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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 13**

**Public examination of company officers and others (section 133)**

**Request by a creditor for a public examination (section 133(2))**

**7.99.**—(1) A request made under section 133(2) by a creditor to the official receiver for the public examination of a person must contain—

- (a) identification details for the company;
  - (b) the name and postal address of the creditor;
  - (c) the name and postal address of the proposed examinee;
  - (d) a description of the relationship which the proposed examinee has, or has had, with the company;
  - (e) a request by the creditor to the official receiver to apply to the court for a public examination of the proposed examinee under section 133(2);
  - (f) the amount of the creditor's claim in the winding up;
  - (g) a statement that the total amount of the creditor's and any concurring creditors' claims is believed to represent not less than one-half in value of the debts of the company;
  - (h) a statement that the creditor understands the requirement to deposit with the official receiver such sum as the official receiver may determine to be appropriate by way of security for the expenses of holding a public examination; and
  - (i) a statement that the creditor believes that a public examination is required for the reason stated in the request.
- (2) The request must be authenticated and dated by the creditor.
- (3) The request must be accompanied by—
- (a) a list of the creditors concurring with the request and the amounts of their respective claims in the winding up, with their respective values; and
  - (b) from each concurring creditor, confirmation of the creditor's concurrence.