
STATUTORY INSTRUMENTS

1987 No. 1919

INSOLVENCY

COMPANIES

INDIVIDUALS, ENGLAND AND WALES

The Insolvency (Amendment) Rules 1987

Made - - - - *9th November 1987*
Laid before Parliament *26th November 1987*
Coming into force - - *11th January 1988*

The Lord Chancellor, in the exercise of his powers under sections 411 and 412 of the Insolvency Act 1986(1), with the concurrence of the Secretary of State, and after consulting the committee existing for that purpose under section 413 of that Act, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Insolvency (Amendment) Rules 1987 and shall come into force on 11th January 1988, and that day is referred to in these Rules as “the commencement date”.

Interpretation

2.—(1) In these Rules references to “the principal Rules” are to the Insolvency Rules 1986(2) and a Rule or Schedule or Form referred to by number means the Rule or Schedule or Form so numbered in the principal Rules.

(2) These Rules shall be read and construed as one with the principal Rules.

Application

3.—(1) Subject to paragraph (2), the principal Rules have effect in relation to insolvency proceedings to which the principal Rules apply by virtue of Rule 13.14 with the amendments set out in the Schedule to these Rules.

(2) The principal Rules as so amended apply to all such proceedings on and after the commencement date whenever those proceedings were commenced.

(1) 1986 c. 45.
(2) S.I.1986/1925.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) Rule 4.223-CVL as so amended also applies to any winding up as is mentioned in paragraph 4(1) of Schedule 11 to the Insolvency Act 1986 on and after the commencement date.

Dated 6th November 1987

Mackay of Clashfern, C.

I concur,

Dated 9th November 1987

Francis Maude
Parliamentary Under-Secretary of State,
Department of Trade and Industry

SCHEDULE

Rule 3(1)

PART 1

AMENDMENT OF THE PRINCIPAL RULES

SECTION 1: AMENDMENT OF INTRODUCTORY PROVISIONS

Amendment of Rule 0.2

1. For Rule 0.2 there shall be substituted the following:—

“Construction and interpretation

0.2.—(1) In these Rules—

“the Act” means the Insolvency Act 1986 (any reference to a numbered section being to a section of that Act);

“the Companies Act” means the Companies Act 1985;

“the Rules” means the Insolvency Rules 1986.

(2) Subject to paragraph (1), Part 13 of the Rules has effect for their interpretation and application.”.

Amendment of Rule 0.3

2. In paragraph (2) of Rule 0.3 there shall be inserted at the beginning the words “Rule 3.1 applies to all receivers to whom Part III of the Act applies and the remainder of”.

SECTION 2: AMENDMENT OF PART I OF THE RULES

Amendment of Rule 1.10

3. In subparagraph (a) of paragraph (1) of Rule 1.10 after the word “them” there shall be inserted the words “, with the addition, where the company is subject to an administration order, of the names and addresses of the company’s preferential creditors (defined in section 4(7)), with the amounts of their respective claims”.

Amendment of Rule 1.12

4. In paragraph (3) of Rule 1.12 after the words “Rule 1.3” there shall be inserted the words “(and, where relevant, Rule 1.10)”.

Amendment of Rule 1.20

5. In paragraph (1) of Rule 1.20 after the words “one-half” there shall be inserted the words “in value” and there shall be added the following subparagraph:—

“The value of members is determined by reference to the number of votes conferred on each member by the company’s articles.”.

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SECTION 3: AMENDMENT OF PART 2 OF THE RULES

Amendment of Rule 2.6

6. For subparagraph (a) of paragraph (2) of Rule 2.6 there shall be substituted the following:—
- “(a) on any person who has appointed, or is or may be entitled to appoint, an administrative receiver of the company;”.

Insertion of Rule 2.6A

7. After Rule 2.6 there shall be inserted the following rule:—

“Notice to sheriff, etc

2.6A. The petitioner shall forthwith after filing the petition give notice of its presentation to—

- (a) any sheriff or other officer who to his knowledge is charged with an execution or other legal process against the company or its property, and
- (b) any person who to his knowledge has distrained against the company or its property.”.

Amendment of Rule 2.7

8.—(1) In paragraph (4) of Rule 2.7 there shall be inserted at the beginning the words “Subject to paragraph (4A),”.

- (2) After paragraph (4) of Rule 2.7 there shall be inserted the following paragraph:—

“(4A) In the case of a person who—

- (a) is an authorised institution or former authorised institution within the meaning of the Banking Act 1987,
- (b) has appointed, or is or may be entitled to appoint, an administrative receiver of the company, and
- (c) has not notified an address for service,

the proper address is the address of an office of that person where, to the knowledge of the petitioner, the company maintains a bank account or, where no such office is known to the petitioner, the registered office of that person, or, if there is no such office, his usual or last known address.”.

Amendment of Rule 2.9

9. For subparagraph (c) of paragraph (1) of Rule 2.9 there shall be substituted the following:—
- “(c) any person who has appointed, or is or may be entitled to appoint, an administrative receiver of the company;”.

Amendment of Rule 2.10

10. For subparagraph (a) of paragraph (3) of Rule 2.10 there shall be substituted the following:—
- “(a) to any person who has appointed, or is or may be entitled to appoint, an administrative receiver of the company;”.

Amendment of Rule 2.11

11.—(1) In paragraph (1) of Rule 2.11 for the word “If” there shall be substituted the word “Where”.

(2) In paragraph (4) of Rule 2.11 for the words “instructions for” to the end there shall be substituted the words “the forms required for the preparation of the statement of affairs”.

Amendment of Rule 2.16

12.—(1) In Rule 2.16 the existing paragraph shall be numbered (1) and for subparagraph (f) of that paragraph there shall be substituted the following:—

- “(f) the manner in which the affairs and business of the company—
 - (i) have, since the date of the administrator’s appointment, been managed and financed, and
 - (ii) will, if the administrator’s proposals are approved, continue to be managed and financed; and”.

(2) In Rule 2.16 after the existing paragraph there shall be added the following paragraph:—

“(2) Where the administrator intends to apply to the court under section 18 for the administration order to be discharged at a time before he has sent a statement of his proposals to creditors in accordance with section 23(1), he shall, at least 10 days before he makes such an application, send to all creditors of the company (so far as he is aware of their addresses) a report containing the information required by paragraph (1)(a)—(f)(i) of this Rule.”.

Amendment of Rule 2.19

13.—(1) In paragraph (4) of Rule 2.19 the words “At least 21 days” shall be omitted.

(2) After paragraph (4) of Rule 2.19 there shall be inserted the following paragraph:—

“(4A) Except in relation to a meeting summoned under section 23(1) or 25(2), at least 21 days’ notice of the meeting shall be given.”.

Amendment of Rule 2.28

14.—(1) In paragraph (1) of Rule 2.28 there shall be inserted at the beginning the words “Subject to paragraph (1A),”.

(2) After paragraph (1) of Rule 2.28 there shall be inserted the following paragraph:—

“(1A) Any resolution is invalid if those voting against it include more than half in value of the creditors to whom notice of the meeting was sent and who are not, to the best of the chairman’s belief, persons connected with the company.”.

Amendment of Rule 2.29

15. For Rule 2.29 there shall be substituted the following:—

“Reports and notices under sections 23 and 25

2.29. Any report or notice by the administrator of the result of a creditors’ meeting held under section 23 or 25 shall have annexed to it details of the proposals which were considered by the meeting and of the revisions and modifications to the proposals which were so considered.”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Amendment of Rule 2.33

16. For paragraph (2) of Rule 2.33 there shall be substituted the following:—

“(2) No person may act as a member of the committee unless and until he has agreed to do so and, unless the relevant proxy or authorisation contains a statement to the contrary, such agreement may be given by his proxy-holder or representative under section 375 of the Companies Act present at the meeting establishing the committee.

(2A) The administrator’s certificate of the committee’s due constitution shall not issue unless and until at least 3 of the persons who are to be members of the committee have agreed to act.”.

Amendment of Rule 2.37

17. In paragraph (2) of Rule 2.37 there shall be added at the end the words “, and for this purpose any proxy or any authorisation under section 375 of the Companies Act in relation to any meeting of creditors of the company shall, unless it contains a statement to the contrary, be treated as a letter of authority to act generally signed by or on behalf of the committee-member”.

Amendment of Rule 2.43

18. In paragraph (2) of Rule 2.43 for the words from “a statement incorporating” to the end there shall be substituted the words “a copy of any proposed resolution on which a decision is sought, which shall be set out in such a way that agreement with or dissent from each separate resolution may be indicated by the recipient on the copy so sent”.

Insertion of Rule 2.46A

19. After Rule 2.46 there shall be inserted the following rule:—

“Formal defects

2.46A. The acts of the creditors' committee established for any administration are valid notwithstanding any defect in the appointment, election or qualifications of any member of the committee or any committee-member’s representative or in the formalities of its establishment.”.

Amendment of Rule 2.47

20. For paragraph (7) of Rule 2.47 there shall be substituted the following:—

“(7) Where there are joint administrators, it is for them to agree between themselves as to how the remuneration payable should be apportioned. Any dispute arising between them may be referred—

- (a) to the court, for settlement by order, or
- (b) to the creditors' committee or a meeting of creditors, for settlement by resolution.

(8) If the administrator is a solicitor and employs his own firm, or any partner in it, to act on behalf of the company, profit costs shall not be paid unless this is authorised by the creditors' committee, the creditors or the court.”.

Amendment of Rule 2.49

21. In paragraph (4) of Rule 2.49 after the word “appearing” in both places where it occurs there shall be inserted the words “or being represented”.

Amendment of Rule 2.55

22. In Rule 2.55 for the words “original appointment of an administrator” there shall be substituted the words “administration order”.

SECTION 4: AMENDMENT OF PART 3 OF THE RULES

Amendment of Rule 3.1

23. For Rule 3.1 there shall be substituted the following:—

“Acceptance and confirmation of acceptance of appointment

3.1.—(1) Where two or more persons are appointed as joint receivers or managers of a company’s property under powers contained in an instrument, the acceptance of such an appointment shall be made by each of them in accordance with section 33 as if that person were a sole appointee, but the joint appointment takes effect only when all such persons have so accepted and is then deemed to have been made at the time at which the instrument of appointment was received by or on behalf of all such persons.

(2) Subject to the next paragraph, where a person is appointed as the sole or joint receiver of a company’s property under powers contained in an instrument, the appointee shall, if he accepts the appointment, within 7 days confirm his acceptance in writing to the person appointing him.

(3) Paragraph (2) does not apply where an appointment is accepted in writing.

(4) Any acceptance or confirmation of acceptance of appointment as a receiver or manager of a company’s property, whether under the Act or the Rules, may be given by any person (including, in the case of a joint appointment, any joint appointee) duly authorised for that purpose on behalf of the receiver or manager.

(5) In confirming acceptance the appointee or person authorised for that purpose shall state—

- (a) the time and date of receipt of the instrument of appointment, and
- (b) the time and date of acceptance.”.

Amendment of Rule 3.2

24. In paragraph (2) of Rule 3.2 for the word “notice” there shall be substituted the words “notices sent to the company and the creditors”.

Amendment of Rule 3.3

25.—(1) In paragraph (1) of Rule 3.3 for the word “If” there shall be substituted the word “Where”.

(2) In paragraph (4) of Rule 3.3 for the words “instructions for” to the end there shall be substituted the words “the forms required for the preparation of the statement of affairs”.

Omission of Rule 3.13

26. Rule 3.13 shall be omitted.

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Amendment of Rule 3.17

27. For paragraph (2) of Rule 3.17 there shall be substituted the following:—

“(2) No person may act as a member of the committee unless and until he has agreed to do so and, unless the relevant proxy or authorisation contains a statement to the contrary, such agreement may be given by his proxy-holder or representative under section 375 of the Companies Act present at the meeting establishing the committee.

(2A) The receiver’s certificate of the committee’s due constitution shall not issue unless and until at least 3 of the persons who are to be members of the committee have agreed to act.”.

Amendment of Rule 3.21

28. In paragraph (2) of Rule 3.21 there shall be added at the end the words “, and for this purpose any proxy or any authorisation under section 375 of the Companies Act in relation to any meeting of creditors of the company shall, unless it contains a statement to the contrary, be treated as a letter of authority to act generally signed by or on behalf of the committee-member”.

Amendment of Rule 3.27

29. In paragraph (2) of Rule 3.27 for the words from “a statement incorporating” to the end there shall be substituted the words “a copy of any proposed resolution on which a decision is sought, which shall be set out in such a way that agreement with or dissent from each separate resolution may be indicated by the recipient on the copy so sent”.

Insertion of Rule 3.30A

30. After Rule 3.30 there shall be inserted the following rule:—

“Formal defects

3.30A. The acts of the creditors’ committee established for any administrative receivership are valid notwithstanding any defect in the appointment, election or qualifications of any member of the committee or any committee-member’s representative or in the formalities of its establishment.”.

Amendment of Rule 3.33

31. In paragraph (1) of Rule 3.33:—

- (a) the word “and” shall be omitted at the end of subparagraph (a), and
- (b) there shall be added at the end of subparagraph (b) the words:—

“, and

- (c) in any case, to the members of the creditors’ committee (if any)”.

Amendment of Rule 3.34

32. In Rule 3.34:—

- (a) the word “and” shall be omitted at the end of subparagraph (a), and
- (b) there shall be added at the end of subparagraph (b) the words:—

“, and

- (c) in any case, to the members of the creditors' committee (if any)".

Amendment of Rule 3.35

33. In paragraph (1) of Rule 3.35 for subparagraph (a) there shall be substituted the following:—

“(a) to the company or, if it is in liquidation, the liquidator, and”,

and in subparagraph (b) the words “in any case,” shall be omitted.

SECTION 5: AMENDMENT OF PART 4 OF THE RULES

Amendment of Rule 4.1

34.—(1) For paragraph (1) of Rule 4.1 there shall be substituted the following:—

“(1) In a members' voluntary winding up, the Rules in this Part do not apply, except as follows—

- (a) Rule 4.3 applies in the same way as it applies in a creditors' voluntary winding up;
- (b) Rule 4.72 (additional provisions concerning meetings in relation to Bank of England and Deposit Protection Board) applies in the winding up of authorised institutions or former authorised institutions within the meaning of the Banking Act 1987, whether members' or creditors' voluntary or by the court;
- (c) Chapters 9 (proof of debts in a liquidation), 10 (secured creditors), 15 (disclaimer) and 18 (special manager) apply wherever, and in the same way as, they apply in a creditors' voluntary winding up;
- (d) Section F of Chapter 11 (the liquidator) applies only in a members' voluntary winding up, and not otherwise;
- (e) Section G of that Chapter (court's power to set aside certain transactions; rule against solicitation) applies in any winding up, whether members' or creditors' voluntary or by the court;
- (f) Rule 4.182A applies only in a members' voluntary winding up, and not otherwise; and
- (g) Rule 4.223-CVL (liquidator's statements) applies in the same way as it applies in a creditors' voluntary winding up.”.

(2) After the words “creditors' voluntary” in line 3 of paragraph (2) of Rule 4.1 there shall be inserted the words “winding up”.

(3) In paragraph (3) of Rule 4.1—

- (a) after the line beginning “Chapter 19” there shall be inserted in a separate line the words “Chapter 11 (Section F)—The liquidator in a members' voluntary winding up;”; and
- (b) there shall be added at the end in a separate line the words “Chapter 21 (Section C)—Dissolution after winding up”.

Amendment at head of Rule 4.2

35. At the head of Rule 4.2 there shall be inserted the words “(NO CVL APPLICATION)”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Amendment of Rule 4.7

36.—(1) In subparagraph (e) of paragraph (4) of Rule 4.7 for the words from “(i) a recognised bank” to “were licensed” there shall be substituted the words “an authorised institution or former authorised institution within the meaning of the Banking Act 1987”.

(2) After paragraph (6) of Rule 4.7 there shall be added the following paragraphs:—

“(7) Where a petition is filed at the instance of a company’s administrator the petition shall—

- (a) be expressed to be the petition of the company by its administrator,
- (b) state the name of the administrator, the number of the petition on which the administration order was made and the date of that order, and
- (c) contain an application under section 18 requesting that the administration order be discharged and that the court make any such order consequential upon that discharge as it thinks fit.

(8) Any petition filed in relation to a company in respect of which there is in force an administration order or a voluntary arrangement under Part I of the Act shall be presented to the court which made the administration order or, as the case may be, to which the nominee’s report under section 2 was submitted.

(9) Any petition such as is mentioned in paragraph (7) above or presented by the supervisor of a voluntary arrangement under Part I of the Act in force for the company shall be treated as if it were a petition filed by contributories, and Chapter 4 in this Part of the Rules shall apply accordingly.

(10) Where a petition contains a request for the appointment of a person as liquidator in accordance with section 140 (appointment of former administrator or supervisor as liquidator) the person whose appointment is sought shall, not less than 2 days before the return day for the petition, file in court a report including particulars of—

- (a) a date on which he notified creditors of the company, either in writing or at a meeting of creditors, of the intention to seek his appointment as liquidator, such date to be at least 10 days before the day on which the report under this paragraph is filed, and
- (b) details of any response from creditors to that notification, including any objections to his appointment.”.

Amendment of Rule 4.8

37.—(1) For paragraph (4) of Rule 4.8 there shall be substituted the following:—

“(4) If for any reason service at the registered office is not practicable, or the company has no registered office or is an unregistered company, the petition may be served on the company by leaving it at the company’s last known principal place of business in such a way that it is likely to come to the attention of a person attending there, or by delivering it to the secretary or some director, manager or principal officer of the company, wherever that person may be found.”.

(2) In paragraph (6) of Rule 4.8 after the words “the court may” there shall be inserted the words “approve or”.

Amendment of Rule 4.10

38. In paragraph (4) of Rule 4.10 for the words from “a recognised bank” to “were a licensed institution” there shall be substituted the words “an authorised institution or former authorised institution within the meaning of the Banking Act 1987”.

