

1986 No. 1999**INSOLVENCY****INDIVIDUALS, ENGLAND AND WALES****The Administration of Insolvent Estates of Deceased Persons
Order 1986**

Made - - - 21st November 1986

Laid before Parliament 8th December 1986

Coming into Force - 29th December 1986

The Lord Chancellor, in exercise of the powers conferred on him by section 421 of the Insolvency Act 1986(a) and of all other powers enabling him in that behalf, with the concurrence of the Secretary of State, hereby makes the following Order:—

1. This Order may be cited as the Administration of Insolvent Estates of Deceased Persons Order 1986 and shall come into force on 29th December 1986.

2. In this Order —

“the Act” means the Insolvency Act 1986;

“insolvency administration order” means an order for the administration in bankruptcy of the insolvent estate of a deceased debtor (being an individual at the date of his death);

“insolvency administration petition” means a petition for an insolvency administration order; and

“the Rules” means the Insolvency Rules 1986(b).

3.—(1) The provisions of the Act specified in Parts II and III of Schedule 1 to this Order shall apply to the administration in bankruptcy of the insolvent estates of deceased persons dying before presentation of a bankruptcy petition with the modifications specified in those Parts and with any further such modifications as may be necessary to render them applicable to the estate of a deceased person and in particular with the modifications specified in Part I of that Schedule, and the provisions of the Rules, the Insolvency Regulations 1986(c) and any order made under section 415 of the Act (fees and deposits) shall apply accordingly.

(a) 1986 c.45.

(b) S.I. 1986/1925.

(c) S.I. 1986/1994.

(2) In the case of any conflict between any provision of the Rules and any provision of this Order, the latter provision shall prevail.

4.—(1) Where the estate of a deceased person is insolvent and is being administered otherwise than in bankruptcy, subject to paragraphs (2) and (3) below, the same provisions as may be in force for the time being under the law of bankruptcy with respect to the assets of individuals adjudged bankrupt shall apply to the administration of the estate with respect to the respective rights of secured and unsecured creditors, to debts and liabilities provable, to the valuation of future and contingent liabilities and to the priorities of debts and other payments.

(2) The reasonable funeral, testamentary and administration expenses have priority over the preferential debts listed in Schedule 6 to the Act.

(3) Section 292(2) of the Act shall not apply.

5.—(1) If a debtor by or against whom a bankruptcy petition has been presented dies, the proceedings in the matter shall, unless the court otherwise orders, be continued as if he were alive, with the modifications specified in Schedule 2 to this Order.

(2) The reasonable funeral and testamentary expenses have priority over the preferential debts listed in Schedule 6 to the Act.

(3) If a debtor dies after presentation of a bankruptcy petition but before service, the court may order service to be effected on his personal representative or such other person as it thinks fit.

6. The definitions in Article 2 of this Order other than the first definition shall be added to those in section 385 of the Act.

Hailsham of St Marylebone, C.

Dated 20th November 1986.

I concur,

Michael Howard,
Parliamentary Under-Secretary of State,
Department of Trade and Industry.

Dated 21st November 1986.

Article 3

SCHEDULE 1

PROVISIONS OF THE ACT APPLYING WITH RELEVANT MODIFICATIONS TO THE
ADMINISTRATION IN BANKRUPTCY OF INSOLVENT ESTATES OF DECEASED PERSONS DYING
BEFORE PRESENTATION OF A BANKRUPTCY PETITION

PART I

GENERAL MODIFICATIONS OF PROVISIONS OF THE ACT

Except in so far as the context otherwise requires, for any such reference as is specified in column 1 of the Table set out below there shall be substituted the reference specified in column 2.

Table

Reference in provision of the Act specified in Part II of this Schedule (1)	Substituted references (2)
the bankrupt; the debtor.	the deceased debtor or his personal representative (or if there is no personal representative such person as the court may order) as the case may require.
the bankrupt's estate.	the deceased debtor's estate.
the commencement of the bankruptcy.	the date of the insolvency administration order.
a bankruptcy order.	an insolvency administration order.
an individual being adjudged bankrupt.	an insolvency administration order being made.
a debtor's petition.	a petition by the personal representative of a deceased debtor for an insolvency administration order.

