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## STATUTORY INSTRUMENTS

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### 2016 No. 187

# INSOLVENCY, ENGLAND AND WALES

## The Insolvency (Amendment) Rules 2016

<i>Made</i>	- - - -	<i>15th February 2016</i>
<i>Laid before Parliament</i>		<i>22nd February 2016</i>
<i>Coming into force</i>	- -	<i>6th April 2016</i>

The Lord Chancellor has consulted the committee existing for the purposes of section 413 of the Insolvency Act 1986 (“the Act”)(1).

The Lord Chancellor makes the following Rules in exercise of the powers conferred by section 412(2) of the Act with the concurrence of the Secretary of State and with the concurrence of the Chancellor of the High Court (nominated by the Lord Chief Justice under section 412(6) of the Act) in relation to those Rules which affect court procedure.

### Citation, commencement and interpretation

- 1.—(1) These Rules may be cited as the Insolvency (Amendment) Rules 2016.
- (2) These Rules come into force on 6th April 2016.
- (3) In these Rules “the 1986 Rules” means the Insolvency Rules 1986(3).

### Amendments to the 1986 Rules

2. The 1986 Rules are amended as follows.
3. In Part 5 (individual voluntary arrangements)(4)—
  - (a) in Rule 5.3(2)(c)(iii) (contents of proposal) for “adjudged” substitute “made”.
  - (b) in Rule 5.5(2) (statement of affairs) omit “272 (debtor’s petition) or”.

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(1) 1986 c.45; section 413 was amended by the Constitutional Reform Act 2005 (c.4) Schedule 4, paragraphs 185 and 190 and S.I. 2006/1014; there are other amending instruments but none is relevant.

(2) Relevant amending instruments are the Tribunals, Courts and Enforcement Act 2007 (c.15) Schedule 20(1), paragraph 8, the Constitutional Reform Act 2005 (c.4) Schedule 4(1), paragraph 189(3) and S.I. 2002/1037.

(3) S.I. 1986/1925.

(4) Part 5 was substituted by S.I. 2002/2712; relevant amending instrument is S.I. 2010/686.

- (c) in Rule 5.6(2)(b) (additional disclosure for assistance of nominee) for “adjudged” substitute “made”.
  - (d) in Rule 5.7(1)(c) (application for interim order) for “petition” substitute “apply”.
  - (e) in Rule 5.8 (court in which application to be made)—
    - (i) in paragraph (1) for “present his own petition in bankruptcy under Rule 6.40A” substitute “make an application in accordance with Rule 6.50A”;
    - (ii) in paragraph (3) after “bankruptcy proceedings” insert “or, where the court does not have the conduct of the bankruptcy proceedings, to the court that the debtor would be entitled to make an application in accordance with Rule 6.50A and the application will be placed on the bankruptcy file”.
  - (f) in Rule 5.14B (applications to the court)—
    - (i) in paragraph (1) for “present the debtor’s petition in bankruptcy under Rule 6.40A” substitute “make an application in accordance with Rule 6.50A”;
    - (ii) for paragraph (2) substitute—
      - “(2) Where the debtor is an undischarged bankrupt, the appropriate court is—
        - (a) the court having the conduct of the debtor’s bankruptcy, if any, or,
        - (b) where the court does not have the conduct of the bankruptcy proceedings, to the court that the debtor would be entitled to make an application in accordance with Rule 6.50A
 and any application must be filed with the court and placed on the bankruptcy file, if any.”
- 4. In Part 5A (debt relief orders)(5)—**
- (a) in Rule 5A.7(6) (prescribed verification checks)—
    - (i) in sub-paragraph (b) omit “debtor’s or”;
    - (ii) after sub-paragraph (b) insert—
      - “(ba) whether the debtor has made a bankruptcy application prior to the determination date;”;
    - (iii) in sub-paragraph (c)—
      - (aa) before “bankruptcy petition” insert “a bankruptcy application has been made or”;
      - (bb) after “in relation to” insert “the application or”;
    - (iv) in sub-paragraph (d) omit from “and whether the court” to “debt relief order”.
  - (b) omit Rule 5A.22 (referral of debtor, by court, to intermediary under section 274A).
- 5. In Part 6 (bankruptcy)(6)—**
- (a) for Chapter 3 (bankruptcy petition (debtor’s)) substitute the Chapter set out in Schedule 1 (amendments to Part 6 (bankruptcy) of the 1986 Rules);
  - (b) in Rule 6.51 (application for appointment of interim receiver)—
    - (i) omit paragraphs (1)(c) and (3);
    - (ii) in paragraph (4) omit the second sentence.
  - (c) in the heading before Rule 6.67 (preliminary) for “petition” substitute “application”.

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(5) Part 5A was inserted by S.I. 2009/642.

(6) Part 6 was amended by S.I. 1987/1919, 1995/586, 1999/359, 2002/1307, 2003/1730, 2005/527, 2009/642, 2010/686, 2011/785 and 2014/817.

- (d) for Rule 6.67 (preliminary) substitute—

“**6.67.** The Rules in this Section apply in relation to further disclosure which is required of a bankrupt where the bankruptcy order was made on a bankruptcy application.”.
- (e) omit Rule 6.68 (contents of statement).
- (f) in Rule 6.69(2) (requirement to submit accounts) for “presentation of the bankruptcy petition” substitute “making of the bankruptcy application”.
- (g) in Rule 6.72(1) (further disclosure) for “his statement of affairs” substitute “the bankruptcy application”.
- (h) in Rule 6.75(1) (report where statement of affairs lodged) omit “or 6.72”.
- (i) at the beginning of Rule 6.126A(7)(b) (resignation (application under Rule 6.142)) insert “in a bankruptcy based on a petition”.
- (j) in Rule 6.127 (action following acceptance of resignation)—
  - (i) at the beginning of paragraph (6) for “The” substitute “In a bankruptcy based on a petition the”.
  - (ii) for paragraph (7) substitute—

“(7) The trustee’s resignation is effective—

    - (a) in a bankruptcy based on a petition, as from the date on which the official receiver files the copy notice in court, that date to be endorsed on the copy notice;
    - (b) in a bankruptcy based on a debtor’s application, as from the date on which the official receiver places the copy notice on the bankruptcy file.”.
- (k) for Rule 6.128(4) (permission to resign granted by the court) substitute—

“(4) In a bankruptcy based on a debtor’s application the trustee must send notice of resignation to the official receiver.

(4A) In a bankruptcy based on a petition the trustee must send notice of resignation to the court and a copy of such notice to the official receiver.”.
- (l) for Rule 6.131 (procedure on removal) substitute—

“**6.131.**—(1) This Rule applies where the creditors have resolved that the trustee be removed.

