

*Discharge of Bankrupt***Discharge of bankrupt**

27. (1) A bankrupt may, at any time after being adjudged bankrupt, apply to the Court for an order of discharge, and the Court shall appoint a day for hearing the application, but the application shall not be heard until the public examination of the bankrupt is concluded. The application shall be heard in open Court.

(2) On the hearing of the application the Court shall take into consideration a report of the official receiver as to the bankrupt's conduct and affairs and may either grant or refuse an absolute order of discharge, suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income that may afterwards become due to the bankrupt or with respect to his after-acquired property, but the Court shall refuse the discharge—

- (a) in all cases where the bankrupt has committed any offence under this Act or under the Debtors Act or any amendment thereof; and
- (b) in all cases where it is not proved or shown to the satisfaction of the Court that the estate of the debtor has yielded or might with reasonable care have yielded sufficient to pay a dividend to his creditors of not less than 50¢ in the dollar unless the Court is satisfied on consideration of a report by the official receiver that the debtor's failure has arisen from circumstances for which he cannot justly be held responsible, that he has not been guilty of any of the offences or facts enumerated in this section, and that he has not been at fault in not having suspended payment of his debts at an earlier period.

The Court shall on proof of any of the facts hereinafter mentioned either refuse the order, suspend the operation of the order for a specified time or grant an order of discharge subject such conditions as aforesaid.

- (3) The facts referred to in subsection (2) are—
 - (a) that the bankrupt has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the 3 years immediately preceding the bankruptcy;
 - (b) that the bankrupt has continued to trade after knowing himself to be insolvent;
 - (c) that the bankrupt has contracted any debt provable in the bankruptcy without having at the time of contracting it any reasonable or probable ground of expectation (proof whereof shall lie on him) of being able to pay it;
 - (d) that the bankrupt has brought on his bankruptcy by rash and hazardous speculation or unjustifiable extravagance in living or by recklessness or want of reasonable care and attention to his business and affairs;
 - (e) that the bankrupt has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any action properly brought against him;