

SCHEDULE 18

Article 2(18)

AMENDMENTS TO SUBORDINATE LEGISLATION RELATING TO INSOLVENCY

PART 1

AMENDMENTS TO INSOLVENCY LEGISLATION

Insolvency Rules 1986

- 1.—(1) Amend the Insolvency Rules 1986 ^{M1} as follows.
- (2) In Rule 6.237 (bankrupt's home – notification of property falling within section 283A)—
 - (a) in paragraph (1)(b), after “spouse” insert “ or civil partner ”; and
 - (b) in paragraph (1)(c), after “former spouse” insert “ or former civil partner ”.
- (3) In Rule 6.237A (application in respect of the vesting of an interest in a dwelling-house (registered land))—
 - (a) in paragraph (1)(a)(ii), after “spouse” insert “ or civil partner ”;
 - (b) in paragraph (1)(a)(iii), after “former spouse” insert “ or former civil partner ”; and
 - (c) in paragraph (4), after “former spouse” insert “ or civil partner or former civil partner ”.
- (4) In Rule 6.237B (vesting of bankrupt's interest (unregistered land))—
 - (a) in paragraph (1)(b), after “spouse” insert “ or civil partner ”;
 - (b) in paragraph (1)(c), after “former spouse” insert “ or former civil partner ”; and
 - (c) in paragraph (3), after “former spouse” insert “ or civil partner or former civil partner ”.
- (5) In paragraph (2)(a) of Rule 6.237D (charging order), after “former spouse” insert “ or civil partner or former civil partner ”.
- (6) In Schedule 4 (Forms), for Forms 6.28 and 6.83 substitute the Forms so numbered as set out in Part 2 of this Schedule.

Marginal Citations

M1 [S.I. 1986/1925](#); relevant amending instruments are [S.I. 2003/1730](#) , 2005/527.

Insolvent Partnerships Order 1994

- 2.—(1) Amend the Insolvent Partnerships Order 1994 ^{M2} as follows.
- (2) In Schedule 4, in paragraph 28A (Section 283A: Individual member's home ceasing to form part of estate), in modified section 283A—
 - (a) in subsection (1)(b) after “spouse” insert “ or civil partner ”; and
 - (b) in subsection (1)(c) after “former spouse” insert “ or former civil partner ”.
- (3) In Schedule 4, in paragraph 29A (Section 313A: Low value home: application for sale, possession or charge), in modified section 313A—
 - (a) in subsection (1)(a)(ii) after “spouse” insert “ or civil partner ”; and
 - (b) in subsection (1)(a)(iii) after “former spouse” insert “ or former civil partner ”.

Changes to legislation: There are currently no known outstanding effects for the The Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005, SCHEDULE 18. (See end of Document for details)

(4) In Schedule 7, in paragraph 7A (Section 283A: Bankrupt's home ceasing to form part of estate), in modified section 283A—

- (a) in subsection (1)(b) after “spouse” insert “ or civil partner ”; and
- (b) in subsection (1)(c) after “former spouse” insert “ or former civil partner ”.

(5) In Schedule 7, paragraph 20A (Section 313A: Low value home: application for sale, possession or charge), in modified section 313A—

- (a) in subsection (1)(a)(ii) after “spouse” insert “ or civil partner ”; and
- (b) in subsection (1)(a)(iii) after “former spouse” insert “ or former civil partner ”.

Marginal Citations
M2 S.I. 1994/2421, amended by S.I. 2005/1516; there are other amending instruments but none is relevant.

Limited Liability Partnerships Regulations 2001

3. In Schedule 3 to the Limited Liability Partnerships Regulations 2001 ^{M3}, in the entry relating to section 435 of the Insolvency Act 1986 ^{M4} (meaning of “associate”), in the entry relating to the new subsection (3A), after “wife” insert “ or civil partner ”.

Marginal Citations
M3 S.I. 2001/1090, to which there are amendments not relevant to this Order.
M4 1986 c. 45.

PART 2

FORMS FOR INSERTION INTO SCHEDULE 4 TO THE INSOLVENCY RULES 1986

Rule 6.41(1) Statement of Affairs (Debtor's Petition) Form 6.28
 Insolvency Act 1986

NOTE:
 These assets will be the same as those shown at the top of your petition. Please complete this form in black ink.