Insertion of Rule 4.21A

39. After Rule 4.21 there shall be inserted the following rule:—

“Expenses of voluntary arrangement

4.21A. Where a winding-up order is made and there is at the time of the presentation of the petition in force for the company a voluntary arrangement under Part I of the Act, any expenses properly incurred as expenses of the administration of the arrangement in question shall be a first charge on the company’s assets.”.

Amendment of Rule 4.22

40.—(1) In paragraph (1) of Rule 4.22 the words “and the nature of the relief which is sought by the petitioner,” shall be omitted.

(2) After paragraph (1) of Rule 4.22 there shall be inserted the following paragraph:—

“(1A) No petition shall be filed unless there is produced with it the receipt for the deposit payable on presentation.”.

Amendment of Rule 4.24

41.—(1) In Rule 4.24 the word “and” at the end of the line beginning “Rule 4.20” shall be omitted.

(2) At the end of Rule 4.24 there shall be added the words:—

“; and

Rule 4.21A (expenses of voluntary arrangement)”.

Insertion of Rule 4.25A

42. After Rule 4.25 there shall be inserted the following rule:—

“Notice of appointment

4.25A.—(1) Where a provisional liquidator has been appointed the court shall forthwith give notice of the fact to the official receiver.

(2) A copy of that notice shall at the same time be sent by the court to the provisional liquidator where he is not the official receiver.”.

Amendment of Rule 4.30

43.—(1) In paragraph (3) of Rule 4.30 for the words from the beginning to “accordingly” there shall be substituted the words:—

“Without prejudice to any order the court may make as to costs, the provisional liquidator’s remuneration (whether the official receiver or another) shall be paid to him, and the amount of any expenses incurred by him (including the remuneration and expenses of any special manager appointed under section 177) reimbursed—

(a) if a winding-up order is not made, out of the property of the company”.

(2) After paragraph (3) of Rule 4.30 there shall be inserted the following paragraph:—

“(3A) Unless the court otherwise directs, in a case falling within paragraph (3)(a) above the provisional liquidator may retain out of the company’s property such sums or property as are or may be required for meeting his remuneration and expenses.”.

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Amendment of Rule 4.31

44. Paragraph (3) of Rule 4.31 shall be omitted.

Amendment of Rule 4.34-CVL

45. For paragraph (3) of Rule 4.34-CVL there shall be substituted the following:—

“(3) Where it is made out by the directors under section 99(1) the statement of affairs shall be delivered by them to the liquidator in office following the creditors' meeting summoned under section 98 forthwith after that meeting has been held; and he shall, within 7 days, deliver it to the registrar of companies.

(4) A statement of affairs under section 99(1) may be made up to a date not more than 14 days before that on which the resolution for voluntary winding up is passed by the company.”.

Insertion of Rule 4.34A-CVL

46. After Rule 4.34-CVL there shall be inserted the following rule:—

“Copy statement of affairs

4.34A-CVL. Where a liquidator is nominated by the company at a general meeting held on a day prior to that on which the creditors' meeting summoned under section 98 is held, the directors shall forthwith after his nomination or the making of the statement of affairs, whichever is the later, deliver to him a copy of the statement of affairs.”.

Amendment of Rule 4.43

47. In Rule 4.43 the existing paragraph shall be numbered “(1)” and there shall be added after it the following paragraph:—

“(2) The official receiver shall file in court a copy of any report sent under this Chapter.”.

Amendment of Rule 4.45

48. In paragraph (1) of Rule 4.45 there shall be inserted after the words “summary of the statement” the words “(if he thinks fit, as amplified, modified or explained by virtue of Rule 4.42)”.

Insertion of Rule 4.49A

49. After Rule 4.49-CVL there shall be inserted the following rule:—

“Further information where liquidation follows administration

4.49A. Where under section 140 the court appoints as the company's liquidator a person who was formerly its administrator and that person becomes aware of creditors not formerly known to him in his capacity as administrator, he shall send to those creditors a copy of any statement or report sent by him to creditors under Rule 2.16, so noted as to indicate that it is being sent under this Rule.”.

Amendment of Rule 4.50

50. In paragraph (8) of Rule 4.50 for the words from “a recognised bank” to “were a licensed institution” there shall be substituted the words “an authorised institution or former authorised institution within the meaning of the Banking Act 1987”.

Amendment of Rule 4.51-CVL

51.—(1) In paragraph (2) of Rule 4.51-CVL for the words “proofs and (if applicable) proxies” there shall be substituted the words “any proxies necessary to entitle them to vote at the meeting”.

(2) In paragraph (3) of Rule 4.51-CVL for the words from “a recognised bank” to “were a licensed institution” there shall be substituted the words “an authorised institution or former authorised institution within the meaning of the Banking Act 1987”.

Insertion of Rules 4.53A-CVL and 4.53B-CVL

52. After Rule 4.53-CVL there shall be inserted the following rules:—

“Effect of adjournment of company meeting

4.53A-CVL. Where a company meeting at which a resolution for voluntary winding up is to be proposed is adjourned, any resolution passed at a meeting under section 98 held before the holding of the adjourned company meeting only has effect on and from the passing by the company of a resolution for winding up.

Report by director, etc.

4.53B-CVL.—(1) At any meeting held under section 98 where the statement of affairs laid before the meeting does not state the company’s affairs as at the date of the meeting, the directors of the company shall cause to be made to the meeting, either by the director presiding at the meeting or by another person with knowledge of the relevant matters, a report (written or oral) on any material transactions relating to the company occurring between the date of the making of the statement of affairs and that of the meeting.

(2) Any such report shall be recorded in the minutes of the meeting kept under Rule 4.71.”.

Amendment of Rule 4.56-CVL

53. In paragraph (1) of Rule 4.56-CVL for the words “section 98” there shall be substituted the words “section 95 or 98”.

Amendment of Rule 4.63

54.—(1) In paragraph (1) of Rule 4.63 there shall be inserted at the beginning the words “Subject as follows,”.

(2) In subparagraph (a) of paragraph (2) of Rule 4.63 there shall be inserted at the beginning the words “subject to paragraph (2A),”.

(3) After paragraph (2) of Rule 4.63 there shall be inserted the following paragraph:—

“(2A) In a winding up by the court the support referred to in paragraph (2)(a) must represent a majority in value of all those present (in person or by proxy) at the meeting and entitled to vote. (NO CVL APPLICATION)”.

(4) In the second subparagraph of paragraph (4) of Rule 4.63:—

(a) there shall be inserted after the word “person” the words “(whether personally or on his behalf by a proxy-holder)”; and

(b) there shall be substituted for the word “proxy” the word “proxy-holder”.

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Amendment of Rule 4.65

55.—(1) In paragraph (3) of Rule 4.65 there shall be inserted after the words “Rule 4.113(3)” the words “or, as the case may be, 4.114-CVL(3),”.

(2) In paragraph (4) of Rule 4.65 there shall be substituted for the words from “by virtue of this Rule” to the end the words “the chairman may, at his discretion, adjourn the meeting to such time and place as he may appoint”.

Omission of Rule 4.66

56. Rule 4.66 shall be omitted.

Amendment of Rule 4.72

57. In paragraph (1) of Rule 4.72 for the words from “— (a) a recognised bank” to the end there shall be substituted the words “an authorised institution or former authorised institution within the meaning of the Banking Act 1987”.

Amendment of Rule 4.75

58. In paragraph (1) of Rule 4.75 there shall be inserted at the beginning the words “Subject to Rule 4.73(5),”.

Amendment of Rule 4.93

59.—(1) In paragraph (5) of Rule 4.93 there shall be added at the end the words “and for all the purposes of the Act and the Rules shall be chargeable at a rate not exceeding that mentioned in paragraph (6)”.

(2) For paragraph (6) of Rule 4.93 there shall be substituted the following:—

“(6) The rate of interest to be claimed under paragraphs (3) and (4) is the rate specified in section 17 of the Judgments Act 1838 on the date when the company went into liquidation.”.

Amendment of Rule 4.100

60. For paragraphs (3)—(5) of Rule 4.100 there shall be substituted the following:—

“(3) The liquidator’s appointment is effective from the date on which the appointment is certified, that date to be endorsed on the certificate.

(4) The chairman of the meeting (if not himself the official receiver) shall send the certificate to the official receiver.

(5) The official receiver shall in any case send the certificate to the liquidator and file a copy of it in court.”.

Amendment of Rule 4.101-CVL

61. In paragraph (2) of Rule 4.101-CVL for the words “is effective from the date of the certificate” there shall be substituted the words “takes effect upon the passing of the resolution for that appointment”.

Insertion of Rule 4.101A-CVL

62. After Rule 4.101-CVL there shall be inserted the following rule:—

“Power to fill vacancy in office of liquidator

4.101A-CVL. Where a vacancy in the office of liquidator occurs in the manner mentioned in section 104 a meeting of creditors to fill the vacancy may be convened by any creditor or, if there were more liquidators than one, by the continuing liquidators.”.

Amendment of Rule 4.106

63. In paragraph (4) of Rule 4.106 there shall be inserted at the end the words “(NO CVL APPLICATION)”.

Amendment of Rule 4.108

64. After paragraph (5) of Rule 4.108 there shall be added the following paragraphs:—

“(6) If there is no quorum present at the meeting summoned to receive the liquidator’s resignation, the meeting is deemed to have been held, a resolution is deemed to have been passed that the liquidator’s resignation be accepted and the creditors are deemed not to have resolved against the liquidator having his release.

(7) Where paragraph (6) applies any reference in the Rules to a resolution that the liquidator’s resignation be accepted is replaced by a reference to the making of a written statement, signed by the person who, had there been a quorum present, would have been chairman of the meeting, that no quorum was present and that the liquidator may resign.”.

Amendment of Rule 4.130

65. In paragraph (4) of Rule 4.130 after the word “appearing” in both places where it occurs there shall be inserted the words “or being represented”.

Amendment of Rule 4.137

66. For Rule 4.137 there shall be substituted the following:—

“Notice to official receiver of intention to vacate office (NO CVL APPLICATION)

4.137.—(1) Where the liquidator intends to vacate office, whether by resignation or otherwise, he shall give notice of his intention to the official receiver together with notice of any creditors' meeting to be held in respect of his vacation of office, including any meeting to receive his resignation.

(2) The notice to the official receiver must be given at least 21 days before any such creditors' meeting.

(3) Where there remains any property of the company which has not been realised, applied, distributed or otherwise fully dealt with in the winding up, the liquidator shall include in his notice to the official receiver details of the nature of that property, its value (or the fact that it has no value), its location, any action taken by the liquidator to deal with that property or any reason for his not dealing with it, and the current position in relation to it.”.

Amendment of Rule 4.138

67. After paragraph (2) of Rule 4.138 there shall be added the following paragraph:—

“(3) Where the liquidator vacates office under section 172(8) (final meeting of creditors), he shall deliver up to the official receiver the company’s books, papers and other records which have not already been disposed of in accordance with general regulations in the course of the liquidation. (NO CVL APPLICATION)”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Amendment of Rule 4.142

68. After paragraph (4) of Rule 4.142 there shall be inserted the following paragraph:—

“(4A) If there is no quorum present at the meeting summoned to receive the liquidator’s resignation, the meeting is deemed to have been held.”.

Insertion of Rule 4.148A

69. After Rule 4.148 there shall be inserted the following rule:—

“Remuneration of liquidator in members' voluntary winding up

4.148A.—(1) The liquidator is entitled to receive remuneration for his services as such.

(2) The remuneration shall be fixed either—

(a) as a percentage of the value of the assets which are realised or distributed, or of the one value and the other in combination, or

(b) by reference to the time properly given by the insolvency practitioner (as liquidator) and his staff in attending to matters arising in the winding up;

and the company in general meeting shall determine whether the remuneration is to be fixed under subparagraph (a) or (b) and, if under subparagraph (a), the percentage to be applied as there mentioned.

(3) In arriving at that determination the company in general meeting shall have regard to the matters set out in paragraph (4) of Rule 4.127.

(4) If not fixed as above, the liquidator’s remuneration shall be in accordance with the scale laid down for the official receiver by general regulations.

(5) Rule 4.128 shall apply in relation to the remuneration of the liquidator in respect of the matters there mentioned and for this purpose references in that Rule to “the liquidation committee” and “a meeting of creditors” shall be read as references to the company in general meeting.

(6) If the liquidator considers that the remuneration fixed for him by the company in general meeting, or as under paragraph (4), is insufficient, he may apply to the court for an order increasing its amount or rate.

(7) The liquidator shall give at least 14 days' notice of an application under paragraph (6) to the company’s contributories, or such one or more of them as the court may direct, and the contributories may nominate any one or more of their number to appear or be represented.

(8) The court may, if it appears to be a proper case, order the costs of the liquidator’s application, including the costs of any contributory appearing or being represented on it, to be paid out of the assets.”.

Amendment of Rule 4.152

70. In paragraph (7) of Rule 4.152 for the words “28 of the Banking Act 1979(a)” there shall be substituted the words “58 of the Banking Act 1987”.

Amendment of Rule 4.153

71. For paragraph (3) of Rule 4.153 there shall be substituted the following:—

“(3) No person may act as a member of the committee unless and until he has agreed to do so and, unless the relevant proxy or authorisation contains a statement to the contrary,

such agreement may be given by his proxy-holder or representative under section 375 of the Companies Act present at the meeting establishing the committee.

(3A) The liquidator's certificate of the committee's due constitution shall not issue before the minimum number of persons (in accordance with Rule 4.152) who are to be members of the committee have agreed to act."

Amendment of Rule 4.154

72. In paragraph (4) of Rule 4.154 for the words from "substituting" to the end there shall be substituted the words "substituting for the reference in paragraph (3) of that Rule to Rule 4.152 a reference to this paragraph".

Amendment of Rule 4.159

73. In paragraph (2) of Rule 4.159 there shall be added at the end the words " , and for this purpose any proxy or any authorisation under section 375 of the Companies Act in relation to any meeting of creditors (or, as the case may be, members or contributories) of the company shall, unless it contains a statement to the contrary, be treated as such a letter of authority to act generally signed by or on behalf of the committee-member".

Amendment of Rule 4.167

74. In paragraph (2) of Rule 4.167 for the words from "a statement incorporating" to the end there shall be substituted the words "a copy of any proposed resolution on which a decision is sought, which shall be set out in such a way that agreement with or dissent from each separate resolution may be indicated by the recipient on the copy so sent".

Insertion of Rule 4.172A

75. After Rule 4.172 there shall be inserted the following rule:—

"Formal defects

4.172A. The acts of the liquidation committee established for any winding up are valid notwithstanding any defect in the appointment, election or qualifications of any member of the committee or any committee-member's representative or in the formalities of its establishment."

Amendment of Rule 4.178

76. In Rule 4.178 for "4.172" there shall be substituted "4.172A".

Amendment of Rule 4.181

77. In Rule 4.181 the existing paragraph shall be numbered "(1)" and there shall be added after it the following paragraph:—

"(2) Paragraph (1) applies whether or not the company is unable to pay its debts."

Insertion of Rule 4.182A

78. After Rule 4.182 there shall be inserted the following rule:—

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“Distribution in members' voluntary winding up (NO CVL APPLICATION)

4.182A.—(1) In a members' voluntary winding up the liquidator may give notice in such newspaper as he considers most appropriate for the purpose of drawing the matter to the attention of the company's creditors that he intends to make a distribution to creditors.

(2) The notice shall specify a date (“the last date for proving”) up to which proofs may be lodged. The date shall be the same for all creditors and not less than 21 days from that of the notice.

(3) The liquidator is not obliged to deal with proofs lodged after the last date for proving; but he may do so, if he thinks fit.

(4) A creditor who has not proved his debt before the last date for proving or after that date increases the claim in his proof is not entitled to disturb, by reason that he has not participated in it, either at all or, as the case may be, to the extent that his increased claim would allow, that distribution or any other distribution made before his debt was proved or his claim increased; but when he has proved his debt or, as the case may be, increased his claim, he is entitled to be paid, out of any money for the time being available for the payment of any further distribution, any distribution or distributions which he has failed to receive.

(5) Where the distribution proposed to be made is to be the only or the final distribution in that winding up, the liquidator may, subject to paragraph (6), make that distribution without regard to the claim of any person in respect of a debt not already proved.

(6) Where the distribution proposed to be made is one specified in paragraph (5), the notice given under paragraph (1) shall state the effect of paragraph (5).”.

Amendment of Rule 4.218

79. In subparagraphs (m) and (p) of paragraph (l) of Rule 4.218 there shall be substituted for the words “capital gains” the word “corporation”.

Amendment of Rule 4.223-CVL

80.—(1) For paragraph (1) of Rule 4.223-CVL there shall be substituted the following:—

“(1) Subject to paragraphs (3) and (3A), the statement which section 192 requires the liquidator to send to the registrar of companies, if the winding up is not concluded within one year from its commencement, shall be sent not more than 30 days after the expiration of that year, and thereafter 6-monthly until the winding up is concluded.”.

(2) After paragraph (3) of Rule 4.223-CVL there shall be inserted the following paragraph:—

“(3A) No statement shall be required to be delivered under this Rule where the return of the final meeting in respect of the company under sections 94 or 106 is delivered before the date at which the statement is to be delivered and that return shows that no assets or funds of the company remain unclaimed or undistributed in the hands or under the control of the liquidator or any former liquidator; but where this paragraph applies, the liquidator shall deliver a copy of that return to the Secretary of State.”.

Amendment of Rule 4.226

81. At the end of subparagraph (a) of Rule 4.226 the word “and” shall be omitted and at the end of subparagraph (b) of that Rule there shall be added the following words:—

“, and

(c) apply to all windings up to which section 216 applies, whether or not the winding up commenced before the coming into force of the Rules”.

Amendment of Rule 4.229

82. For Rule 4.229 there shall be substituted the following:—

“Second excepted case

4.229.—(1) Where a person to whom section 216 applies as having been a director or shadow director of the liquidating company applies for leave of the court under that section not later than 7 days from the date on which the company went into liquidation, he may, during the period specified in paragraph (2) below, act in any of the ways mentioned in section 216(3), notwithstanding that he has not the leave of the court under that section.

(2) The period referred to in paragraph (1) begins with the day on which the company goes into liquidation and ends either on the day falling six weeks after that date or on the day on which the court disposes of the application for leave under section 216, whichever of those days occurs first.”.

