
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules set out the detailed procedures for the conduct of all company and personal insolvency proceedings in England and Wales under the Insolvency Act 1986 and otherwise give effect to that Act. These Rules supersede the Insolvency Rules 1986 (SI 1986/1925 as amended). Those Rules are revoked along with 29 amending Rules. These Rules give effect to amendments made to the Insolvency Act by the Enterprise and Regulatory Reform Act 2011 (c.24), the Deregulation Act 2015 (c.20) and the Small Business, Enterprise and Employment Act 2015 (c.26).

The Introductory Rules (rules 1-7) contain the citation, commencement, extent and application of these Rules. The preliminary rules also introduce Schedule 1 (revocations), Schedule 2 (transitional and savings provisions) and Schedule 3 (punishment of offences). Rule 5 enables the Secretary of State to make regulations about the conduct of office holders in insolvency proceedings.

Part 1 (rules 1.1 to 1.58) is a common part containing definitions and rules about the standard contents of documents, the delivery and service of documents and the use of websites.

Part 2 (rules 2.1 to 2.45) contains rules about company voluntary arrangements.

Part 3 (rules 3.1 to 3.70) contains rules about administration.

Part 4 (rules 4.1 to 4.24) contains rules about receivership.

Part 5 (rules 5.1 to 5.22) contains rules about members' voluntary winding up.

Part 6 (rules 6.1 to 6.48) contains rules about creditors' voluntary winding up.

Part 7 (rules 7.1 to 7.119) contains rules about winding up by the court.

Part 8 (rules 8.1 to 8.38) contains rules about individual voluntary arrangements.

Part 9 (rules 9.1 to 9.27) contains rules about debt relief orders.

Part 10 (rules 10.1 to 10.171) contains rules about bankruptcy.

Part 11 (rules 11.1 to 11.23) is a common part containing rules about bankruptcy and debt relief restrictions orders and undertakings and the insolvency registers.

Part 12 (rules 12.1 to 12.65) is a common part containing rules about court procedure and practice.

Part 13 (rules 13.1 to 13.5) contains rules about official receivers.

Part 14 (rules 14.1 to 14.45) is a common part containing rules about claims by and distributions to creditors in administration, winding up and bankruptcy.

Part 15 (rules 15.1 to 15.46) is a common part containing rules about decision making.

Part 16 (rules 16.1 to 16.9) is a common part containing rules about proxies and corporate representation.

Part 17 (rules 17.1 to 17.29) is a common part containing rules about creditors' and liquidation committees.

Part 18 (rules 18.1 to 18.38) is a common part containing rules about reporting and remuneration of office-holders.

Part 19 (rules 19.1 to 19.11) is a common part containing rules about disclaimer in winding up and bankruptcy.

Part 20 (rules 20.1 to 20.7) is a common part containing rules about debtors and their families who are at risk of violence and orders not to disclose a debtor's current address.

Status: *This is the original version (as it was originally made).*

Part 21 (rules 21.1 to 21.8) contains rules which give effect to the Council Regulation No. 1346/2000 of 29 May 2000 on Insolvency Proceedings.

Part 22 (rules 22.1 to 22.7) contains rules about obtaining permission to act as director of a company with a prohibited name.

Preliminary rule 7 requires the Secretary of State to review the operation and effect of these Rules and publish a report within five years of their coming into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether these Rules should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke these Rules or amend them.

A full impact assessment of the effect that these Rules will have on the costs of business and the voluntary sector is available from The Insolvency Service, 4 Abbey Orchard Street, London SW2P 2HT and is published on The Insolvency Service website www.gov.uk/government/organisations/insolvency-service. It is also published with the Explanatory Memorandum alongside these Rules on www.legislation.gov.uk.