERA

(210) APPLICATION NO. 2013/47339 IN PART "A".

(220) *Date of filing application*— 23th April, 2013.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*—Chemicals used in agriculture, horticulture and forestry, especially plant fortifying preparations, chemical and/or biological preparations for stress management in plants, plant growth regulating preparations, chemical preparations for the treatment of seeds, surfactants, natural or artificial chemicals to be used as sexual baits or agents to confuse insects.

(511) *Class*: 1

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*— BASF SE, CARL-BOSCH-STRASSE 38, LUDWIGSHAFEN AM RHEIN GERMANY, Germany Fed. Rep.

(740) *Address for Agent/Representative*—P.O. Box 7026, Kampala, Uganda.

(750) *Address for Service*— Hunter & Greig Advocates, P.O. Box 7026, Kampala, Uganda.

(541) *Representation of Mark*

007 MFT

(210) APPLICATION NO. 2013/47745 IN PART "A".

(220) *Date of filing application*— 02nd July, 2013.

(310) (320) (330) Priority Claim

(510) *Nature of goods/services*— Tires.

(511) *Class*: 12

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*— TITAN INTERNATIONAL INC., 2701 Spruce Street, Quincy 62301, Illinois, U.S.A.

(740) *Address for Agent/Representative*—P.O. Box 4180, Kampala, Uganda.

(750) *Address for Service*— Sipi Law Associates, P.O. Box 4180, Kampala, Uganda.

of precious metals, shoe ornaments of precious metals; shoe horns, compacts, hair brushes and brushes, perfume containers, card holders and card cases, key chains, key rings, money clips, trophies, trays, vases, boxes, candelabra, candlesticks, bar related devices, ice pliers, jiggers, shakers, and corkscrews, napkin holders and napkin rings, babies' pacifiers, rattles and teething rings, picture frames, photo frames, stands for clocks, coffee and tea services, salt and pepper sets, serving pieces, tableware, lighters, candle snuffers, bookmarks, cigarette and cigar cases, all made of precious or semi-precious metals; decorative objects and ornaments, figurines, and works of art made of or using precious or semi-precious metals; cell phone accessory charms; bijoux and costume jewellery.

(511) *Class*: 14

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*— TIFFANY AND COMPANY, 727 Fifth Avenue, New York, New York 10022, New York, U.S.A.

(740) *Address for Agent/Representative*—P.O. Box 7026, Kampala, Uganda.

(750) *Address for Service*—Hunter & Greig Advocates, P.O. Box 7026, Kampala, Uganda.

(541) *Representation of Mark*

MOTT MACDONALD

(210) APPLICATION NO. 2013/47343 IN PART "A".

(220) *Date of filing application*— 23rd April, 2013

(310) (320) (330) *Priority Claim*

(510) *Nature of goods/services*— Building and engineering consultancy; project management, quantity surveying services; asset management; computer software design, development and support services.

(511) *Class*: 42

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*— Mott MacDonald Group Limited, Mott MacDonald House, 8/10 Sydenham Road, Croydon, Surrey, CRO 2EE, United Kingdom.

(740) *Address for Agent/Representative*—P.O. Box 7026, Kampala, Uganda.

(750) *Address for Service*— Hunter & Greig Advocates, P.O. Box 7026, Kampala, Uganda.

(541) *Representation of Mark*

Sieyuan

(210) APPLICATION NO. 2013/47809 IN PART "A".

(220) *Date of filing application*— 5th July, 2013

(310) (320) (330) *Priority Claim*

(510) *Nature of goods/services*— Converters, electric condensers (capacitors), gas testing instruments, gauges, circuit breakers, chocking coils (impedance), variometers, commutation (electric apparatus for-) resistances, electric switches, electric.

(511) *Class*: 9

(526) *Disclaimer*

(591) *Restriction to Colours*

(646) *Association*

(731) *Name of applicant and Address*— Sieyuan Electric Co. Limited, 4399, Jindu Road, Minhang District, Shanghai, Peoples' Republic of China.

(740) *Address for Agent/Representative*—P.O. Box 10969, Kampala, Uganda.

(750) *Address for Service*— Magezi, Ibale & Co. Advocates, P.O. Box 10969, Kampala, Uganda.

Kampala,
19th July, 2013.

JULIET NASSUNA,
Registrar of Trademarks.

ADVERTISEMENTS

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Buruli Block 223 Plot 19, Land at Busolosolo, Kasangalabi Estate, Measuring 22.7 Hectares.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names Eria Bukulu Bafirawala, a Special Certificate of Title, under the above Block and Plot, the duplicate Certificate of Title which was originally issued having been lost.

Bukalasa,
13th August, 2013.

TAYEBWA SAM,
Registrar of Titles—Bukalasa.

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyaggwe Block 208 Plot No. 303.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Kilovesi Tenywa of P.O. Box, a special Certificate, the Title which was originally issued having been lost.

Mukono,
10th July, 2013.

LOUELLA ATARO,
for Commissioner for Land Registration.

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Freehold Register Volume 44 Folio 6 Kyaggwe Block Luwala Estate Plot No. Mengo.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Uganda Tea Corporation Limited of P.O. Box 19, a special Certificate, the Title which was originally issued having been lost.

Mukono,
25th July, 2013.

LOUELLA ATARO,
for Commissioner for Land Registration.

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 84 Plot No. 22.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Aloni Ntanda, Samuel Kizito all of P.O. Box Kampala Administrators of the Estate of the Estate of the Late Aloni Nsubuga. High Court of Uganda at Nakawa Administration Cause No. 565 of 2012 of 26/07/2013, a special Certificate, the Title which was originally issued having been lost.

Kampala, **KABIRA AISHA,**
26th July, 2013. *for Commissioner for Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Rubaga Division Block 14 Plot No. 838, Land at Mengo.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Catherine Nakimbugwe of P.O. Box 8228, a special Certificate, the Title which was originally issued having been lost.

Kampala, **KARUHANGA JOHN,**
26th August, 2013. *for Commissioner for Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Gomba Block 213 Plot No. 11, Land at Nakabontonga.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Christopher Sempala of P.O. Box Kanoni, Sabawali, Gomba, a special Certificate, the Title which was originally issued having been lost.

Kampala, **NICHOLAS WAMBOGA,**
23rd August, 2013. *for Commissioner for Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Busiro Block 74 Plot 1, Land at Mutungo.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names Yozefu Salongo Matovu, a special Certificate of Title which was originally issued having been lost.

Kampala, **DDAMULIRA AHMED,**
23rd August, 2013. *for Commissioner for Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Freehold Volume 2225 Folio 22, Land at Zana.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names Margaret Senninde, a special Certificate of Title which was originally issued having been lost.

Kampala, **DDAMULIRA AHMED,**
22nd August, 2013. *for Commissioner for Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Busiro Block 465 Plot 25, Land at Namangulu.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names Fatuma Bagambani, a special Certificate of Title which was originally issued having been lost.

Kampala, **DDAMULIRA AHMED,**
21st August, 2013. *for Commissioner for Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Busiro Block 465 Plot 5, Land at Namangulu.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names Prossy Nawemuko, a special Certificate of Title which was originally issued having been lost.

Kampala, **DDAMULIRA AHMED,**
21st August, 2013. *for Commissioner for Land Registration.*

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Busiro Block 471 Plot 3, Land at Jandira.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names Kkonde Edric Kyeyune of P.O. Box 6392, Kampala, a special Certificate of Title which was originally issued having been lost.

Kampala, **DDAMULIRA AHMED,**
20th August, 2013. *for Commissioner for Land Registration.*

IN THE CHIEF MAGISTRATE'S COURT OF
MUKONO AT MUKONO

ADMINISTRATION CAUSE No. 203 OF 2013

IN THE MATTER OF THE ESTATE OF THE LATE
LUIJI DRAPARI KAMURE FORMERLY OF NYIIZE
TRADING CENTRE, KANGULUMIRA SUB-
COUNTY, KAYUNGA DISTRICT
AND

IN THE MATTER OF AN APPLICATION FOR
LETTERS OF ADMINISTRATION BY JESSICA
ASERU & OBIZA VERU KAMURE, CHANDIRU
EUNICE OF KONKO B. L.C.I, WAKISI SUB-
COUNTY, MUKONO DISTRICT

NOTICE OF APPLICATION

TO WHOM IT MAY CONCERN;

TAKE NOTICE that an application for Letters of Administration to the estate of the **LATE LUIJI DRAPARI KAMURE** formerly of Nyiize Trading Centre, Kangulumira Sub-county, Kayunga District has been lodged in this Court **OBIZA VERU KAMURE, JESSICA ASERU & CHANDIRU EUNICE** (Brother, Widow & Daughter) to the deceased.

This Court will proceed to grant the same if no caveat is lodged with this Court within fourteen (14) days from the date of publication of this Notice, unless cause be shown to the contrary.

Dated at Mukono, this 19th day of July, 2013.

.....
Chief Magistrate.

IN THE CHIEF MAGISTRATES COURT AT
NAKAWA

PROBATE AND ADMINISTRATION CAUSE No. 66
OF 2013

IN THE MATTER OF THE ESTATE OF THE LATE
BETTY MAINA (DECEASED)

AND

IN THE MATTER OF AN APPLICATION FOR
LETTERS OF ADMINISTRATION/PROBATE IN
RESPECT OF THE ESTATE BY MR. JAMES BILLY
MUNIALO (BROTHER) AND MR. EMMANUEL
LAZARUS RWAMUTWE (SON)

NOTICE OF APPLICATION

THE ADMINISTRATION OF ESTATES (SMALL
ESTATES) (SPECIAL PROVISIONS) (PROBATE
AND ADMINISTRATION)

TO WHOM IT MAY CONCERN:

TAKE NOTICE THAT an application for grant of Probate/Letters of Administration to the estate of the Late **BETTY MAINA** has been lodged in this Court by **JAMES BILLY MUNIALO** (brother of the deceased) and **EMMANUEL LAZARUS RWAMUTWE** (son of the deceased).

This Court will proceed to grant Probate/Letters of Administration if no caveat is lodged with this Court, within fourteen (14) days from the date of publication of this notice, unless cause be shown to the contrary.

Dated at Nakawa, this 9th day of July, 2013.

.....
Chief Magistrate.

IN THE MATTER OF THE BIRTHS AND DEATHS
REGISTRATION ACT, CAP. 309

DEED POLL



Know ye all men that BY this Deed Poll made this 7th day of August, 2013, I the undersigned until now known by the names of **NABABI SARAH** of P.O. Box 28321, Kampala, a citizen of the Republic of Uganda by birth and descent holding Passport No. UG038637 for and on my behalf do solemnly swear

and make this deed poll and absolutely wholly renounce, relinquish, abandon and discard the use of my former name **NABABI SARAH** and in lieu thereof retain/adapt the name of **NABABI ANNET** so that I may thereafter be called and known as **NABABI ANNET** and; For purpose of evidence of such determination I declare that I shall at all material times hereafter in all records, deeds, and writing and in all proceedings, acts, dealings and transactions public or private whatsoever and upon all occasion use and sign the names of **NABABI ANNET** accordingly.

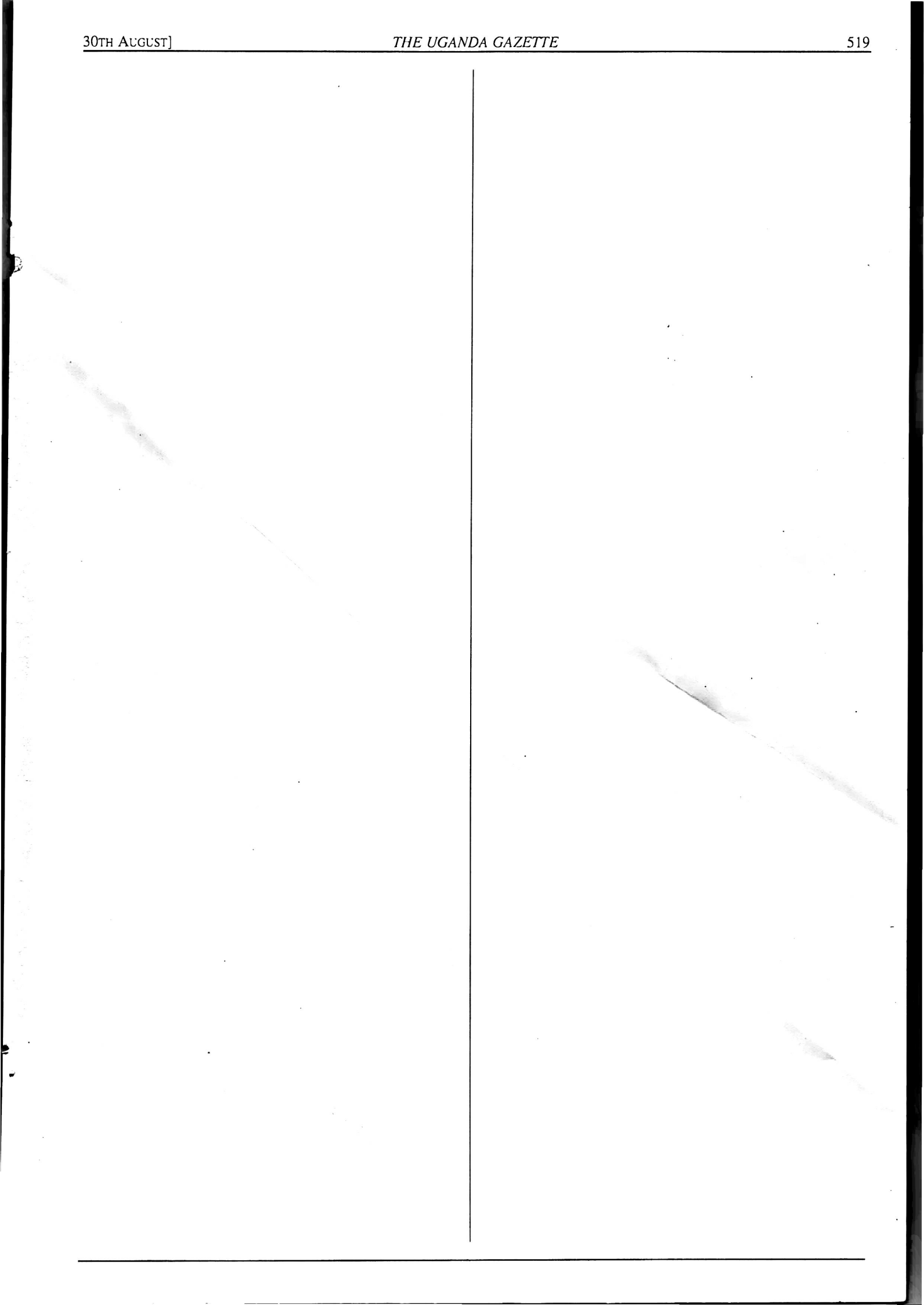
However, all documents, instruments and writings whatever preceding this deed poll bearing the above mentioned former names shall remain valid and I expressly here now and henceforth authorise and request all persons at all times hereafter to designate, describe and address me by such names of **NABABI ANNET** accordingly.

In witness whereof, I hereunto sign, substitute and subscribe for my former names **NABABI SARAH** my retained names of **NABABI ANNET**.

Signed and delivered by the above named formerly as **NABABI SARAH** and now known as **NABABI ANNET** (renounce) this 7th day of August, 2013.

NABABI ANNET

Nababi Annet



STATUTORY INSTRUMENTS SUPPLEMENT
to The Uganda Gazette No. 43 Volume CVI dated 30th August, 2013
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S T A T U T O R Y I N S T R U M E N T S

2013 No. 36.

THE INSOLVENCY REGULATIONS, 2013.

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S T A T U T O R Y I N S T R U M E N T S

2013 No. 36.

The Insolvency Regulations, 2013.

(Under section 260 of the Insolvency Act, 2011, Act No. 14 of 2011).

IN EXERCISE of the powers conferred on the Minister responsible for justice by section 260 of the Insolvency Act, 2011, these Regulations are made this 13th day of June, 2013.

PART I—PRELIMINARY

1. Title.

These Regulations may be cited as the Insolvency Regulations, 2013.

2. Application

These Regulations do not apply to cross-border insolvency under Part IX of the Act

3. Interpretation.

In these Regulations, unless the context otherwise requires—

“Act” means the Insolvency Act, 2011;

“bond” has the same meaning as “security”;

“company” means a company incorporated under the Companies Act, 2012;

“contributory” means every person liable to contribute to the assets of a company in the event of its being wound up, and for the purposes of all proceedings for determining, and all proceedings prior to the final determination of, the persons who are to be deemed contributories, includes any person alleged to be a contributory;

“date of insolvency” means—

- (a) the date of the bankruptcy order, in case of bankruptcy;
- (b) the date of commencement of administration, in case of companies in administration; or
- (c) the date of commencement of liquidation, in the case of companies in liquidation;

“estate” or “insolvent’s estate” means—

- (a) in relation to an insolvent company, the company’s assets; and
- (b) in relation to a bankruptcy, the bankrupt’s estate or, as the case may be, a debtor’s property;

“insolvency practitioner” means an insolvency practitioner under the Act;

“insolvency proceedings” or “proceedings” means proceedings under the Act or these Regulations;

“insolvent” means, as the case may be, a bankrupt, a company in administration or a company in liquidation;

“insolvent’s assets” means all assets comprised in the insolvent’s estate together with any monies provided by a third party for the payment of the insolvent’s debts or the costs and expenses of administering the insolvent’s estate;

“Minister” means the Minister responsible for justice;

“office-holder” means, in relation to insolvency proceedings, any person who acts as an insolvency practitioner;

“official receiver” means the official receiver appointed under section 198 of the Act;

“petition” includes a creditor’s petition for bankruptcy, a debtor’s petition for bankruptcy or a petition for the liquidation of a company;

“petitioner” in winding up and bankruptcy, includes any person who has been substituted as a petitioner;

“proxy” is an authority given by a person, “the principal” to another person (“the proxy-holder”) to attend a meeting and speak and vote as that person’s representative;

“registrar” means the registrar of companies as defined in the Companies Act, 2012;

“provisional office holder” means—

- (a) in the case of bankruptcy, the official receiver acting as interim receiver;
- (b) in the case of companies in administration, the provisional administrator; and
- (c) in the case of companies in liquidation, the provisional liquidator;

“public notice” means a notice given in accordance with section 256 of the Act;

“security” or “professional indemnity” means a professional liability insurance taken out by an insolvency practitioner in respect of potential liabilities to the insolvent and third parties arising out of acting as an insolvency practitioner.

Statutory demands.

4. Form and content of a statutory demand.

(1) A statutory demand shall be in made by the creditor and shall be in **Form 1** in Schedule 1.

(2) A statutory demand shall specify—

- (a) the amount of the debt owed and in the case of a debt arising out of a judgment or order of a court, the details of the judgment or order;
- (b) how the debtor may comply with the statutory demand;
- (c) where the debt is secured, the nature of the security;
- (d) whether and how the debtor may compound the debt or give a charge over property to secure the debt;
- (e) that, if the debtor does not comply with the demand within the time specified in section 4 (2)(e) of the Act, insolvency proceedings may be commenced against the debtor; and
- (f) the right of the debtor to apply to the court to set aside the statutory demand.

5. Service of statutory demand.

(1) Subject to sub regulation (2) a statutory demand shall be served personally on the debtor.

(2) Where the debtor cannot be found, the demand may be served on the debtor—

- (a) at the registered office or place of business of the debtor;
- (b) by sending it to the address of the debtor by registered mail;
- (c) by serving the legal representative of the debtor, if known;
- (d) in any other manner determined by the court.

(3) Proof of service of a statutory demand shall be by an affidavit of service stating the time and manner of service.

6. Application to set aside statutory demand.

(1) An application to set aside a statutory demand under section 5 of the Act shall be made by motion.

(2) An application under sub regulation (1) shall be served on the creditor.

(3) Where a debtor applies to the court to set aside a statutory demand, the debtor is not required to comply with the demand until the court has determined the application.

PART III—BANKRUPTCY.

Debtor's petition for bankruptcy

7. Petition for bankruptcy by a debtor.

A debtor may petition the court for his or her bankruptcy where the debtor—

- (a) has been served with a statutory demand and is unable to comply with the demand; or
- (b) is unable to pay his or her debts.

