STATUTORY INSTRUMENTS

2016 No. 1024

INSOLVENCY, ENGLAND AND WALES

COMPANIES INDIVIDUALS

The Insolvency (England and Wales) Rules 2016

Made---18th October 2016Laid before Parliament25th October 2016Coming into force6th April 2017

THE INSOLVENCY (ENGLAND AND WALES) RULES 2016

INTRODUCTORY RULES

- 1. Citation and commencement
- 2. Revocations
- 3. Extent and application
- 4. Transitional and savings provisions
- 5. Power of the Secretary of State to regulate certain matters
- 6. Punishment of offences
- 7. Review

PART 1

SCOPE, INTERPRETATION, TIME AND RULES ABOUT DOCUMENTS

CHAPTER 1

Scope of these Rules

1.1 Scope

CHAPTER 2

Interpretation

[Note: the terms which are defined in rule 1.2 include...

- 1.2 Defined terms
- 1.3 Calculation of time periods

CHAPTER 3

Form and content of documents

- 1.4 Requirement for writing and form of documents
- 1.5 Authentication
- 1.6 Information required to identify persons and proceedings etc.
- 1.7 Reasons for stating whether proceedings are or will be COMI proceedings, establishment proceedings etc.
- 1.8 Prescribed format of documents
- 1.9 Variations from prescribed contents

CHAPTER 4

Standard contents of Gazette notices and the Gazette as evidence etc.

[Note: (1) the requirements in Chapter 4 must be read...

- (2) this Chapter does not apply to the notice of...
- 1.10 Contents of notices to be gazetted under the Act or Rules
- 1.11 Standard contents of all notices
- 1.12 Gazette notices relating to a company
- 1.13 Gazette notices relating to a bankruptcy
- 1.14 The Gazette: evidence, variations and errors

CHAPTER 5

Standard contents of notices advertised otherwise than in the Gazette

[Note: the requirements in Chapter 5 must be read with...

- 1.15 Standard contents of notices advertised otherwise than in the Gazette
- 1.16 Non-Gazette notices relating to a company
- 1.17 Non-Gazette notices relating to a bankruptcy
- 1.18 Non-Gazette notices: other provisions

CHAPTER 6

Standard contents of documents to be delivered to the registrar of companies

[Note: the requirements in Chapter 6 must be read with...

- 1.19 Standard contents of documents delivered to the registrar of companies
- 1.20 Registrar of companies: covering notices
- 1.21 Standard contents of all documents
- 1.22 Standard contents of documents relating to the office of office-holders
- 1.23 Standard contents of documents relating to other documents
- 1.24 Standard contents of documents relating to court orders
- 1.25 Standard contents of returns or reports of decisions
- 1.26 Standard contents of returns or reports of matters considered by company members by correspondence
- 1.27 Standard contents of documents relating to other events

CHAPTER 7

Standard contents of notices for delivery to other persons etc.

[Note: the requirements in Chapter 7 must be read with...

- 1.28 Standard contents of notices to be delivered to persons other than the registrar of companies
- 1.29 Standard contents of all notices
- 1.30 Standard contents of notices relating to the office of office-holders
- 1.31 Standard contents of notices relating to documents
- 1.32 Standard contents of notices relating to court proceedings or orders
- 1.33 Standard contents of notices of the results of decisions
- 1.34 Standard contents of returns or reports of matters considered by company members by correspondence

CHAPTER 8

Applications to the court

[Note: the requirements in Chapter 8 must be read with...

1.35 Standard contents and authentication of applications to the court under Part A1 to 11 of the Act

CHAPTER 9

Delivery of documents and opting out (sections 246C, 248A, 379C and 383A)

Application of Chapter

- 1.36 (1) This Chapter applies where a document is required under...
- 1.37 Delivery to the creditors and opting out
- 1.38 Creditor's election to opt out
- 1.39 Office-holder to provide information to creditors on opting-out
- 1.40 Delivery of documents to authorised recipients
- 1.41 Delivery of documents to joint office-holders
- 1.42 Postal delivery of documents
- 1.43 Delivery by document exchange
- 1.44 Personal delivery of documents
- 1.45 Electronic delivery of documents
- 1.46 Electronic delivery of documents to the court
- 1.47 Electronic delivery of notices to enforcement officers
- 1.48 Electronic delivery by office-holders
 Use of website by office-holder to deliver a particular document (sections 246B and 379B)
- 1.49 (1) This rule applies for the purposes of sections 246B...
- 1.50 General use of website to deliver documents
- 1.51 Retention period for documents made available on websites
- 1.52 Proof of delivery of documents
- 1.53 Delivery of proofs and details of claims

CHAPTER 10

Inspection of documents, copies and provision of information

- 1.54 Right to copies of documents
- 1.55 Charges for copies of documents provided by the office-holder
- 1.56 Offence in relation to inspection of documents
- 1.57 Right to list of creditors
- 1.58 Confidentiality of documents: grounds for refusing inspection

PART 1A

MORATORIUMS

CHAPTER 1

Preliminary

[Note: in accordance with rules 4 and 5 of the...

1A.1 Application of Part 1A

CHAPTER 2

Obtaining moratorium by filing notice at court

- [Note: a document required by the Act or these Rules...
- 1A.2 Application of Chapter
- 1A.3 Obtaining a moratorium by filing documents at court (section A3): notice of filing
- 1A.4 The relevant documents: contents and requirements (section A6)
- 1A.5 The relevant documents: further requirements relating to the proposed monitor's statement and consent to act (section A6(1)(b))
- 1A.6 Directions

CHAPTER 3

Obtaining a moratorium by application to the court

[Note: a document required by the Act or these Rules...

- 1A.7 Application of Chapter
- 1A.8 Moratorium application (sections A4 and A5)
- 1A.9 The relevant documents: contents and requirements (section A6)
- 1A.10 The relevant documents: further requirements relating to the monitor's statement and consent to act (section A6(1)(b))

CHAPTER 4

Obligations to notify where moratorium comes into force

- 1A.11 Notice given by court where moratorium comes into force:
- 1A.12 Notice given by monitor where moratorium comes into force: standard contents and requirements

CHAPTER 5

Extending moratorium by filing notice with the court

[Note: a document required by the Act or these Rules...

- 1A.13 Application of Chapter
- 1A.14 Extending a moratorium by filing notice with the court (sections A10 and A11): notice of extension
- 1A.15 Documents filed with the court under sections A10(1) or A11(1) of the Act: contents and requirements
- 1A.16 Directions

CHAPTER 6

Extending moratorium by application to the court

[Note: a document required by the Act or these Rules...

- 1A.17 Application of Chapter
- 1A.18 Extending a moratorium by application to the court (section A13)
- 1A.19 Documents filed with the court under section A13(2): contents and requirements

CHAPTER 7

Notices about change in the end of moratorium

[Note: a document required by the Act or these Rules...

- 1A.20 Notification by directors to the monitor under section A17(1) of the Act: contents and requirements
- 1A.21 Notification by the monitor to the relevant persons under sections A17(2) or (3) of the Act: contents and requirements

CHAPTER 8

Notification by directors of insolvency proceedings

[Note: a document required by the Act or these Rules...

1A.22 Notification by directors to the monitor of insolvency proceedings (section A24)

CHAPTER 9

Termination of moratorium by monitor

[Note: a document required by the Act or these Rules...

- 1A.23 Notice bringing moratorium to an end (section A38)
- 1A.24 Debts that are to be disregarded for the purposes of section A38(1)(d) of the Act

CHAPTER 10

Replacement of monitor or appointment of additional monitor

[Note: a document required by the Act or these Rules...

1A.25 Replacement of monitor or appointment of additional monitor, monitor's statement and consent to act: contents and requirements (section A39(4))

1A.26 Notice to be given by monitor of replacement of monitor or appointment of additional monitor (section A39(8))

CHAPTER 11

Challenges	to	monitor	remuner	ation

[Note: a document required by the Act or these Rules...

1A.27 Challenges to monitor remuneration in subsequent insolvency proceedings

CHAPTER 12

Applications to court

[Note: a document required by the Act of these Rules...

- 1A.28 Application of Chapter
- 1A.29 Procedure for filing of application
- 1A.30 Service of the application
- 1A.31 Notice of opposition
- 1A.32 Notice where the court grants permission under section A31 or A32

PART 2

COMPANY VOLUNTARY ARRANGEMENTS (CVA)

CHAPTER 1

Preliminary

2.1 Interpretation

CHAPTER 2

The proposal for a CVA (section 1)

[Note: (1) section 1 of the Act sets out who...

(2) a document required by the Act or these Rules...

- 2.2 Proposal for a CVA: general principles and amendment
- 2.3 Proposal: contents

CHAPTER 3

Procedure for a CVA without a moratorium

- 2.4 Procedure for proposal where the nominee is not the liquidator or the administrator (section 2)
- 2.5 Information for the official receiver
- 2.6 Statement of affairs (section 2(3))
- 2.7 Application to omit information from statement of affairs delivered to creditors
- 2.8 Additional disclosure for assistance of nominee where the nominee is not the liquidator or administrator
- 2.9 Nominee's report on proposal where the nominee is not the liquidator or administrator (section 2(2))

2.10 Replacement of nominee (section 2(4))

CHAPTER 4

Procedure for a CVA with a moratorium

- [Note: a document required by the Act or these Rules...
- 2.11 Statement of affairs (paragraph 6(1)(b) of Schedule A1)
- 2.12 Application to omit information from a statement of affairs
- 2.13 The nominee's statement (paragraph 6(2) of Schedule A1)
- 2.14 Documents filed with court to obtain a moratorium (paragraph 7(1) of Schedule A1)
- 2.15 Notice and advertisement of beginning of a moratorium
- 2.16 Notice of continuation of a moratorium where physical meeting of creditors is summoned (paragraph 8(3B) of Schedule A1)
- 2.17 Notice of decision extending or further extending a moratorium (paragraph 36 of Schedule A1)
- 2.18 Notice of court order extending or further extending or continuing or renewing a moratorium (paragraph 34(2) of Schedule A1)
- 2.19 Advertisement of end of a moratorium (paragraph 11(1) of Schedule A1)
- 2.20 Disposal of charged property etc. during a moratorium
- 2.21 Withdrawal of nominee's consent to act (paragraph 25(5) of Schedule A1)
- 2.22 Application to the court to replace the nominee (paragraph 28 of Schedule A1)
- 2.23 Notice of appointment of replacement nominee
- 2.24 Applications to court to challenge nominee's actions etc. (paragraphs 26 and 27 of Schedule A1)

CHAPTER 5

Consideration of the proposal by the company members and creditors

- [Note: a document required by the Act or these Rules...
- 2.25 Consideration of proposal: common requirements (section 3)
- 2.26 Members' consideration at a meeting
- 2.27 Creditors' consideration by a decision procedure
- 2.28 Timing of decisions on proposal
- 2.29 Creditors' approval of modified proposal
- 2.30 Notice of members' meeting and attendance of officers
- 2.31 Requisition of physical meeting by creditors
- 2.32 Non-receipt of notice by members
- 2.33 Proposal for alternative supervisor
- 2.34 Chair at meetings
- 2.35 Members' voting rights
- 2.36 Requisite majorities of members
- 2.37 Notice of order made under section 4A(6) or paragraph 36(5) of Schedule A1
- 2.38 Report of consideration of proposal under section 4(6) and (6A) or paragraph 30(3) and (4) of Schedule A1

CHAPTER 6

Additional matters concerning and following approval of CVA

[Note: a document required by the Act or these Rules...

