
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 13

OFFICIAL RECEIVERS

Official receivers in court

13.1.—(1) Judicial notice must be taken of the appointment under sections 399 to 401 of official receivers and deputy official receivers.

(2) Official receivers and deputy official receivers have a right of audience in insolvency proceedings, whether in the High Court or the County Court.

Persons entitled to act on official receiver's behalf

13.2.—(1) In the absence of the official receiver authorised to act in a particular case, an officer authorised in writing for the purpose by the Secretary of State, or by the official receiver, may with the permission of the court, act on the official receiver's behalf and in the official receiver's place—

- (a) in any examination under section 133, 236, 251N, 290 or 366; and
- (b) in relation to any application to the court.

(2) In case of emergency, where there is no official receiver capable of acting, anything to be done by, to or before the official receiver may be done by, to or before the registrar or District Judge.

Application for directions

13.3. The official receiver may apply to the court for directions in relation to any matter arising in insolvency proceedings.

Official receiver's expenses

13.4.—(1) Any expenses (including damages) incurred by the official receiver (in whatever capacity the official receiver may be acting) in connection with proceedings taken against the official receiver in insolvency proceedings are to be treated as expenses of the insolvency proceedings.

(2) The official receiver has a charge on the insolvent estate in respect of any sums due to the official receiver under paragraph (1) in connection with insolvency proceedings other than proceedings relating to debt relief orders or applications for debt relief orders.

Official receiver not to be appointed liquidator or trustee

13.5. The official receiver may not be appointed as liquidator or trustee by any decision of creditors or (in a winding up) contributories or the company.