PART II

PROVISIONS OF THE ACT NOT INCLUDED IN PART III OF THIS SCHEDULE

The following provisions of the Act shall apply:—

1. Section 264 with the following modifications:—
 - (a) the words “against an individual” shall be omitted;
 - (b) at the end of paragraph 1(a) there shall be added the words “in Form 1 set out in Schedule 3 to the Administration of Insolvent Estates of Deceased Persons Order 1986”;
 - (c) paragraph 1(b) shall be omitted;
 - (d) in paragraph 1(c) after the words “Part VIII” there shall be added the words “in Form 2 set out in the said Schedule 3”;
 - (e) at the end of paragraph 1(d) there shall be added the words “in Form 3 set out in the said Schedule 3 in any case where a creditor could present such a petition under paragraph (a) above”; and
 - (f) at the end of subsection (2) there shall be added the words “in Form 4 set out in the said Schedule 3”.

2. Section 266 with the following modifications:—
 - (a) for subsection (1) there shall be substituted the following:—
 - “(1) An insolvency administration petition shall, unless the court otherwise directs, be served on the personal representative and shall be served on such other persons as the court may direct.”; and
 - (b) in subsection (3) for the words “bankruptcy petition” there shall be substituted the words “petition to the court for an insolvency administration order with or without costs”.
3. Section 267 with the following modifications to subsection (2):—
 - (a) before the words “at the time” there shall be inserted the words “had the debtor been alive”; and
 - (b) for paragraphs (a) to (d) there shall be substituted the following:—
 - “(a) the amount of the debt, or the aggregate amount of the debts, owed by the debtor would have been equal to or exceeded the bankruptcy level, or
 - (b) the debt, or each of the debts, owed by the debtor would have been for a liquidated sum payable to the petitioning creditor, or one or more of the petitioning creditors, either immediately or at some certain future time, and would have been unsecured.”.
4. Section 269 with the modification that in subsection (2) for the words “sections 267 to 270” there shall be substituted the words “section 267 and this section”.
5. Section 271 as if for that section there were substituted the following:—

“271.—(1) The court may make an insolvency administration order on a petition for such an order under section 264(1) if it is satisfied —

 - (a) that the debt, or one of the debts, in respect of which the petition was presented is a debt which,
 - (i) having been payable at the date of the petition or having since become payable, has neither been paid nor secured or compounded for; or
 - (ii) has no reasonable prospect of being able to be paid when it falls due; and
 - (b) that there is a reasonable probability that the estate will be insolvent.

(2) A petition for an insolvency administration order shall not be presented to the court after proceedings have been commenced in any court of justice for the administration of the deceased debtor’s estate.

(3) Where proceedings have been commenced in any such court for the administration of the deceased debtor’s estate, that court may, if satisfied that the estate is insolvent, transfer the proceedings to the court exercising jurisdiction for the purposes of the Parts in the second Group of Parts.

(4) Where proceedings have been transferred to the court exercising jurisdiction for the purposes of the Parts in the second Group of Parts, that court may make an insolvency administration order in Form 5 set out in Schedule 3 to the Administration of Insolvent Estates of Deceased Persons Order 1986 as if a petition for such an order had been presented under section 264.

(5) Nothing in sections 264, 266, 267, 269 or 271 to 273 shall invalidate any payment made or any act or thing done in good faith by the personal representative before the date of the insolvency administration order.”.
6. Section 272(1) with the following modifications:—
 - (a) after the word “petition” there shall be inserted the words “in Form 6 set out in Schedule 3 to the Administration of Insolvent Estates of Deceased Persons Order 1986”; and
 - (b) for the words “debtor is unable to pay his debts” there shall be substituted the words “estate of a deceased debtor is insolvent”.