(2) The Secretary of State must deliver to the official receiver a notice of reconciliation that the removed trustee has reconciled the trustee’s account with the account held by the Secretary of State in respect of the bankruptcy.

(3) In a bankruptcy based on a petition, where the Secretary of State has delivered the notice of reconciliation to the official receiver—

  - (a) the official receiver must file the certificate of removal in court; and
  - (b) the resolution is effective from the date on which the certificate of removal is filed in court.

(4) In a bankruptcy based on a debtor’s application, the resolution is effective from the date of the notice of reconciliation.

(5) The official receiver must deliver a copy of the certificate of removal to the removed trustee, and if a new trustee has been appointed, to the new trustee.”.
- (m) in Rule 6.133(2) (removal of trustee by Secretary of State) at the beginning of sub-paragraph (a) insert “where the bankruptcy is based on a petition,”.
- (n) in Rule 6.135 (release of resigning or removed trustee)—

- (i) in paragraph (1A) for “ on which the official receiver” to the end substitute—
    - “(a) in a bankruptcy based on a debtor’s application, the chairman of the meeting delivers a certificate under paragraph (7) of that Rule to the official receiver, or
    - (b) in a bankruptcy based on a petition, the official receiver files a copy of the certificate under paragraph (7) of that Rule in court.”;
  - (ii) at the end of paragraph (4) before the full stop insert “in a bankruptcy based on a petition”.
  - (o) in Rule 6.136(3) (release of the official receiver) for “to the court that he has done so. The notice” substitute “of that date to the court in a bankruptcy based on a petition or to the official receiver in a bankruptcy based on the debtor’s application. The notice to the court”.
  - (p) in Rule 6.137 (final meeting of creditors) in paragraphs (4) and (5) after “to the court” in each paragraph insert “in a bankruptcy based on a petition or to the official receiver in a bankruptcy based on a debtor’s application”.
  - (q) in Rule 6.143 (trustee deceased)—
    - (i) at the beginning of paragraph (4) for “The” substitute “In a bankruptcy based on a petition, the”;
    - (ii) after paragraph (4) insert—
      - “(4A) In a bankruptcy based on a debtor’s application, the official receiver must place notice of the death on the bankruptcy file for the purpose of fixing the date of the deceased trustee’s release in accordance with section 299(3)(a).”.
  - (r) in Rule 6.144(2) (loss of qualification as insolvency practitioner) after “file in court” insert “in a bankruptcy based on a petition”.
  - (s) in Rule 6.220 (certificate of discharge)—
    - (i) in paragraph (1) after the words “expiration of time or otherwise” insert “and the bankruptcy order was made otherwise than on a bankruptcy application,”;
    - (ii) after paragraph (1) insert—
      - “(1A) On payment of the prescribed fee, a bankrupt may apply to the official receiver for a certificate of discharge where the bankruptcy order was made on a bankruptcy application.
      - (1B) Where it appears to the official receiver that the bankrupt is discharged, the official receiver must deliver a certificate of discharge, and the date from which it is effective, to the former bankrupt by electronic means.
      - (1C) The certificate of discharge delivered by the official receiver must—
        - (a) state the former bankrupt’s full name;
        - (b) state the date of the bankruptcy order;
        - (c) certify that the former bankrupt was discharged from the bankruptcy;
        - (d) state the date of discharge from the bankruptcy;
        - (e) state the date of certification of discharge.”.
  - (t) in Rule 6.224(1)(d)(ii) (general rule as to priority) omit the words after “sub-paragraph (i)” to the end of the subparagraph.
- 6.** In Rule 6A.4 (entry of information onto the individual insolvency register – bankruptcy orders)(7)—

- (a) in paragraph (2) omit “or Rule 6.46”.
  - (b) in paragraph (2)(a) omit “and 6.38”.
  - (c) after paragraph (2) insert—
    - “(2A) Where the official receiver receives a copy of the bankruptcy order from the adjudicator pursuant to Rule 6.48, the official receiver must enter in the individual insolvency register—
    - (a) the information set out in Part 1 of Schedule 2A;
    - (b) the date of the making of the bankruptcy order; and
    - (c) the reference allocated to the bankruptcy application as stated on the order.”.
  - (d) in paragraph 3(d) and (e) for “adjudged”, in each place where it occurs, substitute “made”.
- 7. In Part 7 (court procedure and practice)(8)—**
- (a) in Rule 7.9(1)(b) (use of reports)—
    - (i) at the end of sub-paragraph (ii) insert “or”;
    - (ii) at the end of sub-paragraph (iii) omit “, or” and insert “.”;
    - (iii) omit sub-paragraph (iv).
  - (b) in Rule 7.31A (court file)—
    - (i) at the beginning of paragraph (1) for “The” substitute “Save where a bankruptcy file has been opened under Rule 6.50, the”;
    - (ii) after paragraph (2) insert—
      - “(2A) However, where a bankruptcy file has been opened under Rule 6.50, documents filed with the court under the Act or the Rules must be placed on the bankruptcy file.”.
  - (c) (i) in Rule 7.37A (petitions presented by insolvents) for paragraph (1) substitute—
    - “(1) This Rule applies where a winding-up petition is presented by a company against itself and references in this rule to “the insolvent” are to be read as a reference to the company.”;
  - (ii) in paragraph (2) for “in either of the cases” substitute “on a petition of a kind”.
- 8. In Rule 12A.28(1) (execution overtaken by judgment debtor’s insolvency)(9)—**
- (a) in sub-paragraph (c) for “adjudged” substitute “made”.
  - (b) in sub-paragraph (d) before “bankruptcy petition” insert “bankruptcy application has been made or”.
- 9. In Schedule 2 (alternative county court hearing centres)(10) for the reference to “Rules 5A.21(2) and 6.40(3)” substitute “Rules 5A.21(2) and 6.50A(4)”.**
- 10. After Schedule 2 (alternative county court hearing centres) insert the Schedules 2A, 2B and 2C set out in Schedule 2 (Schedules to be inserted after Schedule 2 to the 1986 Rules) to these Rules.**
- 11. In Schedule 4 (forms)(11) omit—**
- (a) form numbers 6.14 and 6.26 to 6.30; and
  - (b) references to them—

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(8) Relevant amending instrument is [S.I. 2010/686](#).

(9) Part 12A was inserted by [S.I. 2010/686](#).

(10) Relevant amending instruments are [S.I. 2009/642](#) and [2014/817](#).

(11) There are amending instruments but none is relevant.

