
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 8

INDIVIDUAL VOLUNTARY ARRANGEMENTS (IVA)

CHAPTER 7

Applications to annul bankruptcy orders under sections 261(2)(a) and (b)

Order annulling bankruptcy

- 8.34.**—(1) An order under section 261(2) annulling a bankruptcy order must contain—
- (a) identification details the proceedings;
 - (b) the section number of the Act under which the order is made;
 - (c) the name and address of the applicant;
 - (d) a statement that it appears that an IVA under section 258(1) has been approved and implemented and the date of approval;
 - (e) a statement that there has been no application under section 262 for the revocation or suspension of the IVA and that the time period for making such an application has expired;
 - (f) where the applicant is the official receiver under section 261(2)(b) that the time period in rule 8.33(2) has expired;
 - (g) the order that the relevant bankruptcy order, identified by its date and the name of the bankrupt as set out in the bankruptcy order, be annulled;
 - (h) if appropriate, an order that the relevant bankruptcy petition (identified by the date of its presentation) or the relevant bankruptcy application (identified by the date it was made) (as the case may be) be dismissed;
 - (i) where there is a trustee, an order in respect of the trustee's release, having regard to rule 8.37;
 - (j) an order that the registration of the bankruptcy petition or bankruptcy application as a pending action at the Land Charges Department of HM Land Registry be vacated (identified by the date of registration and reference number);
 - (k) an order that the registration of the bankruptcy order on the register of writs and orders affecting land at the Land Charges Department of HM Land Registry be vacated (identified by date of registration and reference number);
 - (l) the date the order is made;

(1) Section 258(1), (2), (4) and (5) are amended and (6) is omitted by paragraph 65 of Schedule 9 to the Small Business, Enterprise and Employment Act 2015 (c.26).

- (m) a notice to the effect that if the former bankrupt requires notice of the order to be gazetted and advertised in the same manner as the bankruptcy order was advertised, the bankrupt must deliver a notice to the official receiver within 28 days; and
 - (n) a notice to the effect that it is the responsibility of the former bankrupt and in the former bankrupt's interest to ensure that any registration of the petition or bankruptcy application and of the bankruptcy order at the Land Charges Department of HM Land Registry and any entries relating to the petition or bankruptcy application and bankruptcy order in any registered titles at HM Land Registry are cancelled (such a notice giving relevant HM Land Registry contact details and referring to relevant Registry guidance).
- (2) The court must deliver a sealed copy of the order to—
- (a) the former bankrupt;
 - (b) the official receiver;
 - (c) any trustee (if different to the official receiver); and
 - (d) the supervisor.