

BANKRUPTCY.

No. 49 of 1959.

An Act relating to Bankruptcy.

[Assented to 22nd May, 1959.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title
and citation.

1.—(1.) This Act may be cited as the *Bankruptcy Act 1959*.

(2.) The *Bankruptcy Act 1924–1958*,* as amended by this Act, may be cited as the *Bankruptcy Act 1924–1959*.

Commence-
ment.

2.—(1.) Sub-section (2.) of section one and section three of this Act shall come into operation on a date to be fixed by Proclamation.

(2.) Section four of this Act shall be deemed to have come into operation on the fourteenth day of May, One thousand nine hundred and fifty-eight.

(3.) The remaining provisions of this Act shall come into operation on the day on which it receives the Royal Assent.

3. Section forty-nine of the *Bankruptcy Act 1924–1958* is repealed and the following section inserted in its stead:—

Seal of Federal
Court of
Bankruptcy.

“49.—(1.) The Federal Court of Bankruptcy shall have a seal, the design of which shall be determined by the Governor-General.

“ (2.) The design so determined shall include—

(a) the Coat of Arms of the Commonwealth, that is to say, the armorial ensigns and supporters granted to the Commonwealth by Royal Warrant dated the nineteenth day of September, One thousand nine hundred and twelve; and

(b) the words ‘The Federal Court of Bankruptcy’.

“ (3.) The seal of the Federal Court of Bankruptcy shall be kept at such place, and in the custody of such person, as the Judge of the Court, or, if the Court consists of two Judges, the senior Judge of the Court, directs.

* Act No. 37, 1924, as amended by No. 3, 1927; No. 39, 1928; No. 28, 1929; No. 17, 1930; No. 31, 1932; No. 66, 1933; No. 42, 1945; No. 43, 1946; No. 52, 1947; No. 65, 1948; Nos. 51 and 80, 1950; No. 83, 1954; No. 17, 1955; and No. 13, 1958.

“(4.) The Registrar in each District shall have in his custody a stamp, the design of which shall, as nearly as practicable, be the same as the design of the seal of the Federal Court of Bankruptcy, with the addition of the name of the particular District.

“(5.) A document or a copy of a document marked with a stamp referred to in the last preceding sub-section is as valid and effectual as if it had been sealed with the seal of the Federal Court of Bankruptcy.

“(6.) All courts (whether exercising federal jurisdiction or not) and all persons acting judicially shall take judicial notice of the mark of a stamp referred to in sub-section (4.) of this section affixed on a document or a copy of a document and, in the absence of proof to the contrary, shall presume that it was affixed by proper authority.”.

4. Section seven of the *Bankruptcy Act* 1958 is amended— Validation.

(a) by omitting sub-section (1.) and inserting in its stead the following sub-sections:—

“(1.) Where, before the commencement of this Act, a Registrar purported to extend for a specified period, or until a specified date, any time limited by the Bankruptcy Act for the doing of an act or thing by or in relation to a debtor or in relation to the estate or affairs of a debtor, that time is declared to have been extended for all purposes, by force of this section, on the date on which the Registrar purported to extend it, for the specified period or until the specified date.

“(1A.) Where, before the commencement of this Act, a Registrar purported to fix a time required by the Bankruptcy Act to be fixed for the doing of an act or thing by or in relation to a debtor or in relation to the estate or affairs of a debtor, the time that the Registrar purported to fix is declared to have been, for all purposes, by force of this section, the time within which the act or thing was required or permitted to be done by the Bankruptcy Act.”;

(b) by omitting from sub-section (2.) the words “The last preceding sub-section does” and inserting in their stead the words “The last two preceding sub-sections do”; and

(c) by omitting sub-section (4.) and inserting in its stead the following sub-section:—

“(4.) In this section—

‘Registrar’ means Registrar in Bankruptcy, and includes a Deputy Registrar in Bankruptcy;

‘the Bankruptcy Act’ means the *Bankruptcy Act 1924*, or that Act as in force as amended at any relevant time, and includes all rules or regulations as in force at any relevant time under that Act or that Act as amended.”.

Validation of
seals, &c.

5.—(1.) A seal or stamp in use, at any time before the commencement of this section or after the commencement of this section but before the commencement of section three of this Act, by the Federal Court of Bankruptcy or in the office of a Registrar in Bankruptcy for the purpose of sealing documents or copies of documents in proceedings under the Bankruptcy Act and purporting to be a seal or stamp of the Federal Court of Bankruptcy shall be deemed to be, or to have been, lawfully in use as, and to be or have been, the seal of that Court.

(2.) In this section, “the Bankruptcy Act” means the *Bankruptcy Act 1924*, or that Act as in force as amended at any relevant time, and includes all rules or regulations as in force at any relevant time under that Act or that Act as amended.