- (i) in the Forms index, and
- (ii) where they appear in marginal notes to the 1986 Rules.

### **Transitional provision**

**12.** The amendments made by these Rules do not apply in respect of a petition for bankruptcy presented to the court before 6th April 2016.

### **Review**

- 13.**—(1) Before the end of the review period, the Secretary of State must—
- (a) carry out a review of these Rules;
  - (b) set out the conclusions of the review in a report; and
  - (c) publish the report.
- (2) The report must in particular—
- (a) set out the objectives intended to be achieved by the regulatory system established by these Rules;
  - (b) assess the extent to which those objectives are achieved; and
  - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (3) “Review period” means the period of five years beginning with the day on which these Rules come into force.

Signed by authority of the Lord Chancellor

11th February 2016

*Shailesh Vara*  
Parliamentary Under Secretary of State  
Ministry of Justice

I concur, by the authority of the Lord Chief Justice

15th February 2016

*Terence Etherton*  
Chancellor of the High Court

I concur, on behalf of the Secretary of State

11th February 2016

*Anna Soubry*  
Minister of State for Small Business, Industry  
and Enterprise  
Department for Business, Innovation and Skills

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SCHEDULE 1

Rule 5(a)

Amendments to Part 6 (Bankruptcy) of the 1986 Rules

“CHAPTER 3

DEBTOR’S BANKRUPTCY APPLICATION

**Preliminary**

**6.37.—**(1) The Rules in this Chapter relate to a debtor’s bankruptcy application and the making of a bankruptcy order on the application of a debtor.

(2) In this Chapter—

“authenticate” means to authenticate in accordance with Rule 6.38(3);

“bankruptcy application” means the bankruptcy application submitted by the debtor to the adjudicator under this Chapter requesting the making of a bankruptcy order against the debtor;

“bankruptcy file” means the file opened by the adjudicator in accordance with Rule 6.50;

“current address” means—

- (a) the debtor’s residential address; and
- (b) any address at which the debtor currently carries on business;

“contact details” means—

- (a) a postal address; and
- (b) either—
  - (i) an email address, or
  - (ii) a telephone number

through which the person or company may be contacted;

“credit reference agency” means a person authorised or permitted by the Financial Conduct Authority to carry on the regulated activity of providing credit references;

“the debts” means the debt or debts in relation to which the bankruptcy application is made;

“debtor’s identification details” means the debtor’s full name and residential address (subject to any order for limited disclosure made under 6.50B);

“document” includes a written notice or statement or anything else in writing capable of being delivered to a recipient, including electronic form if a copy of it is capable of being produced in a legible form;

“identity of the proceedings” means—

- (a) the full name of the court or hearing centre in which the proceedings are or were conducted,
- (b) any number assigned by the court or hearing centre to those proceedings.

**Bankruptcy application for a bankruptcy order**

**6.38.—**(1) In the bankruptcy application the debtor must—

- (a) state that the debtor is unable to pay the debtor’s debts;
- (b) request that the adjudicator make a bankruptcy order against the debtor;



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- (c) state that the debtor is not aware of any pending bankruptcy petition;
  - (d) state whether a bankruptcy order has been made in respect of any of the debts which are the subject of the bankruptcy application;
  - (e) state whether the debtor has taken debt advice before completing the bankruptcy application;
  - (f) consent to verification checks being made by the adjudicator;
  - (g) provide the information set out in Schedule 2A;
  - (h) provide the additional information set out in Schedule 2B;
  - (i) state that the information provided in accordance with this Rule is accurate and up-to-date at the date of the bankruptcy application; and
  - (j) state that the prescribed fee and deposit have been paid in full.
- (2) The bankruptcy application must be authenticated by the debtor.
- (3) A document is sufficiently authenticated in—
- (a) electronic form—
    - (i) if the identity of the sender is confirmed in a manner specified by the recipient; or
    - (ii) where the recipient has not so specified, if the communication contains or is accompanied by a statement of the identity of the sender and the recipient has no reason to doubt the truth of that statement.
  - (b) hard-copy form if it is signed.

### **Procedure for making the bankruptcy application and electronic communications with the adjudicator**

**6.39.**—(1) The bankruptcy application must be completed in accordance with these Rules in electronic form and submitted to the adjudicator by electronic means unless otherwise agreed with the adjudicator in accordance with paragraph (4).

(2) For the purposes of Rule 6.38(1)(i), the date of the bankruptcy application is the date that the debtor submits the bankruptcy application to the adjudicator under these Rules.

(3) A bankruptcy application is made when its receipt has been acknowledged by the adjudicator by electronic or other means.

(4) In the event of any malfunction or error in the operation of the electronic form or means of submitting the bankruptcy application, the adjudicator will—

- (a) agree that debtors may, for a specified period, complete and deliver bankruptcy applications in another format; and
- (b) provide an alternative means of submitting the bankruptcy application and details of any terms or conditions to which their use is subject.

(5) If a bankruptcy application is completed in hard copy, it may not be submitted by fax.

(6) Where the debtor has given an electronic address in the bankruptcy application, the adjudicator must so far as reasonably practicable communicate with the debtor by electronic means.

(7) Unless the contrary is shown, a document (other than a bankruptcy application) is to be treated as delivered by electronic means to an electronic address where the sender can produce a copy of the electronic communication which—

- (a) contains the document; and

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(b) shows the time and date the communication was sent and the electronic address to which it was sent.

(8) Unless the contrary is shown, a document (other than a bankruptcy application) is to be treated as delivered to the electronic address to which it is sent at 9.00 am on the next business day after it was sent.

### **Application to the Chief Land Registrar to register a bankruptcy application**

**6.40.**—(1) When a bankruptcy application is made, the adjudicator must as soon as reasonably practicable deliver to the Chief Land Registrar an application for registration of the bankruptcy application, in the register of pending actions.

(2) The application must contain—

- (a) a statement that the adjudicator is applying for registration of a bankruptcy application as a pending action under section 5 of the Land Charges Act 1972<sup>(12)</sup>;
- (b) the debtor's name and any alternative name by which the debtor has been or is known;
- (c) the debtor's date of birth;
- (d) the debtor's gender, if known;
- (e) the debtor's occupation, including any trading name;
- (f) the postal address for each known place of residence of the debtor;
- (g) the debtor's business address if the adjudicator considers it appropriate to provide this for the purpose of the application;
- (h) the relevant key number allocated by the Chief Land Registrar;
- (i) the reference allocated to the bankruptcy application; and
- (j) the date of the bankruptcy application.

(3) The application must be authenticated and dated by the adjudicator.