- 2.39 Hand-over of property etc. to supervisor
- 2.40 Revocation or suspension of CVA
- 2.41 Supervisor's accounts and reports
- 2.42 Production of accounts and records to the Secretary of State
- 2.43 Fees and expenses
- 2.44 Termination or full implementation of CVA

CHAPTER 7

Time recording information

[Note: a document required by the Act or these Rules...

2.45 Provision of information

PART 3

ADMINISTRATION

CHAPTER 1

Interpretation for this Part

[Note: a document required by the Act or these Rules...

- 3.1 Interpretation for Part 3
- 3.2 Proposed administrator's statement and consent to act

CHAPTER 2

Appointment of administrator by Court

- 3.3 Administration application (paragraph 12 of Schedule B1)
- 3.4 Administration application made by the directors
- 3.5 Administration application by the supervisor of a CVA
- 3.6 Witness statement in support of administration application
- 3.7 Filing of application
- 3.8 Service of application
- 3.9 Notice to enforcement agents charged with distress or other legal process, etc.
- 3.10 Notice of other insolvency proceedings
- 3.11 Intervention by holder of qualifying floating charge (paragraph 36(1)(b) of Schedule B1)
- 3.12 The hearing
- 3.13 The order
- 3.14 Order on an application under paragraph 37 or 38 of Schedule B1
- 3.15 Notice of administration order

CHAPTER 3

Appointment of administrator by holder of floating charge

ΓNc	te: a	document	required	by the	Act or	these	Rules
LINC	nc. a	document	reduned	DV IIIC	ACLUI	HILOSO	Nuics.

- 3.16 Notice of intention to appoint
- 3.17 Notice of appointment
- 3.18 Filing of notice with the court
- 3.19 Appointment by floating charge holder after administration application made
- 3.20 Appointment taking place out of court business hours: procedure
- 3.21 Appointment taking place out of court business hours: content of notice
- 3.22 Appointment taking place out of court business hours: legal effect

CHAPTER 4

Appointment of administrator by company or directors

[Note: a document required by the Act or these Rules...

- 3.23 Notice of intention to appoint
- 3.24 Notice of appointment after notice of intention to appoint
- 3.25 Notice of appointment without prior notice of intention to appoint
- 3.26 Notice of appointment: filing with the court

CHAPTER 5

Notice of administrator's appointment

[Note: a document required by the Act or these Rules...

3.27 Publication of administrator's appointment

CHAPTER 6

Statement of affairs

[Note: a document required by the Act or these Rules...

- 3.28 Interpretation
 - Statement of affairs: notice requiring and delivery to the administrator (paragraph 47(1) of Schedule B1)
- 3.29 (1) A requirement under paragraph 47(1) of Schedule B1 for... Statement of affairs: content (paragraph 47 of Schedule B1)
- 3.30 (1) The statement of the company's affairs must be headed...
- 3.31 Statement of affairs: statement of concurrence
- 3.32 Statement of affairs: filing
- 3.33 Statement of affairs: release from requirement and extension of time
- 3.34 Statement of affairs: expenses

CHAPTER 7

Administrator's proposals

[Note: a document required by the Act or these Rules...

3.35 Administrator's proposals: additional content

- 3.36 Administrator's proposals: statement of pre-administration costs
- 3.37 Advertising administrator's proposals and notices of extension of time for delivery of proposals (paragraph 49 of Schedule B1)
- 3.38 Seeking approval of the administrator's proposals
- 3.39 Invitation to creditors to form a creditors' committee
- 3.40 Notice of extension of time to seek approval
- 3.41 Notice of the creditors' decision on the administrator's proposals (paragraph 53(2))
- 3.42 Administrator's proposals: revision
- 3.43 Notice of result of creditors' decision on revised proposals (paragraph 54(6))

CHAPTER 8

Limited disclosure of statements of affairs and proposals

[Note: a document required by the Act or these Rules...

- 3.44 Application of Chapter
- 3.45 Orders limiting disclosure of statement of affairs etc.
- 3.46 Order for disclosure by administrator
- 3.47 Rescission or amendment of order for limited disclosure
- 3.48 Publication etc. of statement of affairs or statement of proposals

CHAPTER 9

Disposal of charged property

[Note: a document required by the Act or these Rules...

3.49 Disposal of charged property

CHAPTER 10

Expenses of the Administration

[Note: a document required by the Act or these Rules...

- 3.50 Expenses
- 3.51 Order of priority
- 3.51A Priority of moratorium debts in subsequent administration
 - 3.52 Pre-administration costs

CHAPTER 11

Extension and ending of administration

- 3.53 Interpretation
- 3.54 Application to extend an administration and extension by consent (paragraph 76(2) of Schedule B1)
- 3.55 Notice of automatic end of administration (paragraph 76 of Schedule B1)
- 3.56 Notice of end of administration when purposes achieved (paragraph 80(2) of Schedule B1)
- 3.57 Administrator's application for order ending administration (paragraph 79 of Schedule B1)

Document Generated: 2024-04-28

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Insolvency (England and Wales) Rules 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 3.58 Creditor's application for order ending administration (paragraph 81 of Schedule B1)
- 3.59 Notice by administrator of court order Moving from administration to creditors' voluntary winding up (paragraph 83 of Schedule B1)
- 3.60 (1) This rule applies where the administrator delivers to the...
- 3.61 Moving from administration to dissolution (paragraph 84 of Schedule B1)

CHAPTER 12

Replacing the administrator

[Note: a document required by the Act or these Rules...

- 3.62 Grounds for resignation
- 3.63 Notice of intention to resign
- 3.64 Notice of resignation (paragraph 87 of Schedule B1)
- 3.65 Application to court to remove administrator from office
- 3.66 Notice of vacation of office when administrator ceases to be qualified to act
- 3.67 Deceased administrator
- 3.68 Application to replace
- 3.69 Appointment of replacement or additional administrator
- 3.70 Administrator's duties on vacating office

PART 4

RECEIVERSHIP

[Note: for the application of this Part see introductory rule...

CHAPTER 1

Appointment of joint receivers or managers to whom Part 3 of the Act applies (other than those appointed under section 51 (Scottish receiverships))

[Note: a document required by the Act or these Rules...

4.1 Receivers or managers appointed under an instrument: acceptance of appointment (section 33)

CHAPTER 2

Administrative receivers (other than in Scottish receiverships)

- 4.2 Application of Chapter 2
- 4.3 Interpretation
- 4.4 Administrative receiver's security
- 4.5 Publication of appointment of administrative receiver (section 46(1)) Requirement to provide a statement of affairs (section 47(1))
- 4.6 (1) A requirement under section 47(1) for a nominated person... Statement of affairs: contents and delivery of copy (section 47(2))
- 4.7 (1) The statement of affairs must be headed "Statement of...
- 4.8 Statement of affairs: statement of concurrence
- 4.9 Statement of affairs: retention by administrative receiver

- 4.10 Statement of affairs: release from requirement and extension of time (section 47(5))
- 4.11 Statement of affairs: expenses
- 4.12 Limited disclosure
- 4.13 Administrative receiver's report to the registrar of companies and secured creditors (section 48(1))
- 4.14 Copy of report for unsecured creditors (section 48(2))
- 4.15 Invitation to creditors to form a creditors' committee
- 4.16 Disposal of charged property (section 43(1))
- 4.17 Summary of receipts and payments
- 4.18 Resignation
- 4.19 Deceased administrative receiver
- 4.20 Other vacation of office
- 4.21 Notice to registrar of companies (section 45(4))

CHAPTER 3

Non-administrative receivers and the prescribed part

[Note: a document required by the Act or these Rules...

- 4.22 Application of Chapter 3
- 4.23 Report to creditors
- 4.24 Receiver to deal with prescribed part

PART 5

MEMBERS' VOLUNTARY WINDING UP

CHAPTER 1

Statutory declaration of solvency (section 89)

[Note: a document required by the Act or these Rules... Statutory declaration of solvency: requirements additional to those in section 89

5.1 (1) The statutory declaration of solvency required by section 89...

CHAPTER 2

The liquidator

- 5.2 Appointment by the company
- 5.3 Meetings in members' voluntary winding up of authorised deposit-takers
- 5.4 Appointment by the court (section 108)
- 5.5 Cost of liquidator's security (section 390(3))
- 5.6 Liquidator's resignation
- 5.7 Removal of liquidator by the court
- 5.8 Removal of liquidator by company meeting
- 5.9 Delivery of proposed final account to members (section 94)
- 5.10 Final account prior to dissolution (section 94)
- 5.11 Deceased liquidator
- 5.12 Loss of qualification as insolvency practitioner
- 5.13 Liquidator's duties on vacating office

- 5.14 Application by former liquidator to the Secretary of State for release (section 173(2)(b))
- 5.15 Power of court to set aside certain transactions entered into by liquidator
- 5.16 Rule against improper solicitation by or on behalf of the liquidator

CHAPTER 3

Special manager

[Note: a document required by the Act or these Rules...

- 5.17 Application for and appointment of special manager (section 177)
- 5.18 Security
- 5.19 Failure to give or keep up security
- 5.20 Accounting
- 5.21 Termination of appointment

CHAPTER 4

Conversion to creditors' voluntary winding up

5.22 Statement of affairs (section 95(3))

PART 6

CREDITORS' VOLUNTARY WINDING UP

CHAPTER 1

Application of Part 6

6.1 Application of Part 6

CHAPTER 2

Statement of affairs and other information

[Note: a document required by the Act or these Rules...