No. _____ of 20 ____

Re: _____

The 'Guidance Notes' Booklet tells you how to complete this form easily and correctly.

Show your current financial position and supply the required information by completing all the pages of this form, which will then be your Statement of Affairs.

AFFIDAVIT

When you have completed the rest of this form, this Affidavit must be sworn before a Solicitor or Commissioner for Oaths or an officer of the court duly authorised to administer oaths.

(a) Insert full name _____
 (b) Insert _____
 of (c) _____
 occupation _____
 (c) Insert full address _____

Make oath and say that the several pages marked and contained in the exhibit marked "Z" are to the best of my knowledge and belief a full, true and complete statement of my affairs at today's date.

Sworn at _____

Dated this ____ day of _____ 20 ____ Signature(s) _____
 Before me _____

A Solicitor or Commissioner for Oaths or authorised officer

Before swearing the affidavit, the Solicitor or Commissioner is particularly requested to make sure that the full name, address and description of the deponent are stated, and to initial any crossing out or other alterations in the printed form. A deficiency in the affidavit in any of the above respects will mean it will be refused by the court, and will need to be re-sworn.

IN THE No of 20
IN BANKRUPTCY

Re

This is the exhibit marked "Z" referred to in the annexed affidavit of

sworn on the day of 20

Before me

Officer appointed to administer oaths

Section 1 : Personal Details	
1.1 Surname	
Forename(s)	
Title (Mr, Mrs, Ms etc)	
1.2 Any other names by which you have been known (such as maiden name, alias or nickname)	
1.3 Date of birth	
1.4 Place of birth	
1.5 National insurance number	
1.6 Home address	
1.7 Home telephone number	
1.8 Mobile telephone number	
1.9 On which telephone number can you be contacted during the day?	
1.10 E-mail address	
1.11 Are you (tick all that apply):	
Single <input type="checkbox"/>	Co-habiting <input type="checkbox"/> A civil partner <input type="checkbox"/>
Married <input type="checkbox"/>	Separated <input type="checkbox"/> A former civil partner <input type="checkbox"/>
Divorced <input type="checkbox"/>	Widowed <input type="checkbox"/> A surviving civil partner <input type="checkbox"/>
1.12 Are you, or in the last 5 years have you been, involved in proceedings for divorce, separation or the dissolution of a civil partnership?	Yes <input type="checkbox"/> No <input type="checkbox"/>

If 'No', please go to question 1.14

Changes to legislation: There are currently no known outstanding effects for the The Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005, SCHEDULE 18. (See end of Document for details)

Section 1 cont:	Personal Details
<p>If Yes, please give details including any agreed settlements whether formal or informal, and any gifts or transfers of property that occurred in those proceedings.</p>	
<p>1.13 Name, address and reference of your solicitor in the proceedings</p>	
<p>1.14 Have you been bankrupt before?</p> <p style="text-align: center;">Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If Yes, when?</p> <p>Which court and which Official Receiver's office dealt with the proceedings?</p>	
<p>1.15 Have you previously entered, or have you tried to enter, into an Individual Voluntary Arrangement (a formal arrangement with your creditors, ratified by the Court, to pay them in full or part over time)?</p> <p style="text-align: center;">Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If Yes, give the name and address of the insolvency practitioner involved and the date of the arrangement.</p>	

Section 1 cont:	Personal Details										
<p>1.16 Are you involved in any legal proceedings?</p> <p style="text-align: center;">Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If Yes, please give brief details of the nature of the proceedings, the name and address of any solicitor acting for you, the name of the relevant court and any case or reference number.</p>											
<p>1.17 Are you, or in the last five years, have you been a director or involved in the management of a company?</p> <p style="text-align: center;">Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If Yes*, please give details of all the companies in question:</p>											
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Name of company</th> <th style="width: 80%;">If the company is subject to liquidation administration, administrative receivership or other insolvency proceedings, give details of the Official Receiver's office or insolvency practitioner dealing with the company.</th> </tr> </thead> <tbody> <tr><td style="height: 20px;"></td><td></td></tr> <tr><td style="height: 20px;"></td><td></td></tr> <tr><td style="height: 20px;"></td><td></td></tr> <tr><td style="height: 20px;"></td><td></td></tr> </tbody> </table>	Name of company	If the company is subject to liquidation administration, administrative receivership or other insolvency proceedings, give details of the Official Receiver's office or insolvency practitioner dealing with the company.									
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Changes to legislation: There are currently no known outstanding effects for the The Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005, SCHEDULE 18. (See end of Document for details)

Section 2: Business Details

Please complete this section if you are or have been self-employed (including a partner in a partnership) at any time in the last two years. If not, go to Section 3.

