
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 10

BANKRUPTCY

CHAPTER 2

CREDITORS' BANKRUPTCY PETITIONS

Preliminary

Procedure for presentation and filing of petition

- 10.12.**—(1) The petition must be filed with the court.
- (2) A petition may not be filed unless—
- (a) a receipt for the deposit payable to the official receiver is produced on presentation of the petition; or
 - (b) the Secretary of State has given notice to the court that the petitioner has made suitable alternative arrangements in accordance with an order made under section 415(3) for the payment of the deposit and that notice has not been revoked.
- (3) A notice of alternative arrangements for the deposit may be revoked by a further notice filed with the court.
- (4) The following copies of the petition must also be filed with the court with the petition—
- (a) one for service on the debtor;
 - (b) one copy for the supervisor, if to the petitioner's knowledge there is in force for the debtor an IVA under Part 8 of the Act, and the petitioner is not the supervisor of the IVA; and
 - (c) one copy for the liquidator, if to the petitioner's knowledge there is a member State liquidator appointed in main proceedings in relation to the debtor.
- (5) The date and time of filing the petition must be endorsed on the petition and on the copies.
- (6) The court must fix a venue for hearing the petition, and this must also be endorsed on the petition and the copies.
- (7) Each copy of the petition must have the seal of the court applied to it and must be delivered to the petitioner.