
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 10

BANKRUPTCY

CHAPTER 5

Disclosure of the bankrupt's affairs

Sub-division A: creditor's petition

Requirement to submit statement of affairs and extension of time (section 288(3))

10.58.—(1) The official receiver may exercise the power in section 288(3)(1) to require the bankrupt to submit a statement of affairs under section 288(3) and to grant an extension of time, either on the official receiver's own initiative, or at the bankrupt's request.

(2) A bankrupt required to submit a statement of affairs under paragraph (1) may apply to the court for a release or extension of time, if the official receiver has refused to release the bankrupt from that requirement or grant an extension.

(3) On receipt of an application, the court may, if it is satisfied that no sufficient cause is shown for it, dismiss it without giving notice to any party other than the applicant.

(4) Unless the application is dismissed, the court must fix a venue for it to be heard.

(5) The applicant must, at least 14 days before any hearing, deliver to the official receiver a notice stating the venue with a copy of the application and any evidence on which the applicant intends to rely.

(6) The official receiver may do either or both of the following—

(a) file a report of any matters which the official receiver thinks ought to be drawn to the court's attention; or

(b) appear and be heard on the application.

(7) If such a report is filed, the official receiver must deliver a copy of it to the bankrupt not later than five business days before the hearing.

(8) The court must deliver sealed copies of any order made on the application to the bankrupt and the official receiver.

(9) The bankrupt must pay the bankrupt's costs of the application in any event and, unless and to the extent the court orders otherwise, no allowance in respect of them will be made out of the bankrupt's estate.