8. Form and content of debtor's petition.

A petition by the debtor shall be in **Form 2** in Schedule 1 and shall state—

- (a) the name, address and occupation of the debtor;
- (b) where applicable, the nature of business, and the business address and whether the debtor carries on business alone or with others;
- (c) that the petitioner is unable to pay his or her debts, and requests the court to make a bankruptcy order against the debtor;
- (d) whether, within the period of five years ending with the date of the petition, the petitioner—
 - (i) has been adjudged bankrupt;
 - (ii) has made a composition with his or her creditors in satisfaction of his or her debts;
 - (iii) has entered into an arrangement with his or her creditors.

Creditor's petition for bankruptcy

9. Form and content of creditor's petition.

(1) Where a debtor fails to satisfy a statutory demand and the debtor has not applied to court to extend the time within which to comply with the demand, a creditor may petition the court to make a bankruptcy order in respect of the debtor.

(2) The petition shall be in **Form 3 in Schedule 1** and shall state—

- (a) the name, address and occupation of the debtor;

- (b) where applicable, the nature of business, and the business address and whether the debtor carries on business alone or with others;
- (c) the amount of the debt;
- (d) the consideration for the debt, how the debt is owed to the petitioner and when the debt was incurred or became due;
- (e) that the debtor has failed to comply with a statutory demand;
- (f) the date and manner of service of the statutory demand;
- (g) whether, to the best of the creditor's knowledge and belief—
 - (i) the statutory demand has not been complied with;
 - (ii) the statutory demand has not been set aside;
 - (iii) there is no application to extend the time to comply with the statutory demand or to set it aside;
- (h) where the debt is arising under a judgement or order of the court and execution has been returned unsatisfied, the court from which the execution or other order was issued and particulars relating to the judgement or order.

General Provisions relating to petitions for bankruptcy

10. Affidavit supporting petition.

- (1) Every petition shall be supported by an affidavit.
- (2) The affidavit shall be sworn, in the case of—
 - (a) an individual, by the petitioner, or by one of the petitioners, where there is more than one;

- (b) a company, by a director, secretary or a person authorised by the company.

11. Service of petition.

(1) A debtor's petition shall be served on every known creditor of the debtor.

(2) A creditors petition shall be served personally on the debtor by an officer of court or a person authorised by the court.

(3) Service of a creditor's petition shall be effected by delivering a copy of the petition sealed by the court to the debtor.

(4) Where the debtor cannot be found, the petition may be served—

- (a) by leaving it at the registered office or place of business of the debtor;
- (b) by sending it to the address of the debtor by registered mail;
- (c) by serving the legal representative of the debtor;
- (d) in any other manner authorised by the court.

12. Death of debtor before service.

Where a debtor dies before a creditor's petition has been served upon him or her, the court may order service to be effected on the debtor's personal representatives.

13. Publication of notice of petition.

(1) A debtor or petitioning creditor shall within seven working days after filing the petition give public notice of the petition.

(2) The public notice shall be in **Form 4 in Schedule 1**.

14. Reply to the petition by debtor.

(1) A debtor may reply to the petition or file a cross petition within fifteen working days after the date of service of the petition.

(2) The reply to the petition or cross petition shall be supported by an affidavit setting out the grounds upon which the debtor opposes the petition or the grounds of the cross petition.

(3) The reply to the petition or cross petition shall be served on the petitioner in accordance with regulation 11.

15. Notice by persons intending to appear.

(1) Every creditor who wishes to be heard on the petition shall within five days after the publication of the notice of the petition give to the debtor or petitioning creditor notice of his or her intention.

(2) The notice shall be in **Form 5 in Schedule 1** and shall specify—

- (a) the name, address and contact details of the person giving it;
- (b) the amount and nature of the debt claimed by the person;
- (c) whether his or her intention is to support or oppose the petition.

(3) A person who does not give notice under this regulation may appear and be heard at the hearing of the petition only with the leave of court.

16. List of appearances.

(1) The petitioner shall prepare for the court a list of the creditors and their advocates, if any, who have given notice under regulation 14, specifying their names and addresses.

(2) The list shall be in **Form 6** in Schedule 1 and shall be submitted to the court before the hearing.

(3) The petitioner shall, against the name of each creditor on the list, indicate whether the intention of the creditor is to support the petition, or to oppose it.

17. Hearing of petition.

(1) At any time after the expiry of the time for filing a reply to the petition or a cross petition, the court may, set down the petition for hearing.

(2) For the purposes of this regulation, the petitioner shall take out a hearing notice which he or she shall serve on—

- (a) the debtor;
- (b) every creditor who has given notice of intention to appear and be heard under regulation 15;
- (c) the official receiver.

18. Consolidation of petitions.

Where two or more bankruptcy petitions are presented against the same debtor, the court may order the consolidation of the proceedings, on such terms as it thinks just.

19. Non-appearance of petitioner.

(1) Where the petitioner does not appear at the hearing of the petition, the court may dismiss the petition for want of prosecution.

(2) Where the court dismisses a petition under this regulation, no subsequent petition against the same debtor, shall be presented by the petitioner in respect of the same debt, without the leave of court.

20. Substitution of petitioner.

Where the petitioner does not appear on the day fixed for the hearing of the petition the court may, on such terms as it thinks just, order that the petitioner is substituted with any other creditor who—

- (a) has given notice of his or her intention to appear at the hearing;
- (b) is present in court on the date on which the petition is fixed for hearing;

- (c) is in the same position in relation to the debtor as would have enabled the creditor on that date to present a bankruptcy petition in respect of a debt owed to him or her by the debtor; and
- (d) is desirous of prosecuting the petition.

Statement of affairs.

21. Statement of affairs.

(1) Where a petition for bankruptcy, has been presented to the court, the court shall require the debtor to file his or her statement of affairs with the court.

(2) For the purposes of sub regulation (1), in the case of a debtor's petition, the debtor's statement of affairs shall be filed with the petition.

(3) The statement of affairs shall be in **Form 7 in Schedule 1** and shall contain the following—

- (a) personal details of the debtor;
- (b) details of the debtor's employment;
- (c) details of the debtor's business interests;
- (d) whether the debtor has entered into an individual voluntary arrangement with his or her creditors;
- (e) whether the debtor has been bankrupt before;
- (f) a list of the debtor's assets, divided into such categories as are appropriate for easy identification, with estimated values assigned to each category;
- (g) in the case of any property on which a claim against the debtor is wholly or partly secured, particulars of the claim and its amount, and of how and when the security was created;

- (h) the names and addresses of the debtor's preferential creditors with the amounts of their respective claims;
- (i) the names and addresses of the unsecured creditors, with the amounts of their respective claims.

(4) The debtor shall within seven working days after filing a statement of affairs with the court, serve a copy of the statement on the official receiver.

Public examination of debtor

22. Order for public examination.

(1) Where the court makes an order under section 22 of the Act for the public examination of a debtor, the petitioner shall serve a copy of the court's order on the official receiver.

(2) The petitioner shall using **Form 8 in Schedule 1**, give at least fourteen working days' notice of the public examination—

- (a) if a trustee has been appointed, to the trustee;
- (b) if a special manager has been appointed, to the special manager; and
- (c) subject to any contrary direction of the court, to every creditor of the debtor who has given notice of his or her intention to appear and be heard on the petition.

23. Application where a debtor is unfit for public examination.

An application for an order, where the debtor is unfit to undergo public examination under section 22 (10) of the Act may be made by the debtor or his or her legal representative or by the official receiver and shall be supported by an affidavit verifying the grounds of the application.

Bankruptcy order

24. Bankruptcy order.

(1) After the public examination of the debtor or where the court dispenses with the public examination and upon hearing the petition, the court may make a bankruptcy order if satisfied that the debtor is unable to pay his or her debts, or has failed to satisfy a statutory demand or a judgment debt.

(2) A bankruptcy order shall—

- (a) declare the debtor bankrupt;
- (b) state the date of the presentation of the petition and the date and time of the order;
- (c) appoint the official receiver as interim receiver for the preservation of the estate of the bankrupt;
- (d) require the bankrupt to attend on the official receiver and give the official receiver such inventory of the bankrupt's estate and such other information, as the official receiver may reasonably require;
- (e) stay all proceedings, execution or other legal process against the bankrupt.

(3) The petitioner shall serve a copy of the bankruptcy order on the official receiver, who shall send one copy to the bankrupt.

25. Public notice of bankruptcy

(1) The official receiver shall within fourteen working days after receipt of the bankruptcy order, give public notice of the order declaring the person named in the order bankrupt.

(2) The notice shall be in **Form 9 in Schedule 1**.

26. First meeting of creditors.

(1) The official receiver shall within fourteen working days after receipt of the bankruptcy order call the first meeting of creditors.

(2) The public notice calling the meeting shall be in **Form 10 in Schedule 1**.

(3) The official receiver shall chair the first meeting of creditors.

(4) The creditors may appoint the official receiver as trustee or two or more insolvency practitioners as joint trustees.

27. Report of first creditors meeting.

The official receiver shall make a report to the court of the proceedings of the first creditor's meeting which shall include the following—

- (a) the person appointed trustee; and
- (b) the list of creditors or representatives of the creditors who attended the meeting specifying their names and addresses.

28. Creditors meetings.

At any other meeting of the creditors, the creditors may—

- (a) appoint a committee of inspection;
- (b) specify the terms on which the trustee is to be remunerated;
- (c) discuss any other matter of relevance to the management of the estate of the bankrupt.

29. General power to call meetings.

(1) The official receiver or the trustee may at any time call and conduct a meeting of creditors for the purpose of ascertaining their wishes in any matter relating to the bankruptcy or the estate of the bankrupt.

(2) The official receiver or trustee shall call a creditors meeting if requested by one third of the creditors.

(3) The official receiver or trustee shall give at least fourteen working days notice of the meeting to the creditors and the bankrupt using **Form 11 in Schedule 1**.

30. Chairperson at a meeting of creditors.

The creditors participating in a meeting of creditors other than the first meeting shall choose from amongst themselves a person to chair the meeting.

31. Attendance of creditors meeting by bankrupt

A bankrupt may attend a creditors meeting and take part in the deliberations of the meeting but shall have no right to vote.

32. Entitlement to vote.

(1) At a meeting of creditors a person is entitled to vote as a creditor if the person has submitted to the official receiver or trustee proof of the debt claimed from the bankrupt.

(2) The court may allow a creditor or any class of creditors to vote at a creditors meeting, without proving their debts.

33. Decisions at creditors meeting.

At a meeting of creditors, decisions shall be made by a resolution passed by a majority, of those present and voting.

Trustee in bankruptcy.

34. Appointment of trustee.

(1) The creditors shall at their first meeting appoint a trustee.

(2) A person shall not be appointed trustee unless that person is an insolvency practitioner.

35. Form of notice of appointment of trustee.

The public notice required under section 26 of the Act, shall be given by a person appointed trustee within five working days after the appointment and shall be in **Form 12** in Schedule 1.

36. Vesting bankrupt's estate in trustee.

(1) Upon the appointment of a trustee, the estate of the bankrupt shall vest in the trustee in accordance with section 27 (1) of the Act.

(2) Upon the appointment of a trustee, the trustee shall collect, realize and distribute the estate of the bankrupt in accordance with section 29 of the Act.

Disclaiming onerous property.

37. Disclaiming onerous property.

(1) A trustee disclaiming property under section 35 of the Act, shall give public notice disclaiming the property in **Form 13 in Schedule 1**.

(2) Within fourteen working days after publishing the notice, the trustee shall file a copy of the notice with the court.

(3) A copy of the notice shall be given to the official receiver and the company.

(4) Within seven working days after publication of the notice, the trustee shall send or give copies of the notice—

- (a) where the property disclaimed is of a leasehold nature, to every person who, to the trustee's knowledge, claims under the company as lessee or mortgagee;
- (b) where the property is a dwelling-house, to every person who, to the trustee's knowledge is in occupation of, or claims a right to occupy, the house;
- (c) in every other case, to every person who to the trustee's knowledge claims an interest in the disclaimed property;

- (d) where the disclaimer is of an unprofitable contract, to all persons who are parties to the contract or who to the trustee's knowledge have interests under the contract.

38. Application to the court to vest disclaimed property.

(1) An application to the court to vest disclaimed property in a person under section 35(4) (a) of the Act shall be by motion.

(2) The application shall be made within thirty working days from the date of publication of the notice disclaiming the property.

Property acquired by bankrupt after commencement of bankruptcy

39. Notice of property acquired after commencement of bankruptcy.

(1) The notice of property acquired by, or devolving upon, the bankrupt or of any increase in the bankrupt's income which is required to be given by the bankrupt to the trustee under section 32(5) of the Act, shall be given within twenty one working days after the acquisition, devolving or increase.

(2) The notice shall be in **Form 14 in Schedule 1**.

Resignation or removal of trustee

40. Resignation of trustee.

(1) A trustee may resign from office by giving at least fourteen working days notice in writing to the official receiver, the bankrupt and the creditors.

(2) The notice of resignation shall be accompanied by an account of the trustee's administration of the estate of the bankrupt.

41. Meeting of creditors upon resignation of trustee.

(1) The official receiver shall within fourteen working days after receipt of the notice of resignation of the trustee call a meeting of creditors.

(2) The creditors may in accordance with regulation 26 appoint another insolvency practitioner as trustee.

(3) A person appointed trustee shall in accordance with regulation 35 give notice of the appointment.

42. Removal of trustee by the court.

An application for removal of a trustee under section 52 of the Act, shall be by motion.

43. Death of trustee.

The official receiver shall within fourteen working days after becoming aware of the death of the trustee call a meeting of creditors.

44. Loss of qualification as insolvency practitioner.

(1) A person appointed trustee shall vacate office if that person ceases to be qualified to act as an insolvency practitioner.

(2) Where a trustee vacates office upon ceasing to be qualified to act as an insolvency practitioner, the trustee vacating office shall within seven working days give notice of vacating office to the official receiver.

45. Trustee's duties on vacating office.

Where a trustee ceases to be in office due to removal, resignation or ceasing to be qualified as an insolvency practitioner, the trustee shall as soon as reasonably practicable deliver up to the official receiver—

- (a) the assets of the estate, after deduction of any expenses properly incurred, and distributions made, by the trustee;
- (b) the records of the bankruptcy, including correspondence, proofs and other related papers relating to the bankruptcy; and
- (c) financial statements and accounts relating to the estate or bankruptcy.

46. Progress reports to creditors.

(1) A trustee shall report to the creditors on the progress of the bankruptcy.

(2) The trustee shall initially report to the creditors three months after the appointment of the trustee and after that every six months.

(3) Every progress report shall include—

- (a) the bankrupt's name and address;
- (b) the title of the court proceedings;
- (c) full details of the trustee's name and address and date of appointment;
- (d) details of the progress, including expenses of the bankruptcy, receipts or payments;
- (e) details of any assets that remain to be realised;
- (f) a statement on the trustee's remuneration;
- (g) any other information required by the creditors or which in the opinion of the trustee is relevant.

(4) This regulation does not apply to the official receiver where the official receiver is acting as interim trustee.

47. Final report and release of trustee.

(1) A trustee's final report to the official receiver made under section 49 (5) of the Act shall include—

- (a) a summary of receipts and payments, including details of remuneration charged and expenses incurred by the trustee; and
- (b) all final bankruptcy accounts.

(2) Where the court annuls, revokes or sets aside a bankruptcy order under section 44 of the Act, the person appointed trustee shall within thirty working days make a report to the official receiver, containing the matters specified in sub regulation (1).

(3) On receipt of the report by the official receiver under sub regulation (1) or (2), the trustee shall subject to sub regulation (4) be released from his or her duties as, and any liability as a trustee.

(4) Where the official receiver is not satisfied with the final report of the trustee, the trustee shall not be released from any liability as trustee.

Committee of inspection

48. Membership of committee of inspection.

(1) A committee of inspection shall consist of at least three and not more than five members.

(2) A person claiming as a creditor is entitled to be a member of the committee of inspection where—

- (a) that person has lodged a proof of debt and the proof is not rejected for the purpose of distribution or payment of dividends; and
- (b) the debt is not fully secured.

49. Notice to trustee of appointment of committee.

(1) Where the chairperson of the creditors' meeting which resolves to appoint a committee of inspection is not the trustee, the chairperson shall as soon as practicable give notice of the resolution to the trustee.

(2) The trustee shall within fourteen working days after the appointment of a committee of inspection notify the official receiver of the appointment.

50. Chairperson at meetings of committee of inspection.

At the first meeting of the committee of inspection, the committee shall elect a chairperson.

51. Quorum.

The quorum for a meeting of the committee is three members.

52. Expenses of committee.

A trustee shall defray out of the estate, in the prescribed order of priority, any reasonable travelling expenses directly incurred by members of the committee of inspection in respect of their attending the committee's meetings or to the business of the committee.

Special manager

53. Appointment and remuneration.

(1) An application made by a trustee or interim receiver under section 28 of the Act for the appointment of a special manager shall be made by notice of motion supported by an affidavit setting out the reasons for the application.

(2) The affidavit shall include the applicant's estimate of the value of the estate, property or business in respect of which the special manager is to be appointed.

(3) The order appointing a special manager shall specify the duration of the appointment, which may be for a period of time, or until the occurrence of a specified event.

(4) The remuneration of the special manager shall be fixed by the court.

54. Special manager to account to trustee or interim receiver.

(1) A special manager shall be accountable to the trustee or interim receiver and shall produce accounts, containing details of all the receipts and payments, for the approval of the trustee or interim receiver.

(2) The accounts shall be produced at intervals of three months for the duration of the special manager's appointment, or for a lesser period, if his or her appointment terminates less than three months from the date of appointment.

(3) Upon approval, the receipts and payments of the special manager shall form part of the accounts of the trustee or interim receiver.

55. Termination of appointment of special manager.

During the term of the special manager, a trustee or the interim receiver may apply to the court to terminate the appointment of the special manager where maintaining a special manager is no longer necessary or profitable for the estate.

Payment of remuneration and expenses

56. Order of paying remuneration and expenses.

For the purposes of section 12 (4) (a) of the Act, the remuneration and expenses of the bankruptcy are payable out of the estate in the following order of priority—

- (a) where a bankruptcy order is made on a debtor's petition and there is at the time of the petition in force for the debtor a voluntary arrangement under Part V of the Act, any expenses properly incurred as expenses of the administration of the arrangement;
- (b) the expenses or costs which are properly chargeable or incurred by the official receiver or the trustee in preserving, realizing or getting in any of the assets of the bankrupt or otherwise relating to the conduct of any legal proceedings which the official receiver or trustee institutes or defends;

- (c) any other expenses incurred or disbursements made by the official, including those incurred or made in carrying on the business of a debtor or bankrupt;
- (d) the costs of the petitioner or any person appearing on the petition whose costs are allowed by the court;
- (e) the remuneration of the special manager, where applicable;
- (f) any amount payable to a person employed or authorized to assist a debtor in the preparation of a statement of affairs or of accounts;
- (g) any necessary disbursements made by the trustee in the course of administration, including any expenses incurred by the committee of inspection;
- (h) the remuneration or emoluments of any person, including the bankrupt, who has been employed by the trustee to perform any services for the estate, as required or authorized by or under the Act or these Regulations;
- (i) the remuneration of the trustee; and
- (j) any other expenses properly chargeable by the trustee in carrying out the functions of trustee in the bankruptcy.

Annulment, revocation or setting aside of bankruptcy order

57. Application for annulment, revocation or setting aside a bankruptcy order.

(1) An application to the court under section 44(1) of the Act to annul, revoke or set aside a bankruptcy order shall be made by the person against whom the order is made or a creditor.

(2) The application shall be made by motion and shall be supported by an affidavit specifying the grounds on which the application is made.

(3) A copy of the application shall be served on the official receiver, the debtor and the trustee.

(4) The court may before determining the application hear the official receiver, trustee or the debtor where the application is not made by the debtor.

(5) The court may, at any time before determining an application for an order to annul, revoke or set aside a bankruptcy order, stay all or any part of the proceedings of the trustee, special manager or receiver in respect of the bankrupt's estate.

