
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 7

WINDING UP BY THE COURT

CHAPTER 11

Calls on contributories

Application to court for permission to make a call (sections 150 and 160)

7.88.—(1) Where the liquidator proposes to make a call the liquidator may apply to the court without notice to any other party for permission to make a call on any contributories of the company.

(2) The application must state the amount of the proposed call, and the contributories on whom it is to be made.

(3) The application must be supported by a witness statement accompanied by a schedule.

(4) The witness statement must have the title “Witness statement of liquidator in support of application for call” and must contain—

- (a) identification and contact details for the liquidator;
- (b) identification details for the company;
- (c) the number of persons on the list of contributories settled by the liquidator;
- (d) the total number of shares to which the proposed call relates;
- (e) the statement that in addition to the amount of the assets of the company mentioned in the schedule the liquidator believes a further sum will be required to satisfy the debts and liabilities of the company, and pay the expenses of and incidental to the winding up;
- (f) the additional sum required;
- (g) a statement that in order to provide the additional sum it is necessary to make a call upon the persons on the settled list of contributories, and that as it is probable that some of those contributories will partly or wholly fail to pay the amount of the call, the liquidator believes that it is necessary that a call of a specified amount per share be made in order to realise the amount required;
- (h) the specified amount per share.

(5) The accompanying schedule must show—

- (a) the amount due in respect of debts already proved;
- (b) the estimated amount of—
 - (i) further liabilities of the company, and
 - (ii) the expenses of the winding up;
- (c) the total of the amounts referred to in sub-paragraphs (a) and (b); and

- (d) a list of the assets in hand belonging to the company with their total value.
- (6) The schedule must be verified by a statement of truth made by the liquidator.