SECTION 6: AMENDMENT OF PART 5 OF THE RULES

Amendment of Rule 5.3

83. In subparagraph (c)(iii) of paragraph (2) of Rule 5.3 for the words from the beginning to “(extortionate credit transactions),” there shall be substituted the following:—

“(iii) in Case 1 whether, to the debtor’s knowledge, claims have been made under section 339 (transactions at an undervalue), section 340 (preferences) or section 343 (extortionate credit transactions), or there are circumstances giving rise to the possibility of such claims, and in Case 2 whether there are circumstances which would give rise to the possibility of such claims in the event that he should be adjudged bankrupt,”.

Amendment of Rule 5.5

84. In paragraph (2) of Rule 5.5 after the words “agrees so to act,” there shall be inserted the words “and a copy of the debtor’s proposal given to the nominee under that Rule”.

Insertion of Rule 5.5A

85. After Rule 5.5 there shall be inserted the following rule:—

“Court in which application to be made

5.5A.—(1) Except in the case of a bankrupt, an application to the court under Part VIII of the Act shall be made to a court in which the debtor would be entitled to present his own petition in bankruptcy under Rule 6.40.

(2) The application shall contain sufficient information to establish that it is brought in the appropriate court.

(3) In the case of a bankrupt such an application shall be made to the court having the conduct of his bankruptcy and shall be filed with those bankruptcy proceedings.”.

Amendment of Rule 5.10

86. In paragraph (5) of Rule 5.10 after the words “official receiver” there shall be inserted the words “and (if any) the trustee”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Amendment of Rule 5.13

87. In paragraph (1) of Rule 5.13 the words “, nor more than 28,” shall be omitted and at the end there shall be added the words “, nor more than 28 days from that on which that report is considered by the court under Rule 5.12”.

Amendment of Rule 5.22

88. In paragraph (4) of Rule 5.22 there shall be inserted at the end the words “and, in Case 1, the official receiver and (if any) the trustee”.

Amendment of Rule 5.23

89. In paragraph (1) of Rule 5.23 for the words “this Part of the Rules” there shall be substituted the words “Rules 5.24, 5.25 and 5.29”.

Amendment of Rule 5.25

90. In paragraph (4) of Rule 5.25 for the words “official receiver or the trustee” there shall be substituted the words “trustee, or if there is no trustee, the official receiver”.

SECTION 7: AMENDMENT OF PART 6 OF THE RULES

Amendment of Rule 6.8

91. In subparagraph (c) of paragraph (1) of Rule 6.8 there shall be added at the end the words “, provided that such amount or rate must, in the case of a petition based on a statutory demand, be limited to that claimed in that demand”.

Amendment of Rule 6.9

92. After paragraph (4) of Rule 6.9 there shall be inserted the following paragraph:—

“(4A) Notwithstanding any other provision of this Rule, where there is in force for the debtor a voluntary arrangement under Part VIII of the Act, the petition shall be presented to the court to which the nominee’s report under section 256 was submitted.”.

Amendment of Rule 6.10

93.—(1) In subparagraph (a) of paragraph (3) of Rule 6.10 the word “and” shall be omitted and there shall be added at the end of subparagraph (b) of that paragraph the following words:—

“, and

(c) if there is in force for the debtor a voluntary arrangement under Part VIII of the Act, and the petitioner is not the supervisor of the arrangement, one copy for him”.

(2) After paragraph (5) of Rule 6.10 there shall be added the following paragraph:—

“(6) Where a petition contains a request for the appointment of a person as trustee in accordance with section 297(5) (appointment of former supervisor as trustee) the person whose appointment is sought shall, not less than 2 days before the day appointed for hearing the petition, file in court a report including particulars of—

(a) a date on which he gave written notification to creditors bound by the arrangement of the intention to seek his appointment as trustee, such date to be at least 10 days before the day on which the report under this paragraph is filed, and

- (b) details of any response from creditors to that notice, including any objections to his appointment.”.

Amendment of Rule 6.11

94.—(1) In paragraph (1) of Rule 6.11 there shall be inserted after the word “affidavit” the words “or affidavits”.

(2) In paragraph (2) of Rule 6.11 for the words “The affidavit” there shall be substituted the words “Every affidavit”.

(3) In paragraph (5) of Rule 6.11:—

- (a) after the words “applies, the affidavit” there shall be inserted the words “or affidavits”;
- (b) after the word “person” where it first appears there shall be inserted the words “or persons”;
- and
- (c) in subparagraph (a) of that paragraph after the word “demand” there shall be inserted the word “personally”.

Amendment of Rule 6.14

95. After paragraph (3) of Rule 6.14 there shall be added the following paragraph:—

“(4) If to the petitioner’s knowledge there is in force for the debtor a voluntary arrangement under Part VIII of the Act, and the petitioner is not himself the supervisor of the arrangement, a copy of the petition shall be sent by him to the supervisor.”.

Amendment of Rule 6.18

96. In paragraph (3) of Rule 6.18 after the word “debtor” there shall be inserted the words “, the supervisor of any voluntary arrangement under Part VIII of the Act in force for the debtor”.

Omission of Rule 6.19

97. Rule 6.19 shall be omitted.

Amendment of Rule 6.39

98. After paragraph (2) of Rule 6.39 there shall be added the following paragraph:—

“(3) If there is at the date of the petition in force for the debtor a voluntary arrangement under Part VIII of the Act, the particulars required by paragraph (2) above shall contain a statement to that effect and the name and address of the supervisor of the arrangement.”.

Amendment of Rule 6.40

99. For paragraph (3) of Rule 6.40 there shall be substituted the following:—

“(3) If, in a case not falling within paragraph (1), it is more expedient for the debtor with a view to expediting his petition—

- (a) it may in any case be presented to whichever court is specified by Schedule 2 to the Rules as being, in relation to the debtor’s own court, the nearest full-time court, and
- (b) it may alternatively, in a case falling within paragraph (2)(b), be presented to the court for the insolvency district in which he has resided for the greater part of the 6 months there referred to.

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(3A) Notwithstanding any other provision of this Rule, where there is in force for the debtor a voluntary arrangement under Part VIII of the Act the petition shall be presented to the court to which the nominee's report under section 256 was submitted.” .

Amendment of Rule 6.42

100.—(1) In paragraph (2) of Rule 6.42 at the beginning there shall be inserted the words “Subject to paragraph (2A),”.

(2) After paragraph (2) of Rule 6.42 there shall be inserted the following paragraph:—

“(2A) If the petition contains particulars of a voluntary arrangement under Part VIII of the Act in force for the debtor, the court shall fix a venue for the hearing and give at least 14 days' notice of it to the supervisor of the arrangement; the supervisor may appear and be heard on the petition.”.

(3) In subparagraph (b) of paragraph (3) of Rule 6.42 for the words from “retained by the court” to the end there shall be substituted the words “sent by the court to the official receiver; and”.

(4) For subparagraph (a) of paragraph (4) of Rule 6.42 there shall be substituted the following:—

“(a) one shall be sent by the court to the official receiver; and”.

(5) After paragraph (5) of Rule 6.42 there shall be added the following paragraphs:—

“(6) Where the court hears a petition forthwith, or it will in the opinion of the court otherwise expedite the delivery of any document to the official receiver, the court may, instead of sending that document to the official receiver, direct the bankrupt forthwith to deliver it to him.

(7) Where a petition contains a request for the appointment of a person as trustee in accordance with section 297(5) (appointment of former supervisor as trustee) the person whose appointment is sought shall, not less than 2 days before the day appointed for hearing the petition, file in court a report including particulars of—

(a) a date on which he gave written notification to creditors bound by the arrangement of the intention to seek his appointment as trustee, such date to be at least 10 days before the day on which the report under this paragraph is filed, and

(b) details of any response from creditors to that notice, including any objections to his appointment.”.

Amendment of Rule 6.44

101.—(1) In paragraph (2) of Rule 6.44 the words “with one copy,” shall be omitted and there shall be added at the end the words “, and a further copy to the official receiver”.

(2) Paragraph (4) of Rule 6.44 shall be omitted.

Insertion of Rule 6.46A

102. After Rule 6.46 there shall be inserted the following rule:—

“Expenses of voluntary arrangement

6.46A. Where a bankruptcy order is made on a debtor's petition and there is at the time of the petition in force for the debtor a voluntary arrangement under Part VIII of the Act, any expenses properly incurred as expenses of the administration of the arrangement in question shall be a first charge on the bankrupt's estate.”.

Amendment of Rule 6.56

103.—(1) In paragraph (3) of Rule 6.56 for the words from the beginning to “accordingly)” there shall be substituted the words:—

“Without prejudice to any order the court may make as to costs, the interim receiver’s remuneration (whether the official receiver or another) shall be paid to him, and the amount of any expenses incurred by him (including the remuneration and expenses of any special manager appointed under section 370) reimbursed—

(a) if a bankruptcy order is not made, out of the property of the debtor”.

(2) After paragraph (3) of Rule 6.56 there shall be added the following paragraph:—

“(4) Unless the court otherwise directs, in a case falling within paragraph (3)(a) above the interim receiver may retain out of the debtor’s property such sums or property as are or may be required for meeting his remuneration and expenses.”.

Amendment of Rule 6.57

104. Paragraph (3) of Rule 6.57 shall be omitted.

Amendment of Rule 6.73

105. In Rule 6.73 the existing paragraph shall be numbered “(1)” and there shall be added after it the following paragraph:—

“(2) The official receiver shall file in court a copy of any report sent under this Chapter.”.

Amendment of Rule 6.75

106. In paragraph (1) of Rule 6.75 there shall be inserted after the words “summary of the statement” the words “(if he thinks fit, as amplified, modified or explained by virtue of Rule 6.66 or 6.72)”.

Amendment of Rule 6.88

107.—(1) In paragraph (1) of Rule 6.88 there shall be inserted at the beginning the words “Subject as follows,”.

(2) In subparagraph (a) of paragraph (2) of Rule 6.88 there shall be added at the end the words “, provided that such support represents a majority in value of all those present (in person or by proxy) at the meeting and entitled to vote”.

(3) In the second subparagraph of paragraph (4) of Rule 6.88:—

(a) there shall be inserted after the word “person” the words “(whether personally or on his behalf by a proxy-holder)”; and

(b) there shall be substituted for the word “proxy” the word “proxy-holder”.

Amendment of Rule 6.91

108. In paragraph (2) of Rule 6.91 there shall be substituted for the words from “by virtue of this Rule” to the end the words “the chairman may, at his discretion, adjourn the meeting to such time and place as he may appoint”.

Omission of Rule 6.92

109. Rule 6.92 shall be omitted.

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Amendment of Rule 6.97

110. In paragraph (1) of Rule 6.97 there shall be substituted for the words “to be used for the purpose of proving bankruptcy debts” the words “of proof”.

Amendment of Rule 6.98

111. In paragraph (1) of Rule 6.98 there shall be inserted at the beginning the words “Subject to Rule 6.96(4),”.

Amendment of Rule 6.113

112.—(1) At the end of the first subparagraph of paragraph (3) of Rule 6.113 there shall be added the words “and for all the purposes of the Act and the Rules shall be chargeable at a rate not exceeding that mentioned in paragraph (5)”.

(2) For the second subparagraph of paragraph (3) and for paragraph (4) of Rule 6.113 there shall be substituted the following:—

“(4) Interest under paragraph (3) may only be claimed for the period from the date of the demand to that of the bankruptcy order.

(5) The rate of interest to be claimed under paragraphs (2) and (3) is the rate specified in section 17 of the Judgments Act 1838 on the date of the bankruptcy order.”.

Amendment of Rule 6.120

113. For paragraphs (3) and (4) of Rule 6.120 there shall be substituted the following:—

“(3) The trustee’s appointment is effective from the date on which the appointment is certified, that date to be endorsed on the certificate.

(4) The chairman of the meeting (if not himself the official receiver) shall send the certificate to the official receiver.

(5) The official receiver shall in any case send the certificate to the trustee and file a copy of it in court.”.

Amendment of Rule 6.126

114. After paragraph (4) of Rule 6.126 there shall be added the following paragraphs:—

“(5) If there is no quorum present at the meeting summoned to receive the trustee’s resignation, the meeting is deemed to have been held, a resolution is deemed to have been passed that the trustee’s resignation be accepted and the creditors are deemed not to have resolved against the trustee having his release.

(6) Where paragraph (5) applies any reference in the Rules to a resolution that the trustee’s resignation be accepted is replaced by a reference to the making of a written statement, signed by the person who, had there been a quorum present, would have been chairman of the meeting, that no quorum was present and that the trustee may resign.”.

Amendment of Rule 6.141

115. In paragraph (4) of Rule 6.141 after the word “appearing” in both places where it occurs there shall be inserted the words “or being represented”.

Amendment of Rule 6.145

116. For Rule 6.145 there shall be substituted the following:—

“Notice to official receiver of intention to vacate office

6.145.—(1) Where the trustee intends to vacate office, whether by resignation or otherwise, he shall give notice of his intention to the official receiver together with notice of any creditors' meeting to be held in respect of his vacation of office, including any meeting to receive his resignation.

(2) The notice to the official receiver must be given at least 21 days before any such creditors' meeting.

(3) Where there remains in the bankrupt's estate any property which has not been realised, applied, distributed or otherwise fully dealt with in the bankruptcy, the trustee shall include in his notice to the official receiver details of the nature of that property, its value (or the fact that it has no value), its location, any action taken by the trustee to deal with that property or any reason for his not dealing with it, and the current position in relation to it.”.

Amendment of Rule 6.151

117. For paragraph (3) of Rule 6.151 there shall be substituted the following:—

“(3) No person may act as a member of the committee unless and until he has agreed to do so and, unless the relevant proxy contains a statement to the contrary, such agreement may be given by his proxy-holder present at the meeting establishing the committee.

(3A) The trustee's certificate of the committee's due constitution shall not issue before at least 3 persons elected to be members of the committee have agreed to act.”.

Amendment of Rule 6.156

118.—(1) In paragraph (2) of Rule 6.156 the words from “specially” to the end shall be omitted and there shall be substituted the words “specially) and signed by or on behalf of the committee-member, and for this purpose any proxy in relation to any meeting of creditors of the bankrupt shall, unless it contains a statement to the contrary, be treated as such a letter of authority to act generally signed by or on behalf of the committee-member”.

(2) After paragraph (6) of Rule 6.156 there shall be added the following paragraph:—

“(7) The acts of the committee are valid notwithstanding any defect in the appointment or qualifications of any committee-member's representative.”.

Amendment of Rule 6.162

119.—(1) In paragraph (2) of Rule 6.162 for the words from “a statement incorporating” to the end there shall be substituted the words “a copy of any proposed resolution on which a decision is sought, which shall be set out in such a way that agreement with or dissent from each separate resolution may be indicated by the recipient on the copy so sent”.

(2) In paragraph (3) of Rule 6.162 before the word “day” there shall be inserted the word “business”.

Amendment of Rule 6.179

120. After paragraph (6) of Rule 6.179 there shall be added the following paragraph:—

“(7) A notice or copy notice to be served on any person under the age of 18 in relation to the disclaimer of property in a dwelling-house is sufficiently served if sent or given to the parent or guardian of that person.”.

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Amendment of Rule 6.206

121.—(1) In paragraph (4) of Rule 6.206 the words “, not less than 28 days before the hearing,” shall be omitted and there shall be added at the end the words:—

- “(a) where the application is made under section 282(1)(a), in sufficient time to enable them to be present at the hearing, and
- (b) where the application is made under section 282(1)(b), not less than 28 days before the hearing”.

(2) After paragraph (4) of Rule 6.206 there shall be added the following paragraph:—

“(5) Where the application is made under section 282(1)(a), paragraph (4) shall additionally be complied with in relation to the person on whose petition the bankruptcy order was made.”.

Amendment of Rule 6.208

122. For paragraph (2) of Rule 6.208 there shall be substituted the following:—

“(2) Except in relation to an application for an order staying all or any part of the proceedings in the bankruptcy, application for an order under this Rule may be made *ex parte*.

(3) Where application is made under this Rule for an order staying all or any part of the proceedings in the bankruptcy, the applicant shall send copies of the application to the official receiver and (if other) the trustee in sufficient time to enable them to be present at the hearing and (if they wish to do so) make representations.

(4) Where the court makes an order under this Rule staying all or any part of the proceedings in the bankruptcy, the rules in this Chapter nevertheless continue to apply to any application for, or other matters in connection with, the annulment of the bankruptcy order.

(5) If the court makes an order under this Rule, it shall send copies of the order to the applicant, the official receiver and (if other) the trustee.”.

Amendment of Rule 6.209

123.—(1) In subparagraph (a) of Rule 6.209 after the word “trustee” there shall be inserted the words “or, if no trustee has been appointed, the official receiver”.

(2) In subparagraph (b) of Rule 6.209 after the word “trustee” there shall be inserted the words “or, if no trustee has been appointed, the official receiver”.

Insertion of Rule 6.212A

124. After Rule 6.212 there shall be inserted the following rule:—

“Annulment under section 261

6.212A. Rules 6.206 to 6.212 apply to an application for annulment under section 261 as they apply to such an application under section 282(1)(a).”.

Amendment of Rule 6.213

125. In paragraph (1) of Rule 6.213 after the word “section” there shall be inserted the words “261 or”.

Amendment of Rule 6.214

126. In paragraph (1) of Rule 6.214 after the word “section” there shall be inserted the words “261 or”.

Amendment of Rule 6.223

127. At the end of Rule 6.223 there shall be added the words “or section 1 of the Criminal Justice (Scotland) Act 1987”.

Amendment of Rule 6.232

128. For paragraph (4) of Rule 6.232 there shall be substituted the following:—

“(4) In criminal bankruptcy, forms of proof shall be sent out by the official receiver within 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.”.

Amendment of Rule 6.234

129.—(1) In paragraph (1) of Rule 6.234 for the words “Chapter 11” there shall be substituted the words “Chapter 10”.

(2) In paragraph (2) of Rule 6.234 for the words “Chapter 12” there shall be substituted the words “Chapter 11”.