2.1	What was the name of your business?	
2.2	State the type of business, trade or profession	
2.3	What was the trading address? (this should also be listed in Section 3)	
2.4	Was the business registered for VAT?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	If Yes, give the VAT number	
2.5	If the business was a partnership give the name(s) and address(es) of the partner(s)	
2.6	When did the business start trading?	
2.7	If it has stopped trading, when did it do so?	
2.8	At what address are your books of account and other accounting records kept?	
2.9	If you hold records on a computer, provide details of which records are held, what software is used (including any passwords) and state where the computer is.	
2.10	What is the name and address of your accountant?	
2.11	What is the name and address of your solicitor?	

Section 2 cont: Business Details

2.12 Have you employed anybody during the last two years? Yes No

If Yes, do you owe them any money or may any former employee claim that you owe them any money, e.g. for wages, holiday pay or redundancy pay? Yes No



Details of employees to whom money is or may be owing should be included in your list of creditors in Section 4.

Changes to legislation: There are currently no known outstanding effects for the The Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005, SCHEDULE 18. (See end of Document for details)

Section 3: Assets		
3.1	Details (if none owned write "NONE")	Approximate value £
1. Cash in hand		
2. Cash in bank, building society or similar account		
3. Cash held by anyone for you		
4. Money owed to you		
5. Tools of your trade		
6. Stock in trade		
7. Machinery, plant and equipment		
8. Fixtures and fittings		
9. Freehold land and property		
10. Leasehold land and property		

Section 3 cont: Assets		
	Details	Approximate value £
11. Stocks, shares and investments		
12. Pension policies and other pension entitlements		
13. Endowment and other life policies		
14. Motor vehicles		
15. Farming stock and crops		
16. National Savings and Premium Bonds		
17. Any property or possessions abroad in which you have an interest, including timeshares		
18. Any property or sums due to you under a will or trust		
19. Any other property of any value e.g. paintings, furniture or jewellery		

Changes to legislation: There are currently no known outstanding effects for the The Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005, SCHEDULE 18. (See end of Document for details)

Section 3 conts: Assets

3.2 Do you have or have you had any endowment or other life policies? Yes No

3.3 If Yes, give details, including details of lapsed policies.

Name and address (including postcode) of life assurance company or broker	Policy number	When was it taken out, roughly?	Type of policy	Estimated value of policy £	Name and address (including postcode) of any concern holding security over the policy
TOTAL				£	

3.4 Apart from state benefits, do you have or have you had any personal pension arrangements? Yes No

If Yes, give details.

Name and address of the pension company	Policy number	Roughly when did you take out the policy? How much have you paid in total?	When are the payments to you due to start?	Amount (if any) being received now, and how often period £	Value of pension £

Section 3 conts: Assets

3.5 Have you in the last five years given away, transferred or sold for less than its true value any property or possessions you owned? This includes the surrender of life, endowment and pension policies. Yes No

If Yes, please provide the following details.

Description of the asset	When did you give away, transfer or sell the asset?	Name and address of recipient	Estimated market value or true value of the asset	Value at which the asset was given away, transferred or sold

3.6 In the last 2 years have you made any payment to a creditor, other than in the ordinary course of business, with a view to improving the position of that creditor in case you become subject to insolvency/bankruptcy proceedings? Yes No

If Yes, give details.