### **Verification checks**

**6.41.** For the purpose of determining whether the adjudicator can make a bankruptcy order, verification checks may be made in, or with, one or more of the following—

- (a) the electoral registers for such districts in England and Wales that the adjudicator considers it appropriate to determine the identity and residence of the debtor;
- (b) the individual insolvency register;
- (c) the official receiver;
- (d) a credit reference agency.

### **Determination of the bankruptcy application**

**6.42.**—(1) The adjudicator must determine whether to make a bankruptcy order within the determination period.

(2) In reaching a determination, the adjudicator must have regard to whether the requirements of section 263K (determination of bankruptcy application)<sup>(13)</sup> of the Act are met.

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<sup>(12)</sup> 1972 c.61; there are amending instruments but none is relevant.

<sup>(13)</sup> Section 263K was inserted by the Enterprise and Regulatory Reform Act 2013 (c.24) Schedule 18, paragraph 1.

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(3) During the determination period the adjudicator may request such further information from the debtor as the adjudicator considers is necessary in order to make the determination, such information to be provided in writing, or at the request of the adjudicator, to be provided orally.

(4) Subject to paragraph 5, the adjudicator will make a determination from the information provided under Rule 6.38(1)(g) and any further information provided under rule 6.42(3) and from the verification checks.

(5) Before determining that the requirements of section 263K are not met, the adjudicator must have regard to the additional information provided under Rule 6.38(1)(h).

### **The determination period**

**6.43.**—(1) The determination period is 28 days from the date the bankruptcy application is made.

(2) Where the adjudicator requests further information from the debtor more than 14 days after the date the bankruptcy application is made, the determination period is extended by 14 days.

(3) A failure to make a determination within the determination period is a refusal.

### **Settlement and content of bankruptcy order**

**6.44.**—(1) The bankruptcy order must be settled by the adjudicator.

(2) The bankruptcy order must contain—

- (a) the information set out in Part 1 of Schedule 2A;
- (b) the date the bankruptcy application was made;
- (c) the order that upon reading the application it is ordered that the person named be made bankrupt;
- (d) the order either—
  - (i) that the adjudicator being satisfied that the EC Regulation(14) applies declares that the proceedings are main, secondary or territorial proceedings (as the case may be) as defined in Article 3 of the EC Regulations; or
  - (ii) that the adjudicator is satisfied that the EC Regulation does not apply in relation to the proceedings;
- (e) a notice of the bankrupt's duties in relation to the official receiver under section 291(4) (duties of bankrupt in relation to the official receiver), and in particular to the bankrupt's duty to give the official receiver such inventory of the bankrupt's estate and such other information, and to attend on the official receiver at such times, as the official receiver may reasonably require.

### **Refusal to make a bankruptcy order and contents of the notice of refusal**

**6.45.**—(1) Where the adjudicator determines that the requirements of section 263K are not met, the adjudicator must refuse to make a bankruptcy order.

(2) The adjudicator must deliver notice of the refusal to make a bankruptcy order to the debtor as soon as reasonably practicable after the refusal to make the bankruptcy order under rule 6.43(3) or 6.45(1).

(3) The notice of refusal must state—

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(14) Council Regulation (EC) 1346/2000, OJNo. L160, 30.06.00. p.1.

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- (a) the nature of the notice;
- (b) the debtor's identification details;
- (c) that the notice is given under section 263N(1) of the Act;
- (d) contact details for the adjudicator;
- (e) the reason or reasons for the refusal to make a bankruptcy order;
- (f) that the debtor may request that the adjudicator review the decision to refuse to make a bankruptcy order within 14 days from the date of delivery of the notice of refusal;
- (g) that where a review is requested it will be a review only of the information that was available to the adjudicator at the date when the adjudicator refused to make a bankruptcy order;
- (h) that following a review, the adjudicator must either—
  - (i) confirm the refusal to make a bankruptcy order; or
  - (ii) make a bankruptcy order against the debtor;
- (i) where the adjudicator confirms the refusal following a review, the debtor may appeal to the court against the decision within 28 days from the date of delivery of the notice of confirmation of the refusal.

#### **Review of the refusal to make a bankruptcy order**

**6.46.**—(1) The debtor may request the adjudicator to review the decision to refuse to make a bankruptcy order within 14 days from the date of delivery of the notice of refusal.

(2) The debtor must give reasons for requesting a review but the request may not include additional information that was not available to the adjudicator when the determination was made.

(3) Where the adjudicator makes a bankruptcy order following a review, the bankruptcy order must be settled by the adjudicator in accordance with Rule 6.44.

(4) Where the adjudicator confirms the refusal to make a bankruptcy order, the adjudicator must deliver notice to the debtor as soon as reasonably practicable.

(5) The notice must state—

- (a) the nature of the notice;
- (b) the debtor's identification details;
- (c) that the notice is given under section 263N(4) of the Act;
- (d) contact details for the adjudicator;
- (e) the reason or reasons for confirming the refusal to make the bankruptcy order;
- (f) that the debtor may appeal to the court against the decision within 28 days from the date of delivery of the confirmation of the notice of refusal.

#### **Appeal to the court following a review of the refusal to make a bankruptcy order**

**6.47.**—(1) Following a decision by the adjudicator to confirm the refusal to make a bankruptcy order, a debtor may appeal the decision to the court.

(2) An appeal under this Rule must be made within 28 days from the date of delivery of the confirmation of the notice of refusal.

(3) The appeal must state—

- (a) that the application is made under section 263N(5) of the Act;

- (b) that the application has been made within the period prescribed in these Rules;
  - (c) the names of the parties;
  - (d) the court (and where applicable, the division or district registry of that court) or hearing centre in which the application is made;
  - (e) the grounds for the appeal;
  - (f) the nature of the order applied for;
  - (g) the name and address of the adjudicator on whom it is intended to serve the application; and
  - (h) the debtor's address for service.
- (4) The court must either—
- (a) dismiss the application; or
  - (b) make a bankruptcy order against the debtor.
- (5) The bankruptcy order must state—
- (a) the information set out in Part 1 of Schedule 2A;
  - (b) the date the bankruptcy application was made;
  - (c) the date and time of the making of the order; and
  - (d) the order has been made following an appeal to the court under this Rule.
- (6) The adjudicator is not personally liable for costs incurred by any person in respect of an application under this Rule.
- (7) As soon as reasonably practicable after the making of the bankruptcy order the court will deliver sealed copies of the order to the debtor and the official receiver.

