
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 10

BANKRUPTCY

CHAPTER 2

CREDITORS' BANKRUPTCY PETITIONS

Preliminary

Court in which petition is to be presented

10.11.—(1) Where the proceedings are allocated to the London Insolvency District under rule 12.5(a)(i) to (iv) or (b), the creditor must present the petition to—

- (a) the High Court where the debt is £50,000 or more; or
- (b) the County Court at Central London where the debt is less than £50,000.

(2) Where the proceedings are allocated to the London Insolvency District under rule 12.5(a)(v), (c) or (d), the creditor must present the petition to the High Court.

(3) Where the debtor is resident in England and Wales and the proceedings are not allocated to the London Insolvency District, the creditor must present the petition to the debtor's own hearing centre.

(4) The debtor's own hearing centre is—

- (a) where the debtor has carried on business in England and Wales within the six months immediately preceding the presentation of the petition, the hearing centre for the insolvency district where for the longest period during those six months—

- (i) the debtor carried on business, or
 - (ii) the principal place of business was located, if business was carried on in more than one insolvency district; or

- (b) where the debtor has not carried on business in England and Wales within the six months immediately preceding the presentation of the petition, the hearing centre for the insolvency district where the debtor resided for the longest period during those six months.

(5) If the debtor is not resident in England and Wales but was resident or carried on business in England and Wales within the six months immediately preceding the presentation of the petition and the proceedings are not allocated to the London Insolvency District, the petition may be presented either to the debtor's own hearing centre or to the High Court.

(6) Unless paragraph (2) applies, where to the petitioner's knowledge there is in force for the debtor an IVA under Part 8(1) of the Act, the petition must be presented to the court or hearing centre—

- (a) to which the nominee's report under section 256(2) was submitted;
- (b) to which an application has been made, where a nominee has made a report under section 256A(3)(3); or
- (c) as determined under paragraphs (1) to (5) in any other case.

(7) The petition must contain sufficient information to establish that it is presented in the appropriate court and, where the court is the County Court, the appropriate hearing centre.

(1) Part 8 is amended by paragraph 2 of Schedule 6 to the Deregulation Act 2015 (c.20), paragraphs 2 to 4 of Schedule 19 to the Enterprise and Regulatory Reform Act 2014 (c.24) and sections 134 and 135 and paragraphs 61 to 72 of Schedule 9 to the Small Business, Enterprise and Employment Act 2015 (c.26).

(2) Section 256(12)(aa), (5) and (6) are amended and (1)(b) is omitted by paragraph 61 of Schedule 9 to the Small Business, Enterprise and Employment Act 2015 (c.26).

(3) Section 256A(3) is amended by paragraph 4(3) of Schedule 19 to the Enterprise and Regulatory Reform Act 2013 (c.24) and paragraph 62 of Schedule 9 to the Small Business, Enterprise and Employment Act 2015 (c.26).