58. Notice of annulment, revocation or setting aside of bankruptcy order.

(1) Where the court annuls, revokes or sets aside a bankruptcy order, the person against whom the bankruptcy order is made or the person who applies to the court to annul, revoke or set aside the order shall within fourteen working days of the making of the order, give notice of the order to—

- (a) the trustee;
- (b) the official receiver;
- (c) the creditors;
- (d) the person against whom the bankruptcy order is made, where that person did not apply for the annulment, revocation or setting aside.

(2) The notice shall be in **Form 15 in Schedule 1** and shall state—

- (a) the name of the person against whom the bankruptcy order was made;
- (b) the date on which the bankruptcy order is made;

- (c) that the bankruptcy order against that person has been annulled, revoked or set aside; and
- (d) the date of the annulment, revocation, or setting aside.

Discharge

59. Application by bankrupt for discharge.

(1) An application by a bankrupt for discharge under section 42 of the Act shall be made by notice of motion supported by an affidavit.

(2) A copy of the application shall be served on the official receiver, the trustee and every creditor with an unsatisfied claim against the estate.

(3) The court may before determining the application hear the official receiver, trustee or a creditor on the application.

60. Report of official receiver.

(1) The official receiver shall within twenty one working days after service of an application for discharge, make a report to the court containing the following information in respect of the bankrupt—

- (a) how the bankrupt has complied with his or her obligations under the Act;
- (b) the final report of the trustee containing-
 - (i) a summary of receipts and payments, including details of remuneration charged and expenses incurred by the trustee; and
 - (ii) all final bankruptcy accounts;
- (c) the extent to which, in the present and in any previous bankruptcy, the bankrupt's liabilities have exceeded his or her assets;

- (d) any other matters which in the opinion of the official receiver, ought to be brought to the attention of the court.

(2) The official receiver shall within seven working days after filing the report with the court, serve a copy of the report on the trustee and the bankrupt.

61. Certificate of discharge.

Where the court makes an order discharging the bankrupt, the court shall issue to the bankrupt a certificate of discharge in **Form 16 in Schedule 1**.

62. Notice of discharge.

(1) The bankrupt shall serve a copy of the order of discharge on the official receiver.

(2) The official receiver shall within fourteen working days after receipt of the order discharging a bankrupt, give public notice of the order discharging the bankrupt.

(3) The notice shall state—

- (a) the name of the former bankrupt;
- (b) the date on which the bankruptcy order is made;
- (c) that a certificate of discharge has been issued;
- (d) the date of the certificate; and
- (e) the date from which the discharge is effective.

(4) The discharged bankrupt shall meet the costs of publishing the notice.

Interim protective order.

63. Application for interim protective order.

(1) An application to the court for an interim protective order under section 119 of the Act shall be made by summons in chambers.

(2) The applicant shall within seven working days after filing the application serve a copy of the application on—

- (a) the trustee, where the debtor is an undischarged bankrupt;
- (b) the proposed supervisor;
- (c) the debtor, where the applicant is a trustee.

64. Hearing of application.

(1) At any time after filing the application the court may, set down the application for hearing.

(2) For the purposes of this regulation, the applicant shall take out a hearing notice which he or she shall serve on—

- (a) the trustee where the debtor is an undischarged bankrupt;
- (b) the proposed supervisor;
- (c) the debtor, where the applicant is a trustee.

(3) A person who is served with a copy of the application or hearing notice may appear or be represented at the hearing.

(4) In deciding whether to issue an interim protective order, the court shall take into account any representation of any person served with a copy of the application or hearing notice.

65. Service of interim protective order.

The applicant shall within two working days after the court issues an interim protective order serve a copy of the order on—

- (a) the trustee where the debtor is an undischarged bankrupt;
- (b) the proposed supervisor;
- (a) the debtor, where the applicant is a trustee.

Debtor's proposal for an arrangement.

66. Submission of proposal for arrangement to proposed supervisor.

(1) A debtor shall at the time of filing an application for an interim protective order prepare and submit to the proposed supervisor a proposal for an arrangement with the debtor's creditors.

(2) Where the debtor is an undischarged bankrupt, the debtor shall give a copy of the proposal to the official receiver.

67. Contents of proposal for arrangement with creditors.

(1) A debtor's proposal shall state why, in the debtor's opinion, an arrangement with the debtor's creditors is desirable, and shall specify the following—

- (a) debtor's assets, with an estimate of their respective values;
- (b) the extent, if any, to which the assets are charged in favour of creditors,
- (c) particulars of any property, other than assets of the debtor, which is proposed to be included in the arrangement, the source of the property and the terms on which it is to be made available for inclusion;

- (d) the nature and amount of the debtor's liabilities and the manner in which they are proposed to be met, or otherwise dealt with by means of the arrangement;
- (e) the proposed duration of the voluntary arrangement;
- (f) the proposed dates of distributions to creditors, with estimates of their amounts;
- (g) the amount proposed to be paid to the proposed supervisor by way of remuneration and expenses;
- (h) the manner in which funds held for the purposes of the arrangement are to be banked, invested or otherwise dealt with pending distribution to creditors;
- (i) if the debtor has any business, the manner in which it is proposed to be conducted during the course of the arrangement;
- (j) details of any further credit facilities proposed to be arranged for the debtor, and how the debts arising are to be paid;
- (k) the functions which are to be undertaken by the supervisor of the arrangement; and
- (l) the name, address and qualification of the person proposed as supervisor of the arrangement, and confirmation that he or she is, so far as the debtor is aware, qualified to act as an insolvency practitioner.

(2) The debtor's proposal for arrangement shall be accompanied with a statement of the debtor's affairs verified by affidavit.

68. Proposed supervisor's report on the proposed arrangement.

(1) The proposed supervisor's report under section 123 shall state whether in his or her opinion a meeting of the debtor's creditors should be summoned to consider the proposal.

(2) The proposed supervisor shall serve a copy of the report on the debtor.

69. Application to replace proposed supervisor or extend interim order.

(1) An application to the court to replace a proposed supervisor or to extend an interim protective order under section 123 (2) of the Act shall be made by summons in chambers.

(2) The application shall be made within seven working days after the expiry of the interim order.

(3) The applicant shall within two working days after filing the application serve a copy of the application on—

- (a) the trustee where the debtor is an undischarged bankrupt;
- (b) the proposed supervisor;
- (c) the debtor, where the applicant is a trustee.

70. Consideration of proposed supervisor's report.

The proposed supervisor shall attend the court on the date fixed for the consideration of the report and answer any queries and questions that court and the debtor or the debtor's advocate may put to him or her.

71. Summoning of creditors meeting.

(1) Where the court makes an order to summon a creditors meeting under section 123 of the Act, the proposed supervisor shall call the meeting within fourteen working days.

(2) The notice calling the meeting under section 124 shall be in **Form 11 in Schedule 1** and shall be accompanied with—

- (a) a copy of the proposal;
- (b) a copy of the statement of affairs or a summary of the statement;

- (c) the proposed supervisor's report.

72. Replacement of proposed supervisor by the creditors.

Where at the creditors meeting the creditors resolve that a person other than the proposed supervisor shall supervise the arrangement, the person proposed to replace the proposed supervisor shall produce to the chairperson, within two working days—

- (a) written consent to act as supervisor, unless the person is present at the meeting and states his or her consent;
- (b) proof that the person is qualified to act as an insolvency practitioner.

73. Report of creditors meeting.

(1) The report required under section 124 of the Act shall be made by the chairperson of the creditors meeting within seven working days after the meeting and a copy of the report shall be submitted to the official receiver.

(2) The report shall—

- (a) state whether the proposal for the arrangement is approved, approved with modifications or rejected;
- (b) list the creditors who attended or were represented at the meeting and how they voted on each resolution;
- (c) include any further information the chairperson considers appropriate to report to the court.

74. Form of notice of arrangement order.

(1) The notice of arrangement required by section 126 of the Act shall be given within fourteen working days.

(2) The notice shall be in **Form 17** in **Schedule 1**.

75. Application for termination of arrangement order.

(1) An application to the court to terminate an arrangement order under section 134 shall be made by motion.

(2) The applicant shall within seven working days after filing the application serve a copy of the application on—

- (a) the trustee where the debtor is an undischarged bankrupt;
- (b) the supervisor;
- (c) the creditors;
- (d) the debtor, where the applicant is a trustee.

76. Form of notice of termination order.

The notice of termination required to be given by the supervisor under section 135 of the Act shall be in **Form 18** in **Schedule 1**.

77. Accounts and report of the arrangement.

(1) A supervisor shall keep accounts and records of the arrangement and dealings in connection with the arrangement, including records of all receipts and payments of money.

(2) The supervisor shall within three months after the commencement of the arrangement send a report on the progress and prospects for the full implementation of the voluntary arrangement to the debtor, the debtor's creditors and the official receiver.

78. Production of accounts and records to official receiver.

(1) The official receiver may at any time during the course of the voluntary arrangement or within three months after its completion require the supervisor to produce for inspection the records and accounts in respect of the arrangement.

(2) The official receiver may cause any accounts and records produced to him or her under this regulation to be audited.

79. Fees, costs, charges and expenses.

The fees, costs, charges and expenses that may be incurred for the purposes of the voluntary arrangement are—

- (a) the disbursements made by the proposed supervisor prior to the approval of the arrangement, and any remuneration for his or her services as proposed supervisor;
- (b) the disbursements made by the supervisor in the course of implementing the arrangement, and any remuneration for his or her services as supervisor;
- (c) the fees, costs, charges or expenses which are sanctioned by the terms of the arrangement, or would be payable, or correspond to those which would be payable, in the debtor's bankruptcy.

80. Remuneration of supervisor.

(1) The remuneration of the supervisor shall be determined by the creditors or the court—

- (a) by reference to the time properly given by the supervisor or required of the supervisor in attending to the implementation of the arrangement;
- (b) as a fixed amount in respect of the implementation of the arrangement.

(2) In determining the remuneration of the supervisor the creditors or the court shall have regard to—

- (a) the complexity of the case;
- (b) any responsibility of an exceptional kind or degree which the supervisor has to deal with;

- (c) the effectiveness with which the supervisor is carrying out or has carried out the duties of supervisor;
- (d) the value and nature of assets of the debtor, which the supervisor has to deal with or has handled.

(3) An application by a supervisor to court to review remuneration under section 136 shall be made by motion.

Resignation, death or removal of supervisor

81. Resignation of supervisor.

(1) A supervisor shall give at least fourteen working days notice of his or her intention to resign, to the debtor and the debtor's creditors.

(2) A copy of the notice of resignation shall be filed with the court and sent to the official receiver.

82. Death of supervisor.

The official receiver shall within fourteen working days after learning of the of death of the supervisor give notice of the death to the court and call a meeting of the creditors.

83. Filling vacancy in office of supervisor.

(1) Where there is a vacancy in the office of the supervisor as a result of death, resignation, removal, ceasing to practice as an insolvency practitioner or any other reason, and no person is acting as supervisor, the official receiver shall act as supervisor until another insolvency practitioner is appointed as supervisor by the debtor and the debtor's creditors.

(2) The court may on the application of a creditor replace a supervisor if the court is satisfied that no steps are being taken to make a replacement or that for any other reason it is appropriate for the court to make the replacement.

(3) A person appointed as supervisor under this regulation shall give all the notices required of a supervisor upon appointment as the supervisor.

84. Completion or termination of the arrangement.

Within twenty eight days after the completion or termination of the arrangement, a supervisor shall send to all parties bound by the arrangement under section 127 of the Act a final report and account containing a summary of receipts and payments and explanations for any inconsistencies between the arrangement and its implementation.

PART V—CORPORATE INSOLVENCY OR WINDING UP OF COMPANIES

Liquidation by the court

85. Petition for liquidation of a company

(1) A petition for the liquidation of a company may be presented to the court by—

- (a) the company;
- (b) a director of the company;
- (c) a shareholder of the company;
- (d) a creditor of the company;
- (e) a contributory; or
- (f) the official receiver.

(2) A petition to liquidate a company may be presented to the court where the company—

- (a) has been served with a statutory demand and is unable to comply with the demand;

- (b) is unable to pay its debts;
- (c) has agreed to make a settlement with its creditors or entered into administration.

86. Form and content of petition.

Every petition for the liquidation of a company shall be in **Form 19** in Schedule 1 and shall state—

- (a) the name and address of the company;
- (b) the nature and type of company;
- (c) the nature of business, and the business address of the company;
- (d) the consideration for the debt, how the debt is owed by the company and when the debt was incurred or became due;
- (e) whether the company has failed to comply with a statutory demand;
- (f) the date and manner of service of the statutory demand;
- (g) whether, to the best of the petitioner's knowledge and belief—
 - (i) the statutory demand has not been set aside;
 - (ii) there is no application to extend the time to comply with the statutory demand or to set it aside;
- (h) where the debt is arising under a judgement or order of court and execution has been returned unsatisfied, the court from which the execution or other order is issued and particulars relating to the judgement or order;

- (i) whether the company is unable to pay its debts;
- (j) whether, within the period of five years ending with the date of the petition, the company—
 - (i) has been declared insolvent;
 - (ii) has agreed to make a settlement with its creditors in satisfaction of the debts of the company or entered into administration.

87. Affidavit supporting the petition.

- (1) Every petition shall be supported by an affidavit.
- (2) The affidavit shall be sworn, in the case of—
 - (a) a company by a director, secretary of the company or a person authorized by the company;
 - (b) an individual, by the petitioner, or by one of the petitioners, where there is more than one.

88. Service of petition.

- (1) The petition shall be served by the petitioner on—
 - (a) the company, where the company is not the petitioner;
 - (b) every known creditor of the company;
 - (c) where applicable, a contributory;
 - (d) the official receiver.

(2) Service of the petition on the company or the official receiver shall be effected by delivering a copy of the petition sealed by the court at the registered office of the company or the address of the official receiver respectively.

(3) Service of the petition on creditors or contributories shall be effected by delivering a copy of the petition sealed by the court—

- (a) by leaving it at the registered office or place of business of the creditor;
- (b) by sending it to the address of the creditor by registered mail;
- (c) by serving the legal representative of the creditor;
- (d) in any other manner authorised by the court.

89. Publication of notice of petition

A company or petitioning creditor shall within seven working days after filing the petition give public notice of the petition in **Form 4** in **Schedule 1**.

90. Reply to the petition.

(1) A creditor, contributory or the company where the company is not the petitioner, may within fifteen working days after service of the petition, by affidavit, reply to the petition.

(2) An affidavit in reply to a petition shall be served in the same manner as the petition.

91. Notice by persons intending to appear.

(1) Every creditor who wishes to be heard on the petition shall within five working days after the publication of the notice of the petition give to the court and to the petitioner notice of intention to appear and be heard on the petition.

(2) The notice shall be in **Form 5** in **Schedule 1** and shall specify—

- (a) the name, address and contact details of the person giving it;
- (b) the amount and nature of the debt claimed by the person;

- (c) whether his or her intention is to support or oppose the petition.

(3) A person who does not give notice under this regulation may appear and be heard on the hearing of the petition only with the leave of court.

92. List of appearances.

(1) The petitioner shall prepare for the court a list of the creditors and their advocates, if any, who have given notice to appear, specifying their names and addresses.

(2) The list shall be in **Form 6** in **Schedule 1** and shall be submitted to the court before the hearing.

(3) The petitioner shall, against the name of each creditor on the list, indicate whether the intention of the creditor is to support the petition, or to oppose it.

93. Hearing of petition.

(1) At any time after the expiry of the time for filing a reply to the petition, the court may set down the petition for hearing.

(2) For the purposes of this regulation, the petitioner shall take out a hearing notice which he or she shall serve on—

- (a) every creditor who has given notice of intention to appear and be heard; and
- (b) the official receiver.

94. Consolidation of petitions.

Where two or more petitions are presented against the same company, the court may order the consolidation of the proceedings, on such terms as it considers just.

95. Non-appearance of petitioner.

(1) Where the petitioner does not appear at the hearing of the petition, the court may dismiss the petition for want of prosecution.

(2) Where the court dismisses a petition under this regulation, no subsequent petition against the same debtor, shall be presented by the petitioner in respect of the same debt, without the leave of court.

96. Substitution of petitioner.

Where the petitioner does not appear on the day fixed for the hearing of the petition the court may, on such terms as it considers just, order that the petitioner is substituted with any other creditor, shareholder or contributory who—

- (a) has given notice of his or her intention to appear at the hearing;
- (b) is present in court on the date on which the petition is fixed for hearing;
- (c) is in the same position in relation to the company as would have enabled the creditor, shareholder or contributory on that date to present a petition in respect of a debt or debts owed to him or her by the company; and
- (d) is desirous of prosecuting the petition.

Order to wind up or liquidate a company or appoint provisional liquidator.

97. Appointment of provisional liquidator.

Where the court makes an order to wind up a company or to appoint a provisional liquidator—

- (a) the court shall specify the person appointed as provisional liquidator in the order for winding up of a company;

- (b) the petitioner shall, within seven working days after the court has made the order, give a copy of the order to the official receiver and the company if the company is not the petitioner.

98. Notice of appointment of provisional liquidator.

The public notice of appointment of a provisional liquidator shall be in **Form 12** in **Schedule 1**.

Appointment of liquidator

99. First meeting of creditors to appoint liquidator.

(1) The provisional liquidator shall within fourteen working days from the date of the order appointing the provisional liquidator or winding up the company call a meeting of all creditors of the company in accordance with the **Third Schedule** to the Act.

(2) The public notice calling the meeting shall be in **Form 10** in **Schedule 1**.

(3) The notice shall state the time within which the creditors must lodge proof of their debts with the provisional liquidator in order to entitle them to vote at the first meeting.

(4) The provisional liquidator shall chair the first meeting of creditors.

(5) The creditors shall appoint the provisional liquidator or another insolvency practitioner as the liquidator.

(6) The creditors may appoint the official receiver as liquidator or two or more insolvency practitioners as joint liquidators.

100. Report of meetings of creditors.

(1) Within fourteen working days after the first meetings of creditors, the provisional liquidator or the chairperson of the meeting, shall file a report and minutes of the meeting in court.

(2) The provisional liquidator or chairperson of the first creditors meeting shall give a copy of the report under this regulation to the official receiver.

101. Confirmation of appointment of liquidator

The court may on the application of the liquidator confirm the appointment and make any other orders the court considers necessary to give effect to the appointment.

102. Notice of appointment of liquidator.

The public notice of appointment of a liquidator required by section 95 of the Act shall be in **Form 12** in **Schedule 1**.

103. Creditors meetings

At any other meetings of the creditors, the creditors may—

- (a) appoint a committee of inspection;
- (b) specify the terms on which the liquidator is to be remunerated;
- (c) discuss any other matter of relevance to the management of the company;
- (d) resolve to execute an administration deed in accordance with section 148 of the Act.

Special manager.

104. Appointment of special manager.

Where a liquidator appoints a special manager under section 98 of the Act, the liquidator shall, in the instrument appointing the special manager, specify the powers and duties and the remuneration of the special manager.

105. Special manager to account to liquidator.

(1) A special manager shall be accountable to the liquidator and shall produce accounts, containing details of all the receipts and payments, for the approval of the liquidator.

(2) The accounts shall be produced at intervals of three months for the duration of the special manager's appointment, or for a lesser period, if his or her appointment terminates less than three months from the date of appointment.

(3) Upon approval, the receipts and payments of the special manager shall form part of the accounts of the liquidator.

State of company's affairs.

106. Investigation by liquidator into state of the company's affairs.

(1) A liquidator may, for the purposes of preparing a preliminary report under section 102(1) of the Act, require the following persons to provide to the liquidator information concerning the state of affairs of the company—

- (a) any director, secretary or shareholder of the company;
- (b) any person who has been a director or secretary of the company;
- (c) any person who is or has been an employee of the company;
- (d) a receiver, administrator or provisional administrator, advocate, accountant, auditor, bank officer or any other person with knowledge of the financial affairs of the company.

(2) The statement of affairs shall be in **Form 20** in **Schedule 1**.

Disclaiming onerous property.

107. Disclaiming onerous property.

(1) A liquidator disclaiming property under section 107 of the Act, shall give public notice disclaiming the property in **Form 13** in **Schedule 1**.

(2) Within fourteen working days after publishing the notice, the liquidator shall file a copy of the notice with the court.

(3) A copy of the notice shall be given to the official receiver and the company.