#### **Action to follow making of order**

- 6.48.**—(1) As soon as reasonably practicable following the making of the bankruptcy order the adjudicator must deliver copies of the bankruptcy order to the debtor and the official receiver.
- (2) On the application of the bankrupt to the official receiver, the official receiver must deliver to the bankrupt a hard copy of the bankruptcy order.
- (3) Subject to paragraph (5), on receipt of the bankruptcy order, the official receiver—
- (a) as soon as reasonably practicable must—
    - (i) deliver an application, for registration of the bankruptcy order in the register of writs and orders affecting land to the Chief Land Registrar; and
    - (ii) cause notice of the bankruptcy order to be gazetted;
  - (b) may cause notice of the bankruptcy order to be advertised in such other manner as the official receiver thinks fit; and
  - (c) cause an entry to be made in the individual insolvency register in accordance with Rule 6A.4.
- (4) The notice to be gazetted under paragraph (3)(a)(ii) and any notice to be advertised under paragraph (3)(b) must state—
- (a) that a bankruptcy order has been made against the bankrupt;
  - (b) the date of the bankruptcy order;
  - (c) that the bankruptcy order was made on the debtor's own bankruptcy application; and
  - (d) the date of delivery of the bankruptcy application.

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(5) The court may, on the application of the bankrupt or a creditor, order the official receiver to suspend action under paragraph (3), pending a further order of the court.

(6) An application for such action to be suspended must be supported by a witness statement stating the grounds on which it is made.

(7) Where an order is made to suspend such action, the applicant must deliver a copy of it to the official receiver as soon as reasonably practicable.

### **Application to the Chief Land Registrar**

**6.49.**—(1) The application to the Chief Land Registrar for registration of the bankruptcy order under Rule 6.48 must contain—

- (a) a statement that the official receiver is applying for registration of a bankruptcy order made by the adjudicator in the register of writs and orders under section 6 of the Land Charges Act 1972<sup>(15)</sup>;
  - (b) the bankrupt's name and any alternative names by which the bankrupt has been or is known;
  - (c) the bankrupt's date of birth;
  - (d) the bankrupt's gender, if known;
  - (e) the bankrupt's occupation including any trading name;
  - (f) the postal address for each known place of residence of the bankrupt;
  - (g) the bankrupt's business address where the official receiver considers it appropriate for the purpose of the application;
  - (h) the relevant key number allocated by the Chief Land Registrar;
  - (i) the reference allocated to the bankruptcy order; and
  - (j) the date of the bankruptcy order.
- (2) The application must be authenticated and dated by the official receiver.

### **The bankruptcy file**

**6.50.**—(1) On receipt of a bankruptcy application, the adjudicator must open a file in which the adjudicator will place the bankruptcy application and any documents which are delivered to the adjudicator under this Chapter.

(2) As soon as reasonably practicable following the making of the bankruptcy order the adjudicator must deliver the bankruptcy file to the official receiver.

- (3) The official receiver must place on the bankruptcy file—
- (a) any documents delivered to the official receiver by the court; and
  - (b) any notices delivered to the official receiver under these Rules.

- (4) The following persons may inspect the bankruptcy file—
- (a) the court;
  - (b) the trustee;
  - (c) the Secretary of State; and
  - (d) the bankrupt.

(5) Following the making of a bankruptcy order, a creditor may inspect the following information and documents placed on the bankruptcy file—

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(15) 1972 c.61; there are amending instruments but none is relevant.

- (a) the information provided to the adjudicator and set out in Schedule 2C (information to be given to creditors);
  - (b) the bankruptcy order; and
  - (c) directions and orders of the court, if any.
- (6) The right to inspect the bankruptcy file may be exercised on that person's behalf by a person authorised to do so by that person.
- (7) Any person who is not otherwise entitled to inspect the bankruptcy file (or any part of it) may do so if the court gives permission.
- (8) The court may direct that the bankruptcy file, a document (or part of it) must not be made available under this Rule without the permission of the court.
- (9) An application for a direction to withhold the bankruptcy file, a document (or part of it) may be made by—
- (a) the official receiver;
  - (b) the trustee; or
  - (c) any person appearing to the court to have an interest.
- (10) An application under this Rule for—
- (a) permission to inspect the bankruptcy file; or
  - (b) a direction to withhold the bankruptcy file, a document (or part of it),
- may be made without notice to any other party, but the court may direct that notice must be delivered to any person who would be affected by its decision.

### **Court in which applications are to be made**

**6.50A.**—(1) An application to the court under this Chapter must be made to the debtor's own county court hearing centre where the debtor is resident in England and Wales.

(2) If the debtor is not resident in England and Wales but was resident or carried on business in England and Wales within the six months immediately preceding the making of the bankruptcy application, an application may be made to the debtor's own county court hearing centre or to the High Court.

(3) In this Rule the debtor's own county court hearing centre is—

- (a) where the debtor has carried on business in England and Wales within the six months immediately preceding the filing with the court of the application, the county court hearing centre for the insolvency district where for the longest period during those six months—
  - (i) the debtor carried on business, or
  - (ii) the principal place of business was located, if business was carried on in more than one insolvency district; or
- (b) where the debtor has not carried on business in England and Wales within the six months immediately before making the application to the court, the county court hearing centre for the insolvency district where the debtor resided for the longest period during those six months.

(4) Where, for whatever reason, it is not possible for the application to be made to the debtor's own county court hearing centre, the applicant may, with a view to expediting the application, make the application—

- (a) where paragraph (3)(a) applies, to—

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- (i) the county court hearing centre for the insolvency district in which the debtor resides, or
  - (ii) whichever county court hearing centre is specified by Schedule 2 to these Rules as being the nearest full-time county court hearing centre in relation to—
    - (aa) the county court hearing centre in paragraph (3)(a), or
    - (bb) the county court hearing centre in paragraph (i); or
  - (b) where paragraph (3)(b) applies, whichever court is specified by Schedule 2 as being the nearest full-time court in relation to the court in that paragraph.
- (5) The application must contain sufficient information to establish that it is brought in the appropriate county court hearing centre.

#### **Order for non-disclosure of current address**

**6.50B.**—(1) This Rule applies where a debtor intends to make a bankruptcy application and has been issued with a unique identifier for the application.

(2) The debtor may make an application for an order as set out in paragraph (4) for the non-disclosure of the debtor's current address where disclosure or continuing disclosure to other persons (whether to the public generally or to specific persons) of the current address or whereabouts of a debtor might reasonably be expected to lead to violence against the debtor or against a person who normally resides with the debtor as a member of the debtor's family.

(3) The application must be accompanied by a witness statement referring to this Rule and containing sufficient evidence to satisfy the court that this Rule applies to or in respect of that debtor.

