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STATUTORY INSTRUMENTS

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**2010 No. 18**

**The Legislative Reform (Insolvency)  
(Miscellaneous Provisions) Order 2010**

*Provision relating to verification of documents*

**Affidavits**

5.—(1) In section 47(2) (statement of affairs to be submitted) for “affidavit” substitute “a statement of truth”.

(2) In section 95 (effect of company’s insolvency)—

- (a) in subsection (4) omit “shall be verified by affidavit by the liquidator and”; and
- (b) after that subsection insert—

“(4A) The statement as to the affairs of the company shall be verified by the liquidator—

- (a) in the case of a winding up of a company registered in England and Wales, by a statement of truth; and
- (b) in the case of a winding up of a company registered in Scotland, by affidavit.”.

(3) In section 99 (directors to lay statement of affairs before creditors)—

- (a) in subsection (2) omit “shall be verified by affidavit by some or all of the directors and”; and
- (b) after that subsection insert—

“(2A) The statement as to the affairs of the company shall be verified by some or all of the directors—

- (a) in the case of a winding up of a company registered in England and Wales, by a statement of truth; and
- (b) in the case of a winding up of a company registered in Scotland, by affidavit.”; and

(c) in subsection (3)(a) for “or (2)” substitute “, (2) or (2A)”.

(4) In section 131 (company’s statement of affairs)—

- (a) in subsection (2) omit “shall be verified by affidavit by the persons required to submit it and”; and
- (b) after that subsection, insert—

“(2A) The statement shall be verified by the persons required to submit it—

- (a) in the case of an appointment of a provisional liquidator or a winding up by the court in England and Wales, by a statement of truth; and
- (b) in the case of an appointment of a provisional liquidator or a winding up by the court in Scotland, by affidavit.”.

(5) In section 166(5)(b) (application to court where default in complying with section 98 or 99) for “or (2)” substitute “, (2) or (2A)”.

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**Status:** This is the original version (as it was originally made).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

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- (6) In section 236 (inquiry into company’s dealings, etc)—
- (a) in subsection (3), for “an affidavit to the court containing” substitute “to the court”; and
  - (b) after that subsection insert—
    - “(3A) An account submitted to the court under subsection (3) must be contained in—
    - (a) a witness statement verified by a statement of truth (in England and Wales), and
    - (b) an affidavit (in Scotland).”.
- (7) In section 366(1) (inquiry into bankrupt’s dealings and property)(1) omit “an affidavit” and substitute “a witness statement verified by a statement of truth”.

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(1) Section 366(1) was amended by the Civil Partnerships Act 2004 (c. 33), Schedule 27, paragraph 120.