



Deeds of Arrangement Act 1914

1914 CHAPTER 47

PART V

GENERAL

23 Courts in which applications for enforcement of trusts to be made

Any application by the trustee under a deed of arrangement, which either is expressed to be or is in fact for the benefit of the debtor's creditors generally, or by the debtor or by any creditor entitled to the benefit of such a deed of arrangement, for the enforcement of the trusts or the determination of questions under it, shall be made to the court having jurisdiction in bankruptcy in the district in which the debtor resided or carried on business at the date of the execution of the deed:

Provided that any question as to whether any person claiming to be a creditor entitled to the benefit of a deed of arrangement is so entitled may, subject to rules made under this Act, be decided either by the court having such jurisdiction as aforesaid or by the High Court.

24 Relation to bankruptcy law

- (1) If the trustee under a deed of arrangement, which either is expressed to be or is in fact for the benefit of the debtor's creditors generally, serves in the prescribed manner on any creditor of the debtor notice in writing of the execution of the deed and of the filing of the statutory declaration certifying the creditors' assents with an intimation that the creditor will not after the expiration of one month from the service of the notice be entitled to present a bankruptcy petition against the debtor founded on the execution of the deed or on any other act committed by him in the course or for the purpose of the proceedings preliminary to the execution of the deed as an act of bankruptcy, that creditor shall not, after the expiration of that period, unless the deed becomes void, be entitled to present a bankruptcy petition against the debtor founded on the execution of the deed or any act so committed by him as an act of bankruptcy.
- (2) Where such a deed of arrangement as aforesaid has become void by virtue of this Act or any enactment repealed by this Act, the fact that a creditor has assented to the deed

shall not disentitle him to present a bankruptcy petition founded on the execution of the' deed of arrangement as an act of bankruptcy.

- (3) Save as otherwise expressly provided by this Act, nothing in this Act shall be construed as repealing or shall affect any provision of the law for the time being in force in relation to bankruptcy or shall give validity to any deed or instrument which by law is an act of bankruptcy or void or voidable.

25 Office copies

Subject to the provisions of this Act, and to any rules, made thereunder, any person shall be entitled to have an office-copy of, or extract from, any deed registered under this Act, upon paying for it at the like rate as for office copies of judgments of the High Court, and any copy or extract purporting to be an office copy or extract shall, in all courts and before all arbitrators or other persons, be admitted as prima facie evidence thereof, and of the fact and date of registration as shown thereon.

26 Fees

- (1) There shall be taken, in respect of the registration of deeds of arrangement, and in respect of any office copies or extracts, or official searches made by the registrar, such fees as may be from time to time prescribed ; and nothing in this Act contained shall make it obligatory on the registrar to do, or permit to be done, any act in respect of which any fee is specified or prescribed, except on payment of such fee.
- (2) Section twenty-six of the Supreme Court of Judicature Act, 1875, as amended by any subsequent enactment, shall apply to fees under this Act, and orders under that section may, if need be, be made in relation to such fees accordingly.

27 Returns to Board of Trade

The general annual report which, by section one hundred and thirty-six of the Bankruptcy Act, 1914, the Board of Trade is required to cause to be prepared and laid before Parliament, shall include a report of proceedings under this Act, and, for the purposes of such report, the Registrar of Bills of Sale shall make to the Board of Trade such returns of the registration of deeds of arrangement, at such times, and in such manner and form, as may be prescribed.

28 Rules

Rules for carrying this Act into effect may be made in like manner as rules may be made under and for the purposes of the Judicature Acts, 1873 to 1910.

29 Affidavits

An affidavit required by or for the purposes of this Act may be sworn before a Master of the Supreme Court or before any person empowered to take affidavits in the Supreme Court or before any other person before whom such an affidavit may, by any law for the time being in force, be sworn, but this section shall not apply to an affidavit required for the purposes of this Act by virtue of rules made under the Bankruptcy Act, 1914.

30 Interpretation of terms

- (1) In this Act, unless the context otherwise requires,—
"Creditors generally" includes all creditors who may assent to, or take the benefit of, a deed of arrangement ;
"Prescribed " means prescribed by rules made under this ' Act ;
"Property" has the same meaning as in the Bankruptcy Act, 1914 ; " Rules " includes forms.
- (2) For the purpose of determining the number of creditors for whose benefit a deed is made, any two or more joint creditors shall be treated as a single creditor.

31 Repeals and savings

- (1) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.
- (2) This Act shall apply to proceedings commenced under any enactment repealed by this Act and pending at the commencement of this Act, as if commenced under this Act.
- (3) Until revoked or altered under the powers of this Act, rules made under any enactment repealed by this Act, and in force at the commencement of this Act, shall continue in force, and shall have effect as if made under this Act.
- (4) The provisions of this Act shall apply to and in respect of a deed of arrangement executed before the commencement of this Act only if and so far as the corresponding provisions of the enactments repealed by this Act would have applied to or in respect of such deed if this Act had not been passed.

32 Short title, extent, and commencement

- (1) This Act maybe cited as the Deeds of Arrangement Act, 1914.
- (2) This Act shall not extend to Scotland or Ireland.
- (3) This Act shall come into operation on the first day of January nineteen hundred and fifteen.