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STATUTORY INSTRUMENTS

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**2016 No. 1024**

**The Insolvency (England and Wales) Rules 2016**

**PART 3**

**ADMINISTRATION**

**CHAPTER 6**

Statement of affairs

**Statement of affairs: content (paragraph 47 of Schedule B1)**

**3.30.**—(1) The statement of the company’s affairs must be headed “Statement of affairs” and must—

- (a) identify the company immediately below the heading; and
- (b) state that it is a statement of the affairs of the company on a specified date, being the date on which it entered administration.

(2) The statement of affairs must contain (in addition to the matters required by paragraph 47(2) of Schedule B1)—

- (a) a summary of the assets of the company, setting out the book value and the estimated realisable value of—
  - (i) any assets subject to a fixed charge,
  - (ii) any assets subject to a floating charge,
  - (iii) any uncharged assets, and
  - (iv) the total value of all the assets available for preferential creditors;
- (b) a summary of the liabilities of the company, setting out—
  - (i) the amount of preferential debts,
  - (ii) an estimate of the deficiency with respect to preferential debts or the surplus available after paying the preferential debts,
  - (iii) an estimate of the prescribed part, if applicable,
  - (iv) an estimate of the total assets available to pay debts secured by floating charges,
  - (v) the amount of debts secured by floating charges,
  - (vi) an estimate of the deficiency with respect to debts secured by floating charges or the surplus available after paying the debts secured by fixed or floating charges,
  - (vii) the amount of unsecured debts (excluding preferential debts),
  - (viii) an estimate of the deficiency with respect to unsecured debts or the surplus available after paying unsecured debts,
  - (ix) any issued and called-up capital, and

- (x) an estimate of the deficiency with respect to, or surplus available to, members of the company;
  - (c) a list of the company's creditors with the further particulars required by paragraph (3) indicating—
    - (i) any creditors under hire-purchase, chattel leasing or conditional sales agreements, and
    - (ii) any creditors claiming retention of title over property in the company's possession; and
  - (d) the name and address of each member of the company and the number, nominal value and other details of the shares held by each member.
- (3) The list of creditors required by paragraph 47(2) of Schedule B1 and paragraph (2)(c) of this rule must contain the details required by paragraph (4) except where paragraphs (5) and (6) apply.
- (4) The particulars required by paragraph (3) are as follows—
- (a) the name and postal address of the creditor;
  - (b) the amount of the debt owed to the creditor;
  - (c) details of any security held by the creditor;
  - (d) the date on which the security was given; and
  - (e) the value of any such security.
- (5) Paragraph (6) applies where the particulars required by paragraph (4) relate to creditors who are either—
- (a) employees or former employees of the company; or
  - (b) consumers claiming amounts paid in advance for the supply of goods or services.
- (6) Where this paragraph applies—
- (a) the statement of affairs itself must state separately for each of paragraph (5)(a) and (b) the number of such creditors and the total of the debts owed to them; and
  - (b) the particulars required by paragraph (4) must be set out in separate schedules to the statement of affairs for each of paragraphs (5)(a) and (b).