3.7 Do you own a motor vehicle or have you disposed of any vehicle in the last 12 months? (If you own a motor vehicle, this should also be listed in Q1.1) Yes No

Changes to legislation: There are currently no known outstanding effects for the The Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005, SCHEDULE 18. (See end of Document for details)

Section 3 cont: Assets

If Yes, please provide the following details:	Make/Model	
	Registration number	
	Estimated value £	
	Finance outstanding £	
	Name of finance company	
	Reference number of agreement	
	Does the vehicle have a valid MOT? If yes, provide expiry date of MOT	
	Insurance / Expiry date	
	Give your general view on the condition of the vehicle	
	Location of vehicle	
	Name of any joint owner	

3.8 If you have disposed of any vehicle in the last 12 months, please specify where the vehicle is now.

Section 3 cont: Assets

3.9 Do you have the use of a motor vehicle that you do not own? Yes No

If Yes, please provide the following details:	Registration number	
	Owner	
	Estimated value £	

3.10 Has an enforcement officer (previously known as sheriff's officer) / bailiff visited you in the last 6 months? Yes No

(An enforcement officer / bailiff is an officer of the court who may attend to remove assets for sale, if, for example, a judgment debt has not been paid)

If Yes, please provide the following details:

Name of creditor	Amount of claim £	Date distress levied	Description and estimated value of property seized

Changes to legislation: There are currently no known outstanding effects for the The Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005, SCHEDULE 18. (See end of Document for details)

Section 5 cont: Bank Accounts and Credit Cards

Note: Include details of accounts with a debit (overdrawn) balance also shown in Section 4.

5.4 Please list any bank, building society or National Savings accounts you hold, or have held in the last two years, including any joint, business or dormant accounts.

Name and address (including postcodes) of banks etc.	Account number	Tick if your regular income is paid into this account.	Name of joint account-holder (if applicable)	Balance of account £

Section 6 : Employment and Present Income

The court can order that you pay part of your earnings or other income to your trustee if your income is more than you need to live on. The order is known as an Income Payments Order and is made under section 310 of the Insolvency Act 1986. Alternatively you can enter into a voluntary arrangement with the Official Receiver or trustee called an Income Payments Agreement under section 310A of the Insolvency Act 1986.

You must answer the following questions about your income and outgoings and you may be asked to provide your wage slips or salary statements and bills such as gas or electricity to support your answers. This will enable a decision to be made as to whether an Income Payments Order or an Income Payments Agreement is appropriate.

The court will not make an Income Payments Order, neither would an Income Payments Agreement be agreed, that would leave you too little income to meet the reasonable domestic needs of you and your family.

If an Income Payments Order or an Income Payments Agreement is made against you, the payments will usually stop after 3 years.

If your income increases while you are bankrupt, you must inform your trustee of the increase within 21 days.

6.1 Are you: employed self-employed unemployed

If you are unemployed, when did you last work, what was your last job and who was your last employer?

6.2 If employed, what is your job and who is your employer? What is the address of the personnel department and your pay reference number? When did you start this job?

If self-employed, give the name and address of the business.

6.3 What is your average monthly take-home pay (include, for example, overtime, commission and bonuses).

£

Changes to legislation: There are currently no known outstanding effects for the The Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005, SCHEDULE 18. (See end of Document for details)

Section 6 cont: Employment and Present Income

6.4 How much tax do you usually pay each month? £

6.5 How much do you pay in National Insurance each month? £

6.6 Do you receive any other income, including state benefits or tax credits? Yes No

If Yes, state from what source (for example pension, state benefits, part-time earnings) and how much you receive each month? £

6.7 How much do other members of your household contribute each month to the household expenses? £

6.8 Total household income (Q6.3 + 6.6 + 6.7) £

6.9 Give your current (or last) Income Tax reference number.

Address of tax office (including postcode)

Section 6 cont: Employment and Present Income

6.10 Do you have any current attachment of earnings orders in force against you? Yes No

If Yes, give details

Name of creditor	Date of first payment	Date last payment due	Court	Amount of each payment and whether monthly or weekly £	Total amount paid to date £

Changes to legislation: There are currently no known outstanding effects for the The Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005, SCHEDULE 18. (See end of Document for details)

Section 7: Outgoings

The information in this section may be used to work out how much, if anything, you can afford to pay your creditors each month. It is important that it is accurate and that you include all necessary expenditures.