Statement of affairs made out by the liquidator under section 95(1A)

- (2) the "official rate" referred to in paragraph (2)(c) is...
- 6.2 (1) This rule applies to the statement of affairs made...

 Statement of affairs made out by the directors under section 99(1)
- 6.3 (1) This rule applies to the statement of affairs made...
- 6.4 Additional requirements as to statements of affairs
- 6.5 Statement of affairs: statement of concurrence
- 6.6 Order limiting disclosure of statement of affairs etc.
- 6.7 Expenses of statement of affairs and decisions sought from creditors
- 6.8 Delivery of accounts to liquidator (section 235)
- 6.9 Expenses of assistance in preparing accounts

CHAPTER 3

Nomination and appointment of liquidators and information to creditors

- 6.10 Application of the rules in this Chapter
- 6.11 Nomination of liquidator and information to creditors on conversion from members' voluntary winding up (section 96)
- 6.12 Creditors' decision on appointment other than at a meeting (conversion from members' voluntary winding up)
- 6.13 Information to creditors and contributories (conversion of members' voluntary winding up into creditors' voluntary winding up)
- 6.14 Information to creditors and appointment of liquidator
- 6.15 Information to creditors and contributories
- 6.16 Further information where administrator becomes liquidator (paragraph 83(3) of Schedule B1)
- 6.17 Report by director etc.
- 6.18 Decisions on nomination
- 6.19 Invitation to creditors to form a liquidation committee

CHAPTER 4

The liquidator

- [Note: a document required by the Act or these Rules...
- 6.20 Appointment by creditors or by the company
- 6.21 Power to fill vacancy in office of liquidator
- 6.22 Appointment by the court (section 100(3) or 108)
- 6.23 Advertisement of appointment
- 6.23A Additional requirements as to advertisement where moratorium under Part A1 of the Act in force
 - 6.24 Cost of liquidator's security (section 390(3))
 - 6.25 Liquidator's resignation and replacement
 - 6.26 Removal of liquidator by creditors
- 6.27 Removal of liquidator by the court
- 6.28 Final account prior to dissolution (section 106)
- 6.29 Deceased liquidator
- 6.30 Loss of qualification as insolvency practitioner
- 6.31 Vacation of office on making of winding-up order
- 6.32 Liquidator's duties on vacating office
- 6.33 Application by former liquidator for release (section 173(2)(b))
- 6.34 Power of court to set aside certain transactions
- 6.35 Rule against improper solicitation
- 6.36 Permission for exercise of powers by liquidator

CHAPTER 5

Special Manager

- 6.37 Application for and appointment of special manager (section 177)
- 6.38 Security
- 6.39 Failure to give or keep up security
- 6.40 Accounting
- 6.41 Termination of appointment

CHAPTER 6

Priority of payment of costs and expenses, etc.

(10	a	1		
6.42	General	rule as	s to	priority

- 6.42A Priority of moratorium debts in subsequent winding up
 - 6.43 Saving for powers of the court

CHAPTER 7

Litigation expenses and property subject to a floating charge

[Note: a document required by the Act or these Rules...

- 6.44 Interpretation
- 6.45 Requirement for approval or authorisation
- 6.46 Request for approval or authorisation
- 6.47 Grant of approval or authorisation
- 6.48 Application to the court by the liquidator

PART 7

WINDING UP BY THE COURT

CHAPTER 1

Application of Part

7.1 Application of Part 7

CHAPTER 2

The statutory demand (sections 123(1)(a) and 222(1)(a))

- 7.2 Interpretation
- 7.3 The statutory demand

CHAPTER 3

Petition for winding-up order

[Notes: (1) for petitions by a contributory or relevant office-holder...

- 7.4 Application of this Chapter
- 7.5 Contents of petition
- 7.6 Verification of petition
- 7.7 Petition: presentation and filing
- 7.8 Court to which petition is to be presented where the company is subject to a CVA or is in administration
- 7.9 Copies of petition to be served on company or delivered to other persons
- 7.10 Notice of petition
- 7.11 Persons entitled to request a copy of petition
- 7.12 Certificate of compliance
- 7.13 Permission for the petitioner to withdraw
- 7.14 Notice by persons intending to appear

- 7.15 List of appearances
- 7.16 Witness statement in opposition
- 7.17 Substitution of creditor or contributory for petitioner
- 7.18 Order for substitution of petitioner
- 7.19 Notice of adjournment
- 7.20 Order for winding up by the court
- 7.21 Notice to official receiver of winding-up order
- 7.22 Delivery and notice of the order
- 7.23 Petition dismissed
- 7.24 Injunction to restrain presentation or notice of petition

CHAPTER 4

Petition by a contributory or a relevant office-holder

[Note: (1) "relevant office-holder" is defined in rule 7.4(2);

- (2) a document required by the Act or these Rules...
- 7.25 Interpretation and application of rules in Chapter 3
- 7.26 Contents of petition for winding-up order by a contributory
- 7.27 Petition presented by a relevant office-holder
- 7.28 Verification of petition
- 7.29 Presentation and service of petition
- 7.30 Request to appoint former administrator or supervisor as liquidator (section 140)
- 7.31 Hearing of petition
- 7.32 Order for winding up by the court of a company in administration or where there is a supervisor of a CVA in relation to the company

CHAPTER 5

Provisional liquidator

[Note: a document required by the Act or these Rules...

- 7.33 Application for appointment of provisional liquidator (section 135)
- 7.34 Deposit by applicant
- 7.35 Order of appointment of provisional liquidator
- 7.36 Notice of appointment of provisional liquidator
- 7.37 Security
- 7.38 Remuneration
- 7.39 Termination of appointment

CHAPTER 6

Statement of affairs and other information

- 7.40 Notice requiring statement of affairs (section 131)
- 7.41 Statement of affairs
- 7.42 Statement of affairs: statement of concurrence
- 7.43 Order limiting disclosure of statement of affairs etc.
- 7.44 Release from duty to submit statement of affairs: extension of time (section 131)
- 7.45 Statement of affairs: expenses

- 7.46 Delivery of accounts to official receiver
- 7.47 Further disclosure

CHAPTER 7

Reports and information to creditors and contributories

ı	Note: a	a document	required b	v the Act o	r these Rules
	1 1000. 0	a accuminent	required o	, the rice o	i ditobe itales

- 7.48 Reports by official receiver
- 7.49 Reports by official receiver: estimate of prescribed part
- 7.50 Further information where winding up follows administration
- 7.51 Notice of stay of winding up

CHAPTER 8

The liquidator

[Note: a document required by the Act or these Rules...

- 7.52 Choosing a person to be liquidator
- 7.53 Appointment of liquidator by creditors or contributories
- 7.54 Decision on nomination
- 7.55 Invitation to creditors and contributories to form a liquidation committee
- 7.56 Appointment by the court
- 7.57 Appointment by the Secretary of State
- 7.58 Cost of liquidator's security (section 390(3))
- 7.59 Appointment to be gazetted and notice given to registrar of companies
- 7.60 Hand-over of assets by official receiver to liquidator
- 7.61 Liquidator's resignation
- 7.62 Notice to official receiver of intention to vacate office
- 7.63 Decision of creditors to remove liquidator
- 7.64 Procedure on removal by creditors
- 7.65 Removal of liquidator by the court (section 172(2))
- 7.66 Removal of liquidator by the Secretary of State (section 172(4))
- 7.67 Deceased liquidator
- 7.68 Loss of qualification as insolvency practitioner
- 7.69 Application by liquidator for release (section 174(4)(b) or (d))
- 7.70 Release of official receiver
- 7.71 Final account prior to dissolution (section 146)
- 7.72 Relief from, or variation of, duty to report
- 7.73 Liquidator's duties on vacating office
- 7.74 Power of court to set aside certain transactions
- 7.75 Rule against improper solicitation

CHAPTER 9

Duties and powers of liquidator

- 7.76 General duties of liquidator
- 7.77 Permission for exercise of powers by liquidator
- 7.78 Enforced delivery up of company's property (section 234)

CHAPTER 10

Settlement of list of contributories

	Settlement of fist of contributories
	[Note: a document required by the Act or these Rules
7.79	Delegation to liquidator of power to settle list of contributories
7.80	Duty of liquidator to settle list (section 148)
7.81	Contents of list
7.82	Procedure for settling list
7.83	Application to court for variation of the list
7.84	Variation of, or addition to, the list
7.85	Costs of applications to vary etc. the list of contributories
	CHAPTER 11
	Calls on contributories

	[Note: a document required by the Act or these Rules
7.86	Making of calls by the liquidator (sections 150 and 160)
7.87	Sanction of the liquidation committee for making a call
7.88	Application to court for permission to make a call (sections 150 and 160)
7.89	Order giving permission to make a call
7.90	Making and enforcement of the call
7.91	Court order to enforce payment of call by a contributory

CHAPTER 12

Special manager

	[Note: a document required by the Act or these Rules
7.92	Application of this Chapter and interpretation
7.93	Appointment and remuneration of special manager (section 177)
7.94	Security
7.95	Failure to give or keep up security
7.96	Accounting
7.97	Termination of appointment

CHAPTER 13

	Public examination of company officers and others (section 133)
	[Note: a document required by the Act or these Rules
7.98	Applications relating to promoters, past managers etc. (section 133(1)(c))
7.99	Request by a creditor for a public examination (section 133(2))
7.100	Request by a contributory for a public examination
7.101	Further provisions about requests by a creditor or contributory for a public examination
7.102	Order for public examination
7.103	Notice of the public examination
7.104	Examinee unfit for examination
7.105	Procedure at public examination
	Adjournment
7 106	(1) The court may adjourn the public examination from time

7.107 Expenses of examination

CHAPTER 14

Priority of payment of costs and expenses, etc.

7.108	General rule as to priority
7.108A	Priority of moratorium debts in subsequent winding up
7.109	Winding up commencing as voluntary
7.110	Saving for powers of the court (section 156)

CHAPTER 15

Litigation expenses and property subject to a floating charge

[Note: a document required by the Act or these Rules...

- 7.111 Interpretation
- 7.112 Priority of litigation expenses
- 7.113 Requirement for approval or authorisation of litigation expenses
- 7.114 Requests for approval or authorisation
- 7.115 Grant of approval or authorisation
- 7.116 Application to the court by the liquidator

CHAPTER 16

MISCELLANEOUS RULES

[Note: a document required by the Act or these Rules...

