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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 4**

Petition by a contributory or a relevant office-holder

**Hearing of petition**

- 7.31.**—(1) On the return day, or at any time after it, the court—
- (a) must, where the petition is presented by a person who is not a relevant office-holder, give directions;
  - (b) may, in any other case, give directions; or
  - (c) may, in either case, make any such order as it sees fit.
- (2) In particular, the court may give directions relating to the following matters—
- (a) service or delivery of the petition, whether in connection with the venue for a further hearing, or for any other purpose;
  - (b) whether particulars of claim and defence are to be delivered, and generally as to the procedure on the petition;
  - (c) whether and if so by what means, notice of the petition is to be given;
  - (d) the manner in which any evidence is to be provided at any hearing before the judge and in particular (but without prejudice to the generality of the above) as to—
    - (i) the taking of evidence wholly or in part by witness statement or orally,
    - (ii) the cross-examination of any person who has made a witness statement, and
    - (iii) the matters to be dealt with in evidence; and
  - (e) any other matter affecting the procedure on the petition or in connection with the hearing and disposal of the petition.
- (3) In giving directions the court must consider whether a copy of the petition should be served on or delivered to any of the persons specified in rule 7.9.