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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 C: release on completion of administration of bankrupt's estate*

**Vacation of office on completion of bankruptcy (sections 298(8) and 331)**

**10.87.**—(1) The report which the trustee is required to make under section 331(2A)(a)(1) must comply with the requirements of rule 18.14.

(2) A copy of the notice and report that is sent to creditors under section 331(2) and (2A) must be sent to the bankrupt as soon as is reasonably practicable after notice is given to creditors under that provision.

(3) The notice under section 331(2) must also state—

- (a) that the creditors have the right to request information from the trustee under rule 18.9;
- (b) that the creditors have the right to challenge the trustee's remuneration and expenses under rule 18.34;
- (c) that the bankrupt has a right to challenge the trustee's remuneration and expenses under rule 18.35;
- (d) that the creditors may object to the trustee's release by giving notice in writing to the trustee before the end of the prescribed period;
- (e) that the prescribed period is the period ending at the later of—
  - (i) eight weeks after delivery of the notice; or
  - (ii) if any request for information under rule 18.9 or any application to the court under that rule, rule 18.34 or rule 18.35 is made when that request or application is finally determined;
- (f) that the trustee will vacate office under section 298(8) when, after the end of the prescribed period, the trustee files with the court a notice that the trustee has given notice to the creditors under section 331; and
- (g) that the trustee will be released under section 299(3)(d) at the same time as vacating office unless any of the creditors objected to the trustee's release.

(4) The notice under section 298(8) must be authenticated and dated by the trustee.

(5) The notice must be accompanied by a copy of the final report.

- (6) The trustee must deliver a copy of the notice under section 298(8) to—
  - (a) the Secretary of State; and
  - (b) the official receiver.
- (7) Rule 10.83(2) to (4) applies to an application by the trustee to the Secretary of State for release.