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STATUTORY INSTRUMENTS

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**2016 No. 1024**

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

**PART 5**

**MEMBERS' VOLUNTARY WINDING UP**

**CHAPTER 2**

**The liquidator**

**Removal of liquidator by the court**

**5.7.—**(1) This rule applies where an application is made to the court for the removal of the liquidator, or for an order directing the liquidator to summon a company meeting for the purpose of removing the liquidator.

(2) On receipt of an application, the court may, if it is satisfied that no sufficient cause is shown for it, dismiss it without giving notice to any party other than the applicant.

(3) Unless the application is dismissed, the court must fix a venue for it to be heard.

(4) The applicant must, at least 14 days before any hearing, deliver to the liquidator a notice stating the venue with a copy of the application and of any evidence on which the applicant intends to rely.

(5) A respondent may apply for security for the costs of the application and the court may make such an order if it is satisfied, having regard to all the circumstances of the case, that it is just to make such an order.

(6) The liquidator may do either or both of the following at such a hearing—

- (a) file a report of any matters which the liquidator thinks ought to be drawn to the court's attention; or
- (b) appear and be heard on the application.

(7) On a successful application the court's order must contain the following—

- (a) the name of the court (and hearing centre if applicable) in which the order is made;
- (b) the name and title of the judge making the order;
- (c) identification details for the company;
- (d) the name and address of the applicant;
- (e) the capacity in which the applicant made the application;
- (f) identification and contact details for the liquidator (or former liquidator);
- (g) an order either—
  - (i) that the liquidator is removed from office, or
  - (ii) that the liquidator must summon a meeting of the company's creditors on or before a date which is stated in the order for the purpose of considering the liquidator's removal from office; and

- (h) the date of the order.
- (8) The order of the court may include such provision as the court thinks just relating to matters arising in connection with the removal.
- (9) The costs of the application are not payable as an expense of the winding up unless the court orders otherwise.
- (10) Where the court removes the liquidator—
  - (a) it must deliver the sealed order of removal to the former liquidator; and
  - (b) the former liquidator must deliver a copy of the order to the registrar of companies as soon as reasonably practicable.
- (11) If the court appoints a new liquidator, rule 5.4 applies.