
STATUTORY INSTRUMENTS

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

Loss of qualification as insolvency practitioner (section 298(6))

10.85.—(1) This rule applies where the trustee vacates office under section 298(6)(1), on ceasing to be qualified to act as an insolvency practitioner in relation to the bankrupt.

(2) A notice of the fact must be delivered as soon as reasonably practicable to the official receiver by one of the following—

- (a) the trustee who has vacated office;
- (b) a continuing joint trustee;
- (c) the recognised professional body which was the source of the vacating trustee's authorisation to act in relation to the bankrupt.

(3) The notice must be authenticated and dated by the person delivering the notice.

(4) On receiving such a notice the official receiver must—

- (a) deliver a copy of the notice to the Secretary of State; and
- (b) file a copy of the notice with the court where the bankruptcy was based on a creditor's petition.

(5) Rule 10.83(2) to (4) applies in relation to the trustee's application for release under section 299(3)(b).

(1) Section 298(8A) is inserted and (1) is amended by paragraph 77 of Schedule 9; subsection (4) is amended, (2) is omitted and (4A) and (4B) are inserted by paragraph 9 of Schedule 10 to the Small Business, Enterprise and Employment Act 2015 (c.26) and subsections (7) and (8) are amended by paragraph 23 of Schedule 19 to the Enterprise and Regulatory Reform act 2013 (c.24).