(4) If the court is satisfied that the circumstances set out in paragraph (2) apply, the court may order that if a bankruptcy order is made—

- (a) the debtor's current address must be omitted from—
  - (i) any part of the bankruptcy file which is open to inspection;
  - (ii) the details in respect of the debtor to be entered on the individual insolvency register under Rule 6A.4;
  - (iii) the details in respect of the debtor to be entered in the bankruptcy order; and
- (b) where there is a requirement in these Rules to identify the debtor, the debtor's identity information must not include the debtor's current address.

(5) Where the court makes an order under paragraph (4), it may further order that such other details of the debtor's addresses or whereabouts as the court thinks just, including details of any address at which the debtor has previously resided or carried on business, are to be included in—

- (a) the details in respect of the debtor kept on or to be entered on the individual insolvency register under Rule 6A.4;
- (b) the details in respect of the debtor included on the bankruptcy file; or
- (c) the description of the debtor to be inserted in the bankruptcy order.”



SCHEDULE 2

Rule 10

Schedules to be inserted after Schedule 2 of the 1986 Rules

“SCHEDULE 2A

Rule 6.38

Information to be provided in the bankruptcy application

PART 1

Debtor’s personal information

1. Debtor’s title.
2. Debtor’s identification details.
3. Any previous name or other names by which the debtor is known or has been known during the last five years immediately before the date of the bankruptcy application.

PART 2

Additional personal information

4. Debtor’s contact telephone number.
5. Debtor’s email address (if any).
6. Debtor’s date of birth.
7. Debtor’s National Insurance number.
8. Debtor’s gender.
9. Any previous address at which the debtor has resided during the three years immediately before the date of the bankruptcy application.
10. Whether the debtor is—
  - (a) single;
  - (b) married;
  - (c) divorced;
  - (d) co-habiting;
  - (e) separated;
  - (f) widowed;
  - (g) a civil partner;
  - (h) a former civil partner; or
  - (i) a surviving civil partner.
11. All occupants of the debtor’s household and in respect of each person—
  - (a) name;
  - (b) age;
  - (c) relationship to the debtor;
  - (d) whether or not that person is dependent on the debtor.

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- 12.** Any other person dependent on the debtor and in respect of each person—
- (a) name;
  - (b) age;
  - (c) postal address;
  - (d) reason for that person’s dependency on the debtor.

*Occupation and employment details*

- 13.** Debtor’s occupation (if any).
- 14.** Debtor’s employment status.
- 15.** Where the debtor is employed—
- (a) date when the debtor commenced the employment; and
  - (b) name and address of the employer.
- 16.** Where the debtor is unemployed—
- (a) date when the debtor was last employed;
  - (b) date when the debtor commenced the employment; and
  - (c) name and address of the last employer.
- 17.** Where the debtor has worked for any previous employers during the 12 months immediately before the date of the bankruptcy application—
- (a) dates of that employment; and
  - (b) name and address of those employers.
- 18.** Where the debtor is, or has been, self-employed other than as a partner in a partnership, during the three years preceding the date of the bankruptcy application, in respect of each business—
- (a) date when the business commenced trading;
  - (b) name and trading address of the business;
  - (c) name or names, other than the debtor’s name, in which the debtor carried on business;
  - (d) nature of the business;
  - (e) trading address or addresses of the business and any address or addresses at which the debtor has carried on business during the period in which any of the debtor’s bankruptcy debts were incurred;
  - (f) date the business ceased trading, if applicable.
- 19.** Where the debtor traded in a partnership at any time in the three years immediately preceding the date of the bankruptcy application, in respect of each partnership—
- (a) date the partnership commenced;
  - (b) name and trading address of the partnership;
  - (c) trading address or addresses of the partnership and any address or addresses at which the partnership has carried on business during or after the time when any of the debtor’s bankruptcy debts were incurred; and
  - (d) date the partnership ceased trading, if applicable.
- 20.** Where the debtor is, or has been, a director or involved in the management of a company during the 12 months immediately preceding the date of the bankruptcy application—
- (a) name and contact details for each company; and

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- (b) in the case of any company mentioned in accordance with sub paragraph (a) that is subject to any insolvency proceedings, the office-holder and contact details for that office-holder.

#### *Creditors*

- 21.** In respect of each creditor—
  - (a) Name and address;
  - (b) account number or reference (if known);
  - (c) date the debt was incurred;
  - (d) the amount the creditor claims the debtor owes the creditor; and
  - (e) where the debt is secured, the property of the debtor which is claimed by the creditor to clear or reduce the creditor's debt.
- 22.** Where the debtor has an interest in a property, in respect of each property, its address.

#### *Legal proceedings*

- 23.** Where the debtor is, or has been in the five years immediately preceding the date of the bankruptcy application, involved in proceedings for divorce, separation or the dissolution of a civil partnership—
  - (a) identity of the proceedings;
  - (b) nature of the proceedings; and
  - (c) date and details of any resolution of those proceedings and any agreed settlement, whether formal or informal, and any gifts or transfers of property that occurred in, or as a result, of those proceedings.
- 24.** Where the debtor is involved in proceedings, other than proceedings for divorce, separation or the dissolution of a civil partnership—
  - (a) identity of the proceedings;
  - (b) nature of the proceedings; and
  - (c) date and details of any settlement, whether formal or informal, and any orders made in the proceedings.

#### *Assets and liabilities*

- 25.** Total value of assets.
- 26.** Total value of liabilities.
- 27.** Debtor's net monthly income from all sources.
- 28.** Debtor's monthly surplus income calculated by reference to paragraphs 23 to 30 of Schedule 2B (additional information to be provided in the bankruptcy application).

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## SCHEDULE 2B

Rule 6.38

## Additional information to be provided in the bankruptcy application

*Disposal of assets*

1. Where in the five years preceding the date on which the bankruptcy application is made the debtor has entered into a transaction at an undervalue within the meaning of section 339(16) of the Act, given a preference within the meaning of section 340(17) of the Act, has rights or excluded rights under section 342A(18) of the Act or placed into a trust for the benefit of any person, including the surrender of life, endowment and pension policies, in respect of each asset—

- (a) description of the asset;
- (b) date the debtor gave away, sold or transferred the asset;
- (c) consideration given, if any;
- (d) name and address of the person to whom the debtor gave away, sold or transferred the asset;
- (e) relationship of that person to the debtor;
- (f) if relevant, name of the trustees and beneficiaries or class of beneficiaries;
- (g) estimated market value of the asset at the date of the bankruptcy application; and
- (h) net proceeds, if any, (less any charges and legal fees).

