
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 11

**BANKRUPTCY AND DEBT RELIEF RESTRICTIONS ORDERS
AND UNDERTAKINGS AND THE INSOLVENCY REGISTERS**

CHAPTER 3

Interim bankruptcy and debt relief restrictions orders

[Note: a document required by the Act or these Rules must also contain the standard contents set out in Part 1.]

Application for an interim bankruptcy or debt relief restrictions order

11.6.—(1) An application by the Secretary of State to the court for an interim bankruptcy restrictions order under paragraph 5 of Schedule 4A or an interim debt relief restrictions order under paragraph 5 of Schedule 4ZB, must be supported by a report by the Secretary of State.

(2) The report must—

- (a) set out the conduct which the Secretary of State thinks justifies making an interim bankruptcy restrictions order or an interim debt relief restrictions order; and
- (b) contain the evidence on which the Secretary of State relies in support of the application including evidence of why it would be in the public interest to make such an order.

(3) Any evidence in support of the application provided by a person other than the Secretary of State must be given in a witness statement.

(4) The Secretary of State must deliver a notice of the application to the bankrupt or debtor at least two business days before the date set for the hearing unless the court directs otherwise.

(5) The notice must be accompanied by—

- (a) a copy of the application;
- (b) a copy of the Secretary of State's report;
- (c) a copy of any other evidence filed in support of the application; and
- (d) a document for completion as an acknowledgement of service.

(6) The bankrupt or debtor may file with the court evidence for the court to take into consideration and may appear at the hearing.

Making an interim bankruptcy or debt relief restrictions order

11.7.—(1) The court may make an interim bankruptcy restrictions order or interim debt relief restrictions order whether or not the bankrupt or debtor appears or has filed evidence.

(2) Where the court makes such an order, it must deliver two sealed copies of the order to the Secretary of State as soon as reasonably practicable.

(3) As soon as reasonably practicable after receiving the sealed copies, the Secretary of State must deliver one of them to the bankrupt or debtor.

Application to set aside an interim order

11.8.—(1) A bankrupt subject to an interim bankruptcy restrictions order or a debtor subject to an interim debt relief restrictions order may apply to the court to set the order aside.

(2) The application must be supported by a witness statement stating the grounds on which it is made.

(3) The bankrupt or debtor must deliver to the Secretary of State, not less than five business days before the hearing—

- (a) a notice of the venue;
- (b) a copy of the application; and
- (c) a copy of the supporting witness statement.

(4) The Secretary of State may attend the hearing and call the attention of the court to any matter which seems to be relevant, and may give evidence or call witnesses.

Order setting aside an interim order

11.9.—(1) Where the court sets aside an interim bankruptcy restrictions order or an interim debt relief restrictions order, it must deliver two sealed copies of the order to the Secretary of State as soon as reasonably practicable.

(2) As soon as reasonably practicable after receiving the sealed copies, the Secretary of State must deliver one of them to the bankrupt or debtor.