

**BANKRUPTCY ACT
(CHAPTER 20)**

BANKRUPTCY RULES

(Title)

**STATUTORY DEMAND
UNDER SECTION 62 OF BANKRUPTCY ACT**

Warning

- This is an important document. You should refer to the notes entitled “How to comply with a statutory demand or have it set aside” in Part B of this demand.
- If you wish to have this demand set aside you must make application to do so within 14 days from its service to you.
- If you do not apply to set it aside within 14 days or settle your debts within 21 days after its service on you, you could be made bankrupt and your property and goods taken from you.
- Please read the demand and notes carefully. If you are in any doubt about your position you should seek advice immediately from a solicitor or, if you qualify for legal aid, from the Director of Legal Aid.

Demand

To _____

Address _____

This demand is served on you by the creditor –

Name _____

Address _____

The creditor claims that you owe the sum of \$ _____, full
(*Exact sum due as of date of demand*)
particulars of which are set out in PART A of this demand, and that it is payable immediately
and, to the extent of the sum demanded, is unsecured.

The creditor demands that you pay the above debt or secure or compound for it to the creditor’s satisfaction within 21 days from the service of this statutory demand on you. If you fail to do so, the creditor may file a bankruptcy application against you.

Signature of individual _____

Name (in Block Letters) _____

Date _____

*Position with or relationship to creditor _____

*I am authorised to make this demand on the creditor's behalf.

Address _____

Tel. No. _____

Ref. _____

*Delete if signed by the creditor himself.

PART A

Particulars of Debt

(These particulars must strictly be in accordance with rule 94 of the Bankruptcy Rules. The particulars must include actual amount of debt as of the date of the demand, details of interest claimed, date debt was incurred, consideration for the debt, such other particulars as would enable the debtor to identify the debt and any property of the debtor or security held by the creditor. If the debt has been assigned, particulars of the assignment must also be given.)

PART B

How to comply with this statutory demand or have it set aside.

If you do not comply with this statutory demand or set it aside, the creditor may file a bankruptcy application against you.

If you wish to avoid a bankruptcy application being made against you, you must pay the sum demanded, particulars of which are set out in Part A of this statutory demand, within the period of 21 days after its service upon you. Alternatively, you can attempt to come to a settlement with the creditor within the said 21 days. To do this you should inform immediately the individual (or one of the individuals) named below that you are willing and able to –

- offer security for the debt to the creditor’s satisfaction; or
- compound for the debt to the creditor’s satisfaction

If you consider that you have grounds to have this demand set aside or if you do not quickly receive a satisfactory written reply from the individual named below whom you have contacted, you should apply within 14 days from the date of service of this demand on you to the High Court to have the demand set aside.

Any application to set aside the demand should be made within 14 days from date of its service upon you and be supported by an affidavit stating the grounds on which the demand should be set aside.

If you are unable to make the application within 14 days from date of its service upon you, you can apply to Court for more time to make the application.

The individual or individuals to whom any communication regarding this demand may be addressed is/are –

Name (in Block Letters)	
Address	
Tel. No.	
Ref.	