

SCHEDULE 2
TARIFF A
SHERIFF'S FEES
(SECTION 59)

In this Tariff a reference to the tariff in an item refers to the items in the tariff applicable according to Part 14 of Rules of the High Court of Namibia made under section 39 of the High Court Act, 1990 (Act No. 16 of 1990), as amended from time to time.

1. For service or attempted service of documents the tariff in item 2 of Annexure C.
2. For each separate attachment of property the tariff in item 5 of Annexure C.
3. For making an inventory and the list of books and records referred to in **section 59(7)** of the Insolvency Act the tariff in item 7 of Annexure C.
4. For reporting on the attachment of assets the tariff in item 7 of Annexure C.
5. For making of all necessary copies of documents the tariff in item 10 of Annexure C.
6. Travelling allowance, per kilometre or fraction thereof according to the tariff in item 3 of Annexure C.
7. For each necessary letter, excluding formal letters accompanying attachment or service of documents the tariff in item 15 of Annexure C.
8. For each necessary attendance by telephone (in addition to prescribed trunk charges) the tariff in item 16 of Annexure C.
9. For sending and receiving of each necessary facsimile per A4 size page (in addition to telephone charges) the tariff in item 16 of Annexure C.

10. Bank charges: Actual costs incurred regarding bank charges and cheque forms.
11. For any work necessarily done by or on behalf of the sheriff in performing the duties under **section 59** of the Insolvency Act, for which no provision is made in this tariff: An amount to be determined by the Commissioner.

RULES FOR THE CONSTRUCTION OF THE TARIFF AND THE GUIDANCE OF THE SHERIFF

- (1) Where there are more ways than one of doing any particular act, the least expensive way must be adopted unless there is some reasonable objection thereto, or unless the party at whose instance process is executed desires any particular way to be adopted at his or her expense.
- (2) Where any dispute arises as to the validity or amount of any fees or charges the matter must be determined by the Commissioner.
- (3) The sheriff may pay rent, if necessary for premises required for the storage of goods attached, for a period of one month or such longer period as the Commissioner or the liquidator may authorize.

SCHEDULE 2
TARIFF B
REMUNERATION OF LIQUIDATOR
(SECTION 65)

1. On the gross proceeds of any immovable property sold by the liquidator or the value at which property constituting security has been disposed of to a creditor in settlement of his or her claim or the gross proceeds of any sales by the liquidator in carrying on the business of the debtor, or any part thereof, in terms of section 45(3)(d): 5 per cent

2. On the gross proceeds of any other movable property sold by the liquidator or other gross amounts collected by the liquidator: 10 per cent

Provided that the total remuneration of a liquidator in terms of this tariff may not be less than N\$ 5 000.

REMUNERATION OF INTERIM LIQUIDATOR (SECTION 56)

A reasonable remuneration to be determined by the Commissioner, not to exceed the rate of remuneration of a liquidator under this tariff.

SCHEDULE 2
TARIFF C
COMMISSIONER'S FEES OF OFFICE
(SECTION 74(1)(b))

1. On all insolvent estates under final liquidation in which the total gross value of the assets according to the liquidator's account for each complete N\$5 000N\$25

subject to a minimum fee of N\$500 and a maximum fee of N\$25 000.

2. (a) For a copy of or an extract from any document preserved in the office of a Commissioner, when made in such office (including the certification of such copy or extract), a fee of N\$5,00 must be paid.

(b) For the certification of such copy or extract not made in such office a fee of N\$10,00 must be paid.
3. (a) The fees referred to in item 1 must be assessed by the Commissioner and is payable on or before a date determined by the Commissioner to any receiver of revenue. Proof of such payment must be submitted by the liquidator to the Commissioner.

(b) The payment of the fees referred to in item 2 must be denoted-
 - (i) by affixing adhesive revenue stamps to; or
 - (ii) by impressing stamps by means of a franking machine approved by the Commissioner of Inland Revenue on, the written request for the rendering by the Commissioner of the service in question.

