
STATUTORY INSTRUMENTS

1986 No. 1925

The Insolvency Rules 1986

THE THIRD GROUP OF PARTS

PART 7

COURT PROCEDURE AND PRACTICE

CHAPTER 5

COURT RECORDS AND RETURNS

Title of proceedings

7.26.—(1) Every proceeding under Parts I to VII of the Act shall, with any necessary additions, be intitled “IN THE MATTER OF ... (naming the company to which the proceedings relate) AND IN THE MATTER OF THE INSOLVENCY ACT 1986”.

(2) Every proceeding under Parts IX to XI of the Act shall be intitled “IN BANKRUPTCY”.

Court records

7.27. The court shall keep records of all insolvency proceedings, and shall cause to be entered in the records the taking of any step in the proceedings, and such decisions of the court in relation thereto, as the court thinks fit.

Inspection of records

7.28.—(1) Subject as follows, the court's records of insolvency proceedings shall be open to inspection by any person.

(2) If in the case of a person applying to inspect the records the registrar is not satisfied as to the propriety of the purpose for which inspection is required, he may refuse to allow it. The person may then apply forthwith and ex parte to the judge, who may refuse the inspection, or allow it on such terms as he thinks fit.

(3) The judge's decision under paragraph (2) is final.

Returns to Secretary of State

7.29.—(1) The court shall from time to time send to the Secretary of State the following particulars relating to winding-up and bankruptcy proceedings—

- (a) the full title of the proceedings, including the number assigned to each case;
- (b) where a winding-up or bankruptcy order has been made, the date of the order.

(2) The Secretary of State may, on the request of any person, furnish him with particulars sent by the court under this Rule.

File of court proceedings

7.30.—(1) In respect of all insolvency proceedings, the court shall open and maintain a file for each case; and (subject to directions of the registrar) all documents relating to such proceedings shall be placed on the relevant file.

(2) No proceedings shall be filed in the Central Office of the High Court.

Right to inspect the file

7.31.—(1) In the case of any insolvency proceedings, the following have the right, at all reasonable times, to inspect the court's file of the proceedings—

- (a) the person who, in relation to those proceedings, is the responsible insolvency practitioner;
- (b) any duly authorised officer of the Department; and
- (c) any person stating himself in writing to be a creditor of the company to which, or the individual to whom, the proceedings relate.

(2) The same right of inspection is exercisable—

- (a) in proceedings under Parts I to VII of the Act, by every person who is, or at any time has been, a director or officer of the company to which the proceedings relate, or who is a member of the company or a contributory in its winding up;
- (b) in proceedings with respect to a voluntary arrangement proposed by a debtor under Part VIII of the Act, by the debtor;
- (c) in bankruptcy proceedings, by—
 - (i) the bankrupt,
 - (ii) any person against whom, or by whom, a bankruptcy petition has been presented, and
 - (iii) any person who has been served, in accordance with Chapter 1 of Part 6 of the Rules, with a statutory demand.

(3) The right of inspection conferred as above on any person may be exercised on his behalf by a person properly authorised by him.

(4) Any person may, by special leave of the court, inspect the file.

(5) The right of inspection conferred by this Rule is not exercisable in the case of documents, or parts of documents, as to which the court directs (either generally or specially) that they are not to be made open to inspection without the court's leave.

An application for a direction of the court under this paragraph may be made by the official receiver, by the person who in relation to any proceedings is the responsible insolvency practitioner, or by any party appearing to the court to have an interest.

(6) If, for the purpose of powers conferred by the Act or the Rules, the Secretary of State, the Department or the official receiver requires to inspect the file of any insolvency proceedings, and requests the transmission of the file, the court shall comply with the request (unless the file is for the time being in use for the court's own purposes).

(7) Paragraphs (2) and (3) of Rule 7.28 apply in respect of the court's file of any proceedings as they apply in respect of court records.

Filing of Gazette notices and advertisements

7.32.—(1) In any court in which insolvency proceedings are pending, an officer of the court shall file a copy of every issue of the Gazette which contains an advertisement relating to those proceedings.

(2) Where there appears in a newspaper an advertisement relating to insolvency proceedings pending in any court, the person inserting the advertisement shall file a copy of it in that court.

The copy of the advertisement shall be accompanied by, or have endorsed on it, such particulars as are necessary to identify the proceedings and the date of the advertisement's appearance.

(3) An officer of any court in which insolvency proceedings are pending shall from time to time file a memorandum giving the dates of, and other particulars relating to, any notice published in the Gazette, and any newspaper advertisements, which relate to proceedings so pending.

The officer's memorandum is prima facie evidence that any notice or advertisement mentioned in it was duly inserted in the issue of the newspaper or the Gazette which is specified in the memorandum.