7. Section 273 as if for that section there were substituted the following:—

“273. The court shall make an insolvency administration order in Form 4 set out in Schedule 3 to the Administration of Insolvent Estates of Deceased Persons Order 1986 on the hearing of a petition presented under section 272 if it is satisfied that the deceased debtor’s estate is insolvent.”.
8. Section 276(2).
9. Section 277.
10. Section 278 except paragraph (b) as if for paragraph (a) there were substituted the following:—

“(a) commences with the day on which the insolvency administration order is made;”.
11. Section 282(1) and (4).
12. Sections 283 to 285 with the modification that they shall have effect as if the petition had been presented and the insolvency administration order had been made on the date of death of the deceased debtor, and with the following modifications to section 283:—
 - (a) in subsection (2)(b), for the words “bankrupt and his family” there shall be substituted the words “family of the deceased debtor”; and
 - (b) after subsection (4) there shall be added the following subsection:—

“(4A) References in any of this Group of Parts to property, in relation to a deceased debtor, include the capacity to exercise and take proceedings for exercising all such powers over or in respect of property as might have been exercised by his personal representative for the benefit of the estate on the date of the insolvency administration order and as are specified in subsection (4) above.”.
13. Section 286(1) and (3) to (8).
14. Section 287.
15. Section 288 with the modification that for subsections (1) and (2) there shall be substituted the following:—
 - (1) Where an insolvency administration order has been made, the personal representative, or if there is no personal representative such person as the court may on the application of the official receiver direct, shall submit to the official receiver a statement of the deceased debtor’s affairs containing particulars of the assets and liabilities of the estate as at the date of the insolvency administration order together with other particulars of the affairs of the deceased debtor in Form 7 set out in Schedule 3 to the Administration of Insolvent Estates of Deceased Persons Order 1986 or as the official receiver may require.
 - (2) The statement shall be submitted before the end of the period of fifty-six days beginning with the date of a request by the official receiver for the statement or such longer period as he or the court may allow.”.
16. Section 289 as if for that section there were substituted the following:—

“289. The official receiver is not under any duty to investigate the conduct and affairs of the deceased debtor unless he thinks fit but may make such report (if any) to the court as he thinks fit.”.
17. Section 291.
18. Sections 292 to 302, except section 297(4), with the modification that, where a meeting of creditors is summoned for the purposes of any provision in those sections, the rules regarding the trustee in bankruptcy and the creditors’ committee shall apply accordingly.

19. Sections 303 and 304.
20. Section 305 with the modification that after subsection (4) there shall be added the following subsection:—

“(5) In the exercise of his functions under this section where an insolvency administration order has been made, the trustee shall have regard to any claim by the personal representative to payment of reasonable funeral, testamentary and administration expenses incurred by him in respect of the deceased debtor’s estate or, if there is no such personal representative, to any claim by any other person to payment of any such expenses incurred by him in respect of the estate provided that the trustee has sufficient funds in hand for the purpose, and such claims shall have priority over the preferential debts listed in Schedule 6 to this Act.”
21. Section 306.
22. Section 307 with the modification that in subsection (1) for the words “commencement of the bankruptcy” there shall be substituted the words “date of death of the deceased debtor”.
23. Sections 308 to 327.
24. Sections 328 and 329 with the modification that for the words “commencement of the bankruptcy”, wherever they occur, there shall be substituted the words “date of death of the deceased debtor”.
25. Section 330 with the modification that in subsection (5) for the words “the bankrupt is entitled to the surplus” there shall be substituted the words “the surplus shall be paid to the personal representative unless the court otherwise orders”.
26. Sections 331 to 340.
27. Section 341 with the modification that in subsection (1)(a) for the words “day of the presentation of the bankruptcy petition” onwards there shall be substituted the words “date of death of the deceased debtor”.
28. Sections 342 to 349, 350(1), (2), (4) to (6) and 351 except paragraphs (a) and (b).
29. Section 359 with the following modifications:—
 - (a) subsection (1), and the reference to that subsection in subsection (3), shall be omitted; and
 - (b) in subsection (2), for the words “petition or in the initial period” there shall be substituted the words “the date of death of the deceased debtor”.
30. Sections 363 and 365 to 381.
31. Section 382 with the modification that in the definition of “bankruptcy debt” for the words “commencement of the bankruptcy”, wherever they occur, there shall be substituted the words “date of death of the deceased debtor”.
32. Sections 383 and 384.
33. Section 385 with the modification that at the end of the definition of “the court” there shall be added the words “and subject thereto “the court” means the court within the jurisdiction of which the debtor resided or carried on business for the greater part of the six months immediately prior to his death”.
34. Section 386.
35. Section 387(1), (5) and (6) with the modification that in subsection (6)(a) and (b) for the reference to the making of the bankruptcy order there shall be substituted a reference to the date of death of the deceased debtor.
36. Sections 388 to 410, 412, 413, 415, 418 to 420, 423 to 426, 428, 430 to 436 and 437 so far as it relates to Parts II, except paragraph 13, IV and V of Schedule 11 to the Act.