Amendment of Rule 6.237

130. In paragraph (6) of Rule 6.237 the following subparagraphs shall be substituted for subparagraphs (d) and (f) respectively:—

“(d) indicate, by reference to any, or the total, amount which is payable otherwise than to the bankrupt out of the estate and of interest on that amount, how the amount of the charge to be imposed is to be ascertained;”, and

“(f) identify when any property charged under section 313 shall cease to be comprised in the bankrupt’s estate and, subject to the charge (and any prior charge), to vest in the bankrupt.”.

SECTION 8: AMENDMENT OF PART 7 OF THE RULES

Amendment of Rule 7.34

131.—(1) For paragraph (1) of Rule 7.34 there shall be substituted the following:—

“(1) Subject as follows, where the costs, charges or expenses of any person are payable out of the insolvent estate, those costs, charges or expenses shall be taxed unless agreed between the responsible insolvency practitioner and the person entitled to payment, and in the absence of such agreement the responsible insolvency practitioner may require taxation by notice in writing requiring that person to deliver his bill of costs to the appropriate taxing officer for taxation; the appropriate taxing officer is that in relation to the court to which the insolvency proceedings are allocated or, where in relation to a company there is no such court, that in relation to any court having jurisdiction to wind up the company.”.

(2) In paragraph (3) of Rule 7.34 after the word “taxed” there shall be inserted the words “or fixed by order of the court”.

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(3) In paragraph (5) of Rule 7.34 there shall be added at the end the words “specified in Rule 12 of Order 62 of the Rules of the Supreme Court”.

Amendment of Rule 7.35

132. After paragraph (5) of Rule 7.35 there shall be added the following paragraph:—

“(6) Where costs have been incurred in insolvency proceedings in the High Court and those proceedings are subsequently transferred to a county court, all costs of those proceedings directed by the court or otherwise required to be taxed may nevertheless, on the application of the person who incurred the costs, be ordered to be taxed in the High Court.”.

Amendment of Rule 7.49

133. In paragraph (2) of Rule 7.49 there shall be added at the end the words “and any reference to the registrar of civil appeals is replaced by a reference to the registrar of the High Court who deals with insolvency proceedings of the kind involved”.

SECTION 9: AMENDMENT OF PART 8 OF THE RULES

Amendment of Rule 8.1

134.—(1) In paragraph (2) of Rule 8.1 after the word “meetings” there shall be inserted the words “summoned or called”.

(2) For paragraph (5) of Rule 8.1 there shall be substituted the following:—

“(5) A person given a proxy under paragraph (4) cannot decline to be the proxy-holder in relation to that proxy.

(6) A proxy requires the holder to give the principal’s vote on matters arising for determination at the meeting, or to abstain, or to propose, in the principal’s name, a resolution to be voted on by the meeting, either as directed or in accordance with the holder’s own discretion.”.

Amendment of Rule 8.3

135. After paragraph (3) of Rule 8.3 there shall be added the following paragraphs:—

“(4) Where a proxy directs a proxy-holder to vote for or against a resolution for the nomination or appointment of a person as the responsible insolvency practitioner, the proxy-holder may, unless the proxy states otherwise, vote for or against (as he thinks fit) any resolution for the nomination or appointment of that person jointly with another or others.

(5) A proxy-holder may propose any resolution which, if proposed by another, would be a resolution in favour of which by virtue of the proxy he would be entitled to vote.

(6) Where a proxy gives specific directions as to voting, this does not, unless the proxy states otherwise, preclude the proxy-holder from voting at his discretion on resolutions put to the meeting which are not dealt with in the proxy.”.

Amendment of Rule 8.5

136. In paragraph (4) of Rule 8.5 for the words “to be used” to the end there shall be substituted the words “(including proofs) sent or given, in accordance with directions contained in any notice convening the meeting, to the chairman of that meeting or to any other person by a creditor, member or contributory for the purpose of that meeting.”.

Amendment of Rule 8.6

137.—(1) After paragraph (1) of Rule 8.6 there shall be inserted the following paragraph:—

“(1A) Where a proxy-holder has signed the proxy as being authorised to do so by his principal and the proxy specifically directs him to vote in the way mentioned in paragraph (1), he shall nevertheless not vote in that way unless he produces to the chairman of the meeting written authorisation from his principal sufficient to show that the proxy-holder was entitled so to sign the proxy.”.

(2) In paragraph (2) of Rule 8.6 after the word “capacity” there shall be inserted the words “under Rule 8.3”.

Amendment of Rule 8.7

138. After paragraph (2) of Rule 8.7 there shall be added the following paragraph:—

“(3) Nothing in this Rule requires the authority of a person to sign a proxy on behalf of a principal which is a corporation to be in the form of a resolution of that corporation.”.

SECTION 10: AMENDMENT OF PART 11 OF THE RULES

Amendment of Rule 11.2

139.—(1) In paragraph (1) of Rule 11.2 after the word “creditors” there shall be inserted the words “whose addresses are known to him and”.

(2) After paragraph (1) of Rule 11.2 there shall be inserted the following paragraph:—

“(1A) Before declaring a first dividend, the responsible insolvency practitioner shall, unless he has previously by public advertisement invited creditors to prove their debts, give notice of the intended dividend by public advertisement.”.

(3) In paragraph (2) of Rule 11.2 for the words “The notice” there shall be substituted the words “Any notice under paragraph (1) and any notice of a first dividend under paragraph (1A)”.

Amendment of Rule 11.12

140. In paragraph (2) of Rule 11.12 there shall be added at the end the words “and public advertisement of the intended dividend need only be given if the insolvency practitioner thinks fit”.

Amendment of Rule 11.13

141. In paragraph (2) of Rule 11.13 for the words “an amount” there shall be substituted the words “a percentage”.

SECTION 11: AMENDMENT OF PART 12 OF THE RULES

Amendment of Rule 12.1

142.—(1) In paragraph (1) of Rule 12.1 for the words “make regulations” there shall be substituted the words “, subject to the Act and the Rules, make regulations with respect to any matter provided for in the Rules as relates to the carrying out of the functions of a liquidator, provisional liquidator, administrator or administrative receiver of a company, an interim receiver appointed under section 286, of the official receiver while acting as receiver or manager under section 287 or of a trustee of a bankrupt’s estate, including, without prejudice to the generality of the foregoing, provision”.

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(2) In paragraph (3) of Rule 12.1 there shall be added at the end the words:—

“; and

(d) contain such incidental, supplemental and transitional provisions as may appear to the Secretary of State necessary or expedient”.

Amendment of Rule 12.3

143.—(1) In subparagraph (b) of paragraph (2) of Rule 12.3 there shall be added at the end the words “or section 1 of the Criminal Justice (Scotland) Act 1987”.

(2) After paragraph (2) of Rule 12.3 there shall be inserted the following paragraph:—

“(2A) The following are not provable except at a time when all other claims of creditors in the insolvency proceedings (other than any of a kind mentioned in this paragraph) have been paid in full with interest under section 189(2) or, as the case may be, section 328(4)—

(a) in a winding up or a bankruptcy, any claim arising by virtue of—

(i) section 6(3)(a) of the Financial Services Act 1986, not being a claim also arising by virtue of section 6(3)(b) of that Act, or

(ii) section 61(3)(a) of that Act, not being a claim also arising by virtue of section 61(3)(b) of that Act;

(b) in a winding up or a bankruptcy, any claim arising by virtue of section 49 of the Banking Act 1987;

(c) in a winding up, any claim which by virtue of the Act or any other enactment is a claim the payment of which in a bankruptcy or a winding up is to be postponed.”.

Insertion of Rule 12.4A

144. After Rule 12.4 there shall be inserted the following rule:—

“Quorum at meeting of creditors or contributories

12.4A.—(1) Any meeting of creditors or contributories in insolvency proceedings is competent to act if a quorum is present.

(2) Subject to the next paragraph, a quorum is—

(a) in the case of a creditors' meeting, at least one creditor entitled to vote;

(b) in the case of a meeting of contributories, at least 2 contributories so entitled, or all the contributories, if their number does not exceed 2.

(3) For the purposes of this Rule, the reference to the creditor or contributories necessary to constitute a quorum is to those persons present or represented by proxy by any person (including the chairman) and in the case of any proceedings under Parts I—VII of the Act includes persons duly represented under section 375 of the Companies Act.

(4) Where at any meeting of creditors or contributories—

(a) the provisions of this Rule as to a quorum being present are satisfied by the attendance of—

(i) the chairman alone, or

(ii) one other person in addition to the chairman, and

(b) the chairman is aware, by virtue of proofs and proxies received or otherwise, that one or more additional persons would, if attending, be entitled to vote,

the meeting shall not commence until at least the expiry of 15 minutes after the time appointed for its commencement.”.

Amendment of Rule 12.7

145. For paragraph (3) of Rule 12.7 there shall be substituted the following:—

“(3) Where any form contained in Schedule 4 is substantially the same as one used for a corresponding purpose under either—

- (a) the law and practice obtaining before the coming into force of the Rules; or
- (b) if the form was first required to be used after the coming into force of the Rules, the law and practice obtaining before the making of the requirement,

whichever shall be appropriate in any case, the latter may continue to be used (with the necessary modifications) until 1 March 1988.”.

Amendment of Rule 12.10

146. After paragraph (1) of Rule 12.10 there shall be inserted the following paragraph:—

“(1A) A document to be served by post may be sent to the last known address of the person to be served.”.

Amendment of Rule 12.11

147. In paragraph (1) of Rule 12.11 after the word “Subject” there shall be inserted the words “to Rule 12.10 and”.

Amendment of Rule 12.13

148. After paragraph (3) of Rule 12.13 there shall be added the following paragraph:—

“(4) Nothing in this Rule entitles the insolvency practitioner to decline to allow the inspection of any proof or proxy.”.

Amendment of Rule 12.15

149. In Rule 12.15 before the word “Rules” there shall be inserted the words “Act or the”.

Insertion of Rule 12.15A

150. After Rule 12.15 there shall be inserted the following rule:—

“Charge for copy documents

12.15A. Where the responsible insolvency practitioner or the official receiver is requested by a creditor, member, contributory or member of a liquidation or creditors' committee to supply copies of any documents he is entitled to require the payment of the appropriate fee in respect of the supply of the documents.”.

SECTION 12: AMENDMENT OF PART 13 OF THE RULES

Amendment of Rule 13.13

151. For paragraph (1) of Rule 13.13 there shall be substituted the following:—

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“(1) “Business day” has the same meaning as in section 251 of the Act except in Rules 1.7, 4.10, 4.11, 4.16, 4.20, 5.10 and 6.23, where, if the court is the High Court, it has the same meaning as is given in Order 65, Rule 5(4) of the Rules of the Supreme Court, and, in relation to a county court, it means any day on which the court office is open in accordance with Order 2, Rule 2 of the County Court Rules.”.

Amendment of Rule 13.14

152. In subparagraph (a) of paragraph (1) of Rule 13.14 the word “administrative” shall be omitted.

PART 2

AMENDMENT OF SCHEDULES TO THE PRINCIPAL RULES

Amendment of Schedule 2

153. Schedule 2 to the principal Rules shall be amended in accordance with Part 3 of this Schedule.

Amendment of Schedule 3

154. For paragraphs 1—3 of Schedule 3 to the principal Rules there shall be substituted the following:—

“1. For attendance	£54.00.
2. Per folio of written record	75.4p plus 4p per folio for all copies.
3. Travelling time	£5.67 per hour after first hour of each journey.”

Amendment of the index to Schedule 4

155.—(1) For the entry relating to Form 3.1 (including the form number) in the index to forms in Schedule 4 to the principal Rules there shall be substituted the following:—

“**3.1B** Notice requiring preparation and submission of administrative receivership statement of affairs”.

(2) There shall be inserted in that index the following form numbers, titles and headings:—

“**2.4A** Notice to administrator of administration order”

“**3.1** Written acceptance of appointment by receiver

3.1A Notice of appointment of administrative receiver (for newspaper or London Gazette)”

“**4.14A** Notice to official receiver of appointment of provisional liquidator”

“PART 5: INDIVIDUAL VOLUNTARY ARRANGEMENTS

5.1 Order for stay pending hearing of application for interim order

5.2 Interim order of court under section 252 of the Insolvency Act 1986

5.3 Order extending effect of interim order

5.4 Alternative orders to be made at hearing to consider chairman’s report”

“**6.24A** Order for substitution of petitioner on creditor’s petition

6.24B Change of carriage order”

“**6.79A** Charging order under section 313 of the Insolvency Act 1986”.

(3) For the entries relating to the forms shown in the left-hand column below there shall be substituted the words shown on the same line in the right-hand column:—

Form	
1.1	“Report of meetings approving voluntary arrangement”
2.5	“Notice of administration order (for newspaper or London Gazette)”
2.8	“Notice requiring preparation and submission of administration statement of affairs”
2.11	“Notice of creditors' meeting in administration proceedings”
2.16	“Notice to court of resignation by administrator under Rule 2.53(1) of the Insolvency Rules 1986”
2.17	“Notice to court of resignation by administrator under Rule 2.53(2) of the Insolvency Rules 1986”
4.16	“Notice requiring preparation and submission of statement of company’s affairs”
4.32	“Notice to court of resignation of liquidator following meeting of creditors”
6.1	“Statutory demand under section 268(1)(a) of the Insolvency Act 1986—debt for liquidated sum payable immediately”
6.2	“Statutory demand under section 268(1)(a) of the Insolvency Act 1986—debt for liquidated sum payable immediately following a judgment or order of the court”
6.3	“Statutory demand under section 268(2) of the Insolvency Act 1986—debt payable at future date”
7.9	“Order for production of person arrested under warrant issued under section 134, 236, 364 or 366 of the Insolvency Act 1986”
7.15	“Affidavit in support of application for committal for contempt of court”.

(4) The entry relating to Form 7.16 shall be omitted.

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References to forms

156.—(1) There shall be inserted in the margin against the principal rules shown in the left-hand column below the form reference shown on the same line in the right-hand column:—

<i>Rule</i>	<i>Form</i>
2.10(1)	“[FORM 2.4A]”
2.19(4)	“[FORM 2.22]”
3.1(3)	“[FORM 3.1]”
3.2(3)	“[FORM 3.1A]”
4.25A	“[FORM 4.14A]”
4.171(3-CVL)	“[FORM 4.50]”
5.7(1)	“[FORM 5.2]”
6.30(2)	“[FORM 6.24A]”
6.31(2)	“[FORM 6.24B]”
6.237(1)	“[FORM 6.79A]”
7.22(a)	“[FORM 7.9]”

(2) In the margin against Rule 3.3(1) for the reference to Form 3.1 there shall be substituted a reference to Form 3.1B.

New forms

157. The forms contained in Part 4 of this Schedule shall be added to Schedule 4 to the principal Rules as Forms 2.4A, 3.1, 3.1A, 4.14A, 5.1, 5.2, 5.3, 5.4, 6.24A, 6.24B and 6.79A.

Amended forms

158.—(1) The forms contained in Section 1 of Part 5 of this Schedule shall be substituted for the forms identically numbered in Schedule 4 to the principal Rules.

(2) The form contained in Section 2 of Part 5 of this Schedule shall be substituted for Form 3.1 in Schedule 4 to the principal Rules.

Omitted form

159. Form 7.16 in Schedule 4 to the principal Rules shall be omitted.

PART 3

AMENDMENT OF SCHEDULE 2

Schedule 2 to the principal Rules shall be replaced by the following:—

“SCHEDULE 2

Rule 6.40(3)

ALTERNATIVE COURTS FOR DEBTORS' PETITIONS IN BANKRUPTCY

<i>Debtor's own county court</i>	<i>Nearest full-time court</i>
ABERDARE	CARDIFF
ABERYSTWYTH	CARDIFF
AYLESBURY	LUTON
BANBURY	LUTON or GLOUCESTER or READING
BANGOR	BIRKENHEAD or CHESTER
BARNSLEY	SHEFFIELD
BARNSTAPLE	EXETER
BARROW IN FURNESS	BLACKPOOL or PRESTON
BATH	BRISTOL
BEDFORD	LUTON
BLACKBURN	PRESTON
BLACKWOOD	CARDIFF
BOSTON	NOTTINGHAM
BRIDGEND	CARDIFF
BRIDGWATER	BRISTOL
BURNLEY	BOLTON or PRESTON
BURTON ON TRENT	LEICESTER or DERBY or NOTTINGHAM
BURY ST. EDMUNDS	CAMBRIDGE
CANTERBURY	CROYDON or THE HIGH COURT (LONDON)
CARLISLE	PRESTON or BLACKPOOL
CARMARTHEN	CARDIFF
CHELMSFORD	SOUTHEND or THE HIGH COURT (LONDON)
CHELTENHAM	GLOUCESTER
CHESTERFIELD	SHEFFIELD
COLCHESTER	SOUTHEND or THE HIGH COURT (LONDON)
COVENTRY	BIRMINGHAM
CREWE	STOKE or CHESTER
DARLINGTON	MIDDLESBROUGH
DEWSBURY	LEEDS
DONCASTER	SHEFFIELD

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<i>Debtor's own county court</i>	<i>Nearest full-time court</i>
DUDLEY	BIRMINGHAM
DURHAM	NEWCASTLE
EASTBOURNE	BRIGHTON
GREAT GRIMSBY	HULL
GREAT YARMOUTH	NORWICH
GUILDFORD	CROYDON
HALIFAX	LEEDS
HARROGATE	LEEDS
HASTINGS	BRIGHTON
HAVERFORDWEST	CARDIFF
HEREFORD	GLOUCESTER
HERTFORD	LUTON
HUDDERSFIELD	LEEDS
IPSWICH	NORWICH or SOUTHEND
KENDAL	BLACKPOOL or PRESTON
KIDDERMINSTER	BIRMINGHAM
KING'S LYNN	NORWICH or CAMBRIDGE
LANCASTER	BLACKPOOL or PRESTON
LINCOLN	NOTTINGHAM
MACCLESFIELD	STOKE or MANCHESTER
MAIDSTONE	CROYDON or THE HIGH COURT (LONDON)
MEDWAY	CROYDON or THE HIGH COURT (LONDON)
MERTHYR TYDFIL	CARDIFF
MILTON KEYNES	LUTON
NEATH	CARDIFF
NEWBURY	READING
NEWPORT (GWENT)	CARDIFF
NEWPORT (I.O.W.)	SOUTHAMPTON or PORTSMOUTH
NORTHAMPTON	LUTON
OXFORD	READING
PETERBOROUGH	CAMBRIDGE
PONTYPRIDD	CARDIFF
PORTMADOC	BIRKENHEAD or STOKE or CHESTER

<i>Debtor's own county court</i>	<i>Nearest full-time court</i>
RHYL	BIRKENHEAD or CHESTER
ROCHDALE	OLDHAM or MANCHESTER
SALISBURY	BOURNEMOUTH or SOUTHAMPTON
SCARBOROUGH	YORK or HULL or MIDDLESBROUGH
SCUNTHORPE	HULL or SHEFFIELD
SHREWSBURY	STOKE
ST. ALBANS	LUTON
STAFFORD	STOKE
STOCKTON ON TEES	MIDDLESBROUGH
STOCKPORT	MANCHESTER
STOURBRIDGE	BIRMINGHAM
SUNDERLAND	NEWCASTLE
SWANSEA	CARDIFF
SWINDON	GLOUCESTER or READING
TAMESIDE	MANCHESTER
TAUNTON	EXETER or BRISTOL
TORQUAY	EXETER
TRURO	PLYMOUTH
TUNBRIDGE WELLS	CROYDON
WAKEFIELD	LEEDS
WARRINGTON	CHESTER or LIVERPOOL or MANCHESTER
WARWICK	BIRMINGHAM
WELSHPOOL	STOKE or CHESTER
WEST BROMWICH	BIRMINGHAM
WEYMOUTH	BOURNEMOUTH
WIGAN	BOLTON or MANCHESTER or PRESTON
WINCHESTER	SOUTHAMPTON
WORCESTER	GLOUCESTER
WORKINGTON	PRESTON or BLACKPOOL
WREXHAM	BIRKENHEAD or STOKE or CHESTER
YEOVIL	EXETER or BRISTOL".

