
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 10

BANKRUPTCY

CHAPTER 3

Debtors' bankruptcy applications

Refusal to make a bankruptcy order and contents of notice of refusal

10.42.—(1) Where the adjudicator determines that the requirements of section 263K are not met, the adjudicator must refuse to make a bankruptcy order.

(2) The adjudicator must deliver notice of the refusal to make a bankruptcy order to the debtor as soon as reasonably practicable after the refusal to make the bankruptcy order under paragraph (1) or under rule 10.40(3).

(3) The notice of refusal must state—

- (a) the reason or reasons for the refusal to make a bankruptcy order;
- (b) that the debtor may request that the adjudicator review the decision to refuse to make a bankruptcy order within 14 days from the date of delivery of the notice of refusal;
- (c) that where a review is requested it will be a review of the information that was available to the adjudicator at the date when the adjudicator refused to make a bankruptcy order;
- (d) that following a review, the adjudicator must either—
 - (i) confirm the refusal to make a bankruptcy order; or
 - (ii) make a bankruptcy order against the debtor; and
- (e) where the adjudicator confirms the refusal following a review, that the debtor may appeal to the court against the decision within 28 days from the date of delivery of the notice of confirmation of the refusal.