PART III

PROVISIONS OF PART VIII OF THE ACT RELATING TO INDIVIDUAL VOLUNTARY ARRANGEMENTS

The following provisions of the Act shall apply where the court has made an interim order under section 252 of the Act in respect of an individual who subsequently dies:—

1. Section 256 with the modification that where the individual dies before he has submitted the document and statement referred to in subsection (2), after subsection (1) there shall be added the following subsections:—

“(1A) The nominee shall after the death of the individual comes to his knowledge give notice to the court that the individual has died.

(1B) After receiving such a notice the court shall discharge the order mentioned in subsection (1) above.”.

2. Section 257 with the modification that where the individual dies before a creditors' meeting has been held then no such meeting shall be held and, if the individual was at the date of his death an undischarged bankrupt, the personal representative shall give notice of the death to the trustee of his estate and the official receiver.

3. Sections 258 and 259.

4. Sections 260 to 262 with the modification that they shall cease to apply on or after the death of the individual.

5. Section 263 with the modification that where the individual dies after a voluntary arrangement has been approved, then —

(a) in subsection (3), for the words “debtor, any of his” there shall be substituted the words “personal representative of the deceased debtor, any of the deceased debtor's”; and

(b) the supervisor shall give notice to the court that the individual has died.

Article 5

SCHEDULE 2

DEATH OF DEBTOR AFTER PRESENTATION OF A BANKRUPTCY PETITION

Modifications

1. For subsections (1) and (2) of section 288 of the Act there shall be substituted the following:—

“(1) Where a bankruptcy order has been made otherwise than on a debtor's petition and the debtor has subsequently died without submitting a statement of his affairs to the official receiver, the personal representative or such other person as the court, on the application of the official receiver, may direct shall submit to the official receiver a statement of the deceased debtor's affairs containing particulars of the assets and liabilities of the estate as at the date of the order together with other particulars of the affairs of the deceased debtor in Form 7 set out in Schedule 3 to the Administration of Insolvent Estates of Deceased Persons Order 1986 or as the official receiver may require, and the Rules shall apply to such a statement as they apply to an ordinary statement of affairs of a debtor.

(2) The statement shall be submitted before the end of the period of fifty-six days beginning with the date of a request by the official receiver for the statement or such longer period as he or the court may allow.”.

2. At the end of section 330(4)(b) of the Act there shall be added the words “and of the personal representative of a debtor dying after the presentation of a bankruptcy petition in respect of reasonable funeral and testamentary expenses of which notice has not already been given to the trustee”.

SCHEDULE 3

Part II of Schedule 1,
paragraphs 1, 5 to 7 and 15
Schedule 2, paragraph 1

FORMS RELATING TO ADMINISTRATION IN BANKRUPTCY OF INSOLVENT ESTATES OF DECEASED DEBTORS

The Administration of Insolvent Estates of Deceased Persons Order 1986

Form 1

Creditor's Petition for Insolvency
Administration Order

(TITLE)

(a) Insert full name(s) I/We (a) _____
and address(es) of petition the court that an order be made for the administration of the insolvent
petitioner(s) estate in bankruptcy

(b) Insert full name, of the late (b) _____
and former occupation of _____
deceased debtor _____

(c) Insert in full any [also known as (c) _____]
other name(s) by which the deceased debtor was known

(d) Insert any [and lately residing at (d) _____]
address(es) at which the deceased debtor has resided at or after the time the petition debt was incurred

