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STATUTORY INSTRUMENTS

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**2016 No. 1024**

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

**PART 7**

**WINDING UP BY THE COURT**

**CHAPTER 3**

**Petition for winding-up order**

**Order for substitution of petitioner**

- 7.18.** An order for substitution of a petitioner must contain—
- (a) identification details for the proceedings;
  - (b) the name of the original petitioner;
  - (c) the name of the creditor, contributory or member State liquidator (“the named person”) who is substituted as petitioner;
  - (d) a statement that the named person has requested to be substituted as petitioner under rule 7.17;
  - (e) the following orders—
    - (i) either—
      - (aa) that the named person must pay the statutory deposit to the court and that, upon such payment being made, the statutory deposit paid by the original petitioner is to be repaid to the original petitioner by the official receiver, or
      - (bb) where the named person is the subject of a notice to the court by the Secretary of State under rule 7.7(2)(b) (notice of alternative arrangements for the payment of deposit) that the statutory deposit paid by the original petitioner is to be repaid to the original petitioner by the official receiver;
    - (ii) that the named person be substituted as petitioner in place of the original petitioner and that the named person may amend the petition accordingly,
    - (iii) that the named person must within a period specified in the order file a statement of truth of the statements in the amended petition,
    - (iv) that not later than before the adjourned hearing of the petition, by a date specified in the order, the named person must serve a sealed copy of the amended petition on the company and deliver a copy to any other person to whom the original petition was delivered,
    - (v) that the hearing of the amended petition be adjourned to the venue specified in the order, and
    - (vi) that the question of the costs of the original petitioner and of the statutory deposit (if appropriate) be reserved until the final determination of the amended petition;
  - (f) the venue of the adjourned hearing; and

(g) the date of the order.