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PART 4
NEW FORMS

Form 2.4A

Rule 2.10

Notice to Administrator of Administration Order

(TITLE)

(a) Insert name and address of administrator
To: (a)

Order pronounced this _____ day of _____ 19____ by
Mr

for an administration order against the under-named company under section 8 of the Insolvency Act 1986.

Name of company:

Registered office of company:

(b) Insert full name, address, telephone number and reference (if any)
Petitioner: (b)

Petitioner's solicitors: (b)

Date of presentation of petition:

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Form 3.1

Rule 3.1

**Written acceptance of appointment
by Receiver**

(TITLE)

(a) Insert name and address of person making appointment To: (a)

(b) Insert full name and address of appointee hereby accepts appointment as receiver of

(c) Insert name of company (c)

(d) Insert date in accordance with the instrument of appointment received on (d) _____ at (e) _____ hours

(e) Insert time

Date: _____

Time: _____ hours

Signed: _____

Name of signatory: _____
(BLOCK LETTERS)

(by or on behalf of the appointee)

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Form 3.1A

Rule 3.2

**Notice of appointment of Administrative Receiver
(for newspaper or London Gazette)**

(Name of Company)

Registered number _____

(a) Insert any other name(s) with which the company has been registered in the last 12 months

Former company name(s) (a) _____

(b) Insert any trading name(s) used by the company in the last 12 months

Trading name(s) (b) _____

Nature of business _____

(c) Insert the number of the trade classification listed overleaf which most closely relates to the business of the company

Trade classification (c) _____

Date of appointment of administrative receiver(s) _____

Name of person appointing the administrative receiver(s) _____

(d) Insert name(s) of appointee(s)

(d) _____
Administrative Receiver/Joint Administrative Receivers
(office holder no(s))

Address(es)

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Form 3.1A cont

TRADE CLASSIFICATION

NOTE: This page is not part of the advertisement

	<u>DIVISION 0</u>		<u>DIVISION 6</u>
01	AGRICULTURE		TRANSPORT AND COMMUNICATIONS:—
02	FORESTRY AND FISHING	28	ROAD TRANSPORT
		29	AIR TRANSPORT
	<u>DIVISION 1</u>	30	SHIPPING
03	MINING AND ENERGY INDUSTRIES	31	TRAVEL AGENTS
		32	OTHER TRANSPORT AND COMMUNICATIONS
	<u>DIVISION 2</u>		<u>DIVISION 7</u>
	MANUFACTURING INDUSTRIES:—		FINANCE AND BUSINESS SERVICES:—
04	MANUFACTURE OF FOOD, DRINK AND TOBACCO		INSURANCE
05	MANUFACTURE OF CHEMICALS	33	ACCOUNTANTS AND LEGAL SERVICES
06	METAL MANUFACTURE	34	REAL ESTATE
07	ENGINEERING AND ALLIED INDUSTRIES	35	COMPUTER SERVICES
08	TEXTILES AND CLOTHING MANUFACTURE	36	MANAGEMENT SERVICES
09	MANUFACTURE OF TIMBER AND FURNITURE	37	OTHER BUSINESS SERVICES
10	PAPER, PRINTING AND PUBLISHING	38	
11	OTHER MANUFACTURE		<u>DIVISION 8</u>
	<u>DIVISION 3</u>		OTHER SERVICES:—
	WHOLESALE DISTRIBUTION:—	39	RECREATIONAL SERVICES
12	WHOLESALE OF FOOD AND DRINK	40	MEDICAL SERVICES
13	WHOLESALE OF TEXTILES AND CLOTHING	41	EDUCATIONAL SERVICES
14	MOTOR VEHICLE WHOLESALERS	42	REPAIRS OF CONSUMER GOODS
15	OTHER WHOLESALE	43	LAUNDRY
	<u>DIVISION 4</u>	44	HAIRDRESSING AND BEAUTY PARLOURS
	RETAILING:—	45	SCRAP METAL DEALERS
16	RETAIL OF FOOD, DRINK AND TOBACCO	46	OTHER SERVICES
17	RETAIL OF TEXTILES AND CLOTHING		<u>DIVISION 9</u>
18	RETAIL OF BOOKS, PAPERS ETC.		HOTELS AND CATERING:—
19	MOTOR VEHICLES AND PETROL SALES	47	RESIDENTIAL ACCOMMODATION
20	RETAIL OF FURNITURE	48	LICENSED PREMISES
21	RETAIL OF ELECTRICAL GOODS	49	RESTAURANTS
22	OTHER RETAIL	50	OTHER CATERING
	<u>DIVISION 5</u>		
	CONSTRUCTION:—		
	(SIC Division 5)		
23	GENERAL CONSTRUCTION AND DEMOLITION		
24	HOME IMPROVEMENTS		
25	DECORATING AND SMALLWORKS		
26	BUILDING REPAIRS		
27	ELECTRICAL AND PLUMBING		

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Form 4.14A

Rule 4.25A Notice to Official Receiver of appointment of Provisional Liquidator

(TITLE)

(a) Insert address To the Official Receiver of the Court (a)

Order pronounced this _____ day of _____ 19____ by Mr

(b) Insert "the official receiver" or, if an insolvency practitioner is to be appointed, his full name and address (including name of firm if appropriate) for the appointment of (b)

as provisional liquidator of the under-named company prior to any winding-up order being made.

Name of company:

Registered office of company:

(c) Insert full name, address, telephone number and reference (if any) Petitioner: (c)

Petitioner's solicitors: (c)

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Form 5.1

Section 254 **Order granting stay pending hearing of application for Interim Order**

(TITLE)

(a) Insert full name and address of applicant Upon the application of (a)

And upon hearing

And upon reading the evidence

(b) Insert details of any action, execution or other legal process to be stayed It is ordered that (b)

be stayed over the hearing of the application for an interim order pursuant to section 252 of the Insolvency Act 1986, namely the day of 19 or over any adjournment thereof.

Dated _____

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Form 5.2

Rule 5.7 Interim Order of Court under section 252 of the Insolvency Act 1986

(TITLE)

(a) Insert full name and address of applicant Upon the application of (a)

And upon hearing

And upon reading the evidence

(b) Delete as applicable (b) [And upon the application of _____, the nominee, for an extension of the period for which the interim order shall have effect pursuant to section 256(4) of the Insolvency Act 1986,]

(c) 14 days unless an extension is granted on the application of the nominee It is ordered that during the period of (c) ____ days beginning with the day after the date of this order and during any extended period for which this interim order has effect:

(i) no bankruptcy petition relating to the above-named (d) _____

(d) Insert name of debtor _____ (the debtor) may be presented or proceeded with, and

(ii) no other proceedings, and no execution or other legal process, may be commenced or continued against the debtor or his property except with the leave of the court.

(e) Date to be 2 business days before the day on which the report is to be considered And it is ordered that the report of the nominee be submitted and delivered by him to the court not later than (e)

[And it is ordered that (f) _____]

(f) Insert details of any orders made under section 255 (3) and (4) of the Insolvency Act 1986 And it is ordered that

(g) Delete if debtor is not a bankrupt or if he is a bankrupt but the applicant is the official receiver (g) [And it is ordered that the applicant forthwith serve a copy of this order on the official receiver.]

Date _____

Time _____ hours

Place _____

be appointed for consideration of the nominee's report.

Dated _____

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 5.3

Section 256 **Order extending effect of Interim Order**

(TITLE)

(a) Insert full name and address of applicant Upon the application of (a)

And upon hearing

And upon reading the evidence

(b) Insert date of filing And the court having this day considered the report of the nominee submitted pursuant to section 256 of the Insolvency Act 1986 and filed on (b)

(c) Insert date It is ordered that the period for which the interim order made on (c) _____ has effect be extended to (c) _____ to enable a meeting of the debtor's creditors to be summoned to consider the debtor's proposals, such meeting as proposed by the nominee to be held on:—

(d) Date to be not less than 14 days from date of filing of report under Rule 5.13 nor more than 28 days from date of consideration of report under Rule 5.12 Date (d) _____
Time (e) _____ hours
Place _____

(e) Time to be between 10.00 and 16.00 hours on a business day (Rule 5.14(2)) And it is ordered that this application be adjourned to:—

Date _____
Time _____ hours
Place _____

for consideration of the report of the chairman of the creditors' meeting.

Dated _____

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 5.4

Sections 259, 260 and 261 Alternative orders to be made at hearing to consider chairman's report

(TITLE)

(a) Insert full name and address of applicant Upon the application of (a)

And upon hearing

(b) Delete as applicable (b) [And upon reading the report of the chairman of the creditors' meeting that the said meeting had [approved the proposed voluntary arrangement with or without modifications] [declined to approve the debtor's proposal with or without modifications]]

[It is ordered that this application be [adjourned generally with liberty to restore] [adjourned to the day of 19 to enable an application to be made to extend the time for filing the report of the chairman of the creditors' meeting]]

[And it is ordered that the time for filing the said report be extended to this day.]

[And whereas:

- (i) on the day of 19 a bankruptcy petition No of 19 was filed by against the above-named (the debtor) and
(ii) by virtue of section 260(5) of the Insolvency Act 1986 the said petition is deemed, unless the court otherwise orders, to have been dismissed

This court makes no further order save that

(i) the registration of the petition as a pending action at the Land Charges Department of HM Land Registry on under Reference No PA may be vacated upon the application of the debtor under the Land Charges Rules.

(c) Insert any other orders made in respect of the petition (ii) (c)] Dated _____

NOTICE TO DEBTOR (where voluntary arrangement approved and there is a pending petition which is deemed to be dismissed).

It is your responsibility and in your interest to ensure that the registration of the petition at HM Land Registry is cancelled.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 6.24A

Rule 6.30 **Order for substitution of petitioner on creditor’s petition**
(TITLE)

Upon the hearing of this petition this day

(a) Insert name of creditor who wishes to be substituted as petitioner and upon the application of (a) for an order that he be substituted as petitioning creditor therein pursuant to Rule 6.30 of the Insolvency Rules 1986

And upon hearing

(b) Recite details of demand or return of sheriff or bailiff And upon reading (b)

(c) Insert name of original petitioning creditor [It is ordered that upon payment by the said (a) of the statutory deposit to the court the statutory deposit paid by (c)

to the court be repaid to him by the official receiver]

And it is ordered that the said (a) be substituted as petitioning creditor in place of the said (c) and that the said (a) be at liberty to amend the said petition accordingly.

And it is ordered that the said (a) do within 7 days from the date of this order file an affidavit of truth of statements in the bankruptcy petition and exhibit thereto a sealed copy of the said amended petition and at least 14 days before the date of the adjourned hearing of the petition serve* upon the above-named debtor a sealed copy of the amended petition.

*NOTE: In the absence of any order to the contrary, this will involve personal service

And it is ordered that the hearing of the said amended petition be adjourned to:

Date _____

Time _____ hours

Place _____

It is ordered that the question of the costs of the said (c) [and of the statutory deposit] be reserved until the final determination of the said amended petition.

Dated _____

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 6.24B

Rule 6.31 Change of carriage order

(TITLE)

Upon the hearing of this petition this day
 And upon the application of (a) _____, a creditor of the debtor, for an order giving him carriage of the petition in place of (b) _____ (the petitioning creditor) pursuant to Rule 6.31 of the Insolvency Rules 1986

(a) Insert name of creditor who wishes to be given carriage of the petition

And upon hearing

(b) Insert name of original petitioning creditor

And upon reading

It is ordered that the carriage of this petition be given to the said (a) in place of the said (b) and that all further proceedings herein be carried on by the said (a) in the name of the said (b)

And it is ordered that the said (a) do within _____ days from the date of this order serve upon the said debtor and the said (b) a sealed copy of this order

And it is ordered that the said (a) may rely upon all evidence previously adduced in these proceedings whether by affidavit or otherwise

And it is ordered that the further hearing of this petition be adjourned to:

Date _____

Time _____ hours

Place _____

And it is ordered that the question of the costs of the said (b) be reserved until the final determination of this petition.

Dated _____

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART 5
AMENDED FORMS

SECTION 1

Form 1.1

Rule 1.24

The Insolvency Act 1986
Report of Meetings
Approving Voluntary Arrangement
Pursuant to section 4 of the
Insolvency Act 1986

S.4

To the Registrar of Companies

For official use

--	--	--

Company Number

--

Name of Company

(a) Insert full name of company

(a) _____ Limited

(b) Insert full name and address

(b)

(c) Insert date the chairman of meetings held in pursuance of section 4 of the Insolvency Act 1986 on (c) enclose a copy of my report of the said meetings.

Signed

Date

Presenter's name, address and reference (if any):

For Official Use	
Liquidation Section	Post Room

Form 2.1

rule 2.1 **Petition for Administration Order**

(TITLE)

(a) Insert title of court To (a) _____

(b) Insert full name(s) and address(es) of petitioner(s) The petition of (b) _____

(c) Delete if petition not presented by the company's directors (c) [presented by the directors under section 9 of the Insolvency Act 1986].
(d) Insert full name of company subject to petition 1. (d) _____
(e) Insert date of incorporation (hereinafter called "the company") was incorporated on (e) _____ under the Companies Act 19__

(f) Insert address of registered office 2. The registered office of the company is at (f) _____

(g) Insert amount of nominal capital and how it is divided 3. The nominal capital of the company is (g) £_____ divided into ____ shares of £____ each. The amount of the capital paid up or credited as paid up is (h) £____
(h) Insert amount of capital paid up or credited as paid up 4. The principal objects for which the company was established are as follows

and other objects set forth in the memorandum of association thereof.

5. The petitioner(s) believe(s) that the company is or is likely to become unable to pay its debts and that an administration order would be likely to achieve

(j) Delete such as are inapplicable (j) (i) the survival of the company and the whole or some part of its undertaking as a going concern
(ii) the approval of a voluntary arrangement with its creditors under Part 1 of the Insolvency Act 1986
(iii) the sanctioning of a compromise or arrangement between the company and such persons as are mentioned in section 425 of the Companies Act 1985
(iv) a more advantageous realisation of the company's assets than would be effected on a winding up

for the reasons stated in the affidavit of _____ filed in support hereof.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 2.1 contd.

6. The petitioner(s) propose(s) that during the period for which the order is in force the affairs, business and property of the company be managed by

(k) Insert full name(s) and address(es) of proposed administrator(s) (k) _____

who is (are) to the best of the petitioner's knowledge and belief qualified to act as (an) insolvency practitioner(s) in relation to the company. The petitioner(s) therefore pray(s) as follows:—

(l) Insert full name of company (1) that the court make an administration order in relation to (l) _____

(m) Insert name(s) of proposed administrator(s) (2) that (m) _____
be appointed to be the administrator(s) of the said company

(n) Insert details of any ancillary orders sought (3) (n)

or

(4) that such other order may be made in the premises as shall be just.