(e) Insert trading [and lately carrying on business as (e) _____]
name (adding "with another or others" if this was so), business address(es) and nature of business(es) carried on by the deceased debtor at or after the time the petition debt was incurred

(f) Insert date of death who died on (f) _____
and say as follows:—

(g) Delete as applicable 1. The deceased debtor for the greater part of six months immediately preceding the date of death (g) [resided at] [carried on business at]

(h) Or as the case may be following the terms of Rule 6.9 within the district of this court (h)

(i) Please give the amount of debt(s), what they relate to and when they were incurred. Please show separately the amount or rate of any interest or other charge not previously notified to the deceased debtor and the reason why you are claiming it.

2. The estate of the deceased debtor is justly and truly indebted to me/us in the aggregate sum of £ (i) _____

(j) State date payable or "immediately" if this is so

3. The above-mentioned debt is for a liquidated sum payable (j) _____ and the estate of the deceased debtor is according to my/our information and belief insufficient to pay his debts.

4. I/We do not, nor does any person on my/our behalf, hold any security on the deceased debtor's estate, or any part thereof, for the payment of the above-mentioned sum.

OR

(k) Delete as appropriate I/We hold security for the payment of (k) [part of] the above-mentioned sum. I/We will give up such security for the benefit of all the creditors in the event of an insolvency administration order being made.

OR

I/We hold security for the payment of part of the above-mentioned sum and I/we estimate the value of such security to be £ _____. This petition is not made in respect of the secured part of my/our debt.

(l) Insert date will proved

5. The will of the deceased debtor was on (l) _____

(m) Insert full names and addresses of parties proving will

proved by (m) _____

OR

(n) Insert date letters of administration granted

The letters of administration of his estate were on (n) _____

(o) Insert full names and addresses of parties letters of administration granted to

granted to (o) _____

Endorsement

This petition having been presented to the court on _____
it is ordered that the petition shall be heard as follows:—

Date _____

Time _____ hours

Place _____

and you (p) _____

(p) Insert full names
and addresses of
parties given notice

_____ are to take notice that if
you intend to oppose the petition you must not later than 7 days before the
day fixed for the hearing:

- (i) file in court a notice specifying the grounds on which you object to
the making of an insolvency administration order
- (ii) send a copy of the notice to the petitioner or his solicitor.

(q) Only to be
completed where the
petitioning creditor is
represented by a
solicitor

The solicitor to the petitioning creditor is:— (q)

Name _____

Address _____

Telephone Number _____

Reference _____

The Administration of Insolvent Estates of Deceased Persons Order 1986

Form 2

**Petition for Insolvency Administration Order
by Supervisor of Voluntary Arrangement or
Person Bound by it**

(TITLE)

- (a) Insert full name(s) I/We (a) _____
and address(es) of petitioner(s) petition the court that an order be made for the administration of the insolvent estate in bankruptcy
- (b) Insert full name, of the late (b) _____
and former occupation of _____
deceased debtor _____
- (c) Insert in full any [also known as (c) _____]
other name(s) by which the deceased debtor was known
- (d) Insert any [and lately residing at (d) _____]
address(es) at which the deceased debtor has resided at or after the time the petition debt was incurred
- (e) Insert trading [and lately carrying on business as (e) _____]
name (adding "with another or others" if this was so), business address(es) and nature of business(es) carried on by the deceased debtor at or after the time the petition debt was incurred

and say as follows:—

(f) Delete as applicable 1. The deceased debtor for the greater part of six months immediately preceding the date of death (f) [resided at] [carried on business at]

(g) Or as the case may be following the terms of Rule 6.9 within the district of this court (g)

(h) Insert date the deceased entered into voluntary arrangement 2. On (h) _____ a voluntary arrangement proposed by the deceased debtor was approved by his creditors and I am (f) [a person who is for the time being bound by the said voluntary arrangement and (i) _____

(i) Insert name of supervisor is the supervisor] [(i) _____ the supervisor of the said voluntary arrangement].