Sub-division A: Return of capital

- 7.117 Application to court for order authorising return of capital
- 7.118 Procedure for return

Sub-division B: Dissolution after winding up

7.119 Secretary of State's directions under sections 203 and 205 and appeal

PART 8

INDIVIDUAL VOLUNTARY ARRANGEMENTS (IVA)

CHAPTER 1

Preliminary

8.1 Interpretation

CHAPTER 2

Preparation of the debtor's proposal for an IVA

- 8.2 Proposal for an IVA: general principles and amendment
- 8.3 Proposal: contents

- 8.4 Notice of nominee's consent
- 8.5 Statement of affairs (section 256 and 256A)
- 8.6 Application to omit information from statement of affairs delivered to creditors
- 8.7 Additional disclosure for assistance of nominee

CHAPTER 3

Cases in which an application for an interim order is made

[Note: a document required by the Act or these Rules...

- 8.8 Application for interim order
- 8.9 Court in which application is to be made
- 8.10 Order granting a stay
- 8.11 Hearing of the application
- 8.12 The interim order
- 8.13 Action to follow making of an interim order
- 8.14 Order extending period of an interim order (section 256(4))
- 8.15 Nominee's report on the proposal
- 8.16 Order extending period of interim order to enable the creditors to consider the proposal (section 256(5))
- 8.17 Replacement of the nominee (section 256(3))
- 8.18 Consideration of the nominee's report

CHAPTER 4

Cases where no interim order is to be obtained

[Note: a document required by the Act or these Rules...

- 8.19 Nominee's report (section 256A)
- 8.20 Court or hearing centre to which applications must be made where no interim order
- 8.21 Replacement of the nominee (section 256A(4))

CHAPTER 5

Consideration of the proposal by the creditors

[Note: a document required by the Act or these Rules...

- 8.22 Consideration of the proposal
- 8.23 Proposals for an alternative supervisor
- 8.24 Report of the creditors' consideration of a proposal

CHAPTER 6

Action following approval of an IVA

- 8.25 Hand-over of property, etc. to supervisor
- 8.26 Report to the Secretary of State of the approval of an IVA
- 8.27 Revocation or suspension of an IVA (section 262)
- 8.28 Supervisor's accounts and reports
- 8.29 Production of accounts and records to the Secretary of State

Document Generated: 2024-04-28

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Insolvency (England and Wales) Rules 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 8.30 Fees and expenses
- 8.31 Termination or full implementation of the IVA

CHAPTER 7

Applications to annul bankruptcy orders under sections 261(2)(a) and (b)

- [Note: a document required by the Act or these Rules...
- 8.32 Application by the bankrupt to annul the bankruptcy order (section 261(2) (a))
- 8.33 Application by the official receiver to annul the bankruptcy order (section 261(2)(b))
- 8.34 Order annulling bankruptcy
- 8.35 Notice of order
- 8.36 Advertisement of order
- 8.37 Trustee's final account

CHAPTER 8

Time recording information

[Note: a document required by the Act or these Rules...

8.38 Provision of information

PART 9

DEBT RELIEF ORDERS

CHAPTER 1

Interpretation

[Notes: (1) a debt relief order under Part 7A of...

- (2) "approved intermediaries" and "competent authority" are defined in section...
- 9.1 Debtor's family
- 9.2 Excluded debts

CHAPTER 2

Application for a debt relief order

[Note: a document required by the Act or these Rules...

- 9.3 Application for a debt relief order: information required in the application
- 9.4 Delivery of application
- 9.5 Role of approved intermediary

CHAPTER 3

Verifying the application and determining the debtor's income and property

- 9.6 Prescribed verification checks: conditions in paragraphs 1 to 8 of Schedule 4ZA of the Act
- 9.7 Determination of debtor's monthly surplus income

- 9.8 Determination of value of the debtor's property (paragraph 8 of Schedule 4ZA)
- 9.9 Property to be excluded in determining the value of a debtor's property

CHAPTER 4

Making or refusal of a debt relief order

Note: a	a document	required	by the	Act or	these	Rules

- 9.10 Contents of debt relief order
- 9.11 Other steps to be taken by official receiver or debtor upon making of the order
- 9.12 Prescribed information for creditors on making of debt relief order
- 9.13 Refusal of application for debt relief order

CHAPTER 5

Objection and revocation

- [Note: a document required by the Act or these Rules...
- 9.14 Meaning of "creditor"
- 9.15 Creditor's objection to a debt relief order (section 251K)
- 9.16 Official receiver's response to objection under section 251K
- 9.17 Creditor's request that a debt relief order be revoked (section 251L(4))
- 9.18 Procedure in revoking or amending a debt relief order (section 251L)
- 9.19 Debtor's notification of official receiver of matters in section 251J(3) or (5)
- 9.20 Death of debtor during a moratorium period under a debt relief order

CHAPTER 6

Applications to the court

[Note: a document required by the Act or these Rules...

- 9.21 Notice of application to court under section 251M
- 9.22 Court in which applications under sections 251M or 251N are to be made
- 9.23 Creditor's bankruptcy petition: creditor consents to making application for a debt relief order
- 9.24 Extension of moratorium period

CHAPTER 7

Permission to act as a director, etc.

- 9.25 Application for permission under the Company Directors Disqualification Act 1986
- 9.26 Report of official receiver
- 9.27 Court's order on application

10.1

10.10

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Insolvency (England and Wales) Rules 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PART 10

BANKRUPTCY

CHAPTER 1

The statutory demand

[Note: a document required by the Act or these Rules
The statutory demand (section 268)
Carriag of statutory domand

- 10.2 Service of statutory demand
- 10.3 Proof of service of statutory demand
- 10.4 Application to set aside statutory demand
- 10.5 Hearing of application to set aside

CHAPTER 2

CREDITORS' BANKRUPTCY PETITIONS

Preliminary

	[Note: a document required by the Act or these Rules
10.6	Application and interpretation
10.7	Contents of petition
10.8	Identification of debtor
10.9	Identification of debt

- 10.11 Court in which petition is to be presented
- 10.12 Procedure for presentation and filing of petition
- 10.13 Application to Chief Land Registrar to register petition
- 10.14 Service of petition and delivery of copies
- 10.15 Death of debtor before service

Verification of petition

- 10.16 Amendment of petition
- 10.17 Security for costs
- 10.18 Debtor's notice of opposition to petition
- 10.19 Notice by persons intending to appear
- 10.20 List of appearances
- 10.21 Hearing of petition
- 10.22 Postponement of hearing
- 10.23 Adjournment of the hearing
- 10.24 Decision on the hearing
- 10.25 Vacating registration on withdrawal of petition
- 10.26 Non-appearance of petitioning creditor
- 10.27 Substitution of petitioner
- 10.28 Order for substitution of petitioner
- 10.29 Change of carriage of petition
 Petitioner seeking dismissal or permission to withdraw
- 10.30 (1) Where the petitioner applies to the court for the...
- 10.31 Contents of bankruptcy order
- 10.32 Delivery and notice of the order
- 10.33 Application to Chief Land Registrar to register bankruptcy order

CHAPTER 3

Debtors' bankruptcy applications

	[Note: a document required by the Act or these Rules
10.34	Preliminary
10.35	Bankruptcy application for a bankruptcy order
10.36	Procedure for making a bankruptcy application and communication with the adjudicator
10.37	Application to the Chief Land Registrar to register a bankruptcy application
10.38	Verification checks
10.39	Determination of the bankruptcy application
10.40	The determination period
10.41	Settlement and contents of bankruptcy order
10.42	Refusal to make a bankruptcy order and contents of notice of refusal
10.43	Review of refusal to make a bankruptcy order
10.44	Appeal to the court following a review of refusal to make a bankruptcy order
10.45	Action to follow making of order
10.46	Application to the Chief Land Registrar
10.47	The bankruptcy file
10.48	Court to which applications are to be made
	CHAPTER 4
	The interim receiver
	[Note: a document required by the Act or these Rules
10.49	Application for appointment of interim receiver (section 286)
10.50	Deposit
10.51	Order of appointment
10.52	Security
10.53	Remuneration
10.54	Termination of appointment
	CHAPTER 5
	Disclosure of the bankrupt's affairs
	[Note: a document required by the Act or these Rules
	Sub-division A: creditor's petition
10.55	Notice requiring statement of affairs (section 288)
10.56	Statement of affairs
10.57	Limited disclosure
10.58	Requirement to submit statement of affairs and extension of time
	(section 288(3))
10.59	Expenses of assisting bankrupt to prepare statement of affairs
10.60	Delivery of accounts to official receiver
10.61	Further disclosure

	Sub-division	В:	Bankruptcy	app	lication
--	--------------	----	------------	-----	----------

10.62 10.63 10.64 10.65	Preliminary Delivery of accounts to official receiver Expenses of preparing accounts Further disclosure
	Sub-division C: Reports by the official receiver
10.66	Reports by the official receiver
	CHAPTER 6
	THE TRUSTEE IN BANKRUPTCY
	[Note: a document required by the Act or these Rules
	Sub-division A: appointment and associated formalities
10.67	Appointment by creditors of new trustee
10.68	Certification of appointment
10.69	Cost of the trustee's security (section 390(3))
10.70	Creditors' decision to appoint a trustee
10.71	Appointment by the court (section 291A(2))
10.72	Appointment by the Secretary of State
10.73	Authentication of trustee's appointment
10.74 10.75	Appointment to be gazetted Hand-over of bankrupt's estate by official receiver to trustee
10.75	Invitation to creditors to form a creditors' committee
	Sub-division B: resignation and removal
10.77	Trustee's resignation and appointment of replacement (section 298(7))
10.77	Decision of creditors to remove trustee (section 298(1))
10.78	Procedure on removal by creditors
10.79	Removal of trustee by the court (section 298(1))
10.81	Removal of trustee by the Secretary of State (section 298(5))
10.82	Notice of resignation or removal
10.83	Release of removed trustee (section 299)
10.84	Deceased trustee
10.85	Loss of qualification as insolvency practitioner (section 298(6))
	Sub-division C: release on completion of administration of bankrupt's estate
10.86	Release of official receiver on completion of administration (section 299)
10.87	Vacation of office on completion of bankruptcy (sections 298(8) and 331)
10.88	Rule as to reporting
10.89	Notice to official receiver of intention to vacate office
10.90	Trustee's duties on vacating office
10.91	Power of the court to set aside certain transactions
10.92	Rule against improper solicitation
10.93	Enforcement of trustee's obligations to official receiver (section 305(3))