Note:

It is intended to serve this petition on _____

(o) Insert here name, address, telephone number and reference (if any) of a solicitor acting for the petitioner

This petition was issued by (o) _____

_____ (solicitor for)

the petitioner(s) whose address for service is:

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 2.5

Rule 2.10

Notice of Administration Order (for newspaper or London Gazette)

(TITLE)

Registered number _____

Nature of business _____

(a) Insert the number of the trade classification listed overleaf which most closely relates to the business of the company

Trade classification (a) _____

(b) Insert date Administration order made (b) _____ 19____

Administrator/Joint administrators (office holder no(s))

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

TRADE CLASSIFICATION

NOTE: This page is *not* part of the advertisement

	<u>DIVISION 0</u>		<u>DIVISION 6</u>
01	AGRICULTURE		TRANSPORT AND COMMUNICATIONS:—
02	FORESTRY AND FISHING	28	ROAD TRANSPORT
		29	AIR TRANSPORT
	<u>DIVISION 1</u>	30	SHIPPING
03	MINING AND ENERGY INDUSTRIES	31	TRAVEL AGENTS
		32	OTHER TRANSPORT AND COMMUNICATIONS
	<u>DIVISION 2</u>		<u>DIVISION 7</u>
	MANUFACTURING INDUSTRIES:—		FINANCE AND BUSINESS SERVICES:—
04	MANUFACTURE OF FOOD, DRINK AND TOBACCO	33	INSURANCE
05	MANUFACTURE OF CHEMICALS	34	ACCOUNTANTS AND LEGAL SERVICES
06	METAL MANUFACTURE	35	REAL ESTATE
07	ENGINEERING AND ALLIED INDUSTRIES	36	COMPUTER SERVICES
08	TEXTILES AND CLOTHING MANUFACTURE	37	MANAGEMENT SERVICES
09	MANUFACTURE OF TIMBER AND FURNITURE	38	OTHER BUSINESS SERVICES
10	PAPER, PRINTING AND PUBLISHING		
11	OTHER MANUFACTURE		<u>DIVISION 8</u>
	<u>DIVISION 3</u>		OTHER SERVICES:—
	WHOLESALE DISTRIBUTION:—	39	RECREATIONAL SERVICES
12	WHOLESALE OF FOOD AND DRINK	40	MEDICAL SERVICES
13	WHOLESALE OF TEXTILES AND CLOTHING	41	EDUCATIONAL SERVICES
14	MOTOR VEHICLE WHOLESALERS	42	REPAIRS OF CONSUMER GOODS
15	OTHER WHOLESALE	43	LAUNDRY
		44	HAIRDRESSING AND BEAUTY PARLOURS
	<u>DIVISION 4</u>	45	SCRAP METAL DEALERS
	RETAILING:—	46	OTHER SERVICES
16	RETAIL OF FOOD, DRINK AND TOBACCO		<u>DIVISION 9</u>
17	RETAIL OF TEXTILES AND CLOTHING		HOTELS AND CATERING:—
18	RETAIL OF BOOKS, PAPERS ETC.	47	RESIDENTIAL ACCOMMODATION
19	MOTOR VEHICLES AND PETROL SALES	48	LICENSED PREMISES
20	RETAIL OF FURNITURE	49	RESTAURANTS
21	RETAIL OF ELECTRICAL GOODS	50	OTHER CATERING
22	OTHER RETAIL		
	<u>DIVISION 5</u>		
	CONSTRUCTION:—		
	(SIC Division 5)		
23	GENERAL CONSTRUCTION AND DEMOLITION		
24	HOME IMPROVEMENTS		
25	DECORATING AND SMALLWORKS		
26	BUILDING REPAIRS		
27	ELECTRICAL AND PLUMBING		

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 2.8

Rule 2.11 Notice Requiring Preparation and Submission of Administration Statement of Affairs

(TITLE)

Take notice that you are required to prepare and submit to me a statement as to the affairs of (a)
(a) Insert name of company

by (b)
(b) Insert date by which statement must be submitted

A similar notice has been sent to each of the following persons (c)
(c) Insert names and addresses of other persons concerned

Section 235 of the Insolvency Act 1986 places a duty on you (d) (as an officer of the company) to provide the administrator with information and attend upon him if required; I have to warn you that failure to submit the statement of affairs as required by this notice, or to co-operate with the administrator under section 235 of the Insolvency Act 1986, may make you liable to a fine and, for continued contravention, to a daily default fine.
(d) Delete words in brackets if not applicable

Under paragraph 10 of Schedule 1 to the Company Directors Disqualification Act 1986 failure to submit a statement of affairs or to co-operate with the administrator under section 235 of the Insolvency Act 1986 are matters which may be taken into account by the court in determining whether a person is unfit to be an officer of or to be involved in the management of a company. Unfit conduct may result in a disqualification order being made by the court.

Dated _____
Administrator (name and address)

Note:
Forms for the preparation of the statement of affairs
(a) may be obtained from the administrator on request; or
(b) are enclosed.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 2.11

Rule 2.19

Notice of Creditors' Meetings in Administration Proceedings

(TITLE)

Notice is hereby given that a meeting of creditors in the above matter is to be held at

on the _____ day of _____ 19__

at _____ hours

Delete whichever is inapplicable

- (1) to consider my proposals under s.23(1) of the Insolvency Act 1986 and to consider establishing a creditors' committee
- (2) under s. 14(2)(b) of the Insolvency Act 1986
- (3) at the request of creditors under s.17(3)(a) of the Insolvency Act 1986
- (4) at the direction of the court under s.17(3)(b) of the Insolvency Act 1986
- (5) under s.25(2)(b) of the Insolvency Act 1986

[(2)-(5) only] for the purposes of _____

A proxy form is enclosed which should be completed and returned to me by the date of the meeting if you cannot attend the meeting and wish to be represented. In order to be entitled to vote at the meeting you must give to me, not later than 12.00 hours on the business day before the day fixed for the meeting, details in writing of your claim.

The Administrator

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 2.12

Rule 2.30

Report of Meeting of Creditors

(TITLE)

I _____
administrator of the company hereby report that [a] [an adjourned] meeting of
creditors in the above matter was held at _____

on the _____ day of _____ 19__
at which:

(1) Proposals [Revised proposals] in the form hereto annexed were approved

(2) _____

_____ were nominated to act as members of the creditors' committee

(3) The meeting declined to approve the proposals [revised proposals]

Dated this _____ day of _____ 19__

The Administrator

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 2.16

Rule 2.53 **Notice to Court of Resignation by
Administrator Under Rule 2.53(1)
of the Insolvency Rules 1986**

(TITLE)

(a) Insert full name and address of administrator I, (a) _____

(b) Insert date the administrator of the above company give notice that I am resigning from the said office of administrator with effect from (b) _____

(c) See Rule 2.53(1) for the following reason(s): (c) _____

(d) The date must be at least 7 days before that stated at (b) above I confirm that on (d) _____
I gave notice to:

- (i) _____
- (ii) _____
- (iii) _____

being persons who under section 13(3) of the Insolvency Act 1986 are entitled to apply for a vacancy in the office of administrator to be filled, of my intention to resign as administrator.

Signed _____

Dated _____

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 2.17

Rule 2.53 **Notice to Court of Resignation by
Administrator Under Rule 2.53(2)
of the Insolvency Rules 1986**

(TITLE)

(a) Insert full name and address of administrator I, (a) _____

(b) Insert date the administrator of the above company give notice that on (b) _____,
the court gave me leave to resign from the said office of administrator with effect
from (b) _____

(c) See Rule 2.53(2) for the following reason(s): (c) _____

and I hereby resign.

(d) The date must be at least 7 days before application was made to the court for leave to resign. I confirm that on (d) _____
I gave notice to:
(i) _____

(ii) _____

(iii) _____

being persons who under section 13(3) of the Insolvency Act 1986 are entitled to apply for a vacancy in the office of administrator to be filled, of my intention to apply to the court for leave to resign as administrator.

Signed _____

Dated _____

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 4.1

Rule 4.5

Statutory Demand under section 123(1)(a) or 222(1)(a) of the Insolvency Act 1986

<p>Warning</p> <ul style="list-style-type: none"> This is an important document. This demand must be dealt with within 21 days after its service upon the company or a winding-up order could be made in respect of the company. 	<ul style="list-style-type: none"> Please read the demand and notes carefully.
--	---

Notes for Creditor

- If the creditor is entitled to the debt by way of assignment, details of the original creditor and any intermediary assignees should be given in part B on page 3.
- If the amount of debt includes interest not previously notified to the company as included in its liability, details should be given, including the grounds upon which interest is charged. The amount of interest must be shown separately.
- Any other charge accruing due from time to time may be claimed. The amount or rate of the charge must be identified and the grounds on which it is claimed must be stated.
- In either case the amount claimed must be limited to that which has accrued due at the date of the demand.
- If signatory of the demand is a solicitor or other agent of the creditor the name of his/her firm should be given.

Demand

To _____

Address _____

This demand is served on you by the creditor:

Name _____

Address _____

The creditor claims that the company owes the sum of £_____, full particulars of which are set out on page 2.

The creditor demands that the company do pay the above debt or secure or compound for it to the creditor's satisfaction.

Signature of individual _____

Name _____

(BLOCK LETTERS)

Date _____

*Position with or relationship to creditor _____

*Delete if signed by the creditor himself

*I am authorised to make this demand on the creditor's behalf.

Address _____

Tel. No. _____ Ref. _____

N.B. The person making this demand must complete the whole of this page, page 2 and parts A and B (as applicable) on

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 4.1 contd.

Particulars of Debt.

(These particulars must include (a) when the debt was incurred, (b) the consideration for the debt (or if there is no consideration the way in which it arose) and (c) the amount due as at the date of this demand.)

Notes for Creditor
Please make sure that you have read the notes on page 1 before completing this page.

Note:
If space is insufficient continue on reverse of page 3 and clearly indicate on this page that you are doing so.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**Form 4.
contc**

PART A

The individual or individuals to whom any communication regarding this demand may be addressed is/are:—

Name _____ (BLOCK LETTERS)	
Address _____	

Telephone Number _____	
Reference _____	

PART B

For completion if the creditor is entitled to the debt by way of assignment

	Name	Date(s) of Assignment
Original creditor		
Assignees		

How to comply with a statutory demand

If the company wishes to avoid a winding-up petition being presented it must pay the debt shown on page 1, particulars of which are set out on page 2 of this notice, within the period of **21 days after** its service upon the company. Alternatively, the company can attempt to come to a settlement with the creditor. To do this the company should:

- inform the individual (or one of the individuals) named in part A above immediately that it is willing and able to offer security for the debt to the creditor’s satisfaction; or
- inform the individual (or one of the individuals) named in part A immediately that it is willing and able to compound for the debt to the creditor’s satisfaction.

If the company disputes the demand in whole or in part it should:

- contact the individual (or one of the individuals) named in part A immediately.

REMEMBER! The company has only 21 days after the date of service on it of this document before the creditor may present a winding-up petition.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 4.12

Rule 4.20 **Order for Winding Up by the Court following upon the Discharge of an Administration Order**

(TITLE)

(a) Delete words in brackets as applicable Upon the petition of the company (a) [by its administrator (b) _____] or [(b) _____] a [creditor] [member] of the above-named company] [pursuant to leave of this court by order dated (c) _____] [by agreement with the administrator dated (c) _____]

(b) Insert name and address

(c) Insert date

presented to this court on (c)

And upon hearing

And upon reading the administration order dated (c)

and the evidence

It is ordered that the said administration order be and the same is discharged.

(d) Insert full name of company

And it is ordered that the said (d)

be wound up by this court under the provisions of the Insolvency Act 1986.

(a) [And it is ordered that _____ be appointed liquidator of the company]

(e) Insert any further items of order, eg as to costs

And it is ordered (e)

Dated _____

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 4.13

Rule 4.20

**Notice to Official Receiver of
Winding-Up Order**

(TITLE)

(a) Insert address To the Official Receiver of the Court (a)

Order pronounced this _____ day of _____ 19__
by Mr.

for winding up the under-mentioned company under the Insolvency Act 1986

Name of company:

Registered office of company:

(b) Insert name, address, telephone
number and reference
(if any) Petitioner or his solicitor(s) (b):

Date of presentation of petition:

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Note:

It is intended to serve this petition on:—

ENDORSEMENT	
This petition having been presented to the court on _____ let all parties attend before the Registrar in Chambers on	
Date _____	
Time _____	hours
Place _____ for directions to be given.	
The solicitor(s) for the petitioner is/are:	
Name _____	
Address _____	

Telephone No. _____	
Reference _____	
(h) Delete if London agents not instructed	(h) [Whose London agents are:—
	Name _____
	Address _____

	Telephone No. _____
	Reference _____]

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 4.16

Rule 4.32 Notice Requiring Preparation and Submission of Statement of Company's Affairs

◀ **Insert name and address of person required to submit statement of affairs**

(TITLE)

(a) Insert date A winding-up order was made against the company on (a) and under the powers given to the official receiver by section 131 of the Insolvency Act 1986 I now require you to prepare and submit to me a statement of the company's affairs, with a copy,

(b) Insert date by (b) which statement must be submitted
* Amend as necessary if statement to be made up as at a different date
The statement of affairs should be made up as at (a) , the date of the winding-up order.*

(c) Insert names and addresses of other persons concerned A similar notice has been sent to each of the following persons:— (c)

(d) Delete words in brackets if not applicable Section 235 of the Insolvency Act 1986 places a duty on you (d) (as an officer of the company) to provide the official receiver with information and attend upon him if required; I have to warn you that failure to submit the statement of affairs as required by this notice, or to co-operate with the official receiver under section 235 of the Insolvency Act 1986, may make you liable to a fine and, for continued contravention, to a daily default fine.

Under paragraph 10 of Schedule 1 to the Company Directors Disqualification Act 1986 failure to submit a statement of affairs or to co-operate with the official receiver under section 235 of the Insolvency Act 1986 are matters which may be taken into account by the court in determining whether a person is unfit to be an officer of or to be involved in the management of a company. Unfit conduct may result in a disqualification order being made by the court.

Dated _____
Official Receiver (name and address)

Note:
Forms and instructions for the preparation of the statement of affairs (a) may be obtained from the official receiver on request; or (b) are enclosed.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 4.5

Rule 4.187, 4.188, Notice of Disclaimer under section 178
4.189 of the Insolvency Act 1986
(TITLE)

PART 1

(a) Insert name of liquidator I, (a) _____
liquidator the liquidator of the above-named company, disclaim all the company's interest in

(b) Insert full particulars of property* (b)

Dated _____

Signed _____

Name in BLOCK LETTERS _____

Address _____

PART 2

NOTE:

(c) Insert name of court This is a copy of a notice filed at (c) _____ Court

(d) Insert date that notice filed in court on (d) _____

Seal of the Court

PART 3

(e) Insert name and address of person to be sent copy notice under Rule 4.188 or 4.189 To: (e) _____

This is a copy of a notice of disclaimer filed by the liquidator in the above matter at (c) _____ Court.

- NOTE:
1. Part 1 is to be completed by the liquidator and filed in court with a copy
Part 2 is to be completed by the court and returned to the liquidator
Part 3 is to be completed by or on behalf of the liquidator when sending out copy notice under Rule 4.188 or 4.189.
 2. The attention of a recipient of this notice is drawn to sections 178–182 of the Insolvency Act 1986.
 - *3. Where the property concerned consists of land or buildings the nature of the interest should also be stated (eg whether leasehold, freehold)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 4.61

Rule 4.211 Order of Public Examination

(TITLE)

Mr Registrar

in chambers

Upon the application of the official receiver

And upon hearing

And upon reading the evidence

(a) Insert full name of person to be examined It is ordered that (a)

do attend on:

Date _____

Time _____ hours

Place _____

for the purpose of being publicly examined

Dated _____

Warning to person to be examined

If you fail without reasonable excuse to attend your public examination at the time and place set out in the order above you will be liable to be arrested without further notice (section 134(2) of the Insolvency Act 1986).

You will also be guilty of contempt of court (section 134(1) of the Insolvency Act 1986) and liable to be committed to prison or fined.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 4.64

Rule 4.214 **Order as to Examination of Person who is Suffering from Mental Disorder or Physical Affliction or Disability**

(TITLE)

Mr Registrar

in chambers

(a) "The official receiver" or insert name and address of applicant and the capacity in which he makes the application
Upon the application of (a)
And upon hearing

And upon reading the evidence

(b) Insert name of examinee
And the court being satisfied that (b) is suffering from mental disorder or physical affliction or disability and [is unfit to undergo a public examination. It is ordered that the order dated ____ be stayed]

[is unfit to attend the public examination fixed by the order dated ____ It is ordered that the said order be varied as follows

_____]

Dated _____

(c) Delete warning where the order for public examination is stayed
Warning to person to be examined (c)
If you fail without reasonable excuse to attend your public examination at the time and place set out in the order above you will be liable to be arrested without further notice (section 134(2) of the Insolvency Act 1986).
You will also be guilty of contempt of court (section 134(1) of the Insolvency Act 1986) and liable to be committed to prison or fined.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 4.66

Rule 4.216 Order of Adjournment of Public Examination

(TITLE)

Mr Registrar in chambers

(a) Delete as applicable This being the day appointed for the (a) [further] public examination of (b)
(b) Insert full name of person to be examined and the said (b) having submitted himself for such examination:

Now upon hearing Mr the official receiver in the above matter, and upon hearing and it appearing that

[It is ordered that the public examination be adjourned to:

Date _____

Time _____ hours

Place _____

And it is ordered that the said (b)

shall attend at the above-mentioned time and place, for the purpose of being further examined]

[It is ordered that the said public examination be adjourned generally]

(c) Set out any further order or direction of the court [And it is further ordered that the said (c)]

Dated _____

(d) Delete warning where the public examination is not adjourned to a fixed date **Warning to person to be examined (d)**
If you fail without reasonable excuse to attend your public examination at the time and place set out in the order above you will be liable to be arrested without further notice (section 134(2) of the Insolvency Act 1986).
You will also be guilty of contempt of court (section 134(1) of the Insolvency Act 1986) and liable to be committed to prison or fined.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 4.68

**Rule 4.223-CVL The Insolvency Act 1986
Liquidator's Statement of Receipts and Payments
Pursuant to section 192 of the Insolvency Act 1986**

S. 192

To the Registrar of Companies

For official use

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Company Number

--

Name of Company

(a) Insert full name of company

(a)
Limited

(b) Insert full name(s) I/We (b) and address(es)

the liquidator(s) of the company attach a copy of my/our statement of receipts and payments under section 192 of the Insolvency Act 1986

Signed

Date

Presenter's name, address and reference (if any)

For Official Use	
Liquidation Section	Post Room

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 4.68 contd

Statement of Receipts and Payments under section 192 of the Insolvency Act 1986

Name of company
Company's registered number
State whether members' or creditors' voluntary winding up
Date of commencement of winding up
Date to which this statement is brought down
Name and address of liquidator

NOTES

You should read these notes carefully before completing the forms. The notes do not form part of the return to be sent to the registrar of companies.

