

Tracing New Zealand People in Bankruptcy Records

The term bankruptcy usually refers to the financial insolvency of individuals and the law of bankruptcy makes available the property of an insolvent to his creditors.

Its purpose is to ensure that the distribution among the creditors of remaining property is fair and that it is proportionate to the amount of their claims and give the debtor a chance of making a clean start, discharged of his liabilities.

The Official Assignee was an officer of the Court, in whom and who acted as a trustee in respect of the assets of the bankrupt. The Assignee had the power to sell the bankrupt's property to recover the debts due to the bankrupt's estate. The Assignee could carry on the business of the bankrupt so far as it was necessary its disposal or conclusion. When all the assets were realised, the Assignee divided the proceeds among the creditors. Secured creditors were paid from the proceeds of the security, and other creditors were paid on a pro rata basis.

The current law is represented in the Insolvency Act 2006 No. 55, the Companies Amendment Act 2006, and the Insolvency (Cross-Border) Act 2006. Jurisdiction in bankruptcy matters was at first vested in the Supreme or High Court, until the Insolvency Act 2006 moved the administration of insolvency and bankruptcy proceedings from the Court to the Insolvency and Trustee Service of the Ministry of Economic Development.

The records

Pre 2001 the records are held in mainly in the regional Archives Offices in Auckland, Wellington, Christchurch and Dunedin. A new national system was introduced in 2001 where file numbers were assigned by a new computer system. New files were given six-figure numbers beginning with 8.

Old files still in the system were given a regional prefix to their existing five figure number:

Prefix 1 - Auckland

Prefix 2 – Hamilton

Prefix 3 – Napier

Prefix 4 – Wellington

Prefix 5 Christchurch

Details recorded in the Bankruptcy Registers include:

- Office Number (Official Assignees Single running file number)
- Date of Adjudication
- Name
- Supreme Court File Number (B for Bankruptcy or M for Miscellaneous)
- Date of Discharge
- Date of Release

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