CHAPTER 7

Special manager

	[Note: a document required by the Act or these Rules Application for and order of appointment of special manager (section 370)
10.94	(1) An application by the interim receiver or trustee under
10.95	Security
10.96	Failure to give or keep up security
10.97	Accounting
10.98	Termination of appointment

CHAPTER 8

Public examination of bankrupt

	[Note: a document required by the Act or these Rules
	Order for public examination of bankrupt
10.99	(1) This rule applies to a court order for the
10.100	Notice of public examination
10.101	Order for public examination requested by creditors
	Bankrupt unfit for examination
10.102	(1) Where the bankrupt is a person who lacks capacity
10.103	Procedure at public examination
	Adjournment
10.104	(1) The court may adjourn the public examination from time
10.105	Expenses of examination
	•

CHAPTER 9

Replacement of exempt property

10.106	Purchase of replacement property
10.107	Money provided in lieu of sale

CHAPTER 10

Income payments orders

	[Note: a document required by the Act or these Rules
10.108	Interpretation
10.109	Application for income payments order (section 310)
10.110	Order for income payments order
10.111	Action to follow making of order
10.112	Variation of order
10.113	Order to payer of income: administration
10.114	Review of order

CHAPTER 11

Income payments agreements

Document Generated: 2024-04-28

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Insolvency (England and Wales) Rules 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

10.114A	Interpretation
10.1147	Approval of income payments agreements
10.116	Acceptance of income payments agreements
10.117	Variation of income payments agreements
10.117	variation of meome payments agreements
	CHAPTER 12
Application	ons for production of documents by Her Majesty's Revenue and Customs (section 369)
	[Note: a document required by the Act or these Rules
10.118	Application for order
10.119	Making and service of the order
10.120	Custody of documents
	CHAPTER 13
	Mortgaged property
	[Note: a document required by the Act or these Rules
10.121	Interpretation
10.122	Claim by mortgagee of land
10.123	Power of court to order sale
10.124	Proceeds of sale
	CHAPTER 14
	After-acquired property
10.125 10.126	Duties of bankrupt in relation to after-acquired property Trustee's recourse to person to whom property disposed
	CHAPTER 15
	Permission to act as director, etc.
	[Note: a document required by the Act or these Rules
10.127	Interpretation
10.128	Application for permission
10.129	Report of official receiver
10.130	Court's order on application
10.131	Costs under this Chapter
	CHAPTER 16
	Annulment of bankruptcy order
	[Note: a document required by the Act or these Rules
10.132	Application for annulment
10.133	Report by trustee
10.134	Applicant's claim that remuneration or expenses are excessive
10.135	Power of court to stay proceedings
10.136	Notice to creditors who have not proved
10.137	The hearing

10.138 10.139	Matters to be proved under section 282(1)(b) Notice to creditors
10.140 10.141	Other matters arising on annulment Trustee's final account
	CHAPTER 17
	Discharge
10.142	[Note: a document required by the Act or these Rules Application for suspension of discharge
10.143	Lifting of suspension of discharge
10.144	Certificate of discharge from bankruptcy order made otherwise than on a
10.145	bankruptcy application Certificate of discharge from bankruptcy order made on a bankruptcy
	application Bankrupt's debts surviving discharge
10.146 10.147	Discharge does not release the bankrupt from any obligation arising— Costs under this Chapter
	CHAPTER 18
	Priority of payment of costs etc. out of the bankrupt's estate
	[Note: a document required by the Act or these Rules
10.148 10.149	Expenses General rule as to priority
	CHAPTER 19
	Second bankruptcy
	[Note: a document required by the Act or these Rules Scope of this Chapter
10.150	The rules in this Chapter relate to the manner in
10.151	General duty of existing trustee
10.152 10.153	Delivery up to later trustee
10.133	Existing trustee's expenses
	CHAPTER 20
	Criminal bankruptcy
0.153A	[Note: a document required by the Act or these Rules Application
10.154	Contents of petition
10.155	Status and functions of Official Petitioner
10.156	Interim receivership
10.157 10.158	Proof of bankruptcy debts and notice of order Rules not applying in criminal bankruptcy
10.158	Annulment of criminal bankruptcy order
10.160	Application by bankrupt for discharge
10.161	Report of official receiver

1

10.162 Order of discharge

Deferment of issue of order pending appeal

10.163

11.6

11.7 11.8

11.9

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Insolvency (England and Wales) Rules 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

10.164	Costs under this Chapter
	CHAPTER 21
	Miscellaneous rules in bankruptcy
	[Note: a document required by the Act or these Rules
10.165	Amendment of title of proceedings
10.166	Application for redirection order
10.167	Bankrupt's home: property falling within section 283A
10.168	Application in relation to the vesting of an interest in a dwelling-house (registered land)
10.169	Vesting of bankrupt's interest (unregistered land)
	Vesting of bankrupt's estate: substituted period
10.170	(1) For the purposes of section 283A(2) the period of
10.171	Charging order
	PART 11
	BANKRUPTCY AND DEBT RELIEF RESTRICTIONS ORDERS
	AND UNDERTAKINGS AND THE INSOLVENCY REGISTERS
	CHAPTER 1
	Interpretation
11.1	References to the Secretary of State
	CHAPTER 2
	Bankruptcy and debt relief restrictions orders (Schedules 4ZB and 4A)
11.2	[Note: a document required by the Act or these Rules Application for a bankruptcy or debt relief restrictions order
11.3	Service of the application on the bankrupt or debtor
11.4	The bankrupt's or debtor's evidence opposing an application
11.5	Making a bankruptcy or debt relief restrictions order
	CHAPTER 3
	Interim bankruptcy and debt relief restrictions orders

[Note: a document required by the Act or these Rules...

Application to set aside an interim order

Order setting aside an interim order

Application for an interim bankruptcy or debt relief restrictions order Making an interim bankruptcy or debt relief restrictions order

CHAPTER 4

Bankruptcy restrictions and debt relief restrictions undertakings

[Note: a document required by the Act or these Rules
Acceptance of a hankruntcy restrictions or a debt relief restrict

- 11.10 Acceptance of a bankruptcy restrictions or a debt relief restrictions undertaking
- 11.11 Notification
- 11.12 Application to annul a bankruptcy restrictions or a debt relief restrictions undertaking

CHAPTER 5

Insolvency Registers: General

11.13 Maintenance of the registers and inspection

CHAPTER 6

Individual insolvency register

- 11.14 Entry of information on the individual insolvency register: IVAs
- 11.15 Deletion of information from the individual insolvency register: IVAs
- 11.16 Entry of information on to the individual insolvency register: bankruptcy orders
- 11.17 Deletion of information from the individual insolvency register: bankruptcy orders
- 11.18 Entry of information on to the individual insolvency register: debt relief orders
- 11.19 Deletion of information from the individual insolvency register: debt relief orders

CHAPTER 7

Bankruptcy and debt relief restrictions register

- 11.20 Bankruptcy restrictions and debt relief restrictions orders and undertakings: entry of information on the registers
- 11.21 Deletion of information from the registers

CHAPTER 8

Rectification of registers and death of persons on register

- 11.22 Rectification of the registers
- 11.23 Death of a person about whom information is held on a register

PART 12

COURT PROCEDURE AND PRACTICE

CHAPTER 1

General

Application of the Civil Procedure Rules 1998

- 12.1 Court rules and practice to apply
- 12.2 Performance of functions by the Court

CHAPTER 2

Commencement of insolvency proceedings in the County Court

[A document required by the Act or these Rules must...

- 12.3 Commencement of insolvency proceedings under Part A1 to 7 of the Act (corporate insolvency proceedings)
- 12.4 Commencement of insolvency proceedings under Parts 7A to 11 of the Act (personal insolvency proceedings; bankruptcy)
- 12.5 Allocation of proceedings to the London Insolvency District

CHAPTER 3

Making applications to court: general

[Note: (1) a document required by the Act or these...

- (2) Paragraphs 3 and 4 of Schedule 5 make provision...
- (3) the rules about the applications referred to in rule...
- 12.6 Preliminary
 Filing of application
- 12.7 An application filed with the court in hard-copy form must...
- 12.8 Fixing the venue
- 12.9 Service or delivery of application
- 12.10 Hearing in urgent case
- 12.11 Directions
- 12.12 Hearing and determination without notice
- 12.13 Adjournment of the hearing of an application

CHAPTER 4

Making applications to court: specific applications

[Note: a document required by the Act or these Rules...

Sub-division A: Applications in connection with section 176A (prescribed part)

- 12.14 Applications under section 176A(5) to disapply section 176A
- 12.15 Notice of application under section 176A(5)
- 12.16 Notice of an order under section 176A(5)

Sub-division B: Applications for private examination (sections 236, 251N and 366)

[Note: for rules about public examinations see Chapter 13 of...

- 12.17 Application of this sub-division and interpretation
- 12.18 Contents of application
- 12.19 Order for examination etc.
- 12.20 Procedure for examination
- 12.21 Record of examination
- 12.22 Costs of proceedings under sections 236, 251N and 366

Sub-division C – persons unable to manage own property or affai	Sub-division	C-	persons	unable to	manage	own	property	or	affair
---	--------------	----	---------	-----------	--------	-----	----------	----	--------

12.23 <i>A</i>	Application	and inter	pretation
----------------	-------------	-----------	-----------

- 12.24 Appointment of another person to act
- 12.25 Witness statement in support of application
- 12.26 Service of notices following appointment

CHAPTER 5

Obtaining information and evidence

[Note: a document required by the Act or these Rules...

- 12.27 Further information and disclosure
- 12.28 Witness statements and reports
- 12.29 Evidence provided by the official receiver, an insolvency practitioner or a special manager

CHAPTER 6

Transfer of proceedings

[Note: a document required by the Act or these Rules...

Sub-division A: General

- 12.30 General power of transfer
- 12.31 Proceedings commenced in the wrong court
- 12.32 Applications for transfer
- 12.33 Procedure following order for transfer
- 12.34 Consequential transfer of other proceedings

Sub-division B: Block transfer of cases where insolvency practitioner has died etc.

