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STATUTORY INSTRUMENTS

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**2016 No. 1024**

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

**PART 3**

**ADMINISTRATION**

**CHAPTER 12**

**Replacing the administrator**

**Application to replace**

**3.68.**—(1) Where an application to court is made under paragraph 91(1) or 95 of Schedule B1 to appoint a replacement administrator, the application must be accompanied by the proposed replacement administrator's consent to act.

(2) Where the application is made under paragraph 91(1), a copy of the application must be delivered—

- (a) to the person who made the application for the administration order;
- (b) to any person who has appointed an administrative receiver of the company;
- (c) to any person who is or may be entitled to appoint an administrative receiver of the company;
- (d) to any person who is or may be entitled to appoint an administrator of the company under paragraph 14 of Schedule B1;
- (e) to any administrative receiver of the company;
- (f) if there is pending a petition for the winding up of the company, to —
  - (i) the petitioner, and
  - (ii) any provisional liquidator;
- (g) to any member State liquidator appointed in main proceedings in relation to the company;
- (h) to the company, if the application is made by anyone other than the company;
- (i) to any supervisor of any CVA in relation to the company; and
- (j) to the proposed administrator.

(3) Where the application is made under paragraph 95, the application must be accompanied by a witness statement setting out the applicant's belief as to the matters set out in that paragraph.

(4) Rules 3.12, 3.13, and 3.15(1) and (2) apply to applications made under paragraph 91(1) and 95 of Schedule B1, with any necessary modifications.