SCHEDULE 3

PROVISIONS OF LAWS AMENDED OR REPEALED

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

No and year of law	Short title	Extent of amendment or repeal
Act No. 32 of 1944	Magistrates' Courts Act, 1944	<p>1. The amendment of section 65A by the addition of the following subsection:</p> <p style="padding-left: 40px;"><u>“(6) If it appears to the court during proceedings in terms of subsection (1) that there are reasonable grounds for suspecting that any person has committed an offence, the court shall transmit the relevant information and certified copies of relevant documents to the Regional Commander of the Commercial Branch of the Namibian Police, or a similarly ranked law enforcement official in whose area of jurisdiction the proceedings was held or the offence is suspected of having been committed to enable the Commercial Branch to determine whether criminal proceedings should be instituted in the matter.”.</u></p>

No and year of law	Short title	Extent of amendment or repeal
		<p>2. The amendment of section 67 by the addition of the following paragraph:</p> <p style="padding-left: 40px;"><u>“(h) necessary medicine and medical devices.”</u></p> <p>2. The amendment of section 74 by the substitution for paragraph (b) of subsection (1) of the following paragraph:</p> <p style="padding-left: 40px;"><u>“(b) states that the total amount of all his or her unsecured debts does not exceed the amount prescribed by the Minister from time to time by notice in the <i>Gazette</i>.”</u></p> <p>3. The amendment of section 74B by the addition of the following subsection:</p> <p style="padding-left: 40px;"><u>“(6) If it appears to the court during a hearing in terms of subsection (1) that there are reasonable grounds for suspecting that any person has committed an offence, the court shall transmit the relevant information and certified copies of relevant documents to the Regional Commander of the Commercial Branch of the Namibian Police, or a similarly</u></p>

No and year of law	Short title	Extent of amendment or repeal
		<p><u>ranked law enforcement official in whose area of jurisdiction the proceedings was held or the offence is suspected of having been committed to enable the Branch to determine whether criminal proceedings should be instituted in the matter."</u></p>
Act No. 57 of 1951	Merchant Shipping Act, 1951	<p>The amendment of section 51 by the substitution for subsection (2) of the following:</p> <p>“(2) The provisions of subsection (1) shall be subject to the provisions of sections 33, 34, 35, 36 and 73 [twenty-six, twenty-seven, twenty-nine, thirty, thirty-one and eighty-eight] of the Insolvency Act, __ (Act No. __ of __ [1936 (Act No. 24 of 1936)]); and in the application of the said section 73 [eighty-eight] to the mortgage of a ship or share the references in that section to the registrar of deeds and a mortgage bond shall be construed as references to the proper officer and a deed of mortgage, respectively.”.</p>
Act No. 73 of 1968	Usury Act, 1968	The amendment of section 5 by the substitution for the phrase “Insolvency Act,

No and year of law	Short title	Extent of amendment or repeal
		1936 (Act No. 24 of 1936)” of the phrase “Insolvency Act, __ (Act No. _ of ____).”.
Ordinance No. 11 of 1976	Atmospheric Pollution Prevention Ordinance, 1976	<p><u>The amendment of section 15 by the substitution for subsection (6)(b) of the following:</u></p> <p>“(b) Any amount recoverable under paragraph (a), together with interest thereon calculated at the rate of six percent per annum with effect from the date upon which such amount became due, shall, notwithstanding anything to the contrary contained in any ordinance made by Parliament [the Legislative Assembly] or any proclamation issued by the President [Administrator] or any regulations made under any such ordinance or proclamation, form a first charge against the land upon which the premises concerned are situated, and shall rank in priority to all other debts whatsoever other than expenses, costs, fees and charges referred to in section 74 [89] of the Insolvency Act, __ (Act No. _ of ____) [1936 (Act 24 of 1936)], or any other Act. [of the Parliament of the Republic of</p>