2. Where in the five years preceding the date on which the bankruptcy application is made the debtor has disposed of or sold any property at market value or disposed of, sold at market value or realised any life, endowment and pension policies in respect of each asset—

- (a) description of the asset;
- (b) date the debtor disposed of, sold at market value or realised the asset; and
- (c) net proceeds, if any, (less any charges and legal fees).

*Financial arrangements with creditors*

3. Where the debtor has been made bankrupt in the two years immediately preceding the date of the bankruptcy application—

- (a) date of the bankruptcy order; and
- (b) reference allocated by the official receiver.

4. Where the debtor has entered into a debt relief order in the two years immediately preceding the date of the bankruptcy application—

- (a) date of the debt relief order; and
- (b) reference allocated by the official receiver.

5. Where the debtor has, or has had, an individual voluntary arrangement in the two years immediately preceding the date of the bankruptcy application, the date of the arrangement.

6. Where the debtor has, or has had, an arrangement with creditors, other than an individual voluntary arrangement in the two years immediately preceding the date of the bankruptcy application, the date and nature of the arrangement.

(16) Section 339(1) was amended by the Enterprise and Regulatory Reform Act 2013 (c.24 Schedule 19, paragraph 31); there is another amending instruments that is not relevant.

(17) Section 340(1) was amended by the Enterprise and Regulatory Reform Act 2013 (c.24) Schedule 19, paragraph 32.

(18) Section 342A(1) was substituted by the Welfare Reform and Pensions Act 1999 (c.30) Part 2, section 15 and amended by the Enterprise and Regulatory Reform Act 2013 (c.24) Schedule 19, paragraph 35.

*Legal and financial advisers*

7. Where a solicitor has acted for or on behalf of the debtor in the five years immediately preceding the date of the bankruptcy application, in respect of each solicitor—

- (a) name, address and reference of the solicitor; and
- (b) nature and date of the matter or matters on which the solicitor advised or acted.

8. Where an accountant, book keeper or other financial adviser has acted for or on behalf of the debtor in the five years immediately preceding the date of the bankruptcy application, in respect of each accountant, book keeper and financial adviser—

- (a) name, address and reference; and
- (b) dates of acting for the debtor.

*Business affairs of a self-employed debtor*

9. Where the debtor traded in a partnership at any time in the three years immediately preceding the date of the bankruptcy application, in respect of each partnership—

- (a) names and addresses of each of the partners;
- (b) name or names, other than the partners' names, in which the partnership carried on business;
- (c) nature of the partnership business.

10. Where the debtor is or has been self-employed (other than as a partner in a partnership) at any time in the three years immediately preceding the date of the bankruptcy application—

- (a) VAT number, where the business was registered for VAT;
- (b) address where the debtor's books of account and other accounting records are kept; and
- (c) where the debtor holds records on a computer, details of which records are held, what software is used (including any passwords) and where the computer is located.

11. Where the debtor is or has been self-employed (including a partner in a partnership) at any time in the three years immediately preceding the date of the bankruptcy application—

- (a) name and address of any person employed by the debtor immediately preceding the bankruptcy application; and
- (b) whether—
  - (i) the debtor owes any employee or former employee any money; and
  - (ii) any employee or former employee has or may claim that the debtor owes that person some money.

*Financial affairs – assets*

12. The nature and value of each asset belonging to the debtor.

13. Where any asset is owned jointly with another person—

- (a) name and address of that joint owner; and
- (b) relationship of that person to the debtor.

14. Where any asset is subject to the rights of any person (other than a joint owner), whether as a secured creditor of the debtor or otherwise, in respect of each asset—

- (a) nature of third party rights;
- (b) account number or reference of that creditor or creditors; and

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(c) amount each creditor claims is owed to them.

**15.** Where the debtor holds or has held in the last two years any bank, building society, credit union or national savings account including any joint, business or dormant accounts, in respect of each account—

- (a) name, address and sort code of the bank or supplier;
- (b) account number; and
- (c) whether or not any regular income of the debtor is paid into the account.

**16.** Where the debtor owns a motor vehicle or has disposed of any vehicle during the 12 months immediately preceding the date of the bankruptcy application, in respect of each motor vehicle—

- (a) make and model;
- (b) registration number;
- (c) what the motor vehicle is used for by the debtor
- (d) save where the motor vehicle has been disposed of, the location of the motor vehicle; and
- (e) where the motor vehicle has been disposed of, the date of disposal and any proceeds from that disposal.

**17.** Where the debtor regularly uses a motor vehicle that the debtor does not own, in respect of each motor vehicle—

- (a) make and model;
- (b) registration number;
- (c) name and address of the owner; and
- (d) debtor's relationship to the vehicle's owner.

**18.** Where the debtor owns any property consisting of land or buildings, in respect of each property—

- (a) type of and description of the property;
- (b) who lives at the property and their relationship to the debtor;
- (c) any income received by the debtor from the property; and
- (d) nature of the insurance policy currently in force in respect of the property and the expiry date of that insurance policy.

**19.** Where the debtor rents or leases a property, in respect of each property—

- (a) who lives at the property and their relationship to the debtor;
- (b) monthly rent;
- (c) name and address of the landlord and any managing agent.

**20.** Where the debtor has an interest in any other property, in respect of each property—

- (a) nature of the interest;
- (b) type of and description of the property;
- (c) who lives at the property and their relationship to the debtor;
- (d) name and address of the person who permits the debtor to use the property;
- (e) amount paid by the debtor to the person who permits the debtor to use the property;
- (f) any income received by the debtor from the property; and
- (g) whether or not there is a written agreement.

**21.** Where the debtor resides at a property in which the debtor has no interest, the basis on which the debtor resides at that property.

**22.** Where the debtor has or has held within the five years immediately before the date of the bankruptcy application any occupational pension, personal pension, endowment or other life policy in respect of each policy—

- (a) type of policy;
- (b) name and address of the pension, endowment or life assurance company or broker;
- (c) policy number;
- (d) approximate date when the policy was taken out;
- (e) estimated value of policy;
- (f) amount (if any) being received now by the debtor and the frequency of those payments; and
- (g) name of the beneficiary or beneficiaries of the policy.

*Financial affairs – income and expenditure*

**23.** Debtor's total annual income from all sources, the sources of that income and the amount from each source.

**24.** Total annual household income from all sources, the sources of that income and the amount from each source.

**25.** Current (or last) income tax reference number.

**26.** Monthly national insurance.

**27.** Mean monthly tax.

**28.** Where the debtor has any current attachment of earnings orders in force, in respect of each attachment of earnings order—

- (a) name of creditor;
- (b) name of the court that made the attachment of earnings order.