- 12.35 Interpretation
- 12.36 Power to make a block transfer order
- 12.37 Application for a block transfer order
- 12.38 Action following application for a block transfer order

CHAPTER 7

The court file

[Note: a document required by the Act or these Rules...

- 12.39 The court file
- 12.40 Office copies of documents

CHAPTER 8

Costs

- 12.41 Application of Chapter and interpretation
- 12.42 Requirement to assess costs by the detailed procedure
- 12.43 Procedure where detailed assessment is required

Document Generated: 2024-04-28

13.3

13.4

13.5

Application for directions

Official receiver's expenses

Official receiver not to be appointed liquidator or trustee

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Insolvency (England and Wales) Rules 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

12.44	Costs of officers charged with execution of writs or other process
12.45	Petitions presented by insolvent companies
12.46	Costs paid otherwise than out of the insolvent estate
12.47	Awards of costs against an office-holder, the adjudicator or the official receiver
12.48	Applications for costs
12.49	Costs and expenses of petitioners and other specified persons
12.50	Final costs certificate
	CHAPTER 9
	Enforcement procedures
12.51	[Note: a document required by the Act or these Rules
12.51	Enforcement of court orders
12.52	Orders enforcing compliance
12.53	Warrants (general provisions)
12.54	Warrants under sections 134 and 364
12.55	Warrants under sections 236, 251N and 366
12.56	Warrants under section 365
12.57	Execution overtaken by judgment debtor's insolvency
	CHAPTER 10
	Appeals
12.58	[Note: a document required by the Act or these Rules Application of Chapter
12.59	Appeals and reviews of court orders in corporate insolvency
12.60	Appeals in bankruptcy by the Secretary of State
12.61	Procedure on appeal
12.62	Appeals against decisions of the Secretary of State or official receiver
	CHAPTER 11
	Court orders, formal defects and shorthand writers
12.62	[Note: a document required by the Act or these Rules
12.63	Court orders
12.64	Formal defects
12.65	Shorthand writers: nomination etc.
	PART 13
	OFFICIAL RECEIVERS
13.1	Official receivers in court
13.2	Persons entitled to act on official receiver's behalf

PART 14

CLAIMS BY AND DISTRIBUTIONS TO CREDITORS IN A MORATORIUM, ADMINISTRATION, WINDING UP AND BANKRUPTCY

CHAPTER 1

Application and interpretation

Application of Part 14 and interpretation

14.1 (1) This Part applies to decision procedures in respect of...

CHAPTER 2

Creditors' claims in a moratorium, administration, winding up and bankruptcy

[Note: a document required by the Act or these Rules...

- 14.2 Provable debts
- 14.3 Proving a debt
- 14.4 Requirements for proof
- 14.5 Costs of proving
- 14.6 Allowing inspection of proofs
- 14.7 Admission and rejection of proofs for dividend
- 14.8 Appeal against decision on proof
- 14.9 Office-holder not liable for costs under rule 14.8
- 14.10 Withdrawal or variation of proof
- 14.11 Exclusion of proof by the court

Administration and winding up by the court: debts of insolvent company to rank equally

- 14.12 (1) This rule applies in an administration and a winding... Administration and winding up: division of unsold assets
- 14.13 (1) This rule applies in an administration or in a...
- 14.14 Moratorium, administration and winding up: estimate of value of debt
- 14.15 Secured creditor: value of security
- 14.16 Secured creditor: surrender for non-disclosure
- 14.17 Secured creditor: redemption by office-holder
- 14.18 Secured creditor: test of security's value
- 14.19 Realisation or surrender of security by creditor
- 14.20 Discounts
- 14.21 Debts in foreign currency
- 14.22 Payments of a periodical nature Interest
- 14.23 (1) Where a debt proved in insolvency proceedings bears interest,...
- 14.23A Moratoriums under Part A1 of the Act: mutual dealings and set off
 - 14.24 Administration: mutual dealings and set-off
 - 14.25 Winding up: mutual dealings and set-off

CHAPTER 3

Distribution to creditors in administration, winding up and bankruptcy

[Note: a document required by the Act or these Rules...

14.26 Application of Chapter to a particular class of creditors and to distributions

Document Generated: 2024-04-28

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Insolvency (England and Wales) Rules 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

	Declaration and distribution of dividends in a winding up
14.27	Whenever a liquidator in a creditors' voluntary winding up or
14.28	Gazette notice of intended first dividend or distribution
14.29	Individual notices to creditors etc. of intended dividend or distribution
14.30	Contents of notice of intention to declare a dividend or make a distribution
14.31	Further contents of notice to creditors owed small debts etc.
14.32	Admission or rejection of proofs following last date for proving
14.33	Postponement or cancellation of dividend
14.34	Declaration of dividend
14.35	Notice of declaration of a dividend
11.50	Last notice about dividend in a winding up
14.36	(1) When the liquidator in a winding up has realised
14.37	Contents of last notice about dividend (administration, winding up and
14.57	bankruptcy)
	Sole or final dividend
14.38	(1) Where, in an administration or winding up, it is
14.50	Administration and winding up: provisions as to dividends
14.39	In an administration or winding up, in the calculation and
14.40	Supplementary provisions as to dividends and distributions
14.41	Secured creditors
14.42	Disqualification from dividend
14.43	Assignment of right to dividend
14.44	Debt payable at future time
1	Administration and winding up: non-payment of dividend
14.45	(1) No action lies against the office-holder in an administration
1 1. 10	PART 15
	raki 13
	DECISION MAKING
	CHAPTER 1
	Application of Part
15.1	Application of Part
	CHAPTER 2
	Decision procedures
	Decision procedures
	[Note: a document required by the Act or these Rules
15.2	Interpretation
	The prescribed decision procedures
15.3	The following decision procedures are prescribed as decision procedures
	under
15.4	Electronic voting
15.5	Virtual meetings
15.6	Physical meetings
	Deemed consent (sections 246ZF and 379ZB)
15.7	(1) This rule makes further provision about the deemed consent

CHAPTER 3

Notices, voting and venues for decisions

	[Note: a document required by the Act or these Rules
15.8	Notices to creditors of decision procedure
15.9	Voting in a decision procedure
15.10	Venue for decision procedure
	Notice of decision procedures or of seeking deemed consent: when and to whom delivered
15.11	(1) Notices of decision procedures, and notices seeking deemed consent,
15.12	Notice of decision procedure by advertisement only
15.13	Gazetting and advertisement of meeting
15.14	Notice to company officers, bankrupts etc. in respect of meetings
15.15	Non-receipt of notice of decision
15.16	Decisions on remuneration and conduct

CHAPTER 4

Decision making in particular proceedings

[Note: a document required by the Act or these Rules...

15.17 Decisions in winding up of authorised deposit-takers

CHAPTER 5

Requisitioned decisions

[Note: a document required by the Act or these Rules... Requisitions of decision

- 15.18 (1) In this Chapter, "requisitioned decision" means a decision on...
- 15.19 Expenses and timing of requisitioned decision

CHAPTER 6

Constitution of meetings

15.20	Quorum at meetings
15.21	Chair at meetings
15.22	The chair – attendance, interventions and questions

CHAPTER 7

Adjournment and suspension of meetings

15.23	Adjournment by chair
15.23A	Adjournment of meeting in, or for the purposes of, a moratorium under Par
	A1 of the Act
15.24	Adjournment of meetings to remove a liquidator or trustee
15.25	Adjournment in absence of chair
15.26	Proofs in adjournment
15.27	Suspension

CHAPTER 8

	Creditors' voting rights and majorities
15.28 15.29 15.30 15.31 15.32 15.33 15.34 15.35	[Note: a document required by the Act or these Rules Creditors' voting rights Scheme manager's voting rights Claim made in proceedings in other member States Calculation of voting rights Calculation of voting rights: special cases Procedure for admitting creditors' claims for voting Requisite majorities Appeals against decisions under this Chapter
	CHAPTER 9
	Exclusions from meetings
15.36 15.37 15.38	[Note: a document required by the Act or these Rules Action where person excluded Indication to excluded person Complaint
	CHAPTER 10
	Contributories' voting rights and majorities
15.39	Contributories' voting rights and requisite majorities
	CHAPTER 11
	Records
15.40	Record of a decision
	CHAPTER 12
	Company meetings
15.41 15.42 15.43 15.44 15.45 15.46	Company meetings Remote attendance: notification requirements Location of company meetings Action where person excluded Indication to excluded person Complaint
	PART 16
	PROXIES AND CORPORATE REPRESENTATION

- Application and interpretation 16.1
- Specific and continuing proxies 16.2
- 16.3 Blank proxy

1 / 1	TT		•
16.4	Use	of t	proxies

- 16.5 Use of proxies by the chair
- 16.6 Right of inspection and retention of proxies
- 16.7 Proxy-holder with financial interest Corporate representation: bankruptcy and IVA
- 16.8 (1) If a corporation is a creditor in a bankruptcy...
- 16.9 Instrument conferring authorisation to represent corporation

PART 17

CREDITORS' AND LIQUIDATION COMMITTEES

CHAPTER 1

Introductory

17.1 Scope and interpretation

CHAPTER 2

Functions of a committee

17.2 Functions of a committee

CHAPTER 3

Membership and formalities of formation of a committee

[Note: (1) a document required by the Act or these...

(2) see sections 215, 362, 363, 365, 371 and 374...

Number of members of a committee

- 17.3 (1) A committee in an administration, administrative receivership or a...
- 17.4 Eligibility for membership of creditors' or liquidation committee
- 17.5 Establishment of committees
- 17.6 Liquidation committee established by contributories
- 17.7 Notice of change of membership of a committee
- 17.8 Vacancies: creditor members of creditors' or liquidation committee
- 17.9 Vacancies: contributory members of liquidation committee
- 17.10 Resignation
- 17.11 Termination of membership
- 17.12 Removal
- 17.13 Cessation of liquidation committee in a winding up when creditors are paid in full

CHAPTER 4

Meetings of Committee

- 17.14 Meetings of committee
- 17.15 The chair at meetings
- 17.16 Quorum
- 17.17 Committee-members' representatives
- 17.18 Voting rights and resolutions

Document Generated: 2024-04-28

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Insolvency (England and Wales) Rules 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 17.19 Resolutions by correspondence
- 17.20 Remote attendance at meetings of committee
- 17.21 Procedure for requests that a place for a meeting should be specified

CHAPTER 5

Supply of information by the office-holder to the committee

[Note: a document required by the Act or these Rules... Notice requiring office-holder to attend the creditors' committee (administration and administrative receivership) (paragraph 57(3)(a) of Schedule B1 and section 49(2))

- 17.22 (1) This rule applies where— (a) a committee in an...

