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STATUTORY INSTRUMENTS

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**2016 No. 1024**

**The Insolvency (England and Wales) Rules 2016**

**PART 10**

**BANKRUPTCY**

**CHAPTER 16**

**Annulment of bankruptcy order**

**Report by trustee**

**10.133.**—(1) The following applies where the application is made under section 282(1)(b) (debts and expenses of the bankruptcy all paid or secured).

(2) Not less than 21 days before the date fixed for the hearing, the trustee must file with the court a report relating to the following matters—

- (a) the circumstances leading to the bankruptcy;
- (b) a summary of the bankrupt's assets and liabilities at the date of the bankruptcy order and at the date of the application;
- (c) details of any creditors who are known to the trustee to have claims, but have not proved; and
- (d) such other matters as the person making the report considers to be, in the circumstances, necessary for the information of the court.

(3) Where the trustee is other than the official receiver, the report must also include a statement of—

- (a) the trustee's remuneration;
- (b) the basis fixed for the trustee's remuneration under rule 18.16; and
- (c) the expenses incurred by the trustee.

(4) The report must include particulars of the extent to which, and the manner in which, the debts and expenses of the bankruptcy have been paid or secured.

(5) In so far as debts and expenses are unpaid but secured, the person making the report must state in it whether and to what extent that person considers the security to be satisfactory.

(6) A copy of the report must be delivered to the applicant as soon as reasonably practicable after it is filed with the court and the applicant may file a further witness statement in answer to statements made in the report.

(7) Copies of any such witness statement must be delivered by the applicant to the official receiver and the trustee (if different).

(8) If the trustee is other than the official receiver, a copy of the trustee's report must be delivered to the official receiver at least 21 days before the hearing.

(9) The official receiver may then file an additional report, a copy of which must be delivered to the applicant and the trustee (if not the official receiver) at least five business days before the hearing.