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STATUTORY INSTRUMENTS

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**2016 No. 1024**

**The Insolvency (England and Wales) Rules 2016**

**PART 10**

**BANKRUPTCY**

**CHAPTER 2**

**CREDITORS' BANKRUPTCY PETITIONS**

*Preliminary*

[Note: a document required by the Act or these Rules must also contain the standard contents set out in Part 1.]

**Application and interpretation**

**10.6.**—(1) This Chapter relates to a creditor's petition and making a bankruptcy order on such a petition.

(2) In this Chapter "the debt" means the debt in relation to which the petition is presented.

(3) This Chapter also applies to a petition under section 264(1)(c) by a supervisor of, or person bound by, an IVA, with any necessary modifications.

**Contents of petition**

**10.7.**—(1) The petition must state—

- (a) the name and postal address of the petitioner;
- (b) where the petitioner is represented by a solicitor, the name, postal address and telephone number of the solicitor;
- (c) that the petitioner requests that the court make a bankruptcy order against the debtor;
- (d) whether—
  - (i) the debtor's centre of main interests is within a member State,
  - (ii) the debtor's centre of main interests is not within a member State, or
  - (iii) the debtor carries on business as an Article 1.2 undertaking;
- (e) whether the debtor—
  - (i) is resident in England and Wales, or
  - (ii) is not resident in England and Wales;
- (f) whether the petition is presented to—
  - (i) the High Court,
  - (ii) the County Court at Central London, or

- (iii) a specified hearing centre; and
  - (g) the reasons why the court or hearing centre to which the petition is presented is the correct court or hearing centre under rule 10.11.
- (2) If the petition is based on a statutory demand, and more than four months have elapsed between the service of the demand and the presentation of the petition, the petition must explain the reasons for the delay.
- (3) The petition must also contain a blank box for the court to complete with the details of the venue for hearing the petition.

### Identification of debtor

**10.8.**—(1) The petition must state the following matters about the debtor, so far as they are within the petitioner’s knowledge—

- (a) the debtor’s identification details;
  - (b) the occupation (if any) of the debtor;
  - (c) the name or names in which the debtor carries on business, if other than the name of the debtor, and whether, in the case of any business of a specified nature, the debtor carries it on alone or with others;
  - (d) the nature of the debtor’s business, and the address or addresses at which it is carried on;
  - (e) any name or names, other than the name of the debtor, in which the debtor has carried on business at or after the time when the debt was incurred, and whether the debtor has done so alone or with others;
  - (f) any address or addresses at which the debtor has resided or carried on business at or after that time, and the nature of that business; and
  - (g) whether the centre of main interests or an establishment of the debtor (as defined in Article 2(h) of the EC Regulation) is in another member State.
- (2) The particulars of the debtor given under this rule determine the title of the proceedings.
- (3) If to the petitioner’s knowledge the debtor has used any name other than the one specified under paragraph (1)(a), that fact must be stated in the petition.

### Identification of debt

**10.9.**—(1) The petition must state for each debt in relation to which it is presented—

- (a) the amount of the debt, the consideration for it (or, if there is no consideration, the way in which it arises) and the fact that it is owed to the petitioner;
- (b) when the debt was incurred or became due;
- (c) if the amount of the debt includes any charge by way of interest not previously notified to the debtor as a liability of the debtor’s, the amount or rate of the charge (separately identified);
- (d) if the amount of the debt includes any other charge accruing from time to time, the amount or rate of the charge (separately identified);
- (e) the grounds on which any such a charge is claimed to form part of the debt, provided that the amount or rate must, in the case of a petition based on a statutory demand, be limited to that claimed in the demand;
- (f) that the debt is unsecured (subject to section 269); and
- (g) either—

- (i) that the debt is for a liquidated sum payable immediately, and the debtor appears to be unable to pay it, or
  - (ii) that the debt is for a liquidated sum payable at some certain, future time (that time to be specified), and the debtor appears to have no reasonable prospect of being able to pay it.
- (2) Where the debt is one for which, under section 268, a statutory demand must have been served on the debtor, the petition must—
- (a) specify the date and manner of service of the statutory demand; and
  - (b) state that, to the best of the creditor’s knowledge and belief—
    - (i) the demand has been neither complied with nor set aside in accordance with these Rules, and
    - (ii) that no application to set it aside is outstanding.
- (3) If the case is within section 268(1)(b) (unsatisfied execution or process in respect of judgment debt, etc.) the petition must state which court issued the execution or other process and give particulars of the return.

### **Verification of petition**

- 10.10.**—(1) The petition must be verified by a statement of truth.
- (2) If the petition relates to debts to different creditors, the debt to each creditor must be separately verified.
- (3) A statement of truth which is not contained in or endorsed upon the petition which it verifies must be sufficient to identify the petition and must contain—
- (a) the name of the debtor;
  - (b) the name of the petitioner; and
  - (c) the court or hearing centre in which the petition is to be presented.
- (4) The statement of truth must be authenticated and dated by or on behalf of the petitioner.
- (5) Where the person authenticating the statement of truth is not the petitioner, or one of the petitioners, the statement of truth must state—
- (a) the name and postal address of the authenticating person;
  - (b) the capacity in which, and the authority by which, that person authenticates the statement of truth; and
  - (c) the means of the authenticating person’s knowledge of the matters verified.

