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STATUTORY INSTRUMENTS

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**2016 No. 1024**

The Insolvency (England and Wales) Rules 2016

PART 9

DEBT RELIEF ORDERS

CHAPTER 6

Applications to the court

**Creditor's bankruptcy petition: creditor consents to making application for a debt relief order**

**9.23.**—(1) This rule applies where before the determination of an application for a debt relief order, a creditor's petition for bankruptcy has been presented against a debtor and the proceedings in relation to the petition remain before the court.

(2) In this rule "the debt" means the debt to which the creditor's bankruptcy petition relates.

(3) If, on the hearing of the petition, the petitioner consents to the debtor making an application for a debt relief order in relation to the debt the court must—

(a) refer the debtor to an approved intermediary for the purpose of making an application for a debt relief order in relation to the debtor and the debt noting the consent of the creditor on the order for referral; and

(b) stay the proceedings on the petition in relation to the debt on such terms and conditions as it thinks just.

(4) The debtor must deliver to the approved intermediary as soon as reasonably practicable after the making of the order of referral—

(a) a sealed copy of the order; and

(b) copies of the petition and the creditor's statutory demand (if there was one).

(5) The approved intermediary must, on receipt of the order and the copies, as soon as reasonably practicable after the application for a debt relief order has been made, deliver them to the official receiver endorsed with the name of the debtor and the number of the application to which they relate.

(6) If, following the reference by the court, a debt relief order is made in relation to the debt, the petition must be dismissed in relation to it unless the court otherwise directs.