
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

Proving a debt

- 14.3.**—(1) A creditor wishing to recover a debt must submit a proof to the office-holder unless—
- (a) this rule or an order of the court provides otherwise; or
 - (b) it is a members' voluntary winding up in which case the creditor is not required to submit a proof unless the liquidator requires one to be submitted.
- (2) A creditor is deemed to have proved—
- (a) in a winding up immediately preceded by an administration, where the creditor has already proved in the administration; or
 - (b) in an administration immediately preceded by a winding up, where the creditor has already proved in the winding up.
- (3) A creditor is deemed to have proved for the purposes of determination and payment of a dividend but not otherwise where—
- (a) the debt is a small debt;
 - (b) a notice has been delivered to the creditor of intention to declare a dividend or make a distribution under rule 14.29 which complies with rule 14.31 (further contents of notice to creditors owed small debts); and
 - (c) the creditor has not advised the office-holder that the debt is incorrect or not owed in response to the notice.