(4) Within seven working days after publication of the notice, the liquidator shall send or give copies of the notice—

- (a) where the property disclaimed is of a leasehold nature, to every person who, to the liquidator's knowledge, claims under the company as lessee or mortgagee;
- (b) where the property is a dwelling-house, to every person who, to the liquidator's knowledge is in occupation of, or claims a right to occupy, the house;
- (c) in every other case, to every person who to the liquidator's knowledge claims an interest in the disclaimed property;
- (d) where the disclaimer is of an unprofitable contract, to all persons who are parties to the contract or who to the liquidator's knowledge have interests under the contract.

108. Application to court to vest disclaimed property.

(1) An application to the court to vest disclaimed property in a person under section 107 (3) of the Act shall be by motion.

(2) The application shall be made within thirty working days from the date of publication of the notice disclaiming the property.

(3) Where the application relates to disclaimed property of a leasehold nature and it appears that there is any mortgage, or sublease of the property, the court may direct that notice of disclaimer shall be given to the mortgagee or sub lessee.

Arrangements with creditors and contributories in a winding up by the court.

109. Sanctioning of arrangements and compromises.

(1) An application to court to sanction a compromise or arrangement shall be by motion.

(2) Before approving the arrangement or compromise, the court may hear the official receiver or require a report from the official receiver regarding the terms of the scheme and the conduct of the directors and other officers of the company.

Contributories

110. Settling list of contributories.

(1) Unless the court dispenses with settlement of contributories, the liquidator shall within one month from the commencement of the liquidation compile a list of contributories of the company specifying—

- (a) the address, number of shares, interest or other demand attributable to each contributory;
- (b) the amount called up and the amount paid up in respect of the shares or interest.

(2) In settling the list of contributories, the liquidator shall distinguish between the several classes of contributories and persons who are contributories in their own right or persons who are representatives or liable for the debts of others.

(3) The list of contributories shall be in **Form 21 in Schedule 1**.

111. Notice of time and place for settlement of list.

(1) The liquidator shall by public notice in **Form 22 in Schedule 1** specify the time and place appointed for the settlement of the list of contributories.

(2) The notice shall contain—

- (a) the name and address of every person whom the liquidator proposes to include on the list;
- (b) the class and number of shares or interest proposed in respect of each person;
- (c) the amount which has been called up and paid up in respect of the shares or interest.

112. Objection and settlement of list of contributories.

(1) On the day appointed for settlement of the list of contributories the liquidator shall hear any person who appears and objects to being settled as a contributory.

(2) After hearing a person who objects , the liquidator shall settle and certify the list as the list of contributories of the company.

113. Notice to contributories.

(1) The liquidator shall within seven working days after settling the list give notice to every person on the list of contributories.

(2) The notice shall be in **Form 23 in Schedule 1** and shall contain—

- (a) the name and address of every person whom the liquidator has included on the list;
- (b) the class and number of shares or interest in respect of each person;
- (c) the amount which has been called up and paid up in respect of the shares or interest.

114. Variation of list of contributories by liquidator.

(1) The liquidator may vary or add to the list of contributories.

(2) Any variation or addition shall be made in the same manner as the initial settlement.

115. Application to the court to vary list of contributories.

A contributory aggrieved by a decision of the liquidator regarding the certified list of contributories may within fourteen working days from the date of receipt of the notice of the list apply to the court to vary the list.

116. Notice of first meeting of contributories.

The liquidator shall within seven working days after settling the list of contributories, call a meeting of the contributories on the list.

Calls on shares or contributories

117. Application to the court for leave to make a call.

(1) In the case of liquidation by the court an application by the liquidator to the court for leave to make a call on shares or a contributory, shall be made by motion.

(2) The application shall state the proposed amount of the call and shall be served, on every contributory proposed to be included in the call—

- (a) personally, where there are less than five contributories;
- (b) in any other case, in the manner determined by the court.

118. Approval of call by committee of inspection.

(1) The powers and duties of the court in relation to making calls upon contributories referred to in section 80(1) (c) of the Act may be exercised by the liquidator in a voluntary liquidation subject to the following—

- (a) where the liquidator desires to make a call on a contributory, if there is a committee of inspection the liquidator shall call a meeting of the committee to approve the intended call;
- (b) the notice of the meeting shall be sent to each member of the committee of inspection in sufficient time to reach the member not less than fourteen working days before the day appointed for the meeting;
- (c) the notice calling for the meeting shall contain a statement of the proposed amount of the call, and the purpose for which it is intended;
- (d) at the meeting of the committee of inspection, the committee shall before approving any call consider any statement or representation made to the liquidator or the committee by a contributory.

(2) For the avoidance of doubt, where there is no committee of inspection, the liquidator may make a call on shares or a contributory without leave of the court.

General provisions relating to calls

119. Call on contributory.

(1) Where the liquidator is authorized by the committee of inspection or by court to make a call on the contributories, or in the case of voluntary liquidation, where there is no committee of inspection appointed, the liquidator shall by notice to the contributory call on the contributory to pay to the liquidator the sum specified in the notice.

(2) The notice shall be in **Form 24 in Schedule 1** and shall—

- (a) specify the amount of the call;
- (b) the time within which the amount shall be paid;

- (c) in the case of a call authorised by a committee of inspection or court, be accompanied with a copy of the resolution or court order.

(3) The liquidator shall within seven working days after giving notice of the call, give a copy of the notice to the official receiver and in the case of—

- (a) liquidation by court, file a copy of the notice with the court;
- (b) voluntary liquidation, where there is a committee of inspection, give a copy of the notice to the committee.

General meetings of creditors and contributories.

120. General meetings of creditors and contributories.

(1) In addition to the first meeting of creditors and contributories, the liquidator shall call a meeting of creditors, contributories or shareholders' if requested in writing by any two or more creditors, contributories or shareholders.

(2) A liquidator may decline any request to call a meeting on the ground that—

- (a) the request is frivolous or vexatious;
- (b) the request is not made in good faith; or
- (c) the cost of calling the meeting is out of proportion to the value of the company's assets.

(3) The liquidator shall call a creditors meeting in accordance with the **Third Schedule** to the Act or a meeting of shareholders or contributories by giving not less than fourteen working days notice.

(4) A meeting of shareholders or contributories other than the first meeting shall be chaired by a person elected by the shareholders or contributories from among themselves.

(5) Any irregularity in a notice for a meeting shall not invalidate anything done by that meeting if not material or where all the persons entitled to attend and vote at the meeting attend the meeting without protest as to the irregularity or where all persons agree to waive the irregularity.

121. Decision in meeting of contributories.

(1) At a meeting of the contributories a resolution shall be adopted where it is approved by the majority in number and value of the contributories.

(2) The value of the contributories shall be determined according to the number of votes conferred on each contributory by the regulations of the company.

122. Quorum at meeting of creditors or contributories.

A meeting of creditors or contributories may not act for any purpose except the proving of debts unless there are present or represented at the meeting at least fifty percent of the creditors entitled to vote or in the case of a meeting of contributories at least ten percent of the contributories.

123. Proof of debts for purposes of voting.

(1) The liquidator or provisional liquidator shall in the notice calling for the first meeting of creditors specify the manner in which a creditor may prove their debt in order to entitle them to vote at the meeting.

(2) A creditor shall not vote in respect of any un-liquidated or contingent debt or any debt the value of which is not ascertained unless the provisional liquidator or liquidator has ascertained or estimated the value of the debt for the purposes of voting at the meeting.

124. Votes of secured creditors.

(1) Subject to sub regulation (3), a secured creditor shall not vote at a creditors meeting unless the secured creditor surrenders his or her security for the benefit of the creditors generally.

(2) For the purpose of voting, a secured creditor shall, state in his or her proof the particulars of the secured creditor's security, the date when it was given, and the value which the creditor attaches to it.

(3) A secured creditor shall only be entitled to vote in respect of the amount due to him or her after deducting the value of the security.

Resignation or removal of liquidator

125. Resignation of liquidator.

(1) A liquidator may resign from office by giving at least twenty one days notice in writing to the creditors, the official receiver and the committee of inspection.

(2) The notice of resignation shall be accompanied by an account of the liquidator's administration and management of the assets of the company in liquidation.

126. Meeting of creditors upon resignation of liquidator.

(1) The liquidator shall within fourteen working days after giving notice of resignation call a meeting of creditors.

(2) The creditors may appoint the official receiver or another insolvency practitioner as liquidator

(3) The liquidator shall give notice of the appointment in accordance with regulation 102.

127. Duty to account and hand over upon vacating office.

Where a liquidator ceases to be in office due to removal, resignation or ceasing to be qualified as an insolvency practitioner, the person vacating office shall within fourteen working days after vacating office, deliver up to the official receiver—

- (a) the property or assets of the company, after deduction of any expenses properly incurred, and distributions made by the liquidator;
- (b) the records of the bankruptcy, including correspondence, proofs and other papers relating to the company or liquidation;
- (c) financial statements and accounts relating to the liquidation;
- (d) all books kept by the vacating liquidator and all other books, documents, papers and accounts relating to the office of liquidator.

PART VI—MISCELLANEOUS PROVISIONS RELATING TO
LIQUIDATION OF COMPANIES.

128. Expenses of committee of inspection.

A liquidator shall defray out of the assets of the company, in the prescribed order of priority, any reasonable travelling expenses directly incurred by members of the committee of inspection in respect of their attending the committee's meetings or to the business of the committee.

129. Purchasing assets of company in liquidation.

(1) A liquidator or member of the committee of inspection of a company in liquidation shall not purchase any part of the assets of the company directly or indirectly through any employer, partner, clerk, agent or servant.

(2) A purchase made contrary to this regulation is void.

(3) A liquidator or member of the committee of inspection who contravenes this regulation commits an offence and is liable on conviction to a fine not exceeding one hundred currency points or imprisonment not exceeding one year or both.

130. Liquidator or committee of inspection not to profit from company.

(1) A liquidator or member of the committee of inspection of a company in liquidation shall not derive any profit from any transaction arising out of the winding up or receive out of the assets any payment for services rendered by the liquidator or member in connection with the administration of the assets or for any goods supplied by the liquidator or member.

(2) A liquidator shall disclose and account to the committee of inspection and the official receiver in respect of any profit made on any transaction involving the company in liquidation.

(3) A member of the committee of inspection shall disclose and account to the liquidator for any profit made by the liquidator on a transaction involving the company in liquidation.

(4) The official receiver or committee of inspection, creditors or contributories may disallow or recover any profit or payment made contrary to this regulation.

131. Form of notice of liquidator's preliminary report and interim report.

(1) The public notice by the liquidator of the liquidator's preliminary or interim report of the liquidation required under section 102 of the Act shall be in **Form 25 in Schedule 1**.

(2) The notice shall state the time and place where the reports may be inspected by any creditor, shareholder or contributory of the company in liquidation.

132. Special bank account.

(1) Subject to regulation 195, for the purposes of section 100 (c) of the Act a liquidator shall maintain a special bank account into which the liquidator shall pay all monies received during the liquidation.

(2) Where the liquidator carries on the business of the company during the liquidation, the liquidator shall keep the monies in respect of trading separate from the payments and expenses of the liquidation.

133. Form of final report or account.

The final report or account of the liquidation required by sections 67 (1) (a), 77 and 114 of the Act shall be in **Form 26 in Schedule 1**.

134. Application against decision of official receiver

A person aggrieved by a decision of the official receiver shall within twenty one working days from the date of the decision apply to the court to review the decision.

PART VII—ADMINISTRATION IN RESPECT OF COMPANIES

Provisional administration

135. Petition for an interim protective order .

(1) A company which by special resolution of the board agrees to make a settlement with its creditors and appoints a provisional administrator under section 139 of the Act shall within fourteen working days after the resolution petition the court for an interim protective order to be made by the court in respect of the company.

(2) The petition shall be in **Form 27 in Schedule 1** and shall contain—

- (a) a statement by the petitioner on whether the company is or is likely to be unable to pay its debts and justification for the belief;
- (b) a statement of the assets and liabilities of the company;
- (c) the name of the shareholders and contributories of the company;

- (d) a statement of the company's solvency, details of any prior professional relationship that the proposed provisional administrator has had with the company to which he or she is appointed as provisional administrator.
- (3) The petition shall be accompanied with—
 - (a) a special resolution filed with the registrar of companies authorizing the company to make a settlement with its creditors and appointing a provisional administrator;
 - (b) proof that the proposed provisional administrator is willing to act as provisional administrator;
 - (c) the proposed settlement and a report of the proposed provisional administrator on the proposed settlement;
 - (d) audited accounts of the company for the year preceding the petition.

136. Verification of petition.

- (1) The petition shall be verified by an affidavit.
 - (2) The affidavit shall be sworn by a director, secretary or any other principal officer of the company and shall contain statements verifying the facts in the petition including—
 - (a) a statement of the company's financial position, pointing to the fact that the company is or is likely to become unable to pay its debts;
 - (b) the company has agreed to a settlement with its creditors;
 - (c) whether the company is in liquidation or details of any insolvency proceedings in relation to the company including any petition that has been presented for the winding up of the company so far as is within the immediate knowledge of the person verifying the petition;

- (d) that, so far as the company is able to ascertain, the appointment of a provisional administrator by the company is not prevented by the Act; and
- (e) any other matter which, in the opinion of the company petitioning for an interim protective order, will assist the court in deciding whether to make the order or not.

137. Service of petition.

(1) Every petition shall be served—

- (a) where a receiver of the property of the company has been appointed, on the receiver;
- (b) where there is a petition pending for the winding-up of the company, on the petitioner and on the provisional liquidator;
- (c) on the person appointed as provisional administrator.
- (d) on any enforcement officer or other officer who to the knowledge of the petitioner is charged with an execution or other legal process against the company or its property; and
- (e) any person who to the knowledge of the petitioner has distrained against the company or its property.

(2) Service of the petition shall be effected—

- (a) on the company, by delivering the petition at the registered office or if there is no registered office of the company, service may be effected by delivery to its last known principal place of business.
- (b) on any other person, by delivering the petition at that person's notified address for service; but if there is no such address, service may be effected by delivery at his or her usual or last known address;

- (c) in any other manner directed by the court.

Hearing of petitions and orders made on petitions.

138. Persons who may appear or be represented at the hearing.

At the hearing of the petition, any of the following persons may appear or be represented—

- (a) a director of the company;
- (b) a person on whom the petition is served;
- (c) with the permission of the court, any other person who appears to have an interest in the company or the petition.

139. Notice by persons who intend to appear.

(1) Every person who intends to appear at the hearing of a petition shall give notice of his or her intention to do so to the petitioner or the petitioner's advocate.

(2) The notice shall contain the address of the person and shall be served on the petitioner or the petitioner's advocate at least two working days before the date appointed for hearing the petition.

(3) The notice shall be in **Form 4 in Schedule 1**.

(4) A person who has not given notice according to this regulation shall not be allowed to appear without the leave of the court.

140. List of appearances.

(1) The petitioner shall prepare for the court a list of the persons who have given notice to appear, specifying their names and addresses.

(2) The list shall be in **Form 5 in Schedule 1** and shall be submitted to the court before the hearing.

(3) The petitioner shall, against the name of each person on the list, indicate whether the intention of the person is to support the petition, or to oppose it.

141. Hearing of petition.

(1) At any time after the expiry of the time for filing a reply to the petition, the court may set down the petition for hearing.

(2) For the purposes of this regulation, the petitioner shall take out a hearing notice which he or she shall serve on—

- (a) every creditor who has given notice of intention to appear and be heard; and
- (b) the official receiver.

142. Affidavit in opposition and reply.

(1) An affidavit in opposition to a petition shall be filed within seven working days after the date on which the petition is filed, and notice of the filing of every affidavit in opposition to a petition shall be given to the petitioner or the petitioner's advocate on the day on which the affidavit is filed.

(2) An affidavit in reply to an affidavit filed in opposition to a petition shall be filed within three working days after the date on which notice of that affidavit is received by the petitioner or the petitioner's advocate.

143. Interim protective order.

Where the court makes an interim protective order the petitioner shall serve a copy of the order on the provisional administrator, the official receiver and the registrar.

144. Notice of appointment of provisional administrator.

(1) A provisional administrator shall, within seven working days from the date of the interim protective order give notice of his or her appointment—

- (a) to each creditor of whose claim and address the provisional administrator is aware;
- (b) if a receiver of the company's property has been appointed, to the receiver;
- (c) if there is pending a petition for the winding up of the company, to the petitioner and to the provisional liquidator, if any;
- (d) to any enforcement officer who, to the provisional administrator's knowledge, is charged with execution or other legal process against the company; and
- (e) to any person who, to the provisional administrator's knowledge, has distrained against the company or its property.

(2) The notice shall be in **Form 12 in Schedule 1** and may be sent electronically and by publication in a newspaper of wide circulation or by electronic media.

(3) A provisional administrator appointed under section 146 (3) of the Act shall give notice of his or her appointment to the court, official receiver, receiver, liquidator or provisional liquidator.

145. Provisional administrator's proposals.

(1) The proposal of the provisional administrator under section 147 of the Act shall set out the scheme for achieving the purpose of the provisional administration.

(2) The proposal shall include—

- (a) the full name and registered address of the company;
- (b) details relating to his or her appointment as provisional administrator;
- (c) an account of the circumstances giving rise to the appointment of the administrator;
- (d) a summary of the statement of the company's affairs, and details of the financial position of the company, with the provisional administrator's comments, if any;
- (e) a statement of how it is envisaged the purpose of the administration will be achieved and how it is proposed that the provisional administration shall end;
- (f) such other information as the administrator thinks necessary to enable creditors to decide whether or not to vote for the adoption of the proposal.

(3) A proposal made under this regulation may include a proposal for an administration deed to be executed between the company and an administrator.

(4) Where an administration deed is proposed under sub regulation (3), the proposal shall indicate details of the proposed administration deed.

146. Creditors meeting to consider provisional administrator's proposals.

(1) The notice of the meeting to consider the proposal of the provisional administrator shall be sent to every creditor of the company of whose claim and address the provisional administrator is aware and shall be accompanied by the proposals of the provisional administrator.

(2) The notice to attend the meeting shall be sent out at the same time to any directors or officers of the company, including persons who have been directors or officers in the past, whose presence at the meeting is, in the opinion of the provisional administrator required at the meeting.

(3) At any meeting of creditors called by the provisional administrator, the provisional administrator shall preside at the meeting, or in his or her absence, a person nominated by him or her in writing.

147. Form of notice of end of provisional administration.

The notice required by section 151 of the Act where the creditors resolve that—

- (a) an administration deed proposed by a provisional administrator should not be executed;
- (b) the provisional administration should end; or
- (c) that the company be liquidated,

shall be in **Form 18 in Schedule 1**.

148. Public examination of promoters and officers of the company.

(1) An application to the court under section 161 of the Act for the public examination of a director, promoter or officer of the company shall be made by summons in chambers.

- (2) The application shall be served on—
- (a) the promoter, director or officer in respect of whom the application is made;
 - (b) the provisional administrator;
 - (c) the creditors of the company;

(d) a contributory, where applicable.

(3) The official receiver shall take part in the examination.

(4) The provisional administrator, a creditor or contributory of the company may also take part in the examination personally or by advocate.

(5) The director, promoter or officer of the company shall be examined on oath and shall answer all questions put to him or her or allowed by the court.

Administration

149. Notice of execution of administration deed.

The public notice required to be given by the administrator under section 162 of the Act shall be in **Form 18 in Schedule 1**.

150. Application to confirm variation of administration deed.

(1) An application to confirm variation of a deed under section 167 of the Act shall be made by summons in chambers.

(2) A copy of the application shall be served on the official receiver and the registrar.

151. Reports on progress of administration to creditors.

(1) The administrator shall, every six months, during the course of administration, make and submit a progress report to the company's creditors.

(2) A progress report shall include—

(a) full details of the administrator;

(b) details of progress during the period of the report, including receipts and payments;

- (c) details of any assets that remain to be realised;
- (d) a statement of the creditors' right to request information and their right to challenge the administrator's expenses; and
- (e) any other relevant information for the creditors.

(3) Where the administrator defaults in complying with this regulation, the administrator shall, on a petition by the creditors to the official receiver, be liable to a default fine of five currency points for each calendar day that the administrator is in default.

