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STATUTORY INSTRUMENTS

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**2016 No. 1024**

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

**PART 10**

**BANKRUPTCY**

**CHAPTER 17**

**Discharge**

**Application for suspension of discharge**

**10.142.**—(1) The following applies where the official receiver or trustee (if different) applies to the court for an order under section 279(3) (suspension of automatic discharge), but not where the official receiver makes that application under rule 10.104 on the adjournment of the bankrupt's public examination.

(2) The official receiver or trustee must file, with the application, evidence in support setting out the reasons why it appears that such an order should be made.

(3) The court must fix a venue for the hearing of the application, and deliver notice of it to the official receiver, the trustee, and the bankrupt.

(4) Copies of the official receiver's report under this rule must be delivered by the official receiver to the bankrupt and any trustee who is not the official receiver, so as to reach them at least 21 days before the date fixed for the hearing.

(5) Copies of the trustee's evidence in support of the application must be delivered by the trustee to the official receiver and the bankrupt at least 21 days before the date fixed for the hearing.

(6) If the bankrupt intends to deny or dispute any statements in the official receiver's or trustee's evidence in support then the bankrupt must not later than five business days before the date of the hearing, file with the court a notice specifying the statements which the bankrupt intends to deny or dispute.

(7) If the bankrupt files such a notice under paragraph (6), the bankrupt must deliver copies of it, not less than three business days before the date of the hearing, to the official receiver and any trustee.

(8) If the court makes an order suspending the bankrupt's discharge, copies of the order must be delivered by the court to the official receiver, any trustee and the bankrupt.

(9) An order of suspension of discharge under section 279(3) must be headed "Suspension of Discharge" and must contain—

- (a) identification details for the proceedings;
- (b) the name and title of the judge making the order;
- (c) identification and contact details for the applicant who will be the official receiver or the trustee;
- (d) the date of the bankruptcy order;

- (e) a statement that it appears to the court that the bankrupt has failed or is failing to comply with the bankrupt's obligations under the Act for the reasons specified in the order;
- (f) a statement in what respect the bankrupt has failed to comply with the bankrupt's obligations under the Act;
- (g) an order that the relevant period for the purpose of section 279(1) will cease to run for either—
  - (i) a specified period, or
  - (ii) until specified conditions have been fulfilled;
- (h) the period or conditions referred to in paragraph (g); and
- (i) the date of the order.