
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 3

ADMINISTRATION

CHAPTER 3

Appointment of administrator by holder of floating charge

Appointment taking place out of court business hours: content of notice

3.21.—(1) Notice of an appointment filed in accordance with rule 3.20 must be headed “Notice of appointment of an administrator by holder of a qualifying floating charge”, identify the company immediately below the heading and must contain—

- (a) the name and address of the appointer;
- (b) a statement that the appointer has appointed the person named as administrator of the company;
- (c) the name and address of the person appointed as administrator;
- (d) a statement that the appointer is the holder of the qualifying floating charge in question and that it is now enforceable;
- (e) details of the charge, the date upon which it was registered and the maximum amount secured by the charge;
- (f) one of the following statements—
 - (i) that notice has been given in accordance with paragraph 15(1)(a) of Schedule B1 to the holder of every prior floating charge which satisfies paragraph 14(2) of that Schedule, that a copy of every such notice was filed with the court under paragraph 44(2) of that Schedule, the date of that filing (or the latest date of filing if more than one) and that two business days have elapsed from that date,
 - (ii) that notice has been given in accordance with paragraph 15(1)(a) of Schedule B1 to the holder of every prior floating charge which satisfies paragraph 14(2) of that Schedule and that a copy of every such notice is in the appointer’s possession but was not filed with the court under paragraph 44(2) of that Schedule,
 - (iii) that the holder of every such floating charge to whom notice was given has consented to the making of the appointment and that a copy of every consent is in the appointer’s possession,
 - (iv) that the holder of every such floating charge has consented to the making of the appointment without notice having been given to all and that a copy of every consent is in the appointer’s possession, or
 - (v) that there is no such floating charge;

- (g) a statement whether the company is or is not subject to insolvency proceedings at the date of the notice, and details of the proceedings if it is;
 - (h) a statement whether the company is an Article 1.2 undertaking and that a statement of the reasons for stating this is in the appointer's possession;
 - (i) a statement whether the proceedings flowing from the appointment will be main, secondary, territorial or non-EC proceedings;
 - (j) an undertaking that the following will be delivered to the court on the next occasion on which the court is open—
 - (i) any document referred to in the notice in accordance with rule 3.20 as being in the appointer's possession,
 - (ii) the fax transmission report or hard copy of the email, and
 - (iii) the statement of reasons for out-of-hours filing;
 - (k) a statement that the proposed administrator consents to act; and
 - (l) a statement that the appointment is in accordance with Schedule B1.
- (2) Where two or more administrators are appointed the notice must also specify (as required by paragraph 100(2) of Schedule B1)—
- (a) which functions (if any) are to be exercised by those persons acting jointly; and
 - (b) which functions (if any) are to be exercised by any or all of those persons.
- (3) The statutory declaration included in the notice in accordance with paragraph 18(2) of Schedule B1 must be made not more than five business days before the notice is filed with the court.