(4) The default fine under subregulation (3) shall be paid to the registrar in accordance with section 253 (2) of the Act.

(5) The administrator shall submit a copy of the progress report under subregulation (1) to the official receiver, court and registrar.

152. Expenses of administration.

(1) Subject to sub regulation (2), the expenses of the administration shall be paid in the following order of priority—

- (a) expenses properly incurred by the administrator in performing his or her functions in the administration of the company;
- (b) costs of any application made to court by the administrator;
- (c) any necessary disbursements by the administrator in the course of the administration;
- (d) the remuneration of any person who has been employed by the administrator to perform any services for the company;
- (e) the administrator's remuneration;
- (f) the amount of any corporation tax on chargeable gains accruing on the realisation of any asset of the company.

(2) The court may, where the assets of a company are insufficient to satisfy the liabilities, make an order as to the payment out of the assets of the expenses incurred in the administration in the order of priority determined by the court.

Payment of creditors' claims

153. Notice of intention to pay creditors' claims.

(1) The administrator shall give notice to the creditors of his or her intention to pay creditors' claims.

(2) The notice shall be sent to all creditors whose addresses are known to the administrator and shall invite the creditors to prove their debts.

(3) The notice shall be **in Form 28 in Schedule 1** and shall state the date from which the administrator shall start paying the claims and shall state whether the payment is a sole, final payment or a first payment.

154. Payment of creditors' claims.

(1) In determining the amount due to creditors, the administrator shall provide for—

- (a) any debts which appear to the administrator to be due to persons who, by reason of the distance of their place of residence, may not have had sufficient time to tender and establish their proofs;
- (b) any debts which are the subject of claims which have not yet been determined;
- (c) disputed proofs or claims.

(2) A creditor who has not proved his debt before the date specified in the notice of intention to pay creditors is not entitled to interfere with the payment of other creditors, by reason that he or she has not submitted

his or her claim, but after that creditor has proved his or her debt, he or she may be paid, out of any money for the time being available for the payment of any further claims.

155. Application to extend administration.

(1) An administrator may, with the consent of the company or the creditors, apply to the court to extend the administration beyond the period specified in the administration deed.

(2) An application to the court for an extension of administration shall be accompanied by a progress report for the period since the last progress report, if any, or the date the company entered into administration.

(3) Where the court makes an order extending the administration, the administrator shall give notice of the order to the creditors as soon as reasonably practicable, together with a copy of the progress report which accompanied the application to the court.

156. Notice of end of administration.

(1) A notice by the administrator that the purpose of administration has been achieved shall be in **Form 18 in Schedule 1**.

(2) The notice shall be accompanied by a final report of the administration.

(3) The administrator shall—

- (a) send a copy of the notice to the registrar of companies and to the company;
- (b) file a copy of the notice with the court;
- (c) give a copy of the notice to every creditor of the company and all persons who were notified of the appointment of the administrator.

157. Application to the court to terminate administration.

(1) An application to the court by the administrator for an order to terminate an administration shall be accompanied by a progress report covering the period from the last progress report or the date on which the company entered administration and a statement indicating the opinion of the administrator on how the company should proceed.

(2) An application to the court by a creditor to terminate the administration shall state the grounds on which the administration should be terminated.

(3) A copy of the application shall be served on—

- (a) the administrator, in the case of an application by a creditor;
- (b) the creditors;
- (c) the company.

158. Notice of termination of administration by the court.

(1) Where the court makes an order terminating the administration, the administrator shall send to the registrar of companies a copy of the court order and a copy of the administrator's final report.

(2) Within fourteen working days from the date of the order, the administrator shall give public notice of the order and the final report to all other persons who received notice of the administrator's appointment.

Resignation, death or removal of administrator

159. Resignation of administrator.

(1) The administrator shall give at least fourteen working days notice of the intention to resign to the debtor and the debtor's creditors.

(2) A copy of the notice of resignation shall be filed with the court and sent to the official receiver.

160. Death of administrator.

The official receiver shall within fourteen working days after learning of the death of the administrator give notice of the death to the court and call a meeting of the creditors.

161. Application to the court to remove provisional administrator or administrator from office.

(1) An application under section 174 of the Act to remove a provisional administrator or administrator from office shall be made by motion and shall state the grounds for the removal of the provisional administrator or administrator.

(2) The application shall be served on the provisional administrator or administrator, the company and all the creditors, within seven working days after filing the application in court.

(3) Where the court makes an order removing the administrator, the applicant shall within seven working days from the date of the order serve a copy of the order on—

- (a) the provisional administrator or administrator;
- (b) the official receiver;
- (c) the registrar;
- (d) every person on whom the application is served.

162. Filling vacancy in office of administrator.

(1) Where there is a vacancy in the office of the administrator as a result of death, resignation, removal, ceasing to practice as an insolvency practitioner or any other reason, and no person is acting as administrator, the official receiver shall act as administrator until another insolvency practitioner is appointed as administrator by the debtor and the debtor's creditors.

(2) The court may on the application of a creditor replace an administrator if the court is satisfied that steps are not being taken to make a replacement or that for any other reason it is appropriate for the court to make the replacement.

(3) A person appointed as administrator under this regulation shall give all the notices required of an administrator upon appointment as the administrator.

163. Duties of the administrator on vacating office.

Where the administrator ceases to be in office due to removal, resignation or ceasing to be qualified as an insolvency practitioner, the administrator shall within fourteen working days deliver up to the person succeeding him or her as administrator the records of the administration, including correspondence, proof of debt of claims and other related documents relating to the administration or the company.

PART VIII—CORPORATE AND INDIVIDUAL RECEIVERSHIP

164. Acceptance and confirmation of acceptance of appointment.

A person appointed receiver under Part VII of the Act shall within seven working days after the appointment, confirm his or her acceptance to act as receiver.

165. Public notice of receivership.

The public notice of appointment required by section 178(1) of the Act shall be in **Form 29 in Schedule 1** and shall state—

- (a) that a receiver has been appointed;
- (b) receiver's full name, physical office address, electronic mail address and day time telephone number;
- (c) the date of the appointment and date of commencement of receivership;
- (d) the name of the person who made the appointment; and

- (e) brief description of the property which has come into the receiver's possession.

Statement of affairs.

166. Notice requiring statement of affairs.

(1) A receiver may require the grantor or in the case of a company any director, secretary or any other person authorized by the grantor of the grantor, to furnish the receiver with a statement of affairs of the individual or company respectively.

(2) Every statement of affairs shall be verified by a statutory declaration made by the person giving the statement.

Resignation, death or removal of receiver

167. Resignation of receiver.

(1) A receiver shall give at least fourteen working days notice of the intention to resign to the grantor and official receiver.

(2) A copy of the notice of resignation shall be filed with the official receiver and court where the official receiver was appointed by court.

168. Application to the court to remove receiver from office.

(1) An application under section 196 of the Act to remove a receiver from office shall be made by motion and shall state the grounds for the removal of the receiver.

(2) The application shall be served within seven working days after filing the application, in the case of—

- (a) a company, on the company and all the creditors;
- (b) an individual, on the individual.

(3) Where the court makes an order removing the receiver , the applicant shall within seven working days from the date of the order serve a copy of the order on—

- (a) the official receiver;
- (b) the registrar, in the case of corporate receivership;
- (c) every person on whom the application is served.

169. Notice of appointment of another receiver .

A person appointed as receiver in place of one who has died, been removed or vacated office shall give all the notices required of a receiver upon appointment.

170. Death or incapacity of receiver.

(1) Where a receiver dies or is incapacitated, the person who made the appointment shall, within fourteen working days after becoming aware of the death or incapacitation, give notice of the death or incapacitation to—

- (a) the grantor;
- (b) if the grantor is a company, to the registrar of companies;
- (b) if the grantor is a company in liquidation, to the liquidator.

(2) Upon the death of a receiver, the secured holder of the charge under which he or she is appointed may replace that receiver by appointing another person in place of the deceased receiver, and the secured holder shall give notice of the appointment to the grantor and the official receiver.

171. Receiver's duties on vacating office.

Where a receiver ceases to be in office due to removal, resignation or ceasing to be qualified as an insolvency practitioner, the receiver shall within fourteen working days deliver up to the person succeeding him or her as receiver—

- (a) the property which is under his or her control;
- (b) the records of the receivership, including other papers relating to the receivership; and
- (c) full accounts and other records of receipts, expenditure and other transactions during the receivership.

PART IX—CREDITORS CLAIMS.

Proof of debts

172. Proving a debt.

(1) A person claiming to be a creditor of an insolvent and wishing to recover his or her debt in whole or in part shall submit a claim in writing to the office holder and shall state whether the creditor is claiming as a secured or an unsecured creditor.

(2) Where a person claims as an unsecured creditor, the office holder may require the claim to be verified by a statutory declaration.

(3) A creditor's proof shall be made by the creditor or by a person authorised by the creditor and shall state—

- (a) the creditor's name and address, and if a company, its company registration number;
- (b) if the creditor is not himself or herself making the proof, the name, address and authority of the person making the proof on behalf of the creditor;
- (c) the total amount of the creditor's claim as at the date of insolvency, less any payments made after that date in respect of the claim, and any adjustment by way of set-off;
- (d) in case of a company, if the liquidation is immediately preceded by an administration, the date on which the company entered administration, less any payments made after that date in respect of the claim and any deduction;

- (e) particulars of how and when the debt is incurred by the insolvent; and
- (f) particulars of any security held, the date on which the security is given and the value which the creditor attaches to it.

(4) The office holder may call for any document or other evidence to be produced to him or her, where he or she thinks it necessary for the purpose of substantiating the whole or any part of the claim made in the proof.

(5) In the case of a company, where a winding up is immediately preceded by an administration, a creditor who proves a debt in the administration shall be taken to have proved the debt in the winding up.

(6) The general form of proof of a debt shall be in **Form 30 in Schedule 1**.

173. Costs of proving a debt.

Unless the court orders otherwise, every creditor shall bear the cost of proving his or her own debt, including costs incurred in providing documents or evidence and the costs incurred by the office holder in estimating the value of an insolvency debt shall fall on the insolvent estate, as an expense of the insolvency.

174. Transmission of proofs to office holder.

Where an office holder is appointed, the provisional office holder where applicable shall as soon as reasonably practicable transmit to the office holder a list of all documents relating to the proof of debts which the provisional office holder where applicable has so far received, together with an itemised list of the proofs.

Admission and rejection of proofs.

175. Notice to creditors to prove debts.

(1) Subject to the Act, and unless otherwise ordered by the court, an office holder may by public notice fix the date, which shall not be less than fourteen working days from the date of the notice, on or before which the creditors of the debtor are required to prove their debts or claims.

(2) A copy of the notice shall be sent to every person—

- (a) who claims to be a creditor of the insolvent and whose claim has not been admitted; or
- (b) referred to in the statement of affairs or any preliminary report as a creditor who has not proved his or her debt.

176. Examination of proof, admission and rejection of proof.

(1) The office holder shall examine every proof of debt lodged with him or her, and the grounds of the debt, and in writing admit or reject it, in whole or in part, or require further evidence in support of it.

(2) Where the office holder rejects proof of a debt in whole or in part, the office holder shall send a written notice to the creditor, stating the reasons for the rejection.
doing so.

(3) The notice shall be in **Form 31** of Schedule 1.

(4) Where a creditor is not satisfied with the office holder's decision regarding his or her proof, including any decision on the question of preference, the creditor may, within fourteen working days after receiving the notice under sub regulation (2), apply to the court to review the decision.

(5) An insolvent or any other creditor or contributory may, if not satisfied with the office holder's decision admitting or rejecting the whole or any part of a proof of a debt, apply to the court to review the decision within fourteen working days after becoming aware of the office holder's decision.

(6) A copy of an application made under this regulation shall be served on the office holder.

(7) Where the application is made by a contributory, the court shall not disallow the proof, in whole or in part, unless the contributory shows that there is or that it is likely that there will be a surplus of assets to which the company is entitled.

(8) After the application has been heard and determined, the proof shall, unless it has been wholly disallowed, be returned by the court to the office holder.

(9) The office holder shall not be personally liable for costs incurred by any person in respect of an application under this regulation unless the court makes an order to that effect.

177. Withdrawal or variation of proof.

A creditor's proof may be withdrawn or varied at any time, by agreement between the creditor and the office holder.

178. Time for dealing with proofs.

An office holder shall within fourteen working days after the last date for lodging proof of debts specified in the notice calling for the proof in writing, admit or reject wholly or in part, every proof lodged with the office holder, or require further evidence in support of the claim.

Quantification of claim.

179. Estimate of quantum.

(1) The office holder shall estimate the value of any debt which, by reason of its being subject to any contingency or for any other reason, does not bear a certain value; and the office holder may revise any estimate previously made, if he or she thinks fit by reference to any change of circumstances or to information becoming available to him or her.

(2) The office holder shall inform the creditor as to the estimate and any revision of it.

(3) Where the value of a debt is estimated under this regulation, the amount provable in the insolvency in the case of that debt is the amount estimated by the office holder.

180. Negotiable instruments.

(1) Where the office holder allows a proof in respect of money owed on a bill of exchange, promissory note, cheque or other negotiable instrument, the original or certified copy of the bill of exchange, promissory note, cheque or other negotiable instrument shall be admitted as proof of money owed.

(2) A creditor or the creditors authorized representative shall certify a copy of the negotiable instrument.

181. Secured creditors.

(1) Where a secured creditor realises his or her security, the secured creditor may prove for the balance of his or her debt, after deducting the amount realised.

(2) Where a secured creditor voluntarily surrenders his or her security for the general benefit of creditors, the secured creditor may prove for the whole debt, as if it were unsecured.

(3) Where a secured creditor intends to voluntarily surrender his or her security, he or she shall give notice to the office holder.

182. Discounts.

There shall in every case be deducted from the claim all trade and other discounts which would have been available to the insolvent but for his or her insolvency, except any discount for immediate, early or cash settlement.

183. Mutual credits and set-off.

(1) This regulation applies where, before the insolvency, there have been mutual credits, mutual debts or other mutual dealings between the insolvent and any creditor of the insolvent proving or claiming to prove for a debt in the insolvency.

(2) A reference in sub regulation (1) to mutual credits, mutual debts or other mutual dealings does not include—

- (a) any debt arising out of an obligation incurred at a time when the creditor has notice that insolvency proceedings have commenced ;
- (b) in the case of a company where the liquidation is immediately preceded by an administration, any debt arising out of an obligation incurred when the creditor has notice that the company is in administration;
- (c) in the case of a company in administration, any debt arising out of an obligation incurred during an administration which immediately preceded the liquidation.

(3) An account shall be taken of what is due from each party to the other in respect of the mutual dealings, and the sums due from one party shall be set off against the sums due from the other.

(4) A sum shall be regarded as being due to or from the insolvent for the purposes of sub regulation (3) whether—

- (a) it is payable at present or in the future;
- (b) the obligation by virtue of which it is payable is certain or contingent; or
- (c) the amount is fixed or liquidated, or is capable of being ascertained by fixed regulations or as a matter of opinion.

(5) Only the difference of the amount owed to the creditor is provable in the insolvency.

184. Payments of a periodic nature.

(1) In the case of rent and other payments of a periodic nature, the creditor may prove for any amounts due and unpaid up to the date of insolvency.

(2) Where at the date of the insolvency any payment was accruing due, the creditor may prove for so much as would have fallen due at that date.

185. Interest.

(1) Where the debt is due by virtue of a written instrument and payable at a certain time, interest may be claimed for the period from the date interest is agreed to be due to the date of insolvency.

(2) Where the debt is due otherwise, interest may only be claimed if, before date of insolvency, a demand for payment is made in writing by or on behalf of the creditor, and notice is given that interest would be payable from the date of the demand to the date of payment.

(3) For the purposes of the Act and the Regulations, interest shall be chargeable at a rate not exceeding 6 percent per year.

186. Proof of debt payable at a future time.

A creditor may prove a debt not payable at the date of insolvency, as if it were payable immediately.

187. Surrender for non-disclosure.

(1) If a secured creditor does not disclose his or her security in the secured creditor's proof of debt, he or she shall surrender the security for the general benefit of creditors, unless the court, on application by the secured creditor, relieves him or her from the effect of this regulation on the ground that the omission is inadvertent or the result of an honest mistake.

(2) Where the court grants relief, the court may require or allow the creditor's proof of debt to be amended, in the manner determined by the court.

188. Workers' wages.

(1) In any case in which it appears that there are numerous claims for wages by workers and others employed by the insolvent, it is sufficient if one proof for all those claims is made by a foreman or by one person on behalf of all workers.

(2) The proof shall have annexed to it and forming part of it, a schedule setting out the names of the workers and the amounts severally due to them.

(3) The proof of debt for workers shall be in **Form 32** in Schedule 1.

(3) Any proof made in compliance with this regulation shall have the same effect as if separate proofs had been made and submitted by each of the workers.

PART X—VOIDABLE TRANSACTIONS.

189. Application to set aside voidable transaction.

(1) The notice by a liquidator, receiver, member or contributory, trustee or creditor to set aside a voidable transaction under section 19 of the Act shall be supported by an affidavit setting out how the transaction falls within section 15, 16, 17 or 18 and why the court should set it aside.

(2) A copy of the notice, after being endorsed by court shall be served on the parties to the transaction and every other person from whom the liquidator, receiver or trustee wishes to recover.

(3) Any person served with a notice under sub regulation (2) may, by notice of motion supported by an affidavit, apply to court within fourteen working days after receipt of the notice for an order to stay the setting aside of the transaction.

PART XI—THE OFFICIAL RECEIVER

190. Expenses of the official receiver.

(1) Any expenses incurred by the official receiver in connection with proceedings taken against the official receiver in insolvency proceedings shall be treated as expenses of the insolvency.

(2) In respect of any sums due to the official receiver under sub regulation (1), in connection with insolvency proceedings, the official receiver shall have a charge on the estate of the insolvent.

- (3) For the purposes of this regulation “expenses” include damages.

Companies Liquidation Account.

191. Remittances to Companies Liquidation Account.

(1) Unless otherwise directed by the court, every liquidator of a company which is being wound up by the court shall pay, without deduction, all moneys received by him or her, as liquidator of the company, to the Companies Liquidation Account.

(2) The remittances referred to in sub regulation (1) shall be made in the manner determined by the official receiver.

192. Mode of payment out of Companies Liquidation Account.

(1) All payments out of the Companies Liquidation Account shall be made by the official receiver in the manner determined by the official receiver .

(2) All necessary disbursements made by a liquidator on account of a company which is being wound up by the court to the date of the liquidator’s application for release shall be repaid to the liquidator out of any moneys standing to the credit of the company in the Companies Liquidation Account on application to the official receiver.

(3) The official receiver is not liable for any payments made at the request of a liquidator.

PART XII—PROVISIONS RELATING TO INSOLVENCY PRACTITIONERS

193. Professional indemnity.

(1) The professional indemnity required under section 204(1) of the Act shall be filed with the official receiver.

(2) The official receiver shall issue a certificate to the insolvency practitioner that the professional indemnity has been given to his or her satisfaction.

(3) The certificate shall be in **Form 33 in Schedule 1.**

(4) Where two or more persons are appointed jointly to act as insolvency practitioners in relation to any person or company, this regulation shall apply to each of them individually.

194. Requirements in respect of security.

(1) The security required under section 204(1) of the Act shall be in writing and shall contain an undertaking by the insurer who issues the security to be jointly and severally liable for losses in relation to the insolvent.

(2) The terms of the security shall among other things provide,—

- (a) for the payment, in respect of each case where the insolvency practitioner acts, of claims in respect of liabilities for losses up to an aggregate maximum sum in respect of that case which shall be equal to at least two percent of the value of the insolvent's assets as estimated by the insolvency practitioner at the date of his or her appointment;
- (b) for a schedule containing the name of the insolvent and the value of the insolvent's assets to be submitted to the insurer within the period specified in the bond;
- (c) for the payment of losses, whether they arise during the period in which the insolvency practitioner holds office in the capacity in which he or she is initially appointed or a subsequent period where he or she holds office in another capacity.