**29.** Particulars of the debtor's mean monthly expenditure which the debtor claims is necessary to meet the monthly reasonable domestic needs of the debtor's family, including the objective and the amount of that expenditure.

**30.** Particulars of the debtor's monthly expenditure not otherwise provided under this Schedule.

*Enforcement officers and enforcement agents*

**31.** Where an enforcement officer or enforcement agent has visited the debtor in the last six months—

- (a) name of the creditor by whom the relevant debt is claimed;
- (b) date of initial visit;
- (c) description and estimated value of property seized.

*Cause of insolvency*

**32.** Why each debt was incurred.

**33.** Date when the debtor first experienced difficulty in paying some or all of the debtor's debts.

**34.** Reasons for the debtor not having enough money to pay some or all of the debtor's debts.

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35. Where the debtor has gambled any money through betting or gambling during the last two years, how much the debtor has gambled.

## SCHEDULE 2C

Rule 6.50(5)

### Information to be given to creditors

1. Title of the debtor.
2. Debtor's identification details.
3. Any previous name or other names by which the debtor is known or has been known during the last five years immediately before the date of the bankruptcy application.
4. Any previous address at which the debtor has resided during the three years immediately before the date of the bankruptcy application.
5. Name and address for each creditor.
6. Amount each creditor claims is due.
7. Debtor's occupation (if any).
8. Debtor's employment status.
9. Where the debtor is, or has been, self-employed or a partner in a partnership, during the three years preceding the date of the bankruptcy application, in respect of each business—
  - (a) name and trading address of the business;
  - (b) name or names, other than the debtor's name, in which the debtor carried on business;
  - (c) nature of the business;
  - (d) trading address or addresses of the business and any address or addresses at which the debtor has carried on business during the period in which any of the debtor's bankruptcy debts that form the subject of the bankruptcy order were incurred; and
  - (e) where the business has ceased trading, the date when the business ceased trading.
10. Total value of assets.
11. Total value of liabilities.
12. Where in the five years preceding the date on which the bankruptcy application is made the debtor has entered into a transaction at an undervalue within the meaning of section 339(19) of the Act, given a preference within the meaning of section 340(20) of the Act, has rights or excluded rights under section 342A(21) of the Act or placed into a trust for the benefit of any person, including the surrender of life, endowment and pension policies, in respect of each asset—
  - (a) description of the asset;
  - (b) date the debtor gave away, sold or transferred the asset;
  - (c) consideration given, if any;
  - (d) name and address of the person to whom the debtor gave away, sold or transferred the asset;
  - (e) relationship of that person to the debtor;
  - (f) if relevant, name of the trustees and beneficiaries or class of beneficiaries;

(19) Section 339(1) was amended by paragraph 31 of Schedule 19 to the Enterprise and Regulatory Reform Act 2013 (c.24).

(20) Section 340(1) was amended by paragraph 32 of Schedule 19 to the Enterprise and Regulatory Reform Act 2013 (c.24).

(21) Section 342A(1) was amended by paragraph 35 of Schedule 19 to the Enterprise and Regulatory Reform Act 2013 (c.24).



- (g) estimated market value of the asset at the date of the bankruptcy application; and
  - (h) net proceeds, if any, (less any charges and legal fees).
- 13.** Where any asset is owned jointly with another person, the nature of the asset.
- 14.** Where any asset is subject to the rights of any person (other than a joint owner), whether as a secured creditor of the debtor or otherwise, in respect of each asset, the nature of third party rights.
- 15.** Where the debtor owns a motor vehicle or has disposed of any vehicle during the 12 months immediately preceding the date of the bankruptcy application, in respect of each motor vehicle—
- (a) make, model and year of manufacture;
  - (b) what the motor vehicle is used for by the debtor;
  - (c) save where the motor vehicle has been disposed of, the location of the motor vehicle;
  - (d) where the motor vehicle has been disposed of, the date of disposal and any proceeds from that disposal.
- 16.** Where the debtor regularly uses a motor vehicle that the debtor does not own, in respect of each motor vehicle—
- (a) make and model; and
  - (b) debtor’s relationship to the vehicle’s owner.
- 17.** Where the debtor owns or has an interest in any property, in respect of each property—
- (a) address;
  - (b) type of and description of the property;
  - (c) nature of the interest
  - (d) value of that interest; and
  - (e) any income received by the debtor from the property.
- 18.** Where the debtor holds or has held within the five years immediately before the date of the bankruptcy application any occupational pension, personal pension, endowment or other life policy in respect of each policy—
- (a) type of policy;
  - (b) approximate date when the policy was taken out; and
  - (c) estimated value of policy.
- 19.** Debtor’s net monthly income from all sources.
- 20.** Debtor’s monthly surplus income after taking into account any contribution made by a member of the debtor’s family to the amount necessary for the reasonable domestic needs of the debtor and the debtor’s family.
- 21.** Current (or last) income tax reference number.
- 22.** In respect of each creditor—
- (a) name and address;
  - (b) date the debt was incurred;
  - (c) the amount the creditor claims the debtor owes the creditor;
  - (d) where the debt is secured, the property of the debtor which is claimed by the creditor to clear or reduce the creditor’s debt. ”

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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules make amendments to the Insolvency Rules 1986 ([S.I. 1986/1925](#)) (the “Principal Rules”).

Section 71 of the Enterprise and Regulatory Reform Act 2013 introduces a new procedure for a debtor to apply for their own bankruptcy in England and Wales.

Rule 5(a) substitutes a new Chapter 3 (debtor’s bankruptcy applications) in place of the previous Chapter 3 (bankruptcy petition (debtor’s)) into Rule 6 of the Principal Rules in consequence of the introduction of the new debtor application procedure. Rule 10 inserts Schedules 2A, 2B, and 2C into the Principal Rules. Other amendments consequent on the new procedure are made to the Principal Rules by these Rules.

Rule 12 is a transitional provision. The amendments made by these Rules as a result of the new debtor bankruptcy application process will only apply to debtor bankruptcy proceedings commenced on or after 6th April 2016.

Rule 13 provides that these Rules must be reviewed by 5th April 2021.

A full impact assessment of the effect that the instrument will have on the costs of business and the voluntary sector is available from The Insolvency Service, 4 Abbey Orchard Street, London SW1P 2HT and is published on The Insolvency Service website [www.gov.uk/government/organisations/insolvency-service](http://www.gov.uk/government/organisations/insolvency-service). It is also published with the Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).