



## INSOLVENCY AND TRUSTEE SERVICE

[www.insolvency.govt.nz](http://www.insolvency.govt.nz) | 0508 INSOLVENCY | 0508 467 658

Return your completed form to the Insolvency and Trustee Service by:

Post: Private Bag 4714, Christchurch | Email: [applications@insolvency.govt.nz](mailto:applications@insolvency.govt.nz)

### ***Information for people who wish to enter into business while they are bankrupt***

If you wish to apply for consent to enter into business, you must file an affidavit under Regulation 10 Insolvency (Personal Insolvency) Regulations 2007. An affidavit is a written statement confirmed by a lawyer or Justice of the Peace (JP). You may wish to seek professional advice to complete the affidavit, which must include:

- whether the business is a new business
- what capital you or anyone else will put into the business
- what provisions you have made to meet all taxes and regulatory requirements
- what plans or processes you will have in place to meet your health and safety obligations
- who your financial supervisor is and what will be the role and powers of that person
- any other information the Official Assignee may need.

The Official Assignee needs to make an informed decision, so please include the following information in your affidavit:

#### **Financial matters**

- how you became bankrupt
- whether or not contributions to your current bankruptcy will be available
- how an approval will benefit creditors in the bankruptcy
- your business plan
- details of bank accounts
- your twelve-month budget and cashflow projections - in some cases two or even three-year projections may be required

#### **Practical matters**

- your present employment status
- your legal right to work in New Zealand
- a description of your duties and responsibilities in the business
- the nature of your proposed business
- what plant or equipment you require and how you will pay for this
- whether staff are to be employed
- where the business will operate from, that is, home or leased premises - for lease premises, provide full details of the proposed lease
- any other information that will assist the Official Assignee

#### **From your Financial Supervisor (accountant)**

You will also be required to provide:

- A business plan, in the same manner that you would if you were applying to a bank for finance
- A letter from your financial supervisor stating that they consent to manage your business affairs, file Inland Revenue returns, pay taxes and attend to other administrative matters

#### **What happens now**

If consent is given, it will be given in writing. You must not enter into business until you receive the Official Assignee's consent in writing.

## APPLICATION FOR CONSENT TO ENTER INTO BUSINESS

I, (Full name)

of,

Full postal address:

Contact telephone number:

I swear that the information and statements contained in this application are true and correct:

1. I was adjudicated bankrupt on \_\_\_\_\_
2. I seek the Consent of the Official Assignee to enter into business on my own account.
3. I confirm I have the legal right to work in New Zealand: Yes      No
4. My present employment status is :
5. I wish to enter into business for the following reasons:

## Business details

6. The proposed business is a new or existing business.

7. The nature of the proposed business is / will be:

8. There will be no other staff. There will be self employed staff (enter number).

9. My duties and responsibilities in the proposed business will be:

10. The plant and equipment required for the business are:

11. I currently have the necessary plant and equipment on hand. The funding for the equipment will come from: (Provide details below.)

12. The business will operate from (i.e. home or leases premises. For leased premises, provide details of the lease.)

13. The business will operate a bank account at:

14. The capital that I will put into the business will be:

15. The capital another person will put into the business will be (state name and amount):

16. I have or have not reviewed the material on the WorkSafe website relating to the business.

17. The nature of the health and safety hazards and risks associated with the business are:

18. The plans and processes I have in place or will put in place to meet my health and safety duties and obligations are: (Explain below)

19. The provisions I will make to meet all taxes and regulatory requirements are: (Explain below)

## **Financial supervision**

20. The financial supervisor (accountant) will be:
21. The financial supervisor's role and powers will be:
22. My financial supervisor will submit trading statements to the Official Assignee on a three, six or twelve monthly basis. (Select as appropriate.)
23. One, two or three year budget and cash flow projections have been prepared.

### **Pre-bankruptcy history**

24. My pre bankruptcy employment details - role, duties, responsibilities and income:

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|--|

25. I have been bankrupt before.      I have not been bankrupt before.

26. My bankruptcy resulted from a business failure,      or did not result from a business failure.

27. The causes of my bankruptcy were:

|  |
|--|
|  |
|--|

28. I have been convicted of fraud.      I have not been convicted of fraud.

### **Benefit to creditors**

29. I will be receiving an income from the business which will be available to the Official Assignee to be assessed for contributions: Yes      No

30. Aside for contributions, the benefit to my creditors in allowing this application is:

### **Supporting information**

31. I also supply the following information to support this application (if applicable):

Signed (Debtor):

Sworn at: Time:            Day:            Month:            Year:

Before me,

Full name and details:

Solicitor of the High Court of New Zealand