(j) Insert date of death 3. The deceased debtor died on (j) _____

(k) Insert date will proved 4. The will of the deceased debtor was on (k) _____

(l) Insert full names and addresses of parties proving will proved by (l) _____

OR

The letters of administration of his estate were on

(m) Insert date letters of administration granted (m) _____ granted to (n) _____

(n) Insert full names and addresses of parties letters of administration granted to _____

5. The estate of the deceased debtor is according to my/our information and belief insufficient to pay his debts.

Endorsement

This petition having been presented to the court on _____
it is ordered that the petition shall be heard as follows:—

Date _____

Time _____ hours

Place _____

(o) Insert full names
and addresses of
parties given notice

and you (o) _____
_____ are to take notice that if
you intend to oppose the petition you must not later than 7 days before the
day fixed for the hearing:

- (i) file in court a notice specifying the grounds on which you object to
the making of an insolvency administration order
- (ii) send a copy of the notice to the petitioner or his solicitor.

(p) Only to be
completed where the
petitioning creditor is
represented by a
solicitor

The solicitor to the petitioning creditor is:— (p)

Name _____

Address _____

Telephone Number _____

Reference _____

The Administration of Insolvent Estates of Deceased Persons Order 1986

Form 3

Criminal Bankruptcy Petition for an Insolvency Administration Order

(TITLE)

(a) Delete as appropriate I, (a) [the Official Petitioner of _____]

(b) Insert full name(s) and address(es) of petitioner(s) if other than the Official Petitioner or [I/We (b)] _____

petition the court that an order be made for the administration of the insolvent estate in bankruptcy

(c) Insert full name, and former occupation of deceased debtor of the late (c) _____

(d) Insert in full any other name(s) by which the deceased debtor was known [also known as (d) _____]

(e) Insert any address(es) at which the deceased debtor has resided at or after the time the petition debt was incurred [and lately residing at (e) _____]

(f) Insert trading name (adding "with another or others" if this was so), business address(es) and nature of business(es) carried on by the deceased debtor at or after the time the petition debt was incurred [and lately carrying on business as (f) _____]

(g) Insert date of death who died on (g) _____

and say as follows:—

1. A criminal bankruptcy order was made against the said (c) _____

(h) Insert name of the court at which the criminal bankruptcy order was made _____
at the (h) _____ court

(i) Insert date on (i) _____
and an office copy of the order is annexed to this petition.

2. The said order remains in force.

OR

The said order was amended by the Court of Appeal on (i) _____
and an office copy of the order of the Court of Appeal is annexed to this petition
and the order as amended by the Court of Appeal remains in force.

3. According to the said criminal bankruptcy order the late (c) _____

(j) Insert names and addresses of the persons specified in the order as having suffered loss or damage _____
is indebted to (j) _____

(k) State the amount of loss or damage suffered as specified in the order _____
in the aggregate sum of (k) _____

(l) Insert date will proved 4. The will of the deceased debtor was on (l) _____

(m) Insert full names and addresses of parties proving will _____
proved by (m) _____

OR

The letters of administration of his estate were on

(n) Insert date letters of administration granted (n) _____

(o) Insert full names and addresses of parties letters of administration granted to granted to (o) _____

5. The estate of the deceased debtor is according to my/our information and belief insufficient to pay his debts.

Endorsement

This petition having been presented to the court on _____ it is ordered that the petition shall be heard as follows:—

Date _____

Time _____ hours

Place _____

(p) Insert full names and addresses of parties given notice and you (p) _____

_____ are to take notice that if you intend to oppose the petition you must not later than 7 days before the day fixed for the hearing:

- (i) file in court a notice specifying the grounds on which you object to the making of an insolvency administration order
- (ii) send a copy of the notice to the petitioner or his solicitor.

