
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 14

**CLAIMS BY AND DISTRIBUTIONS TO CREDITORS IN
ADMINISTRATION, WINDING UP AND BANKRUPTCY**

CHAPTER 2

Creditors' claims in administration, winding up and bankruptcy

Provable debts

14.2.—(1) All claims by creditors except as provided in this rule, are provable as debts against the company or bankrupt, whether they are present or future, certain or contingent, ascertained or sounding only in damages.

(2) The following are not provable—

- (a) an obligation arising under a confiscation order made under—
 - (i) section 1 of the Drug Trafficking Offences Act 1986⁽¹⁾,
 - (ii) section 1 of the Criminal Justice (Scotland) Act 1987⁽²⁾,
 - (iii) section 71 of the Criminal Justice Act 1988⁽³⁾, or
 - (iv) Parts 2, 3 or 4 of the Proceeds of Crime Act 2002⁽⁴⁾;
- (b) an obligation arising from a payment out of the social fund under section 138(1)(b) of the Social Security Contributions and Benefits Act 1992⁽⁵⁾ by way of crisis loan or budgeting loan.
- (c) in bankruptcy—
 - (i) a fine imposed for an offence,
 - (ii) an obligation (other than an obligation to pay a lump sum or to pay costs) arising under an order made in family proceedings, or
 - (iii) an obligation arising under a maintenance assessment made under the Child Support Act 1991⁽⁶⁾.

(1) 1986 c.32; repealed by Schedule 3 to the Drug Trafficking Act 1994 (c.37).
(2) 1987 c.41; repealed by Schedule 5 to the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40).
(3) 1988 c.33; repealed by Schedule 12 to the Proceeds of Crime Act 2002 (c.29) with savings in articles 10 and 13 of S.I. 2003/333.
(4) 2002 c.29; relevant amendments are made by paragraph 75(1) and (2) of Part 2 of Schedule 3 to the Criminal Justice Act 2003 (c.44); Part 1 of Schedule 8 and paragraphs 1 and 2 of Schedule 14 to the Serious Crime Act 2007 (c.27); and paragraphs 11 and 12 of the Schedule to the Prevention of Social Housing Fraud Act 2013 (c.3).
(5) 1992 c.4; section 138(1)(b) is repealed by section 71 of the Welfare Reform Act 2012 c.5.
(6) 1991 c.48.

(3) In paragraph (2)(c), “fine” and “family proceedings” have the meanings given by section 281(8) (which applies the Magistrates Courts Act 1980(7) and the Matrimonial and Family Proceedings Act 1984(8)).

(4) The following claims are not provable until after all other claims of creditors have been paid in full with interest under sections 189(2) (winding up), section 328(4) (bankruptcy) and rule 14.23 (payment of interest)—

- (a) a claim arising by virtue of section 382(1)(a) of the Financial Services and Markets Act 2000 (restitution orders)(9), unless it is also a claim arising by virtue of sub-paragraph (b) of that section (a person who has suffered loss etc.); or
- (b) in administration and winding up, a claim which by virtue of the Act or any other enactment is a claim the payment of which in a bankruptcy, an administration or a winding up is to be postponed.

(5) Nothing in this rule prejudices any enactment or rule of law under which a particular kind of debt is not provable, whether on grounds of public policy or otherwise.

(7) 1980 c.43.

(8) 1984 c.42.

(9) 2000 c.8; section 382 has been amended by paragraph 21 of Schedule 9 to the Financial Services Act 2012 (c.21).