
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 10

BANKRUPTCY

CHAPTER 17

Discharge

Certificate of discharge from bankruptcy order made otherwise than on a bankruptcy application

10.144.—(1) A bankrupt may apply to the court for a certificate of discharge where the bankruptcy order was made otherwise than on a bankruptcy application.

(2) Where it appears to the court that the bankrupt is discharged, whether by expiration of time or otherwise, the court must deliver a certificate of discharge to the former bankrupt.

(3) The certificate of discharge must be headed “Certificate of Discharge” and must contain—

- (a) identification details for the proceedings;
- (b) the date of the bankruptcy order;
- (c) the statement that the former bankrupt was discharged from bankruptcy;
- (d) the date of discharge from bankruptcy; and
- (e) the date of the certificate.

(4) The certificate must also state—

- (a) that the former bankrupt may request in writing notice of the discharge to be gazetted and advertised in the same manner as the bankruptcy order; and
- (b) that such a request must be delivered to the official receiver within 28 days of the making of the certificate of discharge.

(5) As soon as reasonably practicable after delivery of such a request to the official receiver the notice of discharge must be gazetted, and advertised in the same manner as the bankruptcy order.

(6) The notice must contain—

- (a) the name of the former bankrupt;
- (b) the date of the bankruptcy order;
- (c) the statement that a certificate of discharge has been delivered to the former bankrupt;
- (d) the date of the certificate; and
- (e) the date from which the discharge is effective.

(7) An application for a notice of discharge and a request in writing that the notice be gazetted and advertised may be made by the former bankrupt’s personal representative or, as the case may

be, a person appointed by the court to represent or act for the former bankrupt where the former bankrupt—

- (a) has died; or
- (b) is a person lacking capacity to manage the person's own affairs (within the meaning of the Mental Capacity Act 2005).