
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 6

Individual insolvency register

Entry of information on the individual insolvency register: IVAs

11.14.—(1) This rule applies where—

- (a) an IVA has been accepted by the debtor's creditors; and
- (b) the Secretary of State receives any of the following—
 - (i) a report under rule 8.26 (report on approval of IVA), or
 - (ii) a notice under rules 8.27(5) (notice of revocation or suspension of IVA), 8.27(6) (notice of expiry of suspension) or 8.31 (notice that the IVA has been terminated or fully implemented).

(2) The Secretary of State must enter the following on the individual insolvency register—

- (a) the debtor's identification details;
- (b) the debtor's date of birth;
- (c) the date on which the IVA was approved by the creditors;
- (d) the debtor's gender;
- (e) any name other than the name in which the debtor entered into IVA by which the debtor was or is known;
- (f) a statement as to whether the IVA has been—
 - (i) completed in accordance with its terms,
 - (ii) terminated, or
 - (iii) revoked; and
- (g) the name and address of the supervisor.

(3) This rule is subject to any court order for the non-disclosure of the debtor's current address made under rule 20.2 (debtors at risk of violence: proposed IVA) or 20.3 (debtors at risk of violence: IVA).

Deletion of information from the individual insolvency register: IVAs

11.15. The Secretary of State must delete from the individual insolvency register all information concerning an IVA three months after receiving one of the following—

- (a) a notice under rule 8.27(5) of the making of a revocation order in relation to the IVA; or
- (b) a notice under rule 8.31(3) of the termination or full implementation of the IVA.

Entry of information on to the individual insolvency register: bankruptcy orders

11.16.—(1) Where the official receiver receives a copy of a bankruptcy order from the court under rule 10.32, or from the adjudicator under rule 10.45, the official receiver must cause the following to be entered on the individual insolvency register—

- (a) the matters listed in rules 10.8 or the information set out in Part 1 of Schedule 7, relating to the debtor as they are stated in the bankruptcy petition or bankruptcy application;
- (b) the date of the bankruptcy order; and
- (c) identification details for the proceedings.

(2) The official receiver must cause to be entered on to the individual insolvency register the following information —

- (a) the bankrupt’s identification details and date of birth;
- (b) the bankrupt’s gender and occupation (if any);
- (c) the date of a previous bankruptcy order or debt relief order (if any) made against the bankrupt in the period of six years before the latest bankruptcy order (if there is more than one such previous order only the latest and excluding any bankruptcy order that was annulled or any debt relief order that was revoked);
- (d) any name by which the bankrupt was known, not being the name in which the individual was made bankrupt;
- (e) the address of any business carried on by the bankrupt and the name in which that business was carried on if carried on in a name other than the name in which the individual was made bankrupt;
- (f) the name and address of any insolvency practitioner appointed to act as trustee in bankruptcy;
- (g) the address at which the official receiver may be contacted;
- (h) the automatic discharge date under section 279(1); and
- (i) where a bankruptcy order is annulled or rescinded by the court, the fact that such an order has been made, the date on which it is made and (if different) the date on which it has effect.

(3) Where the official receiver receives a copy of an order under rule 10.104(6) or 10.142(8) suspending the bankrupt’s discharge the official receiver must cause to be entered on to the individual insolvency register—

- (a) the fact that such an order has been made; and
- (b) the period for which the discharge has been suspended or that the relevant period has ceased to run until the fulfilment of conditions specified in the order.

(4) Where the official receiver receives under rule 10.143(10) a copy of a certificate of the discharge of an order under section 279(3) the official receiver must cause the following to be entered on the individual insolvency register—

- (a) that the court has discharged the order made under section 279(3); and
- (b) the new date of discharge of the bankrupt.

(5) Where the order discharging the order under section 279(3) is subsequently rescinded by the court, the official receiver must cause the register to be amended accordingly.

(1) Section 279(6) is amended by paragraph 12 of Schedule 19 to the Enterprise and Regulatory Reform Act 2013 (c.24).

(6) Where a bankrupt is discharged from bankruptcy under section 279(1), the official receiver must cause the fact and date of such discharge to be entered in the individual insolvency register.

(7) This rule is subject to any court order for the non-disclosure of the debtor's current address made under rule 20.5 (persons at risk of violence: bankruptcy application) or 20.6 (debtors at risk of violence: bankruptcy and debt relief proceedings).

Deletion of information from the individual insolvency register: bankruptcy orders

11.17. The Secretary of State must delete from the individual insolvency register all information concerning a bankruptcy where—

- (a) the bankruptcy order has been annulled under section 261(2)(a), 261(2)(b) or section 282(1)(b) and a period of three months has elapsed since a notice of the annulment was delivered to the official receiver;
- (b) the bankrupt has been discharged from the bankruptcy and a period of three months has elapsed from the date of discharge;
- (c) the bankruptcy order is annulled under section 282(1)(a) and 28 days have elapsed since a notice of the annulment was delivered to the official receiver under rule 10.137(3); or
- (d) an order has been made by the court under section 375 rescinding the bankruptcy order and 28 days have elapsed since receipt by the official receiver.

Entry of information on to the individual insolvency register: debt relief orders

11.18.—(1) The official receiver must cause to be entered on to the individual insolvency register after the making of a debt relief order the following information relating to the order or the debtor—

- (a) as they are stated in the debtor's application—
 - (i) the debtor's identification details and date of birth,
 - (ii) the debtor's gender and occupation (if any),
 - (iii) the name or names in which the debtor has carried on business, if other than the debtor's true name, and
 - (iv) the nature of the debtor's business and the address or addresses at which the debtor carries or has carried it on and whether alone or with others;
- (b) the date of the debt relief order;
- (c) the reference number of the order;
- (d) the date of the end of the moratorium period; and
- (e) the date of a previous bankruptcy order or a debt relief order (if any) made against the debtor in the period of six years before the latest debt relief order (if there is more than one such order only the latest and excluding any bankruptcy order that was annulled or debt relief order that was revoked).

(2) Except where information concerning a debt relief order has been deleted under rule 11.19, the official receiver must also cause to be entered on the register in relation to the order—

- (a) where the moratorium period is terminated early, the fact that such has happened, the date of early termination and whether the early termination is on revocation of the debt relief order or by virtue of any other enactment;
- (b) where the moratorium period is extended, the fact that such has happened, the date on which the extension was made, its duration and the date of the new anticipated end of the moratorium period; or
- (c) where the debtor is discharged from all qualifying debts, the date of such discharge.

(3) This rule is subject to any court order for the non-disclosure of the debtor's current address made under rule 20.4 (debtors at risk of violence: debt relief application) or 20.6 (debtors at risk of violence: bankruptcy and debt relief proceedings).

Deletion of information from the individual insolvency register: debt relief orders

11.19. The Secretary of State must delete from the individual insolvency register all information concerning a debt relief order where three months have elapsed from the date on which—

- (a) the debt relief order has been revoked; or
- (b) the debtor has been discharged from the qualifying debts.