Form and Contents of Statement

(1) Every statement must contain a detailed account of all the liquidator's realisations and disbursements in respect of the company. The statement of realisations should contain a record of all receipts derived from assets existing at the date of the winding-up resolution and subsequently realised, including balance at bank, book debts and calls collected, property sold, etc, and the account of disbursements should contain all payments for costs, charges and expenses, or to creditors or contributories. Receipts derived from deposit accounts and money market deposits are to be included in the 'balance at bank'. Only actual investments are to be included in the 'amounts invested' section in the analysis of balance on page 5 of the form. Where property has been realised, the gross proceeds of sale must be entered under realisations and the necessary payments incidental to sales must be entered as disbursements. A payment into the Insolvency Services Account is not a disbursement and should not be shown as such; nor are payments into a bank, building society or any other financial institution. However, the interest received on any investment should be shown in the realisations. Each receipt and payment must be entered in the account in such a manner as sufficiently to explain its nature. The receipts and payments must severally be added up at the foot of each sheet and the totals carried forward from one account to another without any intermediate balance, so that the gross totals represent the total amounts received and paid by the liquidator respectively.

Trading Account

(2) When the liquidator carries on a business, a trading account must be forwarded as a distinct account, and the totals of receipts and payments on the trading account must alone be set out in this statement.

Dividends

(3) When dividends, instalments of compositions, etc are paid to creditors or a return of surplus assets is made to contributories, the total amount of each dividend, etc actually paid, must be entered in the statement of disbursements as one sum; and the liquidator must forward separate accounts showing in lists the amount of the claim of each creditor and the amount of dividend, etc payable to each creditor, or contributory.

(4) When unclaimed dividends, etc are paid into the Insolvency Services Account, the total amount so paid in should be entered in the statement of disbursements as one sum. The items to be paid in relation to unclaimed dividends should first be included in the realisations side of the account.

(5) Credit should not be taken in the statement of disbursements for any amount in respect of liquidator's remuneration unless it has been duly allowed by resolutions of the liquidation committee or of the creditors or of the company in general meeting, or by order of the court as the case may require, or is otherwise allowable under the provisions of the Insolvency Rules.

(6) This statement of receipts and payments is required in duplicate.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 4.68 contd

Disbursements			
Date	To whom paid	Nature of disbursements	Amount
		Brought forward	£
Carried forward			

disbursements which should be carried forward to the next account

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 4.68 contd.

Analysis of balance

Total realisations	...	...	...	...	...	...	...	...	...	...	£
Total disbursements	...	...	...	...	...	...	...	...	...	...
Balance											£
The balance is made up as follows—											
1. Cash in hands of liquidator	...	...	...	...	...	...	...	...	...	...
2. Balance at bank	...	...	...	...	...	...	...	...	...	...
3. Amount in Insolvency Services Account	...	...	...	...	...	...	...	...	...	...
4.* Amounts invested by liquidator	...	...	...	...	...	...	...	...	...	...	£
Less: the cost of investments realised	...	...	...	...	...	...	...	...	...	...
Balance											
Total balance as shown above											£

OTE—Full details of stocks purchased for investment and any realisation of them should be given in a separate statement]

The investment or deposit of money by the liquidator does not withdraw it from the operation of the Insolvency Regulations 1986, and any such investments representing money held for six months or upwards must be realised and paid into the Insolvency Services Account, except in the case of investments in Government securities, the transfer of which to the control of the Secretary of State will be accepted as a sufficient compliance with the terms of the Regulations.

The liquidator should also state—

1) The amount of the estimated assets and liabilities at the date of the commencement of the winding up—

Assets (after deducting amounts charged to secured creditors—including the holders of floating charges)											£
Liabilities—Fixed charge creditors	...	...	...	...	...	...	...	...	...	...
Floating charge holders	...	...	...	...	...	...	...	...	...	...
Unsecured creditors	...	...	...	...	...	...	...	...	...	...

2) The total amount of the capital paid up at the date of the commencement of the winding up—

Paid up in cash	...	...	...	...	...	...	...	...	...	...
Issued as paid up otherwise than for cash	...	...	...	...	...	...	...	...	...	...

3) The general description and estimated value of any outstanding assets (if there is insufficient space here, attach a separate sheet)

- 4) Why the winding up cannot yet be concluded
- 5) The period within which the winding up is expected to be completed

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 4.70

Section 89(3)

The Insolvency Act 1986
Members' Voluntary Winding Up
Declaration of Solvency Embodying
a Statement of Assets and Liabilities
Pursuant to section 89(3) of the Insolvency Act 1986

S.89(3)

To the Registrar of Companies

For official use

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Company Number

--

Name of company

(a) Insert full name of company

(a)
Limited

(b) Insert full name(s) I/We (b) and address(es)

attach a declaration of solvency embodying a statement of assets and liabilities

Signed

Date

Presenter's name, address and reference (if any)

For Official Use	
Liquidation Section	Post Room

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 4.70 contd.

**Section 89(3) The Insolvency Act 1986
Members' Voluntary Winding Up
Declaration of Solvency
Embodying a Statement of
Assets and Liabilities**

Company number _____

Name of company _____

_____ Limited

Presented by _____

Declaration of Solvency

(a) Insert names and addresses We (a) _____

(b) Delete as applicable being (b) [all the] [the majority of the] directors of (c) _____
do solemnly and sincerely declare that we have made a full inquiry into the affairs
(c) Insert name of company of this company, and that, having done so, we have formed the opinion that this
company will be able to pay its debts in full together with interest at the official
(d) Insert a period of rate within a period of (d) _____ months, from the commencement of the
months not winding up.
exceeding 12

(e) Insert date We append a statement of the company's assets and liabilities as at (e)
_____, being the latest practicable date before the making of this
declaration.

We make this solemn declaration, conscientiously believing it to be true, and by
virtue of the provisions of the Statutory Declarations Act 1835.

Declared at _____

this _____ day of _____ 19__

Before me,

Solicitor or Commissioner of Oaths

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 4.70 contd.

Statement as at _____ showing assets at estimated realisable values and liabilities expected to rank

Assets and liabilities	Estimated to realise or to rank for payment to nearest £	
Assets:	£	
Balance at bank		
Cash in hand		
Marketable securities		
Bills receivable		
Trade debtors		
Loans and advances		
Unpaid calls		
Stock in trade		
Work in progress		
Freehold property		
Leasehold property		
Plant and machinery		
Furniture, fittings, utensils etc		
Patents, trade marks etc		
Investments other than marketable securities		
Other property, viz		
Estimated realisable value of assets	£	
Liabilities	£	
Secured on specific assets, viz		
Secured by floating charge(s)		
Estimated cost of liquidation and other expenses including interest accruing until payment of debts in full		
Unsecured creditors (amounts estimated to rank for payment)	£	£
Trade accounts		
Bills payable		
Accrued expenses		
Other liabilities		
Contingent liabilities		
Estimated surplus after paying debts in full	£	

Remarks:

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 6.1

Rule 6.1

Statutory Demand under section 268(1)(a) of the Insolvency Act 1986. Debt for Liquidated Sum Payable Immediately

<p>Notes for Creditor</p> <ul style="list-style-type: none"> • If the creditor is entitled to the debt by way of assignment, details of the original creditor and any intermediary assignees should be given in part C on page 3. • If the amount of debt includes interest not previously notified to the debtor as included in the debtor's liability, details should be given, including the grounds upon which interest is charged. The amount of interest must be shown separately. • Any other charge accruing due from time to time may be claimed. The amount or rate of the charge must be identified and the grounds on which it is claimed must be stated. • In either case the amount claimed must be limited to that which has accrued due at the date of the demand. • If the creditor holds any security the amount of debt should be the sum the creditor is prepared to regard as unsecured for the purposes of this demand. Brief details of the total debt should be included and the nature of the security and the value put upon it by the creditor, as at the date of the demand, must be specified. • If signatory of the demand is a solicitor or other agent of the creditor the name of his/her firm should be given. 	<p>Warning</p> <ul style="list-style-type: none"> • This is an important document. You should refer to the notes entitled "How to comply with a statutory demand or have it set aside". • If you wish to have this demand set aside you must make application to do so within 18 days from its service on you. • If you do not apply to set aside within 18 days or otherwise deal with this demand as set out in the notes within 21 days after its service on you, you could be made bankrupt and your property and goods taken away from you. • Please read the demand and notes carefully. If you are in any doubt about your position you should seek advice immediately from a solicitor or your nearest Citizens Advice Bureau.
<p>Demand</p> <p>To _____</p> <p>Address _____</p> <p>_____</p> <p>This demand is served on you by the creditor:</p> <p>Name _____</p> <p>Address _____</p> <p>_____</p> <p>The creditor claims that you owe the sum of £_____, full particulars of which are set out on page 2, and that it is payable immediately and, to the extent of the sum demanded, is unsecured.</p> <p>The creditor demands that you pay the above debt or secure or compound for it to the creditor's satisfaction.</p> <p>[The creditor making this demand is a Minister of the Crown or a Government Department, and it is intended to present a bankruptcy petition in the High Court in London.] [Delete if inappropriate]</p> <p>Signature of individual _____</p> <p>Name _____ (BLOCK LETTERS)</p> <p>Date _____</p> <p>*Position with or relationship to creditor _____</p> <p>_____</p> <p>*I am authorised to make this demand on the creditor's behalf. Address _____</p> <p>_____</p>	

*Delete if signed by the creditor himself

Tel. No. _____ Ref. _____

N.B. The person making this demand must complete the whole of pages 1, 2 and parts A, B and C (as applicable) on page 3.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 6.1 contd.

Particulars of Debt

(These particulars must include (a) when the debt was incurred, (b) the consideration for the debt (or if there is no consideration the way in which it arose) and (c) the amount due as at the date of this demand.)

Notes for Creditor
Please make sure that you have read the notes on page 1 before completing this page.

Note:
If space is insufficient continue on page 4 and clearly indicate on this page that you are doing so.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 6.1 contd.

Part A

Appropriate Court for Setting Aside Demand

Rule 6.4(2) of the Insolvency Rules 1986 states that the appropriate court is the court to which you would have to present your own bankruptcy petition in accordance with Rule 6.40(1) and 6.40(2). In accordance with those rules on present information the appropriate court is [the High Court of Justice] County Court]

(address)

Any application by you to set aside this demand should be made to that court.

Part B

The individual or individuals to whom any communication regarding this demand may be addressed is/are:

Name _____ (BLOCK LETTERS)	
Address _____ _____	
Telephone Number _____	
Reference _____	

Part C

For completion if the creditor is entitled to the debt by way of assignment

	Name	Date(s) of Assignment
Original creditor		
Assignees		

How to comply with a statutory demand or have it set aside (ACT WITHIN 18 DAYS)

If you wish to avoid a bankruptcy petition being presented against you, you must pay the debt shown on page 1, particulars of which are set out on page 2 of this notice, within the period of **21 days** after its service upon you. Alternatively, you can attempt to come to a settlement with the creditor. To do this you should:

- inform the individual (or one of the individuals) named in part B above immediately that you are willing and able to offer security for the debt to the creditor's satisfaction; or
- inform the individual (or one of the individuals) named in part B immediately that you are willing and able to compound for the debt to the creditor's satisfaction.

If you dispute the demand in whole or in part you should:

- contact the individual (or one of the individuals) named in part B immediately.

THERE ARE MORE IMPORTANT NOTES ON THE NEXT PAGE

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 6.1 contd.

If you consider that you have grounds to have this demand set aside or if you do not quickly receive a satisfactory written reply from the individual named in part B whom you have contacted you should **apply within 18 days** from the date of service of this demand on you to the appropriate court shown in part A above to have the demand set aside.

Any application to set aside the demand (Form 6.4 in Schedule 4 to the Insolvency Rules 1986) should be made within 18 days from the date of service upon you and be supported by an affidavit (Form 6.5 in Schedule 4 to those Rules) stating the grounds on which the demand should be set aside. The forms may be obtained from the appropriate court when you attend to make the application.

<p>Remember!—From the date of service on you of this document</p> <ul style="list-style-type: none">(a) you have only 18 days to apply to the court to have the demand set aside, and(b) you have only 21 days before the creditor may present a bankruptcy petition
--

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 6.7

Statutory Demand under section 268(1)(a) of the Insolvency Act 1986. Debt for Liquidated Sum Payable Immediately Following a Judgment or Order of the Court

Form 6.2

<p>Notes for Creditor</p> <ul style="list-style-type: none"> • If the creditor is entitled to the debt by way of assignment, details of the original creditor and any intermediary assignees should be given in part C on page 3. • If the amount of debt includes interest not previously notified to the debtor as included in the debtor's liability, details should be given, including the grounds upon which interest is charged. The amount of interest must be shown separately. • Any other charge accruing due from time to time may be claimed. The amount or rate of the charge must be identified and the grounds on which it is claimed must be stated. • In either case the amount claimed must be limited to that which has accrued due at the date of the demand. • If the creditor holds any security the amount of debt should be the sum the creditor is prepared to regard as unsecured for the purposes of this demand. Brief details of the total debt should be included and the nature of the security and the value put upon it by the creditor, as at the date of the demand, must be specified. • Details of the judgment or order should be inserted, including details of the Division of the Court or District Registry and court reference, where judgment is obtained in the High Court. • If signatory of the demand is a solicitor or other agent of the creditor the name of his/her firm should be given. 	<p>Warning</p> <ul style="list-style-type: none"> • This is an important document. You should refer to the notes entitled "How to comply with a statutory demand or have it set aside". • If you wish to have this demand set aside you must make application to do so within 18 days from its service on you. • If you do not apply to set aside within 18 days or otherwise deal with this demand as set out in the notes within 21 days after its service on you, you could be made bankrupt and your property and goods taken away from you. • Please read the demand and notes carefully. If you are in any doubt about your position you should seek advice immediately from a solicitor or your nearest Citizens Advice Bureau. <p>Demand</p> <p>To _____</p> <p>Address _____</p> <p>_____</p> <p>This demand is served on you by the creditor:</p> <p>Name _____</p> <p>Address _____</p> <p>_____</p> <p>The creditor claims that you owe the sum of £_____, full particulars of which are set out on page 2, and that it is payable immediately and, to the extent of the sum demanded, is unsecured.</p> <p>By a Judgment/Order of the _____ court in proceedings entitled (Case) Number _____ between _____ Plaintiff and _____ Defendant it was adjudged/ordered that you pay to the creditor the sum of £_____ and £_____ for costs.</p> <p>The creditor demands that you pay the above debt or secure or compound for it to the creditor's satisfaction.</p> <p>[The creditor making this demand is a Minister of the Crown or a Government Department, and it is intended to present a bankruptcy petition in the High Court in London.] [Delete if inappropriate]</p> <p>Signature of individual _____</p> <p>Name _____ (BLOCK LETTERS)</p> <p>Date _____</p> <p>*Position with or relationship to creditor _____</p> <p>_____</p> <p>*I am authorised to make this demand on the creditor's behalf.</p> <p>Address _____</p> <p>_____</p> <p>Tel. No. _____ Ref. _____</p> <p>N.B. The person making this demand must complete the whole of pages 1, 2 and parts A, B and C (as applicable) on page 3.</p>
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*Delete if signed by the creditor himself

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 6.2 contd.

Particulars of Debt

(These particulars must include (a) when the debt was incurred, (b) the consideration for the debt (or if there is no consideration the way in which it arose) and (c) the amount due as at the date of this demand.)

--

Notes for Creditor
Please make sure that you have read the notes on page 1 before completing this page.

Note:
If space is insufficient continue on page 4 and clearly indicate on this page that you are doing so.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 6.2 contd.

Part A

Appropriate Court for Setting Aside Demand

Rule 6.4(2) of the Insolvency Rules 1986 states that the appropriate court is the court to which you would have to present your own bankruptcy petition in accordance with Rule 6.40(1) and 6.40(2).

Any application by you to set aside this demand should be made to that court, or, if this demand is issued by a Minister of the Crown or a Government Department, you must apply to the High Court to set aside if it is intended to present a bankruptcy petition against you in the High Court (see page 1).

In accordance with those rules on present information the appropriate court is [the High Court of Justice] County Court] (address)

Part B

The individual or individuals to whom any communication regarding this demand may be addressed is/are:

Name (BLOCK LETTERS)	
Address	
Telephone number	
Reference	

Part C

For completion if the creditor is entitled to the debt by way of assignment

	Name	Date(s) of Assignment
Original creditor		
Assignees		

THERE ARE IMPORTANT NOTES ON THE NEXT PAGE

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 6.2 contd.

How to comply with a statutory demand or have it set aside (ACT WITHIN 18 DAYS)

If you wish to avoid a bankruptcy petition being presented against you, you must pay the debt shown on page 1, particulars of which are set out on page 2 of this notice, within the period of **21 days** after its service upon you. However, if the demand follows (includes) a judgment or order of a County Court, any payment must be made to that County Court (quoting the Case No.). Alternatively, you can attempt to come to a settlement with the creditor. To do this you should:

- inform the individual (or one of the individuals) named in part B above immediately that you are willing and able to offer security for the debt to the creditor's satisfaction; or
- inform the individual (or one of the individuals) named in part B immediately that you are willing and able to compound for the debt to the creditor's satisfaction.

If you dispute the demand in whole or in part you should:

- contact the individual (or one of the individuals) named in part B immediately.

If you consider that you have grounds to have this demand set aside or if you do not quickly receive a satisfactory written reply from the individual named in part B whom you have contacted you should **apply within 18 days** from the date of service of this demand on you to the appropriate court shown in part A above to have the demand set aside.

Any application to set aside the demand (Form 6.4 in Schedule 4 to the Insolvency Rules 1986) should be made within 18 days from the date of service upon you and be supported by an affidavit (Form 6.5 in Schedule 4 to those Rules) stating the grounds on which the demand should be set aside. The forms may be obtained from the appropriate court when you attend to make the application.

<p>Remember!—From the date of service on you of this document</p> <ul style="list-style-type: none">(a) you have only 18 days to apply to the court to have the demand set aside, and(b) you have only 21 days before the creditor may present a bankruptcy petition.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 6.3

Rule 6.1

Statutory Demand under section 268(2) of the Insolvency Act 1986. Debt Payable at Future Date.