(3) For purposes of sub regulation (2), in estimating the value of an insolvent's assets, unless the insolvency practitioner has reason to doubt their accuracy, the insolvency practitioner may rely upon any statement of affairs produced in relation to that insolvent under the Act.

195. Failure to give or keep up security by insolvency practitioner.

(1) In a winding up by the court, if a provisional liquidator fails to furnish evidence of security within the time stated for that purpose in the order appointing him or her, or any extension of that time, the official receiver shall report the failure to the court, which may rescind the order appointing the provisional liquidator.

(2) Where a provisional liquidator or liquidator in a winding up by the court does not keep up his or her security, the official receiver shall report the failure to the court, which may remove the provisional liquidator or liquidator, and make any order as to costs as the court considers just.

(3) Where an order is made under this regulation rescinding an order for the appointment or removing a liquidator, the court may direct that meetings shall be held for the purpose of determining whether an application shall be made to the court for another liquidator to be appointed, and the same meetings shall be summoned and the same proceedings may be taken as in the case of a first appointment of a liquidator.

(4) In any other insolvency proceeding, if an insolvency practitioner fails to furnish evidence of security to the appointing authority before the time for making the appointment, or any extension of that time, the official receiver shall report the failure to the appointing authority.

(5) Where an insolvency practitioner in any insolvency proceeding fails to keep up his or her security, the official receiver shall report the failure to the committee of inspection if any, or to the appointing authority of the insolvency practitioner, who may remove the insolvency practitioner from office.

196. Requirements for professional indemnity insurance.

The professional indemnity referred to in section 204 (1) (b) of the Act shall, in addition to any other cover against general professional negligence, specifically provide for cover for losses in relation to the insolvent.

197. Security or professional indemnity requirements for insolvency practitioners operating outside Uganda.

(1) Where an insolvency practitioner operating outside Uganda is appointed to act as insolvency practitioner for an insolvent in Uganda, if that insolvency practitioner is already covered in that country by professional indemnity or a guarantee, the insolvency practitioner shall produce a copy of the document providing the professional indemnity or guarantee to the official receiver.

(2) On receipt of the document specified in sub regulation (1), the official receiver shall determine whether the professional indemnity or guarantee is equivalent or essentially comparable to the bond or professional indemnity required under the Act or these Regulations as regards its purpose and the cover it provides in terms of—

- (a) the risk covered;
- (b) the amount covered; and
- (c) exclusions from the cover.

(3) Where the official receiver is satisfied that the professional indemnity or guarantee does not compare with the bond or professional indemnity required under the Act or these Regulations, the official receiver shall notify the insolvency practitioner and—

- (a) give reasons for the determination;
- (b) specify any terms which, if included in the indemnity, would result in the official receiver accepting the indemnity as comparable to the bond or professional indemnity.

198. Records to be maintained by insolvency practitioners.

(1) In respect of each case in which an insolvency practitioner acts, he or she shall maintain records containing the information specified in sub regulation (3).

(2) Any records created in relation to a case under this regulation shall be preserved by the insolvency practitioner for six years.

(3) The records referred to in sub regulation (1) include—

- (a) record of receipts and payments made in relation to, or in connection with the insolvency;
- (b) record of time spent on that case by the insolvency practitioner or any person assigned to assist the insolvency practitioner;
- (c) records that relate to any business carried on in the case by or at the direction of the insolvency practitioner; or
- (d) records that generally relate to the management of the insolvency.

(4) Any records maintained by an insolvency practitioner shall, on the giving of reasonable notice be made available by the insolvency practitioner for inspection by—

- (a) any professional body to which the insolvency practitioner is a member; and
- (b) the official receiver.

(5) Any person who is entitled to inspect any record under this regulation is also entitled to take a copy of the record.

199. Duty to keep record of insolvency practitioners against whom prohibition order is made.

(1) The official receiver and the registrar of a professional body to which the insolvency practitioner is a member shall keep a record of insolvency practitioners in respect of whom a prohibition order has been made under section 209 of the Act.

(2) Any record maintained under sub regulation (1) shall, on the giving of reasonable notice be made available for inspection by—

- (a) the relevant professional body of which the insolvency practitioner is a member;
- (b) any person who wishes to engage an insolvency practitioner.

200. Duty to check insolvency practitioners' security or professional indemnity.

Wherever under these Regulations any person or committee has to appoint, or certify the appointment of an insolvency practitioner to any office, that person or committee shall, before making or certifying the appointment, be satisfied that the person appointed or to be appointed as insolvency practitioner has adequate security or professional indemnity for the proper performance of his or her duties as insolvency practitioner.

201. Cost of insolvency practitioner's security.

(1) Subject to sub regulation (2), in any insolvency proceedings, the cost of the insolvency practitioner's security or professional indemnity including any premiums which the insolvency practitioner may pay to an insurer or a guarantee society shall be borne by the insolvency practitioner personally, and shall not be charged against the assets of the insolvent as an expense of the proceedings.

(2) Notwithstanding sub regulation (1), the professional indemnity of a provisional administrator and receiver shall be recovered from the insolvent's property under sections 159 and 187 of the Act respectively.

PART XIII—COURT PROCEDURE

202. Title of proceedings.

Every proceeding under the Act or under these Regulations shall be titled "In the matter of the company", or as the case may be "In the matter of the debtor or bankrupt" to which the proceeding relates and "In the matter of the Insolvency Act".

203. Motions and summonses.

(1) Unless otherwise specified in the Act or these Regulations, every application in court other than a petition shall be made by motion.

(2) A notice of the motion shall be served on every person against whom an order is sought not less than fourteen clear days before the day named in the notice for hearing the motion, which day shall be one of the days appointed for the sittings of the court.

(3) Every application in chambers shall be made by summons, which, unless otherwise ordered, shall be served on every person against whom an order is sought, and shall require the person or persons to whom the summons is addressed to attend at the time and place named in the summons .

204. Application of provisions of Civil Procedure Rules to insolvency proceedings.

The Civil Procedure Rules shall apply to proceedings under the Act and these Regulations in respect of any matter which is not provided for under the Act or these Regulations.

PART XIV—PROXIES, COMPANY REPRESENTATION AND POSTAL BALLOTS

Proxies

205. Proxies

(1) Proxies may be used at a meeting of creditors, the company or contributories convened under the Act or the Regulations.

(2) Only one proxy may be given by a person for any one meeting at which the person desires to be represented.

(3) A proxy may only be given to a person aged eighteen years or above.

(4) A person may specify one or more other persons to be proxy-holders in the alternative and shall specify the order in which they are to act as proxy.

(5) A proxy shall require the holder to give the principal's vote on matters arising for determination at the meeting, or to abstain, or to propose, in the principal's name, a resolution to be voted on by the meeting, as directed or in accordance with the holder's own discretion.

206. Issue and use of forms of proxy.

(1) When notice is given of a meeting to be held in insolvency proceedings, and forms of proxy are sent out with the notice, the form sent out shall not have inserted in it the name or description of any person.

(2) A form of proxy shall be signed by the principal, or by some person authorised by the principal, generally or with reference to a particular meeting.

(3) Where a proxy form is signed by a person other than the principal, the nature of the person's authority shall be stated.

207. Form of proxies.

Every proxy shall be in accordance with the general proxy in **Form 34** or the special proxy in **Form 35** in Schedule 1.

208. Use of proxies at meetings.

(1) A meeting shall not use a form of proxy other than the one which is sent out with the notice convening the meeting or a substantially similar form.

(2) A proxy given for a particular meeting may be used at any adjournment of that meeting.

(3) Where the official receiver holds proxies for use at any meeting, his or her assistant, or any other person authorised by the official receiver in writing, may act as proxy-holder in the official receiver's place.

(4) Where the insolvency practitioner holds proxies to be used by him or her as chairperson of a meeting, and some other person acts as chairperson, the other person may use the insolvency practitioner's proxies as if he or she were himself or herself a proxy-holder.

(5) Where a proxy directs a proxy-holder to vote for or against a resolution for the nomination or appointment of a person as the responsible insolvency practitioner, the proxy-holder may, unless the proxy states otherwise, vote for or against any resolution for the nomination or appointment of that person jointly with another person.

(6) A proxy-holder may propose any resolution which, if proposed by another, would be a resolution in favour of which by virtue of the proxy he or she would be entitled to vote.

(7) Where a proxy gives specific directions as to voting, this does not, unless the proxy states otherwise, preclude the proxy-holder from voting at his or her discretion on resolutions put to the meeting which are not dealt with in the proxy.

209. Retention of proxies.

Proxies used for voting at any meeting shall be retained by the chairperson of the meeting, and the chairperson shall, where the chairperson is a person other than the insolvency practitioner, deliver the proxies, immediately after the meeting, to the insolvency practitioner.

210. Proxy-holder with financial interest.

A proxy-holder shall not vote in favour of any resolution which would directly or indirectly place the proxy-holder, or any associate of his or hers, in a position to receive any remuneration out of the insolvent estate, unless the proxy specifically directs the proxy-holder to vote in that way.

211. Solicitation of proxies for appointment.

Where it appears to the satisfaction of the court that any solicitation has been used by or on behalf of an insolvency practitioner in obtaining proxies or in procuring his or her appointment under the Act or these Regulations the court may order that no remuneration is allowed to the person by whom or on whose behalf the solicitation is exercised notwithstanding any resolution of the committee of inspection or of the creditors or contributories to the contrary.

212. Proxy of blind creditor or creditor incapable of writing.

(1) A proxy of a creditor who is blind or incapable of writing may be accepted if the creditor has attached his or her signature or mark to the proxy in the presence of a witness and the witness shall add his or her signature and address to the proxy.

(2) The witness shall certify at the foot of the proxy that all insertions in the proxy have been made at the request and in the presence of the creditor before he or she attached his or her signature or mark.

213. Company representation.

(1) Where a person is authorised to represent a corporation at a meeting of creditors or of the company or its contributories, the person shall produce to the chairperson of the meeting a formal authorization from the management of the company.

(2) The authorisation must be under the seal of the corporation, or certified by the secretary or a director of the corporation to be a true copy.

Postal ballots

214. Duties of person authorised to collect votes.

(1) It is the duty of a person authorised to receive and count postal votes in relation to a meeting—

- (a) to collect together all postal votes received by him or her; and

- (b) in relation to each resolution to be voted on,—
 - (i) to count the number of creditors or creditors belonging to a class of creditors, as the case may be, voting in favour of the resolution and determine the total amount of the debts owed by the company to those creditors; and
 - (ii) to count the number of creditors or creditors belonging to a class of creditors, as the case may be, voting against the resolution and determine the total amount of the debts owed by the company to those creditors; and
- (c) to sign a certificate—
 - (i) that he or she has carried out the duties set out in paragraphs (a) and (b); and
 - (ii) stating the results of the counts and determinations required by paragraph (b); and
- (d) to ensure that the certificate required by paragraph (c) is presented to the person chairing or convening the meeting.

215. Other matters related to postal votes.

(1) If a vote is taken at a meeting where creditors attended in person, on a resolution on which postal votes have been cast, the person presiding shall include the results of voting by all creditors who have sent in a voting paper duly marked as for or against the resolution.

(2) A certificate given in relation to the postal votes cast in respect of a meeting of creditors shall be annexed to the minutes of the meeting.

PART XV—MISCELLANEOUS AND GENERAL MATTERS.

216. Enlargement or abridgment of time.

The court may, in any case in which the court considers just, extend or abridge the time appointed by these Regulations or fixed by any order of the court for doing any act or taking any proceeding.

217. Formal defect not to invalidate proceedings.

(1) Proceedings under the Act or these Regulations shall not be invalidated by any formal defect or by any irregularity, unless the court before which an objection is made to the proceeding is of the opinion that substantial injustice has been caused by the defect or irregularity and that the injustice cannot be remedied by any order of that court.

(2) A defect or irregularity in the appointment of an office holder in insolvency proceedings or any other appointment under the Act or these Regulations, shall not vitiate any act done by him or her in good faith.

218. Notice to joint insolvency practitioners

Where two or more persons are acting jointly as insolvency practitioners in any proceedings, delivery of a document to one of them is to be treated as delivery to them all.

219. Service on joint office-holders

Where there are joint office-holders in insolvency proceedings, service on one of them is to be treated as service on all of them.

220. Revocation

The following statutory instruments are revoked—

- (a) the Bankruptcy (Costs) Rules, S.I. 67-6;
- (b) the Deeds of Arrangement Rules, S.I. 75-1; and
- (c) the Companies (Winding Up) Rules, S.I. 110-2.

SCHEDUEL 1

FORMS

Form 1

Statutory demand

Regulation 4(1)

THE INSOLVENCY ACT 2011
THE INSOLVENCY REGULATIONS 2013

Form 1

STATUTORY DEMAND

To

.....

.....

(Name and address of debtor)

**IN ACCORDANCE WITH SECTION 4 OF THE INSOLVENCY ACT,
2011, I HEREBY DEMAND THAT YOU PAY**

.....
.....*(insert amount of the debt in Uganda Shillings or equivalent)*

Or compound with me or give me a charge over property to secure payment of the debt, to my satisfaction within twenty working days from the date of service of this demand or such longer period as the court may order .

Particulars of the debt

.....

.....

.....

Signed..... (Creditor or agent)Date.....

Received by..... Date.....

Notes

1. *If the amount of debt includes interest not previously notified to the debtor as included in the debtor's liability, details should be given, including the grounds upon which interest is charged. The amount of interest must be shown separately.*

2. *Any other charge accruing due may be claimed. The amount or rate of the charge must be identified and the grounds on which it is claimed must be stated.*
3. *In ANY case the amount claimed must be limited to that which has accrued due at the date of the demand.*
4. *If the creditor holds any security the amount of the debt should be the sum the creditor is prepared to regard as unsecured for the purposes of this demand. Brief details of the total debt should be included and the nature of the security and the value put up on it by the creditor, as at the date of the demand, must be specified.*
5. **You may apply to the court to set aside this statutory demand under section 5 of the Act.**

Form 2

Debtor's petition for bankruptcy

Regulation 8

IN THE MATTER OF(*debtor or bankrupt*)

AND

IN THE MATTER OF THE INSOLVENCY ACT 2011

The humble petition of
(*Insert full name, address and occupation (if any) of debtor*) carrying on
business as(*Insert
trading name, business address and nature of the business*) STATES as
follows:

1. Your petitioner is unable to pay his or her debts. *OR*. A statutory demand was served on your petitioner on theday of but your petitioner is unable to comply with the demand. *OR* Your petitioner has within the period of five years ending with the date of the petition:—
 - (a) been adjudged bankrupt (*state reference number of the bankruptcy proceedings, date of bankruptcy order and court that made the order*);
 - (b) made a composition with his or her creditors in satisfaction of your humble petitioner's debts, (*insert date of composition with creditors*); or
 - (c) entered into an arrangement with his or her creditors.
2. A statement of your petitioner's affairs is attached to this petition.
3. Your petitioner therefore requests this honourable court that a bankruptcy order be made declaring the petitioner bankrupt.

Dated theday of 20.....

Signed:

Petitioner.

Form 3

Creditor's petition for bankruptcy

Regulation 9 (2)

IN THE MATTER OF(*debtor or bankrupt*)

AND

IN THE MATTER OF THE INSOLVENCY ACT 2011

The humble petition of (*Insert full name(s) and address (es) of petitioner(s) and carrying on business as(Insert trading name (adding "with another or others", if this is so), business address and nature of business)*) states as follows—

1. (*Insert full name of debtor*) is justly and truly indebted to me/us in the aggregate sum of Ug.shs
(*Give the amount of debt(s), how and when they were incurred, the amount or rate of any interest or other charge not previously notified to the debtor*)
2. The debt is for a liquidated sum payable immediately and the debtor appears to be unable to pay it.
3. On theday of.....20..... a statutory demand was served upon the debtor requiring the debtor to pay owed to.....
(*insert name of creditor*).
4. To the best of my knowledge and belief the demand has neither been complied with nor set aside.
5. To the best of my knowledge and belief there is no application to set it aside pending before this Honourable court or any other court;

OR

3. The debt arises under a judgment debt or order of court and execution has been returned unsatisfied to wit Decree No.....of 20.....High Court at...../Chief Magistrates court of.....particulars of return.....

4. I/We do not, nor does any person on our behalf, hold any security on the debtor's estate, or any part thereof, for the payment of the outstanding sum

OR

4. I/We hold security for the payment of [part of] the outstanding sum.

OR

I/We hold security for the payment of part of the outstanding sum and estimate the value of the security to be U.g.shs
. This petition is not made in respect of the secured part of the debt.

3. Your petitioner therefore requests this honourable court that a bankruptcy order be made declaring the debtor bankrupt.

Dated theday of 20.....

Signed:
Petitioner.

Form 4

Notice of a petition

THE INSOLVENCY ACT 2011
THE INSOLVENCY REGULATIONS 2013

Regulations 13, 89,

Form 4

NOTICE OF A PETITION

PUBLIC NOTICE

TAKE NOTICE THAT on theday of20.... a
petition for bankruptcy/insolvency or winding up* in respect to.....(*insert
name of the bankrupt/company**) was lodged incourt.

Dated this _____ day of _____, 20 _____

.....

Signed by person giving notice

** Delete which ever is not applicable*

Form 5

Notice of intention to appear on petition

Regulations 15, 91,139

THE INSOLVENCY ACT 2011
THE INSOLVENCY REGULATIONS 2013

NOTICE OF INTENTION TO APPEAR ON PETITION.

PUBLIC NOTICE

TAKE NOTICE that I _____ of _____
(*state full name and address, or if a firm, the name of the firm and address*), a
creditor in the amount of..... shillings of (*or contributory*
holding—state number and class of shares held—shares in the company)
intend to appear on the hearing of the petition in the matter of
(*insert name of debtor*) advertised to be heard on the _____ day of
_____, 20____, and to support/ oppose*) that petition.

Dated this _____ day of _____, 20 ____

.....

Signed by person giving notice

**delete whichever is not applicable*

Form 6
Regulation 16, 92,140

List of parties who intend to appear at hearing of a petition

IN THE MATTER OF(*debtor or insolvent*)

AND

IN THE MATTER OF THE INSOLVENCY ACT 2011

**LIST OF PARTIES WHO INTEND TO APPEAR AT HEARING
OF A PETITION.**

The following are the names of those who have given notice of their intention to attend the hearing of the petition on the _____ day of _____, 20 ____.

<i>Name</i>	<i>Address</i>	<i>Name and address of advocate of party who has given notice</i>	<i>Creditors' amount of debt</i>	<i>Opposing</i>	<i>Supporting</i>

Dated this _____ day of _____, 20 ____

.....

Petitioner

Form 7
Statement of Affairs

Regulation 21

IN THE MATTER OF(*debtor or insolvent*)

AND

IN THE MATTER OF THE INSOLVENCY ACT 2011

STATEMENT OF AFFAIRS

<i>Title</i>	<i>Name</i>	<i>Other names</i>
--------------	-------------	--------------------

PART A – PERSONAL DETAILS

1. Name and address of debtor

Names	
Address	
Telephone	
Mobile	
Fax	
E-Mail	

2. Accountant

Do you have an accountant?	No	Yes <i>please give details</i>
Name (<i>Give Firm name if applicable</i>)		
Contact Person		
Address		
Phone No.		

3. Lawyer

Do you have a Lawyer?	No	Yes <i>please give details</i>
Name (<i>Give Firm name if applicable</i>)		
Contact Person		
Address		
Phone No. ()		

4. About your family

Do you have a spouse/partner?	No	Yes <i>please give details</i>	
Your spouse/partner's full name			
Do you live with your spouse/partner?	No	Yes	
What is your spouse/partner's separate gross income	per year OR	per month OR	per week

5. Do you have any dependants residing with you? (*e.g. spouse, children, parents, invalid relative*)

No	Yes <i>please give details</i>
----	--------------------------------

<i>Full Name</i>	<i>Relationship</i>	<i>Date of Birth</i>	<i>Separate Income (if any)</i>

6. **Child Support**

In the next 12 months, do you expect to pay or receive any financial support in form of **Child Support**

No	Yes <i>please give details</i>
----	--------------------------------

Please give details and provide a copy of the assessment or order

Paid to/Received from	Amount	Frequency
-----------------------	--------	-----------

I pay child support/maintenance			
I receive child support/maintenance			

7. **Legal Actions**

Are you involved in any legal processes or disputes?

