
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 19

Disclaimer in winding up and bankruptcy

Application for permission to disclaim in bankruptcy (section 315(4))

19.8.—(1) This rule applies where section 315(4) requires the trustee to obtain the court's permission to disclaim property claimed for the bankrupt's estate under section 307(1) or 308.

(2) The trustee may apply for permission without notice to any other party.

(3) The application must be accompanied by a report—

- (a) containing such particulars of the property as will enable it to be easily identified;
- (b) setting out the reasons why, the property having been claimed for the bankrupt's estate, the trustee is now applying for the court's permission to disclaim it; and
- (c) stating the persons (if any) who have been informed of the trustee's intention to make the application.

(4) If the report says that any person has consented to the disclaimer, a copy of that consent must accompany the report.

(5) The court may grant the permission, and may, before doing so—

- (a) order that notice of the application be delivered to all such persons who, if the property is disclaimed, will be entitled to apply for a vesting or other order under section 320(2); and
- (b) fix a venue for the hearing of the application.

(1) Paragraph 16 of Schedule 6 to the Deregulation Act 2015 (c.20) amends section 307 subsections (3) and (4)(a) and (c), omits subsection (4)(b) and inserts new subsection (4A).

(2) Section 320 subsections (2)(c) and (3)(c) are amended by paragraph 25 of Schedule 19 to the Enterprise and Regulatory Reform Act 2013 (c.24).