
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 10

BANKRUPTCY

CHAPTER 2

CREDITORS' BANKRUPTCY PETITIONS

Preliminary

Decision on the hearing

10.24.—(1) On the hearing of the petition, the court may make a bankruptcy order if satisfied that the statements in the petition are true, and that the debt on which it is founded has not been paid, or secured or compounded.

(2) If the petition is brought in relation to a judgment debt, or a sum ordered by any court to be paid, the court may stay or dismiss the petition on the ground that an appeal is pending from the judgment or order, or that execution of the judgment has been stayed.

(3) An order dismissing or giving permission to withdraw a bankruptcy petition must contain—

- (a) identification details for the proceedings;
- (b) the date of the presentation of the bankruptcy petition;
- (c) the name, postal address and description of the applicant;
- (d) a statement that the petition has been heard;
- (e) the order that the petition be dismissed or that, with the permission of the court, the petition is withdrawn;
- (f) details of any further terms of the order;
- (g) the date and reference number of the registration of the petition as a pending action with the Chief Land Registrar;
- (h) an order that the entry relating to the petition in the register of pending actions be vacated on the debtor's application; and
- (i) the date of the order.

(4) The order must notify the debtor that it is the debtor's responsibility and in the debtor's interest to ensure that the registration of the petition as an entry, both with the Chief Land Registrar and in the title register of any property owned by the debtor, is cancelled.

(5) In the case of a petition preceded by a statutory demand, the petition will not be dismissed on the ground only that the amount of the debt was over-stated in the demand, unless the debtor, within the time allowed for complying with the demand, delivered a notice to the creditor disputing the validity of the demand on that ground; but, in the absence of such notice, the debtor is deemed to have complied with the demand if the correct amount is paid within the time allowed.