No and year of law	Short title	Extent of amendment or repeal
		South Africa which applies in the Territory]’.
Act No. 112 of 1976	Estate Agents Act, 1976	<p>The amendment of section 30 by the substitution for paragraph (f) of subsection (1) of the following:</p> <p style="padding-left: 40px;">“(f) commits any deed of insolvency referred to in section 16 [8] of the of the Insolvency Act, _ (Act No. _ of ___) [1936 (Act 24 of 1936)];”</p>
Act No. 66 of 1965	Administration of Estates Act, 1965	<ol style="list-style-type: none"> <li data-bbox="882 1137 1473 1570">1. The amendment of section 1 by the substitution for the definition of “act of insolvency” of the following definition: <p style="padding-left: 40px;">“act of insolvency” means an act of insolvency in terms of section 16 [8] of the of the Insolvency Act, _ (Act No. _ of ___) [1936 (Act 24 of 1936)]’</p> <li data-bbox="882 1630 1473 2009">2. The amendment of section 88 by the substitution for subsection (1) of the following subsection: <p style="padding-left: 40px;">“(1) Subject to the provisions of subsections (2) and (3), interest calculated on a monthly basis at the rate per annum</p>

No and year of law	Short title	Extent of amendment or repeal
		<p>determined from time to time by the Minister of Finance, [Cabinet] and compounded annually at the thirty-first day of March, shall be allowed on each dollar [rand] of the principal of every sum of money received by the Master for account of any minor, lunatic, unborn heir or any person having an interest therein of a usufructuary, fiduciary or fideicommissary nature, <u>or for an insolvent in terms of section 112 of the Insolvency Act, (Act No of)</u>.”</p> <p>3. The amendment of section 34 by the substitution for -</p> <p>(a) subsection (4) before the proviso of the following:</p> <p>“(4) On the receipt of the notification under subsection (3), the executor shall, without delay, by notice in writing (a copy of which he or she shall lodge with the Master) report the position of the estate to the creditors, informing them that unless a majority in number and value of all the creditors instruct him or her in writing, within a period (not being less than</p>

No and year of law	Short title	Extent of amendment or repeal
		<p>fourteen days) specified in the notice, to surrender the estate under the Insolvency Act, __ (Act No. __ of __) [Insolvency Act, 1936 (Act No. 24 of 1936)], he or she will proceed to realize the assets in the estate and distribute the proceeds in accordance with the provisions of subsection (5):”</p> <p>(b) subsection (5)(b) of the following:</p> <p>“(b) frame a distribution account providing for the distribution of the proceeds in the order of preference prescribed under the said Insolvency Act, ____, [1936] in the case of a [sequestered] liquidated estate:”.</p> <p>(c) subsection (7) of the following:</p> <p>“If any creditor has under paragraph (b) of the proviso to subsection (4) placed a value on any security, the executor may at any time within six weeks thereafter deal therewith with the</p>

No and year of law	Short title	Extent of amendment or repeal
		<p>changes necessitated by the context [mutatis mutandis] in the manner provided in section 67 [eighty-three] of the said Insolvency Act __, [1936].”.</p> <p>(b) subsection (9) of the following</p> <p>“The provisions of this section shall not prevent the sequestration of any estate under the said Insolvency Act __ [1936].”.</p>
Act No. 26 of 1988	Close Corporations Act, 1988	<p>1. The substitution for the phrase “Insolvency Act, 1936 (Act No. 24 of 1936)” of the phrase “Insolvency Act, __ (Act No. _ of __)” wherever it occurs in the Close Corporations Act.</p> <p>3. The amendment of section 72 by the substitution for subsection (2)(a) of the following:</p> <p>“(2)(a) The provisions of Chapter 4 [sections 119, 120, 123 and 124(1) and (5)] of the Insolvency Act, __ (Act No. __ of __ [1936 (Act 24 of 1936)]), relating to compositions shall with the</p>

No and year of law	Short title	Extent of amendment or repeal
		<p>changes necessitated by the context [<i>mutatis mutandis</i>] apply in respect of the procedure and effect of any such compositions, and the [the liquidator's] functions of any insolvency practitioner thereunder.”.</p> <p>4. The substitution for section 74 of the following section:</p> <p>“Appointment of liquidator</p> <p><u>74. Sections 53 and 51 to 58 of the Insolvency Act (Act No. of) apply with the necessary changes to the appointment of a liquidator in the case of a corporation being wound up as a voluntary winding-up by members: Provided that the Insolvency Commissioner as defined by section 1 of that Act must take into consideration any resolution or further resolution passed at a meeting of members nominating a person as liquidator.”.</u></p>
Act, No. 16 of 1990	High Court Act, 1990	The amendment of section 111 by the substitution for paragraph (b) of subsection (5) of the following:

No and year of law	Short title	Extent of amendment or repeal
		<p>“(b) thereafter the claims of other creditors whose writs have been lodged with the deputy-sheriff in the order of preference appearing in Part 9 of Chapter 2 [section 96 and sections 99 to 103] of the Insolvency Act, ___ (Act No. __ of __ [1936 (Act 24 of 1936)].”.</p>
Act No. 23 of 1992	Local Authorities Act, 1992	<p>1. The amendment of section 1 by the substitution for item (ii) of paragraph (a) of the definition of “owner” for the following:</p> <p>“(ii) is a person whose estate has been [sequestered] liquidated, means the [trustee] liquidator in the insolvent estate of such person;”.</p> <p>2. The amendment of section 78 by the substitution for the preamble of the following:</p> <p>“78. Subject to the provisions of section 69(4) [89(4)] of the Insolvency Act, ___ (Act No. __ of __ [1936 (Act 24 of 1936)]the registrar of deeds shall not register a transfer of any immovable property situated within a local</p>

No and year of law	Short title	Extent of amendment or repeal
		authority area, unless there is produced to him or her-”.
Act No. 34 of 1994	Social Security Act, 1994	<p>The amendment of section 25 by the substitution for subsection (6) of the following:</p> <p>“(6) Subject to the Insolvency Act, ___ (Act No. __ of __ [1936 (Act 24 of 1936)] and the Companies Act, 28 of 2004 [1973 (Act 61 of 1973)], the executive officer may institute proceedings for the [sequestration] liquidation of the estate or the winding-up, as the case may be, of any employer in respect of whom a statement has been filed in terms of subsection (2), and for such purpose the executive officer shall be deemed to be the creditor in respect of any contributions or interest due or payable by that employer.”.</p>
Act No. 2 of 1995	Foreign Courts Evidence Act, 1995	<p>The amendment of section 7 by the substitution for subsection (1)(c) of the following:</p> <p>“(1)(c) at any meeting of creditors to be held in terms of a law of any such</p>

No and year of law	Short title	Extent of amendment or repeal
		country similar to section 80 and 81 [40] of the Insolvency Act, ___ (Act No. __ of __ [1936 (Act No. 24 of 1936)];”.
Act No. 23 of 1996	Cooperative Societies Act, 1996	<ol style="list-style-type: none"> 1. The substitution for the phrase “Insolvency Act, 1936 (Act No. 24 of 1936)” of the phrase “Insolvency Act, __ (Act No. _ of ___) ” wherever it occurs in the Cooperative Societies Act. 2. The amendment of section 24 by the substitution for the postamble of that section of the following: <p style="margin-left: 40px;">“have a preferent claim against any balance of the free residue of such member's insolvent estate after the expenditure referred to in Part 9 of Chapter 2 [sections 96 to 102, inclusive,] of that Act have been provided for as contemplated in those sections.”.</p>
Act No. 2 of 1998	Banking Institutions Act, 1998	<ol style="list-style-type: none"> 1. The substitution for the phrase “Insolvency Act, 1936 (Act No. 24 of 1936)” of the phrase “Insolvency Act, __ (Act No. _ of ___) ” wherever it occurs in the Banking Institutions Act.

No and year of law	Short title	Extent of amendment or repeal
		<p>2. The amendment of section 7 by the substitution for subsection (2) of the following:</p> <p>“(2) Any person referred to in subsection (1) who refuses or fails to comply with a direction under that subsection, shall, for the purposes of section 345 of the Companies Act, be deemed to be unable to pay its debts, or for the purposes of section 16 [8] of the Insolvency Act, ___ (Act No. ___ of ___ [1936 (Act No. 24 of 1936)]), be deemed to have committed an act of insolvency, as the case may be, and the Bank may apply to the High Court for the winding-up, or for the liquidation [sequestration] of the estate, of such person, as the case may be.</p>
Act No. <u>18</u> of <u>2003</u>	<u>Payment System Management Act, 2003</u>	The substitution for the phrase “Insolvency Act, 1936 (Act No. 24 of 1936)” of the phrase “Insolvency Act, ___ (Act No. _ of ___)” wherever it occurs in the <u>Payment System Management Act</u> .

