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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**

**Lifting of suspension of discharge**

**10.143.**—(1) Where the court has made an order under section 279(3) that the period specified in section 279(1) will cease to run, the bankrupt may apply to it for the order to be discharged.

(2) The court must fix a venue for the hearing of the application and deliver notice of it to the bankrupt.

(3) The bankrupt must, not less than 28 days before the date fixed for the hearing, deliver notice of the venue with a copy of the application to the official receiver and any trustee.

(4) The official receiver and the trustee may appear and be heard on the bankrupt's application.

(5) Whether or not they appear, the official receiver and trustee may file with the court a report containing evidence in support of any matters which either of them considers ought to be drawn to the court's attention.

(6) If the court made an order under section 279(3)(b), the court may request a report from the official receiver or the trustee as to whether or not the condition specified in the order has been fulfilled.

(7) Copies of a report filed under paragraph (5) or requested by the court under paragraph (6) must be delivered by the official receiver or trustee to the bankrupt and to either the official receiver or trustee (depending on which has filed the report), not later than 14 days before the hearing.

(8) The bankrupt may, not later than five business days before the date of the hearing, file with the court a notice specifying any statements in the official receiver's or trustee's report which the bankrupt intends to deny or dispute.

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

(10) If on the bankrupt's application the court discharges the order under section 279(3) (being satisfied that the period specified in section 279(1) should begin to run again), it must deliver to the bankrupt a certificate that it has done so, and must deliver copies of the certificate to the official receiver and the trustee (if different).

(11) The court's order lifting the suspension of discharge must contain—

- (a) identification details for the proceedings;
- (b) the name and title of the judge making the order;
- (c) the date and terms of the order made under section 279;

- (d) a statement that the bankrupt specified in the order has made the application;
  - (e) a statement whether or not the court has taken into consideration the report of the official receiver or of the trustee or both in this matter;
  - (f) an order discharging the order suspending discharge; and
  - (g) state the date of the order.
- (12) The certificate that the order suspending discharge has been lifted must contain—
- (a) identification details for the proceedings;
  - (b) the date of the bankruptcy order;
  - (c) the date of the order suspending discharge;
  - (d) a statement that the court has made—
    - (i) the bankruptcy order specified in this order against the bankrupt specified in this order, and
    - (ii) the order suspending the bankrupt's discharge specified in this order;
  - (e) a statement that it is certified that the order of suspension of discharge was lifted on the date specified in this order; and
  - (f) the date of the certificate.