(q) Only to be completed where the petitioning creditor is represented by a solicitor

The solicitor to the petitioning creditor is:— (q)

Name _____

Address _____

Telephone Number _____

Reference _____

The Administration of Insolvent Estates of Deceased Persons Order 1986**Form 4****Insolvency Administration Order**

(TITLE)

- (a) Insert full name of petitioner Upon the petition of (a) _____
- (b) Insert date of petition dated (b) _____
- (c) Insert court number and numbered (c) _____
of petition and upon hearing _____
and upon reading the evidence _____

- (d) Insert full name of deceased debtor It is ordered that the estate of (d) _____
- (e) Insert residential address of deceased debtor at date of death formerly of (e) _____
- (f) Terms of any order as to payment of costs of application who died insolvent, be administered in bankruptcy and that the costs of this application be (f)

The Administration of Insolvent Estates of Deceased Persons Order 1986

Form 5

**Insolvency Administration Order on
Transfer of Proceedings**

(TITLE)

(a) Insert full name of deceased debtor Proceedings for the administration of the estate of the late (a)

(b) Insert name of court in which proceedings commenced having been commenced in

(b) _____ court

(c) Insert date on (c) _____

And whereas the Court did on (c) _____
transfer such proceedings to this Court.

It is ordered that the estate of

(a) _____
who died insolvent, be administered in bankruptcy.

The Administration of Insolvent Estates of Deceased Persons Order 1986

Form 6

**Petition by Personal Representative for
Insolvency Administration Order**

(TITLE)

- (a) Insert full name(s) and address(es) of petitioner(s) I/We (a) _____
petition the court that an order be made for the administration of the insolvent estate in bankruptcy
- (b) Insert full name, and former occupation of deceased debtor of the late (b) _____

- (c) Insert in full any other name(s) by which the deceased debtor was known [also known as (c) _____]
- (d) Insert any address(es) at which the deceased debtor has resided at or after the time in which the outstanding liabilities were incurred [and lately residing at (d) _____]
- (e) Insert trading name (adding "with another or others" if this was so), business address(es) and nature of business(es) carried on by deceased debtor [and lately carrying on business as (e) _____]
- (f) Insert date of death who died on (f) _____
and say as follows:—
- (g) Delete as appropriate 1. (g) I am/We are the personal representative(s) of the deceased debtor and
- (h) Insert date will proved his will was on (h) _____
- (i) Insert full names and addresses of parties proving will proved by (i) _____

OR

(j) Insert date letters of administration granted that the letters of administration of his estate were on (j) _____

(k) Insert full names and addresses of parties letters of administration granted to (k) _____

(l) Delete as appropriate 2. The deceased debtor for the greater part of six months immediately preceding the date of death [resided at] [carried on business at]

(m) Or as the case may be following the terms of Rule 6.9 within the district of this court (m)

3. The estate of the deceased debtor is according to my/our information and belief insufficient to pay his debts.

The Administration of Insolvent Estates of Deceased Persons Order 1986

Form 7

Statement of Affairs (Deceased Insolvent)

NOTE: These details will be the same as those shown at the top of the petition

IN THE _____
IN BANKRUPTCY NO _____ OF 19 ____
RE _____

THE 'GUIDANCE NOTES' BOOKLET TELLS YOU HOW TO COMPLETE THIS FORM EASILY AND CORRECTLY

Show the financial position of the deceased debtor by completing all the pages of this form which will then be the Statement of Affairs.

Affidavit

THIS AFFIDAVIT MUST BE SWORN BEFORE A SOLICITOR OR COMMISSIONER OF OATHS OR AN OFFICER OF THE COURT DULY AUTHORISED TO ADMINISTER OATHS WHEN YOU HAVE COMPLETED THE REST OF THIS FORM

(a) Insert your full name and occupation

I (a) _____

(b) Insert your full address

of (b) _____

Make oath and say that the several pages marked _____ are to the best of my knowledge and belief a full, true and complete statement of the affairs of the deceased debtor as at _____ the date of the insolvency administration/bankruptcy order.

Sworn at _____

Date _____

Signature(s) _____

Before me _____

A Solicitor or Commissioner of Oaths or Duly authorised officer

Before swearing the affidavit, the Solicitor, Commissioner or duly authorised officer is particularly requested to make sure that the full name, address and description of the deponent are stated, and to initial any crossings-out or other alterations in the printed form. A defect in the affidavit in any of the above respects will mean that it will be refused by the court, and will need to be re-sworn.

A

Tick Box
YES NO

IS ANYONE CLAIMING SOMETHING OF THE DECEASED DEBTOR'S TO CLEAR OR REDUCE THEIR CLAIM?

