
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 12

COURT PROCEDURE AND PRACTICE

CHAPTER 5

Obtaining information and evidence

Witness statements and reports

12.28.—(1) Where the Act or these Rules require evidence as to a matter, such evidence may be given by witness statement unless—

- (a) in a specific case a rule or the Act makes different provision; or
- (b) the court otherwise directs.

(2) Unless either the provision of the Act or rule under which the application is made provides otherwise, or the court directs otherwise—

- (a) if the applicant intends to rely at the first hearing on evidence in a witness statement or report, the applicant must file the witness statement or report with the court and serve a copy of it on the respondent not less than 14 days before the date fixed for the hearing; and
- (b) where the respondent intends to oppose the application and rely for that purpose on evidence contained in a witness statement or report, the respondent must file the witness statement or report with the court and serve a copy on the applicant not less than five business days before the date fixed for the hearing.

(3) The court may order a person who has made a witness statement or report to attend for cross-examination.

(4) Where a person who has been ordered to attend fails to do so the witness statement or report must not be used in evidence without the court's permission.