

Bankruptcy (Validation)

No. 75 of 1967

An Act relating to the Validation of certain Sequestration Orders.

[Assented to 6 November 1967]

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

1. This Act may be cited as the *Bankruptcy (Validation) Act 1967*. Short title.
2. This Act shall come into operation on the day on which it receives the Royal Assent. Commence-
ment.
- 3.—(1.) This section applies in any case in which, at any time before the commencement of this Act, a Judge of the Supreme Court of the Northern Territory of Australia, not being a Judge appointed by the Governor-General under paragraph (b) of sub-section (2.) of section 18 of the *Bankruptcy Act 1924–1965*, purported to make a sequestration order (in this section referred to as “the purported order”), with or without any ancillary order, on a bankruptcy petition. Validation.
 - (2.) In any such case—
 - (a) the purported order is, by force of this section, declared to have, and to have had, such force or effect as it would have had if it had been made by a Judge duly appointed by the Governor-General; and
 - (b) if an order made by a Judge duly appointed by the Governor-General, being an order in the same terms as the purported order and made on the date on which the Judge made the purported order, would have had the effect of making the debtor a bankrupt, then, by force of this section—
 - (i) the debtor is declared to have become a bankrupt on that date;

- (ii) the *Bankruptcy Act* 1924–1965 is declared to have been applicable, and to be applicable, for all purposes;
 - (iii) after the commencement of the *Bankruptcy Act* 1966, Part XV. of that Act shall be deemed to apply to and in relation to the purported order as if it had been made under the *Bankruptcy Act* 1924–1965 and to and in relation to the bankrupt as if he had become a bankrupt under that Act; and
 - (iv) all proceedings, matters, ancillary orders, acts and things taken, made or done, or purporting to have been taken, made or done, under the *Bankruptcy Act* 1924–1965 or under any other law in relation to the debtor or his estate or affairs, are declared to have the same force or effect as they would have had if the Judge had been duly appointed by the Governor-General.
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