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STATUTORY INSTRUMENTS

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**2016 No. 1024**

**The Insolvency (England and Wales) Rules 2016**

PART 12

COURT PROCEDURE AND PRACTICE

CHAPTER 9

Enforcement procedures

**Execution overtaken by judgment debtor's insolvency**

**12.57.**—(1) This rule applies where execution has been taken out against property of a judgment debtor, and notice is delivered to the enforcement officer or other officer charged with the execution—

- (a) under section 184(1) (that a winding-up order has been made against the debtor, or that a provisional liquidator has been appointed, or that a resolution for voluntary winding up has been passed);
- (b) under section 184(4) (that a winding-up petition has been presented, or a winding-up order made, or that a meeting has been called at which there is to be proposed a resolution for voluntary winding up, or that such a resolution has been passed);
- (c) under section 346(2) (that a judgment debtor has been made bankrupt); or
- (d) under section 346(3)(b) (that a bankruptcy petition has been presented or a bankruptcy application has been made in relation to the debtor).

(2) Subject to paragraph (3) and rule 1.47, the notice must be delivered to the office of the enforcement officer or of the officer charged with the execution—

- (a) by hand; or
- (b) by any other means of delivery which enables proof of receipt of the document at the relevant address.

(3) Where the execution is in the County Court then if—

- (a) there is filed with the hearing centre in charge of such execution in relation to the judgment debtor a winding-up or bankruptcy petition; or
- (b) there is made by the hearing centre in charge of such execution in relation to the judgment debtor a winding-up order or an order appointing a provisional liquidator, or a bankruptcy order or an order appointing an interim receiver;

section 184 or 346 is deemed satisfied in relation to the requirement of a notice to be served on, or delivered to, the officer in charge of the execution.