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STATUTORY INSTRUMENTS

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**1986 No. 1925**

**The Insolvency Rules 1986**

THE SECOND GROUP OF PARTS

PART 5

INDIVIDUAL VOLUNTARY ARRANGEMENTS

*SECTION A: THE DEBTOR'S PROPOSAL*

**Application for interim order**

**5.5.**—(1) An application to the court for an interim order under Part VIII of the Act shall be accompanied by an affidavit of the following matters—

- (a) the reasons for making the application;
- (b) particulars of any execution or other legal process which, to the debtor's knowledge, has been commenced against him;
- (c) that he is an undischarged bankrupt or (as the case may be) that he is able to petition for his own bankruptcy;
- (d) that no previous application for an interim order has been made by or in respect of the debtor in the period of 12 months ending with the date of the affidavit; and
- (e) that the nominee under the proposal (naming him) is a person who is qualified to act as an insolvency practitioner in relation to the debtor, and is willing to act in relation to the proposal.

(2) A copy of the notice to the intended nominee under Rule 5.4, endorsed to the effect that he agrees so to act, shall be exhibited to the affidavit.

(3) On receiving the application and affidavit, the court shall fix a venue for the hearing of the application.

(4) The applicant shall give at least 2 days' notice of the hearing—

- (a) in Case 1, to the bankrupt, the official receiver and the trustee (whichever of those three is not himself the applicant),
- (b) in Case 2, to any creditor who (to the debtor's knowledge) has presented a bankruptcy petition against him, and
- (c) in either case, to the nominee who has agreed to act in relation to the debtor's proposal.