If 'YES' give details below:

Name of creditor	Address (with postcode)	Amount owed to creditor £	What property is claimed and what is it worth?
1. _____	_____ _____ _____	_____ _____	_____ _____ _____
2. _____	_____ _____ _____	_____ _____	_____ _____ _____
3. _____	_____ _____ _____	_____ _____	_____ _____ _____
4. _____	_____ _____ _____	_____ _____	_____ _____ _____

Signature _____

Date _____

B

1. Has the deceased debtor any creditors under hire-purchase or conditional sale agreements? Tick Box

If 'YES' name the creditors and give a description of the goods subject to each agreement and the amount owed YES NO

2. Has the deceased debtor any liability under leasing agreements? YES NO

If 'YES' name the creditors and give details of the property leased

3. Are any other creditors claiming title to goods that they supplied to the deceased debtor? YES NO

If 'YES' name the creditor and give details of the goods claimed

Signature _____

Dated _____

D

1. Did the deceased have any personal bank accounts, including joint accounts?
If 'YES' state where they are and how much is in them now.

Tick Box

YES NO

2. Did the deceased have any business bank accounts, including joint accounts?
If 'YES' state the name of the accounts, where they are and how much is in them now.

YES NO

3. Did the deceased have any building society accounts, or an interest in one?
If 'YES' state where they are and how much is in them now.

YES NO

Signature _____

Dated _____

D1

4. Are there any other savings?
If 'YES' state the amounts and where they are

Tick Box
YES NO

5. Did the deceased debtor have any interest in any life policies?
If 'YES' state with whom they were effected, the policy numbers, and any value to the estate

YES NO

6. Did the deceased debtor have an interest, of value, in any other policies or agreements?
If 'YES' state with whom they were effected, the policy or agreement numbers and the value to the estate

YES NO

Signature _____

Dated _____

E

List here any debts due to the estate

1 No.	2 Name of debtor	3 Address (with postcode)	4 Amount of debt £	5 Year debt incurred	6 Why has debt not yet been paid and what action has been taken to obtain payment	7 What evidence is there to confirm that the sum is owed	8 Amount now likely to be recovered £	9 Particulars of any securities held for debt

Signature _____ Date _____

F

Property

NOW SHOW ANYTHING OF THE DECEASED DEBTOR'S WHICH MAY BE OF VALUE AND IS NOT SHOWN ON ANOTHER PAGE:	£
a) Cash deposited with solicitor at _____	
b) Cash in hand _____	
c) Stock in trade at _____	
d) Machinery at _____	
e) Trade fixtures, fittings, utensils etc at _____	
f) Farming stock at _____	
g) Growing crops and tenant rights at _____	
h) Household furniture and effects at _____	
i) Stocks and shares in _____	
j) Any interests under wills etc _____	
k) Motor vehicles (give details) _____	
l) Bills of exchange, promissory notes etc available as assets _____	
m) Other property viz:— _____	

	£

Signature _____

Date _____

G

1. Is there any claim against the estate for funeral, testamentary and administration expenses?

Tick Box

If 'YES' give details below.

YES

NO

2. Did the deceased debtor have any assets when he died which are not now shown in this statement of affairs?

YES

NO

If 'YES' list them below and state what has happened to them

Signature _____

Dated _____

H

Statement of the dealings and administration of the estate since the date of death

Receipts		Payments	
£	£	£	£

Signature _____ Date _____

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which applies to England and Wales, specifies the provisions of the Insolvency Act 1986 which apply to the administration in bankruptcy of the insolvent estates of deceased persons and the modifications to those provisions, including the modifications in Schedule 1.

It also specifies provisions where the estate of a deceased person is insolvent which apply to the administration otherwise than in bankruptcy of the estate to replace the provisions of section 34(1) of, and Part I of Schedule 1 to, the Administration of Estates Act 1925 (c.23), which were repealed by the Insolvency Act 1985 (c.65).

Where a debtor by or against whom a bankruptcy petition has been presented dies, the proceedings in the matter are, unless the court otherwise orders, continued as if he were alive but with the modifications in Schedule 2.

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