7.1 How much do you spend each month on the following:-

Mortgage payments or rent on your home	£	
Housekeeping (including food and cleaning)	£	
Gas, electricity, other heating	£	
Water	£	
Telephone charges	£	
Travelling to and from work and other essential journeys	£	
Clothing	£	
Maintenance payments and fines	£	
Council tax	£	
Other essential payments (e.g. lifehousehold insurance, car tax & repairs)	£	→ Provide details of these payments
Total	£	

Section 8:

8.1 Give details of properties (including proceeds and property) (including proceeds and property) (including proceeds and property)

Address, type of property (e.g. flat, house, etc.) and whether owned or rented	Approximate value of property (A)	Name and address (B) of any joint owner(s)	Amount owing to anyone who holds a charge over your property (C)	Net value of the property (D) after deducting any charges (E)	What income is received from the property (F)
	£		£	£	

8.2 Give details of properties (including proceeds and property) (including proceeds and property)

Address of property	Monthly rent	Name and address (G) of any joint tenant(s)	Name and address of landlord
	£		

You must take or send to the Official Receiver a copy of your lease or rent agreement. A rent demand or rent book will help if you do not have a copy agreement.

Changes to legislation: There are currently no known outstanding effects for the The Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005, SCHEDULE 18. (See end of Document for details)

Section 8 (cont)

Current Property

8.3 Apart from properties that you own, rent or lease, are there any other properties in which you may otherwise have an interest?

If Yes, give details

Address of property (type of property (e.g. flat, units) already and intended future interests)	Who else you use it?	How much do you pay?	Is there a written agreement?

8.4 Does anyone else have an interest in any of the properties that you own, rent or lease? (This includes a partner, a partner in a joint tenancy, joint lease or mortgage.)

If Yes, give details

Address of property (including property)	Name of person with an interest	Their address (different from the property) (including postcodes and reference)	Nature of interest

Section 9

9.1 Give details of any properties owned alone that you have transferred in any way or by operation of law before the beginning of your partnership.

Property Disposed of in the last Five Years

Address of property	Value of property	When did you give away the property?	To whom did you give away the property?	Net sale proceeds (less any charges including stamp duty)	Details of solicitor (name and address) held in the transaction

Section 10: Members of your Household and Dependents

10.1 Give the name and age of all occupants of your household and state which, if any, are dependent on you.

10.2 Apart from members of your household, is any other person dependent upon you?

Yes No

If Yes, provide details including their name, address and reason for dependency.

Section 11: Causes of Bankruptcy

11.1 When did you first have difficulty paying your debts?

11.2 What do you think are the reasons for you not having enough money to pay your debts? You should provide reasons to support your answer. For example, it would not be enough to state "the recession" without explaining its effect on your affairs.

11.3 Have you lost any money through betting or gambling during the last two years? Yes
No

If Yes, how much have you lost?

Changes to legislation: There are currently no known outstanding effects for the The Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005, SCHEDULE 18. (See end of Document for details)

Section 12: Declaration

I hereby confirm that my answers to all the above questions (including any extra information on pages following this declaration) are to the best of my knowledge and belief a true and accurate statement of my affairs as at today's date. I understand that I may be committing a criminal offence if I deliberately give false information in relation to my bankruptcy.

Your signature

Name in BLOCK CAPITALS

Date

Section 13: Extra Information

Question No. If there is insufficient space on any page, you should continue your answer to the question on this page. The question number should be given in the left-hand column.

Changes to legislation: There are currently no known outstanding effects for the The Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005, SCHEDULE 18. (See end of Document for details)

Section 13 cont: Extra Information

Question No:

Empty box for providing extra information.

Notice to interested parties of a dwelling-house falling within Section 283A of the Insolvency Act 1986

(TITLE)

In the Court/County Registry

No. of _____ of _____

(a) Insolvency Act 1986 Bankruptcy order dated (a) _____

(b) Insolvency Act 1986 and address of trustee (b) _____

Or trustee in bankruptcy of the above named hereby notify

(c) Insolvency Act 1986 and address of trustee (c) _____
That the dwelling-house (d) _____

(d) Insolvency Act 1986 and address of trustee (d) _____

(e) Insolvency Act 1986 and address of trustee (e) _____

(f) Registered at the Land Registry under title number _____

(g) Insolvency Act 1986 and address of trustee (g) _____

(h) Insolvency Act 1986 and address of trustee (h) _____

(i) Insolvency Act 1986 and address of trustee (i) _____

(j) Insolvency Act 1986 and address of trustee (j) _____

(k) Insolvency Act 1986 and address of trustee (k) _____

(l) Insolvency Act 1986 and address of trustee (l) _____

Changes to legislation:

There are currently no known outstanding effects for the The Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005, SCHEDULE 18.