<p>Notes for Creditor</p> <ul style="list-style-type: none"> • If the creditor is entitled to the debt by way of assignment, details of the original creditor and any intermediary assignees should be given in part C on page 3. • If the amount of debt when due includes interest not previously notified to the debtor as included in the debtor's liability, details should be given, including the grounds upon which interest is charged. The amount of interest must be shown separately. • Any other charge accruing due from time to time may be claimed. The amount or rate of the charge must be identified and the grounds on which it is claimed must be stated. • In either case the amount claimed must be limited to that which will have accrued due when payment falls due on the date specified. • If the creditor holds any security the amount of debt should be the sum the creditor is prepared to regard as unsecured for the purposes of this demand. Brief details of the total debt should be included and the nature of the security and the value put upon it by the creditor, as at the date of the demand, must be specified. • The grounds for the creditor's opinion that the debtor has no reasonable prospects of paying the debt when it falls due must be stated. • If signatory of the demand is a solicitor or other agent of the creditor the name of his/her firm should be given. 	<p>Warning</p> <ul style="list-style-type: none"> • This is an important document. You should refer to the notes entitled "How to comply with a statutory demand or have it set aside". • If you wish to have this demand set aside you must make application to do so within 18 days from its service on you. • If you do not apply to set aside within 18 days or otherwise deal with this demand as set out in the notes within 21 days after its service on you, you could be made bankrupt and your property and goods taken away from you. • Please read the demand and notes carefully. If you are in any doubt about your position you should seek advice immediately from a solicitor or your nearest Citizens Advice Bureau.
<p>Demand</p> <p>To _____</p> <p>Address _____</p> <p>_____</p> <p>This demand is served on you by the creditor:</p> <p>Name _____</p> <p>Address _____</p> <p>_____</p> <p>The creditor claims that you will owe the sum of £ _____, full particulars of which are set out on page 2, when payment falls due on _____</p> <p>The creditor is of the opinion that you have no reasonable prospect of paying this debt when it falls due because _____</p> <p>[The creditor making this demand is a Minister of the Crown or Government Department, and it is intended to present a bankruptcy petition in the High Court in London.] [Delete if inappropriate]</p> <p>Signature of individual _____</p> <p>Name _____ (BLOCK LETTERS)</p> <p>Date _____</p> <p>*Position with or relationship to creditor _____</p> <p>_____</p> <p>*I am authorised to make this demand on the creditor's behalf.</p> <p>Address _____</p> <p>_____</p> <p>Tel. No. _____ Ref. _____</p>	
<p>N.B. The person making this demand must complete the whole of pages 1, 2 and parts A, B and C (as applicable) on page 3.</p>	

*Delete if signed by the creditor himself

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 6.3 contd

Particulars of Debt

(These particulars must include (a) when the debt was incurred, (b) the consideration for the debt (or if there is no consideration the way in which it will arise) and (c) the amount of future debt and the date payment is due.)

Notes for Creditor
Please make sure that you have read the notes on page 1 before completing this page.

Note:
If space is insufficient continue on page 4 and clearly indicate on this page that you are doing so.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 6.3 contd.

Part A

Appropriate Court for Setting Aside Demand

Rule 6.4(2) of the Insolvency Rules 1986 states that the appropriate court is the court to which you would have to present your own bankruptcy petition in accordance with Rule 6.40(1) and 6.40(2). In accordance with those rules on present information the appropriate court is [the High Court of Justice] [County Court] (address)

Any application by you to set aside this demand should be made to that court.

Part B

The individual or individuals to whom any communication regarding this demand may be addressed is/are:

Name _____ (BLOCK LETTERS)	
Address _____	
Telephone number _____	
Reference _____	

Part C

For completion if the creditor is entitled to the debt by way of assignment

	Name	Date(s) of Assignment
Original creditor		
Assignees		

How to comply with a statutory demand or have it set aside (ACT WITHIN 18 DAYS)

If you wish to avoid a bankruptcy petition being presented against you, you must within the period of **21 days** after its service upon you satisfy the creditor that you are able to meet the debt demanded when it is due.

If you dispute that the debt will be due in whole or in part or if you dispute the allegation that you will be unable to pay the debt when it falls due or if you consider that you may be able to offer security for the debt or to compound for it you should:

- contact the individual (or one of the individuals) named in part B immediately.

If you consider that you have grounds to have this demand set aside or if you do not quickly receive a satisfactory written reply from the individual named in part B whom you have contacted you should **apply within 18 days** from the date of service of this demand on you to the appropriate court shown in part A above to have the demand set aside.

THERE ARE MORE IMPORTANT NOTES ON THE NEXT PAGE

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 6.3 contd.

Any application to set aside the demand (Form 6.4 in Schedule 4 to the Insolvency Rules 1986) should be made within 18 days from the date of service upon you and be supported by an affidavit (Form 6.5 in Schedule 4 to those Rules) stating the grounds on which the demand should be set aside. The forms may be obtained from the appropriate court when you attend to make the application.

Remember!—From the date of service on you of this document
(a) you have only 18 days to apply to the court to have the demand set aside, and
(b) you have only 21 days before the creditor may present a bankruptcy petition.

Rule 6.11

Form 6.11

Affidavit of Personal Service
of Statutory Demand

(TITLE)

Date of statutory demand _____

(a) Insert name, address and description of person making the oath and whether the creditor or a person acting on his behalf I, (a) _____
_____ make oath and say as follows:—

(b) Delete 'I' and insert name and address of person who effected service, if applicable 1. (b) [I] [_____]
did on (c) _____ (d) [before] [after] _____ hours, at (e) _____

(c) Insert date _____ personally serve the above-named debtor with the demand dated _____

(d) Insert time which must be either before or after 16.00 hours Monday to Friday or before or after 12.00 hours Saturday (f) [2. That on (c) _____ the debtor acknowledged service of the demand by (g) _____]

(e) Insert address 3. A copy of the demand marked "A" (f) [and the acknowledgement of service marked "B"] is/are exhibited hereto.

(f) Delete words in [] if no acknowledgement of service has been received

(g) Give particulars of the way in which the debtor acknowledged service of the demand Sworn at

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 6.13, 6.43

Form 6.14

Application for Registration of Petition in Bankruptcy against an Individual under Land Charges Act 1972

(TITLE)

<p>Notes This form should be completed in typescript or BLOCK LETTERS in black ink. A separate form should be completed for each debtor and for any alternative name (other than trading name(s) referred to in the petition. Please tick correct box Insert initials if full forename(s) not known Give details of trade, profession or occupation, including any trading name(s) and, in the case of a partnership, the name(s) of the other partner(s) Include debtor's business address(es) if appropriate. Where there are more than 2 addresses enter the additional addresses on the back page</p>	<p>Application is made for registration of a petition in bankruptcy presented this day as a pending action under section 5 of the Land Charges Act 1972 in respect of the following particulars.</p>	<p>Official Use Only Seal of Court</p>
	<p>Particulars of Debtor: Forename(s) Surname Male <input type="checkbox"/> Female <input type="checkbox"/> Not known <input type="checkbox"/> Occupation</p>	<p>Land Charges Use PAB BANKS</p>
	<p>Address(es) 1. 2.</p>	

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 6.14 contd.

Enter the key number located to the court by the Land Charges Department

Key Number

--	--	--	--	--	--	--	--

1	2	3
C	F	/
4	5	6
/	/	/

Enter name of court

High Court of Justice } in Bankruptcy
 _____ County Court }

Number and date of petition

No. _____ of 19__ Date _____

Please give the full name and address of petitioner, unless the petition is presented by the debtor, in which case insert 'the debtor'

Particulars of Petitioner

Name _____

Address _____

Signature of Registrar _____ Date _____

Additional Addresses of Debtor

1. _____
2. _____
3. _____

**The Superintendent
 Land Charges Department
 Registration (Bankruptcy) Section
 Burrington Way
 PLYMOUTH PL5 3LP**

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 6.26

Rule 6.34, 6.46 Application for Registration of a Bankruptcy Order against an Individual under Land Charges Act 1972

(TITLE)

<p>Notes This form should be completed in typescript or BLOCK LETTERS in black ink. A separate form should be completed for each bankrupt and for any alternative name (other than trading name(s)) referred to in the bankruptcy order. Please tick correct box Insert initials if full forename(s) not known</p> <p>Give details of trade, profession or occupation, including any trading name(s) and, in the case of a partnership, the name(s) of the other partner(s)</p> <p>Include bankrupt's business address(es) if appropriate. Where there are more than 2 addresses enter the additional addresses on the back page</p>	<p>Application is made for registration of a bankruptcy order in the register of writs and orders under section 6 of the Land Charges Act 1972 in respect of the following particulars.</p>	<p>Land Charges Use WOB BANKS</p>
	<p>Particulars of Bankrupt: Forename(s) Surname Male <input type="checkbox"/> Female <input type="checkbox"/> Not known <input type="checkbox"/> Occupation Address(es) 1. 2.</p>	

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 6.26 contd.

Enter the key number allocated to the court by the Land Charges Department

Key Number

--	--	--	--	--	--	--	--

1	2	3
C	F	/
4	5	6
/	/	/

Enter name of court

High Court of Justice } in Bankruptcy
 _____ County Court }

Number of petition

No. _____ of 19____

Please give the full name and address of petitioner, unless the petition is presented by the debtor, in which case insert 'the debtor'

Particulars of Petitioner

Name _____

Address _____

Date of Bankruptcy Order _____

Signature of Official Receiver _____ Date _____

Address _____

Additional Addresses of Bankrupt

1. _____
2. _____
3. _____

**The Superintendent
 Land Charges Department
 Registration (Bankruptcy) Section
 Burrington Way
 Plymouth PL5 3LP**

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 6.30

Rule 6.45, 6.48 Bankruptcy Order on Debtor’s Petition

(TITLE)

(a) Insert date Upon the petition of the above-named debtor, which was presented on (a)
And upon hearing

(b) Delete words in square brackets if no appointment made under section 273(2) (b) [and upon considering the report of (c) appointed under section 273(2) of the Insolvency Act 1986]

(c) Insert name of insolvency practitioner appointed under section 273(2) And upon reading the petition and statement of affairs
It is ordered that (d)

(d) Insert full description of debtor as set out in the petition be adjudged bankrupt.

(e) Delete if no certificate of summary administration is issued under section 275 (e) [And it is certified that the estate of the bankrupt be administered in a summary manner]
[And it is ordered that (f) be appointed trustee of the bankrupt’s estate].

(f) Only to be completed where a trustee is appointed under section 297(3), (4) or (5) of the Insolvency Act 1986 on the making of the bankruptcy order [And it is also ordered that]
Date _____
Time _____ hours

Important Notice to Bankrupt

*Delete as appropriate *[The] [One of the] official receiver(s)* attached to the court is by virtue of this order receiver and manager of the bankrupt’s estate. You are required to attend upon the Official Receiver of the court at (g) _____
(g) Insert address of official receiver’s office

immediately after you have received this order.

The Official Receiver’s offices are open Monday to Friday (except on holidays) from 10.00 to 16.00 hours.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 6.30 contd.

(h) Order to be endorsed where debtor is represented by a solicitor

<p>Endorsement on Order (h)</p> <p>The solicitor to the debtor is:—</p> <p>Name _____</p> <p>Address _____</p> <p>Telephone No. _____</p> <p>Reference _____</p>

Form 6.55

Rule 6.172

Order for Public Examination of Bankrupt

(TITLE)

Mr Registrar in chambers

Upon the application of the official receiver

And upon hearing

And upon reading the evidence

It is ordered that the above-named bankrupt do attend on:

Date _____

Time _____ hours

Place _____

for the purpose of being publicly examined

Dated _____

Warning to Bankrupt

If you fail without reasonable excuse to attend your public examination at the time and place set out in the order above you will be liable to be arrested without further notice (section 364(1) of the Insolvency Act 1986).

You will also be guilty of contempt of court (section 290(5) of the Insolvency Act 1986) and liable to be committed to prison or fined.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 6.60

rule 6.176

**Order Appointing Time for Proceeding with
Public Examination of Bankrupt
Adjourned Generally**

(TITLE)

Mr Registrar

in chambers

a) Delete as applicable Upon the application of the (a) [official receiver] [above-named bankrupt]

And upon hearing

It is ordered that the public examination of the above-named bankrupt which was adjourned generally by order of the court dated _____ will be held on:

Date _____

Time _____ hours

Place _____

And it is ordered that the above-named bankrupt shall attend at this time and place

(b) Set out any further order or direction of the court [And it is further ordered that the said (b)

]

Dated _____

Warning to Bankrupt

If you fail without reasonable excuse to attend your public examination at the time and place set out in the order above you will be liable to be arrested without further notice (section 364(1) of the Insolvency Act 1986).

You will also be guilty of contempt of court (section 290(5) of the Insolvency Act 1986) and liable to be committed to prison or fined.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 6.61

**Rule 6.178
6.179, 6.180**

**Notice of Disclaimer under section 315
of the Insolvency Act 1986**

(TITLE)

PART 1

(a) Insert name of trustee I, (a) _____, the trustee of the above-named bankrupt's estate, disclaim all my interest in:

(b) Insert full particulars of property*

Dated _____

Signed _____

Name in BLOCK LETTERS _____

Address _____

PART 2

NOTE:

(c) Insert name of court This is a copy of a notice filed at (c) _____ Court
(d) Insert date that notice filed in court on (d) _____

Seal of the Court

PART 3

(e) Insert name and address of person to be sent copy notice under Rule 6.179 or 6.180 To: (e) _____

This is a copy of a notice of disclaimer filed by the trustee in the above matter at (c) _____ Court.

- NOTE:
1. Part 1 is to be completed by the trustee and filed in court with a copy
Part 2 is to be completed by the court and returned to the trustee
Part 3 is to be completed by or on behalf of the trustee when sending out copy notice under Rule 6.179 or 6.180
 2. The attention of a recipient of this notice is drawn to sections 315–321 of the Insolvency Act 1986.
 - *3. Where the property concerned consists of land or buildings the nature of the interest should also be stated (eg whether leasehold, freehold, etc).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 6.78

Section 334(2) Notice to Existing Trustee of the Presentation of a Petition for a Later Bankruptcy

(TITLE)

(a) Insert name and address of existing trustee To (a)

(b) Insert date Please note that a bankruptcy petition was presented to the court on (b)

(c) Insert bankrupt's full title as appearing in the petition against (c)

who was previously adjudged bankrupt on (b) and of whose estate you are trustee.

Any property covered by section 334(3) of the Insolvency Act 1986 which you have not yet distributed, should now be retained by you pending:—

- (a) the dismissal of the above petition, or
- (b) the making of a further bankruptcy order.

If a bankruptcy order is made, the trustee appointed will contact you in due course, with regard to the recovery of such property, any distribution or disposition of which shall, from the giving of this notice, be void, unless made with the consent of the court.

Dated _____

Signed _____

Name in BLOCK LETTERS _____

Description and Address _____

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 7.9

Rule 7.22, 7.23

Order for Production of Person Arrested under Warrant Issued under sections 134, 236, 364 or 366 of the Insolvency Act 1986

(TITLE)

The court having been notified that

(a) Insert full name of person arrested (a)

has been

(b) Insert date arrested under a warrant issued by this court on (b)

(c) Insert name of prison (c)

It is ordered that the Governor of (c) have (a)

Prison

brought in custody for examination before this court sitting at:

Date _____

Time _____ hours

Place _____

and that in the meantime he be detained and afterwards, if the court directs, be taken back to prison and detained pursuant to the warrant.

Dated _____

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 7.15

**Affidavit in support of application for committal
for contempt of court**

(TITLE)

(a) Insert full name and address of applicant

(b) Insert capacity of relevant insolvency practitioner or official receiver

make oath and say as follows:—

(c) Insert full name and address of person against whom committal is sought

(1) That (c)

(d) Insert details of person's failure to comply with the relevant provisions of the Act or the Rules

(e) Insert date of service of notice, if applicable

[(2) That on (e) (f)

was duly served with a notice requiring him to (g)

(f) Insert name

(g) Insert details of any requirement under relevant provisions of the Act or the Rules

a copy of which is exhibited hereto and marked "A" and without reasonable excuse he has failed to comply with the terms of the notice.]

OR

(1) That the above-named person failed to comply with the order of this court made on (h) directing him to

(h) Insert date

(j) Set out terms of order

(k) Insert date of service of order (2) That on (k) the above-named person was [personally] served with a copy of the said order

Sworn at _____

Date _____

Before me _____

A solicitor or Commissioner of Oaths

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

*SECTION 2
AMENDED FORM 3.1B*

Form 3.1B

Rule 3.3

**Notice Requiring Preparation and Submission of
Administrative Receivership Statement of Affairs**

(TITLE)

(a) Insert name of company Take notice that you are required to prepare and submit to me a statement as to the affairs of (a)

(b) Insert date by which statement must be submitted by (b)

(c) Insert names and addresses of other persons concerned A similar notice has been sent to each of the following persons (c)

(d) Delete words in brackets if not applicable Section 235 of the Insolvency Act 1986 places a duty on you (d) (as an officer of the company) to provide the administrative receiver with information and attend upon him if required; I have to warn you that failure to submit the statement of affairs as required by this notice, or to co-operate with the administrative receiver under section 235 of the Insolvency Act 1986, may make you liable to a fine and, for continued contravention, to a daily default fine.

Under paragraph 10 of Schedule 1 to the Company Directors Disqualification Act 1986 failure to submit a statement of affairs or to co-operate with the administrative receiver under section 235 of the Insolvency Act 1986 are matters which may be taken into account by the court in determining whether a person is unfit to be an officer of or to be involved in the management of a company. Unfit conduct may result in a disqualification order being made by the court.

Dated _____
Administrative Receiver (name and address)

Note:

Forms for the preparation of the statement of affairs

- (a) may be obtained from the administrative receiver on request; or
- (b) are enclosed.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make detailed amendments to the Insolvency Rules 1986, which set out detailed procedures for the conduct of all company and individual insolvency proceedings in England and Wales under the Insolvency Act 1986. These Rules apply to all insolvency proceedings to which the Insolvency Rules 1986 apply on and after 11th January, 1988 whether or not those proceedings were commenced before, on or after that date.

Rule 3(3) also applies Rule 4. 223-CVL of the Insolvency Rules 1986 as amended to those insolvency proceedings specified in paragraph 4(1) of Schedule 11 to the Insolvency Act 1986.