

What if my claim is rejected?

Bankruptcy and No Asset Procedure

If you have filed a claim and failed to submit satisfactory evidence or any at all, the Official Assignee may reject your claim. Rejection of your claim means that you will not be entitled to share in any distribution to creditors from the insolvent estate.

If you wish to appeal the Official Assignee's decision to reject your claim(s), you will need to make an application to the High Court within 15 working days of receiving advice from the Official Assignee of the rejection. The Court may modify or reverse or confirm the Official Assignee's decision.

Summary Instalment Order

A Summary Instalment Order (SIO) supervisor is responsible for administering the SIO. This involves liaising with creditors, obtaining details and evidence of claims, organising payments by the debtor, and arranging for distributions to creditors.

Before a supervisor can make distributions, creditors need to detail and evidence their claims to have their claim accepted. If a creditor is not able to provide evidence to confirm the debt, their claim will be rejected in whole or part.

Where there is a dispute about a claim, the supervisor should attempt to resolve it. Where agreement cannot be reached between the supervisor and creditor, the creditor can appeal to the Official Assignee. Any appeal by a creditor of a rejected claim should be made in writing to the Official Assignee within 15 working days of notification of rejection.

The Official Assignee will notify the debtor and supervisor of the appeal and will invite the supervisor, debtor and creditor to make representations within 15 working days. The Official Assignee will then make a decision and notify all parties of the outcome.

Appeals are lodged with the Official Assignee by post to:

Official Assignee
Private Bag 4714
Christchurch

or by email to:

sio@insolvency.govt.nz