
STATUTORY INSTRUMENTS

1986 No. 1925

The Insolvency Rules 1986

THE SECOND GROUP OF PARTS

PART 6

BANKRUPTCY

CHAPTER 25

CRIMINAL BANKRUPTCY

Presentation of petition

6.229.—(1) In criminal bankruptcy, the petition under section 264(1)(d) shall be presented to the High Court, and accordingly Rule 6.9 in Chapter 2 (court in which other petitions to be presented) does not apply.

(2) This does not affect the High Court's power to order that the proceedings be transferred.

Status and functions of Official Petitioner

6.230.—(1) Subject as follows, the Official Petitioner is to be regarded for all purposes of the Act and the Rules as a creditor of the bankrupt.

(2) He may attend or be represented at any meeting of creditors, and is to be given any notice under the Act or the Rules which is required or authorised to be given to creditors; and the requirements of the Rules as to the lodging or use of proxies do not apply.

Interim receivership

6.231. Chapter 4 of this Part of the Rules applies in criminal bankruptcy only in so far as it provides for the appointment of the official receiver as interim receiver.

Proof of bankruptcy debts and notice of order

6.232.—(1) The making of a bankruptcy order on a criminal bankruptcy petition does not affect the right of creditors to prove for their debts arising otherwise than in consequence of the criminal proceedings.

(2) A person specified in a criminal bankruptcy order as having suffered loss or damage shall be treated as a creditor of the bankrupt; and a copy of the order is sufficient evidence of his claim, subject to its being shown by any party to the bankruptcy proceedings that the loss or damage actually suffered was more or (as the case may be) less than the amount specified in the order.

(3) The requirements of the Rules with respect to the proof of debts do not apply to the Official Petitioner.

(4) In criminal bankruptcy, the forms to be used by any person for the purpose of proving bankruptcy debts shall be sent out by the official receiver, not less than 12 weeks from the making

of the bankruptcy order, to every creditor who is known to him, or is identified in the bankrupt's statement of affairs.

(5) The official receiver shall, within those 12 weeks, send to every such creditor notice of the making of the bankruptcy order.

Meetings under the Rules

6.233.—(1) The following Rules in Chapter 6 of this Part do not apply in criminal bankruptcy—

Rules 6.79 and 6.80 (first meeting of creditors, and business thereat);

Rule 6.82(2) (the chairman, if other than the official receiver);

Rule 6.88(2) and (3) (resolution for appointment of trustee).

(2) Rule 6.97 (supply of forms for proof of debts) does not apply.

Trustee in bankruptcy; creditors' committee; annulment of bankruptcy order

6.234.—(1) Chapter 11 of this Part of the Rules does not apply in criminal bankruptcy, except Rules 6.136 (release of official receiver) and 6.147 (power of court to set aside transactions).

(2) Chapter 12 (creditors' committee) does not apply.

(3) Chapter 21 (annulment of bankruptcy order) applies to an application to the court under section 282(2) as it applies to an application under section 282(1), with any necessary modifications.