
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 20

Debtors and their families at risk of violence: orders not to disclose current address

Proposed IVA (order for non-disclosure of current address)

20.2.—(1) This rule applies where a debtor intends to make a proposal for an IVA and has received notice of consent to act from the nominee.

(2) The debtor may make an application for an order as set out in paragraph (4) for the non-disclosure of the debtor's current address.

(3) The application must be accompanied by a witness statement referring to this rule and containing sufficient evidence to satisfy the court that rule 20.1(1) applies.

(4) If the court is satisfied that the circumstances set out in rule 20.1(1) apply, the court may order that if the IVA is approved—

(a) the debtor's current address must be omitted from—

(i) any part of the court file of the proceedings in relation to the debtor's IVA which is open to inspection,

(ii) the debtor's identification details required to be entered on the individual insolvency register under rule 11.14,

(iii) any notice or advertisement under rule 8.36 of an order under section 261(1) to annul the bankruptcy order where an IVA is approved; and

(b) where there is a requirement in these Rules to identify the debtor, the debtor's identification details must not include details of the debtor's current address.

(5) Where the court makes such an order, it may further order that the details to be entered on the individual insolvency register must include instead such other details of the debtor's addresses or whereabouts as the court thinks just, including details of any address at which the debtor has previously resided or carried on business.

(1) Section 261 subsections (1)(a) and (3)(a) are amended by paragraph 68 of Schedule 9 to the Small Business, Enterprise and Employment Act 2015 (c.26).