
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 12

COURT PROCEDURE AND PRACTICE

CHAPTER 5

Obtaining information and evidence

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

Further information and disclosure

- 12.27.**—(1) A party to insolvency proceedings in court may apply to court for an order—
- (a) that in accordance with CPR Part 18 (further information)(1) another party—
 - (i) clarify a matter that is in dispute in the proceedings, or
 - (ii) give additional information in relation to such a matter; or
 - (b) for disclosure from any person in accordance with CPR Part 31 (disclosure and inspection of documents)(2).
- (2) An application under this rule may be made without notice to any other party.

Witness statements and reports

- 12.28.**—(1) Where the Act or these Rules require evidence as to a matter, such evidence may be given by witness statement unless—
- (a) in a specific case a rule or the Act makes different provision; or
 - (b) the court otherwise directs.
- (2) Unless either the provision of the Act or rule under which the application is made provides otherwise, or the court directs otherwise—
- (a) if the applicant intends to rely at the first hearing on evidence in a witness statement or report, the applicant must file the witness statement or report with the court and serve a copy of it on the respondent not less than 14 days before the date fixed for the hearing; and
 - (b) where the respondent intends to oppose the application and rely for that purpose on evidence contained in a witness statement or report, the respondent must file the witness statement or report with the court and serve a copy on the applicant not less than five business days before the date fixed for the hearing.
- (3) The court may order a person who has made a witness statement or report to attend for cross-examination.

(1) There is an amendment to Part 18 which is not relevant to these Rules.

(2) Part 31 has been amended by S.I.s [2000/221](#), [2001/4015](#), [2010/1953](#), [2011/88](#), [2012/2208](#), and [2013/262](#).

(4) Where a person who has been ordered to attend fails to do so the witness statement or report must not be used in evidence without the court's permission.

Evidence provided by the official receiver, an insolvency practitioner or a special manager

12.29.—(1) Where in insolvency proceedings a witness statement is made by an office-holder, the office-holder must state—

- (a) the capacity in which the office-holder is acting; and
- (b) the office-holder's address.

(2) The following may file a report with the court instead of a witness statement in all insolvency proceedings—

- (a) the official receiver; and
- (b) the adjudicator.

(3) The following may file a report with the court instead of a witness statement unless the application involves other parties or the court otherwise directs—

- (a) an administrator;
- (b) a provisional liquidator;
- (c) a liquidator;
- (d) an interim receiver;
- (e) a trustee; and
- (f) a special manager.

(4) Where a report is filed instead of a witness statement, the report must be treated for the purpose of rule 12.28 and any hearing before the court as if it were a witness statement.