No and year of law	Short title	Extent of amendment or repeal
Act No. 28 of 2004	Companies Act, 2004	<ol style="list-style-type: none"> 1. The substitution for the phrase “Insolvency Act, 1936 (Act No. 24 of 1936)” of the phrase “Insolvency Act, ___ (Act No. _ of ___) ” wherever it occurs in the Companies Act. 2. The amendment of section 389 by the substitution for subsection (1) of the following: <p style="margin-left: 40px;">“(1) The cost of giving security by a person appointed as liquidator to an amount which the Master considers reasonable must, subject to section 69(4) [89(1)] of the Insolvency Act, ___ (Act No. __ of __ [1936 (Act No. 24 of 1936)]), be paid out of the assets of the company concerned as part of the costs of the liquidation.</p> 3. The amendment of section 392 by the substitution for subsection (6)(g) of the following: <p style="margin-left: 40px;">“(g) with the necessary changes, to exercise the same powers as are by sections 43 and 48 [35 and 37] of the Insolvency Act, ___ (Act No. __ of __ [1936 (Act No. 24 of 1936)]),</p>

No and year of law	Short title	Extent of amendment or repeal
		<p>conferred on a liquidator [trustee] under that Act, on the like terms and conditions as are mentioned in those sections, but, the powers conferred by section 43 [35] of that Act, must not be exercised unless the company is unable to pay its debts;</p> <p>4. Section 418 is amended by the substitution for subsection (2) of the following:</p> <p>“(2) Section 84 [52] of the Insolvency Act, ___ (Act No. ___ of ___ [1936 (Act No. 24 of 1936)], does, with the necessary changes, apply to the right of any creditor to vote at a meeting of creditors in a winding-up of a company.</p> <p>5. The amendment of section 422 by-</p> <p>(a) the substitution for subsection (1) of the following:</p> <p>“(1) Sections 91, 92 and 93 [66, 67 and 68] of the Insolvency Act, ___ (Act No. ___ of ___ [1936 (Act No. 24 of 1936)]), do, in so far as they can be</p>

No and year of law	Short title	Extent of amendment or repeal
		<p>applied and are not inconsistent with this Act, with the necessary changes, apply in relation to-</p> <p>(a) any person who is, in terms of section 420(1) of this Act, required to attend any meeting of a company being wound up and which is unable to pay its debts, as if that person were an insolvent required to attend any meeting referred to in section 85 [64] of the Insolvency Act, ___ (Act No. __ of __ [1936 (Act No. 24 of 1936)]; and</p> <p>(b) any person summoned, in terms of section 420(2) of this Act, to attend any meeting of the creditors of that company or to produce any book or document at that meeting, and section 87 [65] of the Insolvency Act, ___ (Act No. __ of __ [1936 (Act No. 24 of 1936)]), does, in so far as it can be applied and is not inconsistent with this Act,</p>

No and year of law	Short title	Extent of amendment or repeal
		<p>with the necessary changes, apply in relation to the production of any book or document or the questioning of any person under section 421 of this Act, as if that person had been summoned to produce any book or document or were being questioned under section 87 [65] of the Insolvency Act, ___ (Act No. __ of __ [1936 (Act No. 24 of 1936)].”.</p> <p>(b) by the substitution for subsection (2) of the following:</p> <p>“(2) In applying sections 91, 92 and 93 [66, 67 and 68] of the Insolvency Act, ___ (Act No. ___ of __ [1936 (Act No. 24 of 1936)]), as contemplated in subsection (1), any reference in any of those sections or in section 85 and 87 [64 or 65] of that Act-</p> <p>(a) to the estate of an insolvent, must be construed as a reference to</p>

No and year of law	Short title	Extent of amendment or repeal
		<p>the estate of the company concerned;</p> <p>(b) to the liquidator [trustee] of an insolvent estate, must be construed as a reference to the liquidator of that company;</p> <p>(c) to a meeting of the creditors of an insolvent, must be construed as a reference to a meeting of the creditors of that company;</p> <p>(d) to a creditor who has proved a claim against an insolvent estate, must be construed as a reference to a person who has proved a claim against that company;</p> <p>(e) to the business or affairs or property of an insolvent, must be construed as a reference to the business</p>

