
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 7

WINDING UP BY THE COURT

CHAPTER 3

Petition for winding-up order

Substitution of creditor or contributory for petitioner

7.17.—(1) This rule applies where the petitioner—

- (a) is subsequently found not to have been entitled to present the petition;
- (b) fails to give notice of the petition in accordance with rule 7.10;
- (c) consents to withdraw the petition, or to allow it to be dismissed, consents to an adjournment, or fails to appear in support of the petition when it is called on in court on the day originally fixed for the hearing, or on a day to which it is adjourned; or
- (d) appears, but does not apply for an order in the terms requested in the petition.

(2) The court may, on such terms as it thinks just, substitute as petitioner—

- (a) a creditor or contributory who in its opinion would have a right to present a petition and who wishes to prosecute it; or
- (b) a member State liquidator who has been appointed in main proceedings in relation to the company, and who wishes to prosecute the petition.