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STATUTORY INSTRUMENTS

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**2016 No. 1024**

The Insolvency (England and Wales) Rules 2016

PART 10

BANKRUPTCY

CHAPTER 6

THE TRUSTEE IN BANKRUPTCY

*Sub-division B: resignation and removal*

**Deceased trustee**

**10.84.**—(1) If the trustee (not being the official receiver) dies, notice of the fact and date of death must be delivered to the official receiver by one of the following—

- (a) a surviving joint trustee;
- (b) a member or partner in the deceased trustee's firm (if the deceased was a member, partner or employee of a firm);
- (c) an officer of the deceased trustee's company (if the deceased was an officer or employee of a company); or
- (d) a personal representative of the deceased trustee.

(2) If no such notice has been delivered within 21 days following the trustee's death then any other person may deliver the notice.

(3) In a bankruptcy based on a creditor's petition the official receiver must file notice of the death with the court.

(4) The date of the deceased trustee's release under section 299(3)(a) is—

- (a) the date of the filing of the notice with the court where the bankruptcy is based on a creditor's petition; or
- (b) the date of delivery of the notice under paragraph (1) to the official receiver where the bankruptcy is based on a debtor's application.