No and year of law	Short title	Extent of amendment or repeal
		<p>or affairs or property of that company;</p> <p>(f) to any person indebted to an insolvent estate, must be construed as a reference to a person indebted to that company;</p> <p>(g) to the liquidation [sequestration] of an insolvent estate, must be construed as a reference to the commencement of the winding-up of that company.</p> <p>6. The amendment of section 441 by the substitution for subsection (3) of the following:</p> <p>(3) [Sections 151 and 151bis] Section 232 of the Insolvency Act, ___ (Act No. __ of __ [1936 (Act No. 24 of 1936)]), apply with reference to any fixing of remuneration by the Master under this section.</p>

No and year of law	Short title	Extent of amendment or repeal
		<p>7. The amendment of section 442 by the substitution for subsection (4) of the following:</p> <p>“(4) The notice in a newspaper as contemplated in subsection (3) must comply with section 82 [40(3)(c)] of the Insolvency Act, ___ (Act No. ___ of ___ [1936 (Act No. 24 of 1936)], and must appear at least 10 days before the date of the meeting.</p> <p>8. The substitution for section 444 of the following:</p> <p>“Period of judicial management to be discounted in determining preference under mortgage bond</p> <p>444. The time during which any company being a mortgage debtor in respect of any mortgage bond, is subject to a judicial management order, must be excluded in the calculation of any period of time for the purpose of determining whether that mortgage bond confers any preference in terms of section 73 [88] of the Insolvency Act, ___ (Act No. ___ of ___ [1936 (Act No. 24 of 1936)],</p>

No and year of law	Short title	Extent of amendment or repeal
		as applied to the winding-up of companies by this Act.
Act No. 29 of 2004	Prevention of Organised Crime Act, 2004	<p>1. The substitution for the phrase “Insolvency Act, 1936 (Act No. 24 of 1936)” of the phrase “Insolvency Act, ___ (Act No. _ of ___) ” wherever it occurs in the Prevention of Organized Crime Act.</p> <p>2. The amendment of section 48-</p> <p>(a) by the substitution for subsection (2)(a) of the following:</p> <p>“(2) When the estate of a defendant who has directly or indirectly made an affected gift to any other person is liquidated [sequestered]-</p> <p>(a) a court must not set aside the disposition of that gift under section 35 and 36 [29, 30 or 31] of the Insolvency Act, ___ (Act No. __ of __ [1936 (Act No. 24 of 1936)]”.</p> <p>(b) the substitution for subsection (3)(b) of the following:</p>

No and year of law	Short title	Extent of amendment or repeal
		<p>“(b) in respect of any property that the liquidator [trustee] concerned is entitled to claim from the insolvent under section 29 [23] of the Insolvency Act, ___ (Act No. ___ of ___ [1936 (Act No. 24 of 1936)].”.</p>
Act No. 11 of 2007	Labour Act, 2007	<p>The substitution for the phrase “Insolvency Act, 1936 (Act No. 24 of 1936)” of the phrase “Insolvency Act, ___ (Act No. _ of ___) ” wherever it occurs in the Labour Act.</p>
Act no. 14 of 2015	Deeds Registries Act, 2015	<p>The amendment of section 5 by the substitution for subsection (1)(e) of the following:</p> <p>“(e) destroy or otherwise dispose of, in the prescribed manner, any prescribed record cancelled in terms of this Act or any record in connection with a caveat that has expired in terms of section 26 [17(3)] of the Insolvency Act, ___ (Act No. ___ of ___ [1936 (Act No. 24 of 1936)]).</p>

SCHEDULE 4
STATEMENT IN RESPECT OF PROPOSED PRE-LIQUIDATION
COMPOSITION: MAGISTRATE'S COURT
(SECTION 121)

PART A
PERSONAL PARTICULARS OF DEBTOR

Full names and surname _____

Address _____

(Documents in connection with the composition may be delivered to the debtor at this address until such time as he or she has notified the magistrate of a change of address)

Date of birth _____

Identity number, if one has been assigned _____

Marital status _____

If married, state—

- full names of spouse (“spouse” means a spouse in the legal sense, and even if there is such a spouse, also a spouse according to any law or custom or a person living with another as a spouse)

