

Status: This is the original version (as it was originally made).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

SCHEDULE

FORM 4.73

Form 4.73

Notes for Completion

* delete as applicable.

- (a) Insert name of insolvent company.
- (b) Insert registered number of insolvent company then complete **either section A or section B.**
- (c) Complete this section where the company has entered administration, an administrative receiver has been appointed in respect of the company or the company is subject to a voluntary arrangement under Part 1 of the Insolvency Act 1986. **This section should not be completed if the company is in insolvent liquidation. In that case complete section B.**
- (d) Insert date. In cases where the company has been subject to different insolvency procedures which immediately follow each other e.g. administration followed by a voluntary arrangement the date of the first proceedings should be entered.
- (e) Insert name of director.
- (f) Insert address of director.
- (g) The director in question may already be acting in relation to a successor company that has adopted a name which in the event that the insolvent company enters insolvent liquidation would be a prohibited name. Alternatively he may be proposing so to act. The appropriate deletion should accordingly be made.
- (h) Insert name which would be a prohibited name if the company were to enter insolvent liquidation.

WARNING – THIS FORM MAY NOT BE USED IF YOU HAVE ALREADY ACTED IN BREACH OF SECTION 216 OF THE INSOLVENCY ACT 1986

Rule 4.228 of the Insolvency Rules Notice to the creditors of an insolvent company of the re-use of a prohibited name

_____ (a)

Registered number _____ (b)

SECTION A – COMPANY IN ADMINISTRATION, ADMINISTRATIVE RECEIVER APPOINTED, OR COMPANY SUBJECT TO VOLUNTARY ARRANGEMENT (c)

On _____ (d), [*the above-named company entered administration.] [*an administrative receiver was appointed in respect of the above named company.][*a voluntary arrangement under Part 1 of the Insolvency Act 1986 was approved in respect of the above-named company.]

I, _____ (e)

of _____ (f)

was a director of the above-named company on the day it [*entered administration] [*the administrative receiver was appointed] [*the voluntary arrangement under Part 1 of the Insolvency Act 1986 was approved.]

I give notice that (g) [*I am acting and intend to continue to act in one or more of the ways to which section 216(3) of the Insolvency Act 1986 would apply if the above-named company were to go into insolvent liquidation] [*it is my intention to act in one or more of the ways to which section 216(3) of the Insolvency Act 1986 would apply if the above-named company were to go into insolvent liquidation] in connection with, or for the purposes of, the carrying on of the whole or substantially the whole of the business of the above-named company under the following name:

_____ (h)

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Cont.

SECTION B – COMPANY IN INSOLVENT LIQUIDATION

Notes for completion

- (i) Insert date.
- (j) Insert name of director.
- (k) Insert address of director.

(l) Insert name under which the business is to be carried on.

On _____ (i) the above-named company went into insolvent liquidation.

I, _____ (j)

of _____ (k)

was a director of the above-named company during the 12 months ending with the day before it went into liquidation.

I give notice that it is my intention to act in one or more of the ways specified in section 216(3) of the Insolvency Act 1986 in connection with, or for the purposes of, the carrying on of the whole or substantially the whole of the business of the insolvent company under the following name:

_____ (l)

Notes:

Section 216(3) of the Insolvency Act 1986, which is referred to above, lists the activities that the director of a company that has gone into insolvent liquidation may not undertake without the court giving leave or the application of an exception created under Rules made under the Insolvency Act 1986 (This includes Rule 4.228 of the Insolvency Rules 1986). These activities are,

- (a) acting as a director of another company that is known by a name which is either the same as a name used by the company in insolvent liquidation in the period of 12 months ending on the day before it entered liquidation or is so similar as to suggest an association with that company,
- (b) directly or indirectly being concerned or taking part in the promotion, formation or management of any such company, or
- (c) directly or indirectly being concerned in the carrying on of a business otherwise than through a company under a name of the kind mention in (a) above.

This notice is given in pursuance of Rule 4.228 of the Insolvency Rules 1986 where the business of a company which is in, or may go into, insolvent liquidation is, or is to be, carried on otherwise than by the company in liquidation with the involvement of a director of that company and under the same or a similar name to that of that company. The purpose of the giving of this notice is to permit the director to act in these circumstances where the company enters (or has entered) insolvent liquidation without the director committing a criminal offence and, in the case of the carrying on of the business through another company, being personally liable for that company's debts.

Notice using this form may be given where the director giving the notice is already the director of a company which proposes to adopt a prohibited name.