 Office-holder's obligation to supply information to the committee (winding up and bankruptcy)
- 17.23 (1) This rule applies in relation to a creditors' voluntary...

CHAPTER 6

Miscellaneous

[Note: a document required by the Act or these Rules...

- 17.24 Expenses of members etc.
- 17.25 Dealings by committee members and others
- 17.26 Dealings by committee members and others: administration and administrative receivership

 Formal defects
- 17.27 (1) The acts of a creditors' committee or a liquidation...
- 17.28 Special rule for winding up by the court and bankruptcy: functions vested in the Secretary of State

CHAPTER 7

Winding up by the court following an administration

[Note: a document required by the Act or these Rules... Continuation of creditors' committee

17.29 (1) This rule applies where—(a) a winding-up order has...

PART 18

REPORTING AND REMUNERATION OF OFFICE-HOLDERS

[Note: this Part does not apply to the official receiver...

CHAPTER 1

Introductory

18.1 Scope of Part 18 and interpretation

CHAPTER 2

Progress reports

- [Note: a document required by the Act or these Rules...
- 18.2 Reporting by the office-holder Contents of progress reports in administration, winding up and bankruptcy
- 18.3 (1) The office-holder's progress report in an administration, winding up...
- 18.4 Information about remuneration
- 18.5 Information about pre-administration costs
- 18.6 Progress reports in administration: timing
- 18.7 Progress reports in voluntary winding up: timing
- 18.8 Progress reports in winding up by the court and bankruptcy: timing
- 18.9 Creditors' and members' requests for further information in administration, winding up and bankruptcy
- 18.10 Administration, creditors' voluntary liquidation and compulsory winding up: reporting distribution of property to creditors under rule 14.13
- 18.11 Voluntary winding up: reporting arrangement under section 110
- 18.12 Members' voluntary winding up: reporting distribution to members other than under section 110
- 18.13 Bankruptcy proceedings: reporting distribution of property to creditors under section 326

CHAPTER 3

Final accounts in winding up and final reports in bankruptcy

[Note: a document required by the Act or these Rules...

18.14 Contents of final account (winding up) and final report (bankruptcy)

CHAPTER 4

Remuneration and expenses in administration, winding up and bankruptcy

- 18.15 Application of Chapter
- 18.16 Remuneration: principles
- 18.17 Remuneration of joint office-holders
- 18.18 Remuneration: procedure for initial determination in an administration
- 18.19 Remuneration: procedure for initial determination in a members' voluntary winding up
- 18.20 Remuneration: procedure for initial determination in a creditors' voluntary winding up or a winding up by the court
- 18.21 Remuneration: procedure for initial determination in a bankruptcy
- 18.22 Application of scale fees where creditors fail to fix the basis of the office-holder's remuneration
- 18.23 Remuneration: application to the court to fix the basis
- 18.24 Remuneration: administrator, liquidator or trustee seeking increase etc.
- 18.25 Application for an increase etc. in remuneration: the general rule
- 18.26 First exception: administrator has made a statement under paragraph 52(1) (b) of Schedule B1
- 18.27 Second exception: administrator who had applied for increase etc. under rule 18.24 becomes liquidator

- 18.28 Remuneration: recourse by administrator, liquidator or trustee to the court
- 18.29 Remuneration: review at request of administrator, liquidator or trustee
- 18.30 Remuneration: exceeding the fee estimate
- 18.31 Remuneration: new administrator, liquidator or trustee
- 18.32 Remuneration: apportionment of set fees
- 18.33 Remuneration: variation of the application of rules 18.29, 18.30 and 18.32
- 18.34 Remuneration and expenses: application to court by a creditor or member on grounds that remuneration or expenses are excessive

 Remuneration and expenses: application to court by a bankrupt on grounds that remuneration or expenses are excessive
- 18.35 (1) A bankrupt may, with the permission of the court,...
- 18.36 Applications under rules 18.34 and 18.35 where the court has given permission for the application
- 18.37 Applications under rule 18.34 where the court's permission is not required for the application
- 18.38 Remuneration of a liquidator or trustee who realises assets on behalf of a secured creditor

PART 19

Disclaimer in winding up and bankruptcy

[Note: a document required by the Act or these Rules...

- 19.1 Application of this Part
- 19.2 Notice of disclaimer (sections 178 and 315)
- 19.3 Notice of disclaimer to interested persons (sections 178 and 315)
- 19.4 Notice of disclaimer of leasehold property (sections 179 and 317)
- 19.5 Notice of disclaimer in respect of a dwelling house (bankruptcy) (section 318)
- 19.6 Additional notices of disclaimer
- 19.7 Records
- 19.8 Application for permission to disclaim in bankruptcy (section 315(4))
- 19.9 Application by interested party for decision on disclaimer (sections 178(5) and 316)
- 19.10 Disclaimer presumed valid and effective
- 19.11 Application for exercise of court's powers under section 181 (winding up) or section 320 (bankruptcy)

PART 20

Debtors and their families at risk of violence: orders not to disclose current address

- 20.1 Application of this Part and interpretation
- 20.2 Proposed IVA (order for non-disclosure of current address)
- 20.3 IVA (order for non-disclosure of current address)
- 20.4 Debt relief application (order for non-disclosure of current address)
- 20.5 Bankruptcy application (order for non-disclosure of current address)
- 20.6 Bankruptcy and debt relief proceedings (order for non-disclosure of current address)
- 20.7 Additional provisions in respect of orders under rule 20.6(4)

PART 21

The EU Regulation

I	[Note: a doc	ument requ	ired by	the Act or	r these Rules

- 21.1 Interpretation for this Part
- 21.1A Where an application is made to the court under the...
 - 21.2 Conversion into winding up proceedings or bankruptcy: application
 - 21.3 Conversion into winding up proceedings or bankruptcy: court order
 - 21.4 Confirmation of creditors' voluntary winding up: application
 - 21.5 Confirmation of creditors' voluntary winding up: court order
 - 21.6 Confirmation of creditors' voluntary winding up: notice to member State liquidator
 - 21.7 Proceedings in another member State: duty to give notice
 - 21.8 Member State liquidator: rules on creditors' participation in proceedings
 - 21.9 Main proceedings in England and Wales: undertaking by office-holder in respect of assets in another member State (Article 36 of the EU Regulation)
- 21.10 Main proceedings in another member State: approval of undertaking offered by the member State liquidator to local creditors in the UK
- 21.11 Powers of an office-holder or member State liquidator in proceedings concerning members of a group of companies (Article 60 of the EU Regulation)
- 21.12 Group coordination proceedings (Section 2 of Chapter 5 of the EU Regulation)
- 21.13 Group coordination order (Article 68 EU Regulation)
- 21.14 Delivery of group coordination order to registrar of companies
- 21.15 Office-holder's report
- 21.16 Publication of opening of proceedings by a member State liquidator
- 21.17 Statement by member State liquidator that insolvency proceedings in another member State are closed etc

PART 22

PERMISSION TO ACT AS DIRECTOR ETC. OF COMPANY WITH A PROHIBITED NAME (SECTION 216)

[Note: a document required by the Act or these Rules...

- 22.1 Preliminary
- 22.2 Application for permission under section 216(3)
- 22.3 Power of court to call for liquidator's report
- 22.4 First excepted case
- 22.5 Statement as to the effect of the notice under rule 22.4(2)
- 22.6 Second excepted case
- 22.7 Third excepted case Signature

SCHEDULE 1 — Revocations

SCHEDULE 2 — Transitional and savings provisions

- 1. General
- 2. Requirement for office-holder to provide information to creditors on opting out

- 3. Electronic communication
- 4. Statements of affairs
- 5. Savings in respect of meetings taking place on or after the commencement date and resolutions by correspondence
- 6. Savings in respect of final meetings taking place on or after the commencement date
- 7. Progress reports and statements to the registrar of companies
- 8. Foreign currency
- 9. CVA moratoria
- 10. Priority of expenses of voluntary arrangements
- 11. General powers of liquidator
- 12. Fast-track voluntary arrangements
- 13. First trustee in bankruptcy
- 14. Applications before the court
- 15. Forms
- 16. Registers
- 17. Administrations commenced before 15th September 2003
- 18. Set-off in insolvency proceedings commenced before 1st April 2005
- 19. Calculating the value of future debts in insolvency proceedings commenced before 1st April 2005
- 20. Obligations arising under family proceedings where bankruptcy order is made on or before 31 March 2005
- 21. Insolvency practitioner fees and expenses estimates
- 22. Transitional provision for companies entering administration before 6th April 2010 and moving to voluntary liquidation between 6th April 2010 and 8th December 2017 inclusive of those dates

SCHEDULE 3 — Punishment of offences under these Rules

SCHEDULE 4 — Service of documents

- 1. (1) This Schedule sets out the requirements for service where...
- 2. Service of winding-up petitions
- 3. Service of administration application (paragraph 12 of Schedule B1)
- 4. Service on joint office-holders
- 5. Service of orders staying proceedings
- 6. Certificate of service
 - Table of requirements for service

SCHEDULE 5 — Calculation of time periods

[Note: section 376 of the Act contains a power for...

- 1. The rules in CPR 2.8 with the exception of paragraph...
- 2. (1) This paragraph applies for the calculation of periods expressed...
- 3. The provisions of CPR rule 3.1(2)(a) (the court's general powers...
- 4. Paragraph 3 is subject to any time limits expressly stated...

SCHEDULE 6 — Insolvency jurisdiction of county court hearing centres [Note: where the entry "London Insolvency District" appears in this...

SCHEDULE 7 — Information to be provided in the bankruptcy application PART 1

Debtor's personal information

- 1. Debtor's title.
- 2. Debtor's identification details.
- 3. Any previous name or other names by which the debtor... PART 2

Additional personal information

- 4. Debtor's contact telephone number.
- 5. Debtor's email address (if any).
- 6. Debtor's date of birth.
- 7. Debtor's National Insurance number.
- 8. Debtor's gender.
- 9. Any previous address at which the debtor has resided during...
- 10. Whether the debtor is—(a) single; (b) married;
- 11. All occupants of the debtor's household and in relation to...
- 12. Any other person dependent on the debtor and in relation...