No	Yes
----	-----

Provide a copy of the summons, writ or other legal documents and letters

Plaintiff	Defendant	Court	Plaint No.

8. Summary of your income in the last 12 months **Provide details** of your income (before tax) over the **past** 12 months.

Type of income	Received from	Amount
Government benefits/Pensions		
Income from self employment (give Business name)		
Income from business (give Business name)		
Gross wages & salary before tax (give Employer name and business name)		
Superannuation retirement funds Fund name:		
Lump sum termination payments		
Deceased estate or trusts		
Income from investments (<i>e.g. dividends, interest, trusts</i>)		
Income from reverse mortgages		
Any other source		
<i>You must provide evidence of your income e.g. payslips, tax returns, statements</i>	Total	

9. Summary of your expected income in the next 12 months **Provide details of your income (before tax) that you expect to receive in the next 12 months.**

If you are not sure, please estimate.

Type of income	Received from	Amount
Government benefits/Pensions		
Income from self employment (give Business name)		
Income from business (give Business name)		
Gross wages & salary before tax (give Employer name and business name)		
Superannuation retirement funds Fund name:		
Lump sum termination payments		
Deceased estate or trusts		
Income from investments(<i>e.g. dividends, interest, trusts</i>)		
Income from reverse mortgages		
Any other source		
<i>You must provide evidence of your income to your trustee eg payslips, tax returns, statements on the anniversary of your bankruptcy and when your income changes</i>	Total	

10. **Employment Status**

Are you currently employed?

No	Yes
----	-----

How long have you been unemployed?

Years	Months

What was your occupation when you were last employed?

.....

.....

Current Employment

Employer details	Job 1		Job 2		Job3	
Name						
Address						
Employed as						
Type of Industry						
Pay period (week/fortnight/month)						
How many hours do you work per week?						
Is your employer a relation?	No	Yes	No	Yes	No	Yes

11. **Salary Loan**

Is your salary now or at any time in the last 2 years, subject to a salary loan arrangement? No.... /Yes....

If Yes, give details

.....

.....

.....

.....

12. **Superannuation and Life Insurance Policies**

List all superannuation funds and life insurance policies

.....
.....
.....
.....

Have you received a superannuation payout from any fund in the last 5 years?

No.... /Yes....

If Yes, give details

.....
.....
.....
.....

Have you made a lump sum payment to any superannuation fund in the last 5 years?

No.... /Yes....

If Yes, give details

.....
.....
.....
.....

Do you expect to receive payment from any superannuation fund in the next 3 years?

No.... /Yes....

If Yes, give details

.....
.....
.....
.....

13. **Other Benefits**

Do you or any member of your family, receive or expect to receive any benefit from any other person or entity?

No.... /Yes....

If Yes, give details (*Include rent, low interest loans, payment of your expenses or children's education*)

.....
.....
.....
.....

14. **About your Insolvency**

What do you believe is the main cause of your insolvency?

*Tick one cause only in **either** 17A **or** 17B that best describes the main cause of your financial difficulties.*

17A. Non Business Related

Unemployment or loss of income	
Adverse legal action	
Liabilities due to guarantees	
Gambling, speculation & extravagance in living	
Ill health or absence of health insurance	
Domestic discord or relationship breakdowns	
Excessive use of credit facilities including losses on repossessions, high interest payments and pressure selling	

17B. Business Related *(only applies if you have personally operated a business)*

Economic conditions affecting industry, including competition, credit restrictions, fall in prices or increases in costs	
Lack of business ability including under quoting or failure to assess potential of business	
Excessive interest payments on loan monies and capital losses on repayments	
Excessive drawings including failure to provide for taxation	
Inability to collect debts due to disputes, faulty work or bad debts	
Failure to keep proper books of account and costing records	
Lack of sufficient initial working capital	
Gambling or speculation	
Seasonal conditions including floods and drought	

If other reason not listed please specify.

.....

.....

.....

.....

.....

15. When did you first have difficulty paying your debts?

Month	Years

16. Have you previously been bankrupt or entered into a formal arrangement with creditors? Yes...../No.....

Details

.....

.....

.....

.....

.....

17. What type of administration was it?

Bankruptcy	
Arrangement	
Composition	

PART B: YOUR ASSETS

18. Cash

How much cash do you have?

(Include cash at bank in question 22).....

19. Banks/Micro finance institution/Credit Unions/other financial institutions

List all accounts held (include joint and overdrawn accounts) with any of the above types of institutions within the last 12 months

(Note: Presently overdrawn accounts should also be included as creditors at Qns 36 and 36)

Full Name of Bank/other financial institution	Branch Name	Account Number & Account Type	Current Balance	Joint Account
				yes
				no
				yes
				no
				yes
				no

20. **Tax Refund**

Do you expect to receive a tax refund?

No	Yes (Please give details)
----	---------------------------

Year Ended	Amount expected
30 June-	
30 June-	

21. **Tools of Trade**

Do you have tools of trade? Yes.../No.....

If Yes give details

.....

.....

.....

.....

.....

What is their estimated resale value?.....

22. **Vehicles**

Do you own, or have an interest, in any vehicles?(*This includes cars, motor bikes, trailers, caravans, campervans, boats etc*).

Yes...../No.....

Details

.....

.....

.....

Type of vehicle (eg car, boat)	Make	Model	Year	Registration Number	Estimated Resale Value	Amount Owed (if any)

23. Real estate

Do you own, or are you buying, any land or buildings in Uganda or overseas?(*This includes any interest in vacant land, house, unit, commercial property etc*). **Yes...../No.....**

Is there a building on the land? **Yes.... /No.....**

Type of house/unit	Age of building
Number of bedrooms	Number of bathrooms

What is the property address?

.....
.....
.....
.....
.....

- i. Date the property was acquired or purchased
- ii. Amount paid to acquire or purchase the property
- iii. What is the estimated value of the property?
- iv. Any other Details on the property;
.....
.....
.....
.....

24. Shares

Do you own, or are you entitled to any shares, options, rights, convertible notes or other securities? **Yes...../ No.....**

If Yes give details below

<i>Name and address of Company</i>	<i>No. of shares</i>	<i>Shareholder Number</i>	<i>Date Acquired</i>	<i>Market Value</i>	<i>See note below</i>

Note: Do any of the above shares have any restrictions on their sale? (*E.g. Shares in a private limited company are not transferable without meeting certain criteria*) If there are any sale restrictions, please write ‘**R**’ in the last column.

25. Investments

Do you have any managed investments, insurance bonds, debentures or other investments?. **Yes...../No.....**

If Yes give details

Investment Type	Date Acquired	Market Value

26. Money Owed to you

Do you have any debts owed to you? (*include loans to friends and relatives and to family trusts or private companies; **do not include** Child Support arrears*). **Yes...../No.....**

If Yes give details

<i>Name & address of person or organisation who owes you money</i>	<i>Date debt was created</i>	<i>Amount owed</i>	<i>Amount likely to be received</i>

27. Deceased Estate

Do you have an interest in a deceased estate? (*Provide a copy of the will or letters from the executor*). **Yes...../No.....**

If Yes give details

<i>Name of Deceased</i>	<i>Date of Death</i>	<i>Executor Name and Address</i>	<i>Estimated value of benefit</i>

28. Sale, Transfer or Gift of Assets in the last 36 months

Have you sold, transferred or given away any assets worth more than UGX 1 million in the last 5 years?(*Provide a copy of the receipt or settlement statement*) **Yes..../No.....**

If Yes give details

<i>What did you sell, transfer or give away?</i>	<i>To whom was it sold, transferred or gifted?</i>	<i>Date Transferred</i>	<i>What was it worth?</i>	<i>How much was it sold for?</i>	<i>How much did you receive net?</i>

29. Assets you own which are in somebody else's possession

Do you own any assets which are not currently in your possession? **Yes.../No.....**

If Yes give details

<i>Description of asset</i>	<i>Name and address of person who has the asset</i>	<i>What is it worth?</i>

30. **Assets you contributed towards or helped purchase**

Have you contributed or otherwise assisted in the purchase or improvement of any asset valued over which is held by someone else?

Yes...../No.....

If Yes give details

<i>Description of asset</i>	<i>Name and address of person who has the asset</i>	<i>What is it worth?</i>

31. **Assets/Money Paid to Creditors**

As a result of pressure for payment from creditors have you, in the last 12 months, paid a total amount of more than UGX 1 million over and above your normal repayments or surrendered any assets to a creditor?

Yes...../No.....

If Yes give details.

<i>Date paid/surrendered</i>	<i>Type of asset (eg cash/house)</i>	<i>Value of asset</i>	<i>Name of Creditor</i>

32. **Other items of value**

Other than your general household furniture, do you own any other assets or items of value? (*e.g. jewellery, camera, artworks, antiques, copyrights etc*) **Yes..../No....**

If Yes give details.

<i>Description of Asset</i>	<i>Location of Asset</i>	<i>Estimated Resale Value</i>	<i>Jointly owned</i>
			yes
			no
			yes
			no
			yes
			no

Please attach a list if you have more assets

36. Secured Creditors -

List your secured creditors.

A secured creditor is a creditor who can repossess and sell your asset/s if you fall behind with your payments. For example, a mortgage over your house, a hire purchase/lease agreement over your vehicle, a chattel mortgage or a bill of sale over your business assets.

	Name	Address	Account/Loan number	Type of security (eg mortgage)	Date the security was given	Description of secured asset	Location of asset	Estimated resale value of the asset
1								
2								
3								

	Yes	No
Is it a joint loan?		
Are repayments up to date?		
Has the creditor Repossessed the asset?		
Is the creditor a relation?		

28. Equity Loan

Have you used any equity or made any additional loan withdrawals against any of the above secured properties in the last 12 months?
Yes...../No....

If Yes give details.

Date	Amount Withdrawn

29. Unsecured Creditors

List all debts that have not already been listed as secured.

***Related Creditors** must be disclosed by ticking the yes or no box.*

***Joint Debts** If the debt is owed jointly with another person you must disclose this by indicating Yes or No*

<i>Creditor Name</i>	<i>Address</i>	<i>Nature of debt</i>	<i>Account No.</i>	<i>Month/Yr Incurred</i>	<i>Total amount owing</i>	<i>Related Party?</i>	<i>Joint debt?</i>

36. DECLARATION

I declare that the particulars set out in this statement are true and correct to the best of my knowledge.

.....
.....

Signature

Signed this..... Day of20.....

37. If you received assistance completing this form, the person providing the assistance should sign the statement below.

I declare that before this statement of affairs was completed; I carefully read and interpreted the questions on this form to the person named above in a language with which we are both familiar.

The responses provided in this form are those of the person named above.

.....

Sign

Signed this..... Day of20.....

Full Name		
Address		
Reason assistance required	1	
	2	
	3	

Form 8

Notice of public examination of debtor

Regulation 22

**THE INSOLVENCY ACT 2011
THE INSOLVENCY REGULATIONS 2013**

NOTICE OF PUBLIC EXAMINATION.

PUBLIC NOTICE

TAKE NOTICE THAT onday of20... the court made an order for the debtor (*insert name of debtor*) to be publicly examined.

TAKE FURTHER NOTICE THAT the public examination shall be held at _____, on the _____ day of _____, 20 ____, at _____ o'clock in the _____ noon.

Dated this _____ day of _____, 20 ____

Petitioner.

Form 9

Notice of bankruptcy

Regulation 25

THE INSOLVENCY ACT 2011
THE INSOLVENCY REGULATIONS 2013

NOTICE OF BANKRUPTCY

PUBLIC NOTICE

TAKE NOTICE THAT on the _____ day of _____, 20 ____, the court atmade a bankruptcy order in respect of..... (*insert name of bankrupt*).

TAKE FURTHER NOTICE THAT the bankruptcy commenced on.....

Dated this _____ day of _____, 20 ____

Official Receiver

Form 10

Notice of creditor's first meeting.

Regulations 26, 99

**THE INSOLVENCY ACT 2011
THE INSOLVENCY REGULATIONS 2013**

NOTICE OF CREDITORS FIRST MEETING.

PUBLIC NOTICE

TAKE NOTICE THAT onday of20... the court made an order for winding up/bankruptcy/* of the
(insert name of debtor/bankrupt/insolvent)

TAKE FURTHER NOTICE THAT the first meeting of creditors shall be held at _____, on the _____ day of _____, 20 ____, at _____ o'clock in the _____ noon.

All creditors of the debtor/bankrupt/insolvent* are invited to submit proof of their debts to me at the address given below not later than _____ o'clock on the _____ day of _____, 20 ____ in order to entitle each creditor to vote at the meeting.

Forms of proof and of general and special proxies may be obtained from..... .

Proxies to be used at the meeting must be lodged with me at not later than _____ o'clock on the _____ day of _____, 20 ____.

Dated this _____ day of _____, 20 ____

Official Receiver/ Provisional Liquidator.

*delete whichever is not applicable

Form 11

Notice of meeting of creditors.

Regulation 29,71

THE INSOLVENCY ACT 2011
THE INSOLVENCY REGULATIONS 2013

NOTICE OF MEETING OF CREDITORS.

PUBLIC NOTICE

TAKE NOTICE THAT a meeting of creditors shall be held at _____, on the _____ day of _____, 20 _____, at _____ o'clock in the _____ noon.

Forms of proof and of general and special proxies may be obtained from.....

Proxies to be used at the meeting must be lodged with me at not later than _____ o'clock on the _____ day of _____, 20 _____.

Dated this _____ day of _____, 20 _____

Person calling the meeting.

Form 12
Notice of appointment

Regulation 35, 98, 102, 144

THE INSOLVENCY ACT 2011
THE INSOLVENCY REGULATIONS 2013

Form 12

NOTICE OF APPOINTMENT

PUBLIC NOTICE

TAKE NOTICE THAT on theday of
.....20.....(*insert name
of person appointed*) was appointed trustee/provisional liquidator/liquidator/
receiver/provisional administrator/ administrator* of
.....(*insert name of debtor/bankrupt/company*).

Dated this _____ day of _____, 20 ____

.....
Signed by person giving notice

*delete whichever is not applicable

Form 13

Notice disclaiming onerous property

THE INSOLVENCY ACT 2011
THE INSOLVENCY REGULATIONS 2013

Regulations 37,107

Form 13

NOTICE DISCLAIMING ONEROUS PROPERTY

PUBLIC NOTICE

TAKE NOTICE that in accordance with section 35/107 of the insolvency Act, 2011 the liquidator/trustee* ofstate the company/bankrupt's estate) hereby disclaims all interest in the property described in this notice.

PARTICULARS OF THE PROPERTY*

.....
.....
.....

Signed..... Date.....

Name of liquidator/trustee*.....

* delete whichever is not applicable.

**NOTE: Where the property concerned consists of land or buildings the nature of the interest should also be stated (e.g. whether leasehold, freehold, etc)*

Form 14

*Notice by trustee claiming property for the bankrupt's estate acquired after
the bankruptcy*

Regulation 39

THE INSOLVENCY ACT 2011
THE INSOLVENCY REGULATIONS 2013

Form 14

**NOTICE BY TRUSTEE CLAIMING PROPERTY FOR THE
BANKRUPT'S ESTATE ACQUIRED AFTER THE BANKRUPTCY**

To

.....
.....
(Name and address of bankrupt)

In accordance with section 32 of the Insolvency Act, 2011, I hereby claim the
following property for the estate
.....
(insert particulars of the property)

Dated this _____ day of _____, 20 ____

Trustee.

Form 15

Notice of annulment, revocation, setting bankruptcy order

THE INSOLVENCY ACT 2011
THE INSOLVENCY REGULATIONS 2013

Regulation 58

Form 15

**NOTICE OF ANNULMENT, REVOCATION, SETTING ASIDE
BANKRUPTCY ORDER**

PUBLIC NOTICE

TAKE NOTICE THAT on theday of20....
The.....court at.....annulled/revoked/set
aside* the bankruptcy order.

Dated this _____ day of _____, 20 _____

.....
Signed by person giving notice

* Delete which ever is not applicable.

Form 16.
Certificate of discharge

Regulation 61.

IN THE MATTER OF(*debtor or insolvent*)

AND

IN THE MATTER OF THE INSOLVENCY ACT 2011

CERTIFICATE OF DISCHARGE

This is to certify that _____ (*insert name of debtor*) who was adjudged bankrupt by an order of court made on the _____ day of _____ 20____ has been discharged from bankruptcy with effect from _____ (*insert date of discharge*).

Dated this _____ day of _____, 20 ____

.....
Registrar/Magistrate*

*Delete which ever is not applicable

Form 17

Notice of arrangement

Regulation 74

THE INSOLVENCY ACT 2011
THE INSOLVENCY REGULATIONS 2013

NOTICE OF ARRANGEMENT

PUBLIC NOTICE

TAKE NOTICE THAT on the _____ day of _____, 20 ____,
the court atmade an arrangement order in respect
of..... (*insert name of debtor*).

TAKE FURTHER NOTICE THAT the arrangement commenced on.....

Dated this _____ day of _____, 20 ____

Supervisor.

Form 18

*Notice of end of provisional administration/administration/ arrangement**

Regulations 76, 147,149,156

THE INSOLVENCY ACT 2011

THE INSOLVENCY REGULATIONS 2013

**NOTICE OF END OF PROVISIONAL
ADMINISTRATION/ADMINISTRATION/ ARRANGEMENT***

PUBLIC NOTICE**

To

.....
.....
.....

*(Insert name and address of official receiver, registrar, court, creditor,
company, any other person*)*

TAKE NOTICE THAT on theday of.....20... court
made an order terminating the arrangement/execution of an administration
deed/administration* in respect of

Dated thisday of20...

.....
*Provisional administrator/administrator/ supervisor**

*delete which ever is not applicable.

** delete where the notice is to creditors

Form 19.

Petition for winding up of company.

Regulation 86.

IN THE MATTER OF (*debtor or insolvent*)

AND

IN THE MATTER OF THE INSOLVENCY ACT 2011

PETITION FOR WINDING UP A COMPANY.

The humble petition of _____ (*insert full name, title, etc. of petitioner*) states as follows—

1. The _____ Co. Ltd. (hereafter called “the company”) was on theday of _____ incorporated.
2. The registered office of the company is at _____ (*state the situation and full postal address of the registered office*).
3. The nominal capital of the company is _____ shillings divided into shares of _____ shillings each. The amount of the capital paid up or credited as paid up is _____ shillings.
4. The objects for which the company was established are as follows—
To _____ and other objects set forth in the memorandum of association of the company.
(*Here set out in paragraphs the facts on which the petitioner relies, including a statement of assets where necessary and conclude as follows—*)
5. The company is indebted to your petitioner in the sum of _____ shillings (*state consideration for the debt, with particulars, so as to establish that the debt claimed is due*).
6. Your petitioner served a statutory demand on the company for payment of his or her debt on the _____ day of _____, 20____, but the company has failed and neglected to pay the debt or any part of the debt or comply with the statutory demand.

7. To the best of my knowledge and belief there is no application to set it aside pending before this Honourable court or any other court;.
8. The petitioner obtained a judgment or order of court against the debtor and execution has been returned unsatisfied (*state particulars relating to the judgment or order*).
9. The company is (insolvent and) unable to pay its debts.
10. (*Statement of assets where necessary*).

Your petitioner therefore humbly prays that —

- (a) the company may be wound up by the court; or
- (b) the court makes an order for the liquidation of the company.

AND makes such orders as may be necessary and just in the premises.