- date of birth of spouse _____
- identity number of spouse, if one has been assigned _____

- whether the debtor is or was married in or without community of property and whether the accrual system applies

- date of marriage _____
- whether the matrimonial property system has changed since entering into the marriage and, if so, the nature of the change

Whether the debtor's estate has been placed under administration during the last five years or whether it is under administration at present and, if so, the date of the administration order and whether it has been concluded

Whether the debtor has during the last six months lodged a composition with a magistrate for submission to creditors

Whether the debtor's estate has been liquidated during the last ten years and, if so, the commencement of liquidation and the High Court that issued the liquidation order

PART B

APPLICABLE STATUTORY PROVISIONS

The debtor declares that he or she is aware of the following statutory provisions in connection with his or her application:

1. If the composition provides for the payment of a cash amount for distribution among creditors, the amount must, pending the outcome of the offer of composition, be invested with a legal practitioner or someone else whom the court approves in an interest-bearing savings account in trust. The debtor must offer proof that the cash amount has been invested in this manner.

2. If a debtor incurs debt during the period from lodging the composition with the magistrate until creditors have voted on the composition, he or she must notify the creditor who offers him or her credit of the pending composition and at the first appearance before a magistrate in connection with the composition, he or she must provide full particulars concerning the said debt incurred by him or her. During the said period or after a composition has been accepted, a debtor may not alienate, encumber or voluntarily dispose of any property which must be made available to creditors in terms of the composition or do anything which can impede compliance with the composition. A debtor who contravenes these provisions is guilty of an offence.
3. If the composition provides for payments by the debtor in determined instalments or otherwise, the acceptance of the composition has the effect of a judgment in terms of section 65 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944) in respect of the payments. Any person who in terms of the composition must receive the payments on behalf of creditors, or if there is no such person, any creditor who is in terms of the composition entitled to a benefit out of the payments, has the rights which a judgment creditor would have in terms of the section.
4. The magistrate may revoke the composition for cogent reasons. "Cogent reason" includes the following:
 - (a) If the debtor does not comply with his or her obligations in terms of the composition; or
 - (b) If the debtor renders false information in his or her statement or in the course of the questioning; or
 - (c) If the debtor gives a benefit in respect of a claim which falls under the composition to a creditor on whom the composition is binding and who is not entitled to the benefit in terms of the composition.

PART C

INCOME AND EXPENDITURE

The name and business address of the debtor's employer or, if the debtor is not employed, the reason why he or she is not employed:

The debtor's trade or vocation and his or her gross weekly or monthly income as well as the income of his or her spouse living in with him or her, and particulars of all deductions therefrom by way of debit order or otherwise, supported as far as possible by written statements by the employer of the debtor or his or her spouse:

A detailed list of the debtor's weekly or monthly necessary expenses and the expenses of persons who are dependent on him or her, including the travelling expenses of the debtor or his or her spouse to and from work and such expenses of his or her children to and from school, and expenses required to retain assets that are subject to the composition:

The number and ages of persons who are dependent on the debtor or his or her spouse and their relationship to the debtor or his or her spouse

PART D

- (3) The debtor affirms that assets which are subject to the composition are in safe custody, that obligations in respect of the assets are included in “necessary expenses” in Part C above, and that such obligations will be fulfilled until conclusion of the composition.

PART E
LIABILITIES

- (1) **Liabilities not subject to security:**

Name and address of creditor	Amount in N\$	Particulars if the debt is not immediately claimable

- (2) **Debts subject to security:**

Name and address of creditor	Amount in N\$	Nature of security and identification of asset subject to security (Part D above)	Particulars if the debt is not immediately claimable

- (3) Name and address of any other person who is apart from the debtor liable for any of the abovementioned debts:

AFFIDAVIT/SOLEMN DECLARATION

I, _____
declare under oath/solemnly and sincerely declare* that to the best of my knowledge
and belief the statements contained in this form are true and complete, and that every
estimated amount therein contained is fairly and correctly estimated.

Signature of declarant

Sworn/solemnly declared before me on the ____ day of _____ at
_____.

* Delete which is not applicable.

Commissioner of Oaths

Full names

Business address

Designation and area of office