Occupation and employment details

- 13. Debtor's occupation (if any).
- 14. Debtor's employment status.
- 15. Where the debtor is employed—(a) date when the debtor...
- 16. Where the debtor is unemployed—(a) date when the debtor...
- 17. Where the debtor has worked for any previous employers during...
- 18. Where the debtor is, or has been, self-employed other than...
- 19. Where the debtor traded in a partnership at any time...
- 20. Where the debtor is, or has been, a director or...

Creditors

- 21. In respect of each creditor—(a) name and address;
- 22. Where the debtor has an interest in a property, in...

Legal proceedings

- 23. Where the debtor is, or has been in the five...
- 24. Where the debtor is involved in proceedings, other than proceedings...

Assets and liabilities

- 25. Total value of assets.
- 26. Total value of liabilities.
- 27. Debtor's net monthly income from all sources.
- 28. Debtor's monthly surplus income calculated by reference to paragraphs 23...

SCHEDULE 8 — Additional information to be provided in the bankruptcy application

- Disposal of assets
- 1. Where in the five years preceding the date on which...
- 2. Where in the five years preceding the date on which...
 - Financial arrangements with creditors
- 3. Where the debtor has been made bankrupt in the two...
- 4. Where the debtor has entered into a debt relief order...
- 5. Where the debtor has, or has had, an IVA in...
- 6. Where the debtor has, or has had, an arrangement in...

- Legal and financial advisers
- 7. Where a solicitor has acted for or on behalf of...
- 8. Where an accountant, book keeper or other financial adviser has...
 - Business affairs of a self-employed debtor
- 9. Where the debtor traded in a partnership at any time...
- 10. Where the debtor is or has been self-employed (other than...
- 11. Where the debtor is or has been self-employed (including a...
 - Financial affairs assets
- 12. The nature and value of each asset belonging to the...
- 13. Where any asset is owned jointly with another person—
- 14. Where any asset is subject to the rights of any...
- 15. Where the debtor holds or has held in the last...
- 16. Where the debtor owns a motor vehicle or has disposed...
- 17. Where the debtor regularly uses a motor vehicle that the...
- 18. Where the debtor owns any property consisting of land or...
- 19. Where the debtor rents or leases a property, in respect...
- 20. Where the debtor has an interest in any other property,...
- 21. Where the debtor resides at a property in which the...
- 22. Where the debtor has or has held within the five...
 - Financial affairs income and expenditure
- 23. Debtor's total annual income from all sources, the sources of...
- 24. Total annual household income from all sources, the sources of...
- 25. Current (or last) income tax reference number.
- 26. Monthly national insurance.
- 27. Mean monthly tax.
- 28. Where the debtor has any current attachment of earnings orders...
- 29. Particulars of the debtor's mean monthly expenditure which the debtor...
- 30. Particulars of the debtor's monthly expenditure not otherwise provided under...
 - Enforcement officers and enforcement agents
- 31. Where an enforcement officer or enforcement agent has visited the...
 - Cause of insolvency
- 32. Why the debt was incurred.
- 33. Date when the debtor first experienced difficulty in paying some...
- 34. Reasons for the debtor not having enough money to pay...
- 35. Where the debtor has gambled any money through betting or...

SCHEDULE 9 — Information to be given to creditors

- 1. Title of the debtor.
- 2. Debtor's identification details.
- 3. Any previous name or other names by which the debtor...
- 4. Any previous address at which the debtor has resided at...
- 5. Name and address for each creditor.
- 6. Amount each creditor claims is due.
- 7. Debtor's occupation (if any).
- 8. Debtor's employment status.
- 9. Where the debtor is, or has been, self-employed other than...
- 10. Total value of assets.
- 11. Total value of liabilities.
- 12. Where in the five years preceding the date of the...
- 13. Where any asset is owned jointly with another person, the...
- 14. Where any asset is subject to the rights of any...
- 15. Where the debtor owns a motor vehicle or has disposed...

- 16. Where the debtor regularly uses a motor vehicle that the...
- 17. Where the debtor owns or has an interest in any...
- 18. Where the debtor holds or has held within the five...
- 19. Debtor's net monthly income from all sources.
- 20. Debtor's monthly surplus income after taking into account any contribution...
- 21. Current (or last) income tax reference number.
- 22. In respect of each creditor— (a) name and address;
 - SCHEDULE 10 Destination of appeals from decisions of District Judges in corporate insolvency matters

SCHEDULE 11 — Determination of insolvency office-holder's remuneration

Explanatory Note

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Insolvency (England and Wales) Rules 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations.

View outstanding changes

Changes and effects yet to be applied to:

- Pt. 3 Ch. 5 applied (with modifications) by S.I. 2024/229 rule 5(1)(b)41
- Pt. 3 Ch. 7 applied (with modifications) by S.I. 2024/229 rule 5(1)(b)47
- Pt. 12 Ch. 3 applied (with modifications) by S.I. 2024/229 rule 5(1)(c)64
- Sch. 3 applied (with modifications) by S.I. 2024/229 rule 5(1)(d)
- Sch. 4 applied (with modifications) by S.I. 2024/229 rule 5(1)(d)
- Sch. 5 applied (with modifications) by S.I. 2024/229 rule 5(1)(d)
- Sch. 6 applied (with modifications) by S.I. 2024/229 rule 5(1)(d)
- Sch. 10 applied (with modifications) by S.I. 2024/229 rule 5(1)(d)
- rule 1.2-1.3 applied (with modifications) by S.I. 2024/229 rule 56Sch.
- rule 1.4-1.6 applied (with modifications) by S.I. 2024/229 rule 57Sch.
- rule 1.8-1.12 applied (with modifications) by S.I. 2024/229 rule 58-10Sch.
- rule 1.14 applied (with modifications) by S.I. 2024/229 rule 511Sch.
- rule 1.15-1.16 applied (with modifications) by S.I. 2024/229 rule 5Sch.
- rule 1.18-1.58 applied (with modifications) by S.I. 2024/229 rule 512-33Sch.
- rule 3.1-3.3 applied (with modifications) by S.I. 2024/229 rule 53435Sch.
- rule 3.6-3.9 applied (with modifications) by S.I. 2024/229 rule 53637Sch.
- rule 3.123.13 applied (with modifications) by S.I. 2024/229 rule 538Sch.
- rule 3.15 applied (with modifications) by S.I. 2024/229 rule 539Sch.
- rule 3.27 applied (with modifications) by S.I. 2024/229 rule 540Sch.
- rule 3.28-3.37 applied (with modifications) by S.I. 2024/229 rule 542-45Sch.
- rule 3.42 applied (with modifications) by S.I. 2024/229 rule 546Sch.
- rule 3.44-3.52 applied (with modifications) by S.I. 2024/229 rule 54849Sch.
- rule 3.57 applied (with modifications) by S.I. 2024/229 rule 550Sch.
- rule 3.59 applied (with modifications) by S.I. 2024/229 rule 5(2)51
- rule 3.59-3.70 applied (with modifications) by S.I. 2024/229 rule 551-60Sch.
- rule 6 applied (with modifications) by S.I. 2024/229 rule 5Sch.
- rule 7.5(1) modified (temp.) by 2020 c. 12, Sch. 10 paras. 2, 4 (as substituted) by S.I. 2021/1029 reg. 2 (This amendment not applied to legislation.gov.uk. Amending S.I. revoked on 28.9.2021 by S.I. 2021/1091, reg. 2)
- rule 12.112.2 applied (with modifications) by S.I. 2024/229 rule 561Sch.
- rule 12.6-12.31 applied (with modifications) by S.I. 2024/229 rule 562-73Sch.
- rule 12.33 applied (with modifications) by S.I. 2024/229 rule 574Sch.
- rule 12.39 applied (with modifications) by S.I. 2024/229 rule 5(2)75
- rule 12.39-12.43 applied (with modifications) by S.I. 2024/229 rule 575-77Sch.
- rule 12.46-12.53 applied (with modifications) by S.I. 2024/229 rule 578-82Sch.
- rule 12.55 applied (with modifications) by S.I. 2024/229 rule 583Sch.
- rule 12.5812.59 applied (with modifications) by S.I. 2024/229 rule 584Sch.
- rule 12.61 applied (with modifications) by S.I. 2024/229 rule 5Sch.
- rule 12.63-12.65 applied (with modifications) by S.I. 2024/229 rule 585Sch.
- rule 14.1 applied (with modifications) by S.I. 2024/229 rule 586Sch.
- rule 14.1-14.24 applied (with modifications) by S.I. 2024/229 rule 586-103Sch.
- rule 14.26 applied (with modifications) by S.I. 2024/229 rule 5Sch.
- rule 14.28-14.35 applied (with modifications) by S.I. 2024/229 rule 5104-108Sch.
- rule 14.37-14.45 applied (with modifications) by S.I. 2024/229 rule 5109-113Sch.
- rule 15.1 applied (with modifications) by S.I. 2024/229 rule 5114Sch.
- rule 15.2-15.15 applied (with modifications) by S.I. 2024/229 rule 5115-123Sch.
- rule 15.20-15.23 applied (with modifications) by S.I. 2024/229 rule 5124-126Sch.
- rule 15.25-15.28 applied (with modifications) by S.I. 2024/229 rule 5127-129Sch.
- rule 15.31-15.38 applied (with modifications) by S.I. 2024/229 rule 5130-133Sch.
- rule 15.40 applied (with modifications) by S.I. 2024/229 rule 5134Sch.

- rule 15.41-15.46 applied (with modifications) by S.I. 2024/229 rule 5135-137Sch.
- rule 18.2 applied (with modifications) by S.I. 2024/229 rule 5141Sch.
- rule 18.218.3 applied (with modifications) by S.I. 2024/229 rule 5142Sch.
- rule 18.518.6 applied (with modifications) by S.I. 2024/229 rule 5143Sch.
- rule 18.10 applied (with modifications) by S.I. 2024/229 rule 5144Sch.
- rule 18.1618.17 applied (with modifications) by S.I. 2024/229 rule 5145146Sch.
- rule 18.23 applied (with modifications) by S.I. 2024/229 rule 5147Sch.
- rule 18.31 applied (with modifications) by S.I. 2024/229 rule 5148Sch.
- rule 22.422.5 applied (with modifications) by S.I. 2024/229 rule 5149Sch.

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- rule 16.01-16.07 applied (with modifications) by S.I. 2024/229 rule 5138139Sch.
- rule 16.09 applied (with modifications) by S.I. 2024/229 rule 5140Sch.