Form 20*Statement of affairs for companies**Regulation 106***Form 20**

THE INSOLVENCY ACT 2011
THE INSOLVENCY REGULATION 2013

STATEMENT OF AFFAIRS FOR COMPANIES

Name of Company	
Registration Number	
Date of incorporation	

Statement as to the affairs as at the _____ day of _____ 20____,

PART:A*Assets not specifically secured.*

<i>Particulars of assets</i>	<i>Book value</i>	<i>Estimated to produce</i>
Balance at bank		
Cash in hand		
Marketable securities (as per Schedule I)		
Bills receivable (as per Schedule II)		
Trade debtors (as per Schedule III).		
Loans and advances (as per Schedule IV)		
Unpaid shares (as per Schedule V).		
Stock in trade		
Work in progress		
Heritable property		
Leasehold property		
Plant, machinery and vehicles		
Furniture and fittings etc		
Patents, trade marks, etc		
Investments other than marketable securities		
Other property		
Total		

Signed _____ *Date* _____

SCHEDULE I TO PART A

Marketable Securities

Names to be arranged in alphabetical order and numbered consecutively

<i>No</i>	<i>Name of organisation in which securities are held</i>	<i>Details of securities held</i>	<i>Book value</i>	<i>Estimated Return</i>

SCHEDULE II TO PART A

Bills of exchange, promissory notes, etc. available as assets

<i>No</i>	<i>Name and address of acceptor of bill or note</i>	<i>Amount of bill or note</i>	<i>Date when due</i>	<i>Estimated return</i>	<i>Particulars of any property held as security for payment of bill or note</i>

SCHEDULE III TO PART A

Trade debtors

<i>No</i>	<i>Name and address of debtor</i>	<i>Particulars of any securities held for debt</i>	<i>Book value</i>	<i>Estimated Return</i>

SCHEDULE IV TO PART A

Loans and Advances

<i>No</i>	<i>Name and address of debtor</i>	<i>Particulars of any securities held for debt</i>	<i>Book value</i>	<i>Estimated Return</i>

SCHEDULE V TO PART A
Loans and Advances

<i>No</i>	<i>No. in the share register</i>	<i>Name and address of shareholder</i>	<i>No of shares held</i>	<i>Amount of call per share unpaid</i>	<i>Total amount due</i>	<i>Estimated Return</i>

Signed _____ *Date* _____

PART B

Assets specifically secured and creditors fully or partly secure (not including debenture holders secured by a floating charge).

<i>No</i>	<i>Particulars of assets specifically secured</i>	<i>Nature of security</i>	<i>Date when security granted</i>	<i>Name of creditor</i>	<i>Address and occupation</i>

Note: *For this purpose identify separately*

- (a) *an owner of goods in the company's possession under a hire-purchase agreement or an agreement for the hire of goods for more than 3 months, or*
- (b) *a seller of goods to the company claiming a retention of title or a seller under a conditional sale.*

Signed _____ *Date* _____

PART C

Preferential creditors for salaries, wages and otherwise.

<i>No</i>	<i>Name of creditor</i>	<i>Address</i>	<i>Nature of claim</i>	<i>Total amount of claim</i>	<i>Amount ranking as preferential</i>	<i>Balance not preferential carried to List 'E'</i>

Signed _____ *Date* _____

PART D

List of holders of debentures secured by a floating charge.

No	Name and address of Holder	Amount	Description of assets over which security extends

Signed _____ Date _____

PART E

Unsecured creditors – trade accounts.

Identify separately on this list customers claiming amounts paid in advance of the supply of goods and services

No	Name of and address of creditor	Amount of the debt	Additional information

Signed _____ Date _____

PART F

Unsecured creditors – Bills payable, promissory notes, etc.

No	Name and address of acceptor of bill or note	Name and address of holder	Date when due	Amount of claim	Particulars of bill or note

Signed _____ Date _____

PART G

Unsecured creditors – contingent liabilities.

No	Name and address of creditor	Nature of liability	Amount of claim

Signed _____ Date _____

DECLARATION

I/We declare that the particulars set out in this statement are true and correct to the best of my/our knowledge.

.....

Signature For_____

Signed this..... Day of20.....

Form 21
List of contributories

Regulation 110.]

Form 21

THE INSOLVENCY ACT 2011
THE INSOLVENCY REGULATIONS 2013

LIST OF CONTRIBUTORIES.

The following is a list of members of the company proposed to be placed on the list of contributories of the company, made out from the books and documents of the company, together with their respective addresses and the number of shares (*or* extent of interest) to be attributed to each and the amount called up and the amount paid up in respect of the shares (*or* interest) so far as I have been able to make out or ascertain the same.

Part I contains the list of the persons who are contributories in their own.

Part II contains the list of the persons who are contributories as being representatives of, or being liable to the debts of others.

Part I—Contributories in their Own Right.

<i>Serial No.</i>	<i>Name and description</i>	<i>Address</i>	<i>Number of shares (or extent of interest)</i>	<i>Amount called up at date of commencement of winding up</i>	<i>Amount paid up at date of commencement of winding up</i>

Part II—Contributories as Being Representatives of, or Liable to the Debts of, Others.

<i>Serial No.</i>	<i>Name and description</i>	<i>Address</i>	<i>In what character included</i>	<i>Number of shares (or extent of interest)</i>	<i>Amount called up at date of commencement of winding up</i>	<i>Amount paid up at date of commencement of winding up</i>

Dated this _____ day of _____, 20 ____

Liquidator.

Form 22*Notice to contributories of time and place for settlement of list.**Regulations 111***THE INSOLVENCY ACT 2011
THE INSOLVENCY REGULATIONS 2013****NOTICE TO CONTRIBUTORIES OF TIME AND PLACE FOR
SETTLEMENT OF LIST.**

To.

.....

.....

(name, address of contributory)

TAKE NOTICE THAT the _____ day of _____, 20 _____, at _____
o'clock in the _____ noon at..... is the time and
place appointed for the settlement of the list of contributories.

Part A—Contributories in their Own Right.

<i>Serial No.</i>	<i>Name and description</i>	<i>Address</i>	<i>Number of shares (or extent of interest)</i>	<i>Amount called up at date of commencement of winding up</i>	<i>Amount paid up at date of commencement of winding up</i>

**Part B—Contributories as Being Representatives of, or Liable to the
Debts of, Others**

<i>Serial No.</i>	<i>Name and description</i>	<i>Address</i>	<i>In what character included</i>	<i>Number of shares (or extent of interest)</i>	<i>Amount called up at date of commencement of winding up</i>	<i>Amount paid up at date of commencement of winding up</i>

Dated this _____ day of _____, 20 _____

Liquidator.

Form 23
List of contributories.

Regulation 113

THE INSOLVENCY ACT 2011
THE INSOLVENCY REGULATIONS 2013

NOTICE OF SETTLED LIST OF CONTRIBUTORIES.

To.

.....
.....
(name, address of contributory)

I certify the following as the settled list of the members of the company included on the list of contributories of the company

Part I—Contributories in their Own Right.

<i>Serial No.</i>	<i>Name and description</i>	<i>Address</i>	<i>Number of shares (or extent of interest)</i>	<i>Amount called up at date of commencement of winding up</i>	<i>Amount paid up at date of commencement of winding up</i>

Part II—Contributories as Being Representatives of, or Liable to the Debts of, Others. shares (or

<i>Serial No.</i>	<i>Name and description</i>	<i>Address</i>	<i>In what character included</i>	<i>Number of shares (or extent of interest)</i>	<i>Amount called up at date of commencement of winding up</i>	<i>Amount paid up at date of commencement of winding up</i>

Dated this _____ day of _____, 20 ____

Liquidator

Form 24
Call on contributories

Regulations 119

THE INSOLVENCY ACT 2011
THE INSOLVENCY REGULATIONS 2013

CALL ON CONTRIBUTORIES

To.

.....
.....
(name, address of contributory)

You are required to settle your shares as follows-

Part A—Contributories in their Own Right.

<i>Serial No.</i>	<i>Name and description</i>	<i>Address</i>	<i>Number of shares (or extent of interest)</i>	<i>Amount called up at date of commencement of winding up</i>	<i>Amount paid up at date of commencement of winding up</i>

Part B—Contributories as Being Representatives of, or Liable to the Debts of, Others.

<i>Serial No.</i>	<i>Name and description</i>	<i>Address</i>	<i>In what character included</i>	<i>Number of shares (or extent of interest)</i>	<i>Amount called up at date of commencement of winding up</i>	<i>Amount paid up at date of commencement of winding up</i>

Dated this _____ day of _____, 20 ____

Liquidator.

Form 25

Regulation 131

THE INSOLVENCY ACT 2011
THE INSOLVENCY REGULATIONS 2013

NOTICE OF LIQUIDATOR'S REPORT.

PUBLIC NOTICE

TAKE NOTICE THAT the preliminary/ interim report of the liquidation may be inspected at _____, (state place) between (specify time)

Dated this _____ day of _____, 20 ____

Liquidator.

Form 26
Return of Final Account

Regulation 133.

Form 26

THE INSOLVENCY ACT 2011
THE INSOLVENCY REGULATIONS 2013

RETURN OF FINAL ACCOUNT.

(LIQUIDATOR'S STATEMENT OF ACCOUNT (MEMBERS' OR
CREDITORS' VOLUNTARY WINDING UP).

1. No. of Company _____
2. Name of company _____ Ltd.
(*in liquidation*)
3. Presented by _____
4. Statement showing how the winding up has been conducted and how the property of the Company has been disposed of from _____, 20 ____
(*commencement of winding up*) to _____, 20 ____ (*close of winding up*)

	<i>Statement of assets and liabilities Shs.</i>	<i>Receipt s Shs.</i>			<i>Payments Shs.</i>
Receipts—			Costs of Advocate to liquidator		
Cash at bank			Other law costs		
Cash in hand			Liquidator's remuneration (where applicable)		
M a r k e t a b l e securities			_____ percent on _____ shs. realised		
Sundry debtors			_____ percent on _____ shs. Distributed		
Stock-in-trade			By whom fixed _____		
Work in progress			Auctioneers' and valuers' charges		
Freehold property			Costs of possession and maintenance of estate		

Leasehold property			Costs of notices in Gazette and newspapers		
Plant and machinery			Incidental outlay		
Furniture, fittings, utensils, etc.					
Patents, trademarks, etc.					
Investments other than marketable securities					
Surplus from securities					
Unpaid calls at commencement of winding up					
Shs.			Shs.		
Amounts received from calls on contributories made in the winding up			Total costs and charges— (i) debenture holders—		
Receipts per trading account			payment of ____ shs. per ____ shs. Debenture		
Other property, etc. viz—			payment of ____ shs. per ____ shs. Debenture		
			payment of ____ shs. per ____ shs. Debenture		
Shs.			Shs.		
Less—			(ii) creditors— _____ Preferential ¹		
Payments to redeem securities			_____ Unsecured ¹		
Costs of execution			Dividend(s) of ____ shs. in the ____ on ____ shs.		

Payments per trading account			(The estimate of amount expected to rank for dividend was ____ shs.)		
Payments per trading account			(The estimate of amount expected to rank for dividend was ____ shs.)		
Net realisations			(iii) Returns to contributories— Shs.		
			shs. ____ per ____ share2		
			shs. ____ per ____ share2		
			shs. ____ per ____ share2		
			Balance		

5. State number. Preferential creditors need not be separately shown if all creditors have been paid in full.
6. State nominal value and class of share.

_____.

- (i) Assets, including _____ shown in the statement of assets and liabilities and estimated to be of the value of _____ shillings have proved to be unrealisable.
- (ii) State amount paid into the Companies Liquidation Account in respect of _____ Shs.
 - (a) unclaimed dividends payable to creditors in the winding up _____
 - (b) other unclaimed distributions in the winding up _____
 - (c) monies held by the company in trust in respect of dividends or other sums due before commencement of the winding up to any person as a member of the company _____
- (iii) Add here any special remarks the liquidator thinks desirable—

Dated this _____ day of _____, 20 ____

Liquidator.

Form 27

Petition for interim protective order for a company.

Regulation 135(2).

IN THE MATTER OF (*debtor or insolvent*)

AND

IN THE MATTER OF THE INSOLVENCY ACT 2011

**PETITION FOR INTERIM PROTECTIVE ORDER FOR A
COMPANY.**

The humble petition of _____ (*insert full name, title, etc. of petitioner*) shows as follows—

1. The _____ Co. Ltd.
(hereafter called “the company”) was in the month of _____
incorporated.
2. The registered office of the company is at _____
(*state the situation and full postal address of the registered office*).
3. The nominal capital of the company is _____ shillings divided into
shares of _____ shillings each. The amount of the capital paid up or
credited as paid up is _____ shillings.
4. The objects for which the company was established are as follows—
_____ and
other objects set forth in the memorandum of association of the
company. (*Here set out in paragraphs the facts on which the petitioner
relies, including a statement of assets where necessary and conclude as
follows—*)
5. Your petitioner served a statutory demand on the company for payment
of his or her debt on the _____ day of _____, 20____, but the
company has failed and neglected to pay the debt or any part of the debt
or comply with the statutory demand.

6. To the best of my knowledge and belief there is no application to set it aside pending before this Honourable court or any other court.
7. The petitioner obtained a judgment or order of court against the debtor and execution has been returned unsatisfied (*state particulars relating to the judgment or order*).
8. The company is (insolvent and) unable to pay its debts.
9. The company by special resolution agreed to make a settlement with the creditors of the company and the creditors of the company have agreed to the settlement.
10. The company has appointed a provisional administrator and the provisional administrator has consented to the appointment.

Your petitioner therefore humbly prays this court to make an interim protective order in respect of the company to allow the implementation of the settlement with the company's creditors.

Dated this.....day.....of.....20....

Signed:

Petitioner.

Form 28

Notice to creditors of intention to pay creditors' claims.

Regulations 153

**THE INSOLVENCY ACT 2011
THE INSOLVENCY REGULATIONS 2013**

NOTICE OF INTENTION TO PAY CREDITORS' CLAIMS.

To.

.....

.....

(name, address of creditor)

TAKE NOTICE THAT the _____ day of _____, 20 ____, at _____ o'clock in the _____ noon at..... is the time and place appointed for the payment of the sole and final payment/first payment*.

Dated this.....day.....of.....20...

.....

Administrator

**delete which ever is not applicable*

Form 29

Notice of receivership

Regulation 165

THE INSOLVENCY ACT 2011
THE INSOLVENCY REGULATIONS 2013

Form 29

NOTICE OF RECEIVERSHIP

PUBLIC NOTICE

TAKE NOTICE THAT the _____ day of _____, 20 ____, I
.....of.....(*insert the physical
postal address ,electronic mail address and telephone number*) was appointed
receiver to.....(*insert the name of the
company under receivership*).

In accordance with section 178 of the Insolvency Act, 2011, I hereby state the
following property in my possession—

.....

.....

(*insert particulars of the property*)

Dated this _____ day of _____, 20 ____

Receiver.

Form 30
Proof of debt

Regulation 172(6).

Form 30

THE INSOLVENCY ACT 2011
THE INSOLVENCY REGULATIONS 2013

PROOF OF DEBT

Part A: Details of person claiming

1. Name and address of creditor

Names	
Address	
Telephone	
E-mail	
Company registration number	

2. I claim as creditor /representative or agent of the creditor.

Part B: Details of the debt

Date (when was the debt incurred)	Nature of claim	Less any payments made in respect of the debt/ adjustments by way of set off	Total amount of debt claimed
	Unsecured claim	Secured claim (nature and value of the security)	

Bills of exchange

Date	Drawer	Acceptor	Amount	Due date

DECLARATION

I declare that the particulars set out in this statement are true and correct to the best of my knowledge and belief.

Signed this..... Day of20.....

***N.B.*—copies of Bills of exchange or other negotiable securities must be attached to the proof.**

Form 31
Rejection of proof of debt

Regulation 176.

Form 31

THE INSOLVENCY ACT 2011
THE INSOLVENCY REGULATIONS 2013

REJECTION OF PROOF OF DEBT.

Part A: Details of person rejecting the debt

3. Name and address of creditor

Names	
Address	
Telephone	
E-mail	
Company registration number	

4. I reject the proof of debt in whole or in part on the following grounds—
.....
.....
.....
.....
.....
.....
.....

Dated this.....day of.....20.....

.....
Name of person giving the notice.

Form 32
Proof of debt of workers.

Regulation 188
Form 32

THE INSOLVENCY ACT 2011
THE INSOLVENCY REGULATIONS 2013

PROOF OF DEBT OF WORKERS.

I, _____ of _____,
(fill in full name, address and occupation of the applicant), on behalf of the
workers and others employed by the
(name of the company)/debtor make oath and say—

That the above-named company*/debtor* was, on the _____ day of
_____, 20 ____, and still is, justly and truly indebted to the several
persons whose names, addresses and particulars appear on the list annexed to
this proof in sums severally set against their names for wages due to them
respectively as workers, or others in the employ of the company*/debtor*, in
respect of services rendered by them respectively to the company*/debtor*
during such periods as are set out against their respective names, for which
sums or any part of the sum, they have not, nor has any of them, had or received
any manner of satisfaction or security whatsoever.

Dated this..... day of20.....

Signed:

List of workers

<i>No.</i>	<i>Full name of worker</i>	<i>Address</i>	<i>Description</i>	<i>Period over which wages due</i>	<i>Amount due Shs.</i>

DECLARATION

I declare that the particulars set out in this statement are true and correct to the
best of my knowledge and belief.

Dated this..... Day of20.....

Signed:

** Tick whichever is applicable.*

Form 33

Certificate of security by insolvency practitioner

Regulation 193.

Form 33

THE INSOLVENCY ACT 2011
THE INSOLVENCY REGULATIONS 2013

CERTIFICATE OF SECURITY BY INSOLVENCY PRACTITIONER.

This is to certify that _____
of _____, who was on the _____ day of _____, 20 _____,
appointed _____ (*describe position of insolvency
practitioner i.e. liquidator, trustee, supervisor, as the case may be*) of the
..... (*insert name of debtor or insolvent*), has duly given
security to the satisfaction of the Official Receiver.

Dated this _____ day of _____, 20 _____

Official Receiver.

Form 34

Appointment of a general proxy.

Regulation 207

Form 34

THE INSOLVENCY ACT 2011 THE INSOLVENCY REGULATIONS 2013

APPOINTMENT OF A GENERAL PROXY.

I/We _____ of _____ a creditor (or contributory) appoint _____ to be my/our general proxy to vote at the meeting of creditors (or contributories) to be held in the above matter on the _____ day of _____, 20 _____, or at any adjournment of the meeting.

Dated this _____ day of _____, 20 _____

Notes

- 1 . *The person appointed proxy may be the official receiver or insolvency practitioner or such other person as the creditor (or contributory) may approve. A creditor (or contributory) may give a special proxy to any person to vote at any specified meeting or adjournment of the meeting on all or any of the following matters—*
 - (a) *for or against the appointment or continuance in office of any specified person as insolvency practitioner or as member of the committee of inspection (where one exists);*
 - (b) *on all questions relating to any matter, other than those above referred to, arising at a specified meeting or adjournment of the meeting.*
- 2 . *If a firm, sign the firm's trading title, and add "by _____, partner in the firm". If the appointer is a corporation, then the form of proxy must be under its common seal or under the hand of some officer duly authorised for that purpose and the fact that he or she is so authorised must be so stated.*
- 3 *The proxy form when signed must be lodged by the time and at the address named for that purpose in the notice convening the meeting at which it is to be used.*

Form 35

Appointment of a special proxy

Regulation 207.

Form 35

THE INSOLVENCY ACT 2011 THE INSOLVENCY REGULATIONS 2013

APPOINTMENT OF A SPECIAL PROXY.

I/We, _____, of _____, a creditor (*or contributory*) appoint _____1 as my/our proxy at the meeting of creditors (*or contributories*) to be held on the _____ day of _____, 20____, or at any adjournment of the meeting, to vote (*here insert “for” or “against”*) the resolution numbered in the notice convening.

Dated this _____ day of _____, 20 _____

Notes

1. *The person appointed proxy may be the official receiver, the insolvency practitioner or such other person as the creditor (or contributory) may approve. A creditor (or contributory) may give a special proxy to any person to vote at any specified meeting or adjournment of the meeting on all or any of the following matters—*
 - (a) *for or against the appointment or continuance in office of any specified person as insolvency practitioner or as member of the committee of inspection (if any exists);*
 - (b) *on all questions relating to any matter, other than those above referred to, arising at a specified meeting or adjournment of the meeting.*
2. *If a firm, sign the firm’s trading title, and add “by _____, partner in the firm”. If the appointer is a corporation, then the form of proxy must be under its common seal or under the hand of some officer duly authorised for that purpose and the fact that he or she is so authorised must be so stated.*
3. *The proxy form when signed must be lodged by the time and at the address named for that purpose in the notice convening the meeting at which it is to be used.*

MAJ. GEN. KAHINDA OTAFIRE,
Minister of Justice and Constitutional Affairs