### **Court in which petition is to be presented**

- 10.11.**—(1) Where the proceedings are allocated to the London Insolvency District under rule 12.5(a)(i) to (iv) or (b), the creditor must present the petition to—
- (a) the High Court where the debt is £50,000 or more; or
  - (b) the County Court at Central London where the debt is less than £50,000.
- (2) Where the proceedings are allocated to the London Insolvency District under rule 12.5(a)(v), (c) or (d), the creditor must present the petition to the High Court.
- (3) Where the debtor is resident in England and Wales and the proceedings are not allocated to the London Insolvency District, the creditor must present the petition to the debtor’s own hearing centre.
- (4) The debtor’s own hearing centre is—

- (a) where the debtor has carried on business in England and Wales within the six months immediately preceding the presentation of the petition, the 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 preceding the presentation of the petition, the hearing centre for the insolvency district where the debtor resided for the longest period during those six months.
- (5) 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 presentation of the petition and the proceedings are not allocated to the London Insolvency District, the petition may be presented either to the debtor’s own hearing centre or to the High Court.
- (6) Unless paragraph (2) applies, where to the petitioner’s knowledge there is in force for the debtor an IVA under Part 8(1) of the Act, the petition must be presented to the court or hearing centre—
- (a) to which the nominee’s report under section 256(2) was submitted;
  - (b) to which an application has been made, where a nominee has made a report under section 256A(3)(3); or
  - (c) as determined under paragraphs (1) to (5) in any other case.
- (7) The petition must contain sufficient information to establish that it is presented in the appropriate court and, where the court is the County Court, the appropriate hearing centre.

### **Procedure for presentation and filing of petition**

- 10.12.**—(1) The petition must be filed with the court.
- (2) A petition may not be filed unless—
- (a) a receipt for the deposit payable to the official receiver is produced on presentation of the petition; or
  - (b) the Secretary of State has given notice to the court that the petitioner has made suitable alternative arrangements in accordance with an order made under section 415(3) for the payment of the deposit and that notice has not been revoked.
- (3) A notice of alternative arrangements for the deposit may be revoked by a further notice filed with the court.
- (4) The following copies of the petition must also be filed with the court with the petition—
- (a) one for service on the debtor;
  - (b) one copy for the supervisor, if to the petitioner’s knowledge there is in force for the debtor an IVA under Part 8 of the Act, and the petitioner is not the supervisor of the IVA; and
  - (c) one copy for the liquidator, if to the petitioner’s knowledge there is a member State liquidator appointed in main proceedings in relation to the debtor.
- (5) The date and time of filing the petition must be endorsed on the petition and on the copies.

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- (1) Part 8 is amended by paragraph 2 of Schedule 6 to the Deregulation Act 2015 (c.20), paragraphs 2 to 4 of Schedule 19 to the Enterprise and Regulatory Reform Act 2014 (c.24) and sections 134 and 135 and paragraphs 61 to 72 of Schedule 9 to the Small Business, Enterprise and Employment Act 2015 (c.26).
  - (2) Section 256(12)(aa), (5) and (6) are amended and (1)(b) is omitted by paragraph 61 of Schedule 9 to the Small Business, Enterprise and Employment Act 2015 (c.26).
  - (3) Section 256A(3) is amended by paragraph 4(3) of Schedule 19 to the Enterprise and Regulatory Reform Act 2013 (c.24) and paragraph 62 of Schedule 9 to the Small Business, Enterprise and Employment Act 2015 (c.26).

(6) The court must fix a venue for hearing the petition, and this must also be endorsed on the petition and the copies.

(7) Each copy of the petition must have the seal of the court applied to it and must be delivered to the petitioner.

### **Application to Chief Land Registrar to register petition**

**10.13.**—(1) When the petition is filed, the court must as soon as reasonably practicable deliver to the Chief Land Registrar an application for registration of the petition in the register of pending actions.

(2) The application must contain—

- (a) a statement that the court is applying for registration of a petition in bankruptcy proceedings as a pending action with the Chief Land Registrar under section 5 of the Land Charges Act 1972(4);
- (b) the debtor's name;
- (c) the debtor's gender, if known;
- (d) details of the debtor's trade, profession or occupation, including any trading name and, in the case of a partnership, the name and gender, if known, of each of the other partners;
- (e) the postal address for each known place of residence of the debtor, including the debtor's business address where the court considers it to be appropriate for the purpose of the notice;
- (f) the relevant key number allocated by the Land Charges Department;
- (g) the name of the court (and hearing centre if applicable);
- (h) the number and date of the petition; and
- (i) the name and postal address of the petitioner.

(3) The application must be sealed and dated by the court.

(4) A separate application must be completed for each debtor and for any alternative name by which the debtor has been or is known (other than any trading name).

### **Service of petition and delivery of copies**

**10.14.**—(1) The petitioner must serve the petition on the debtor in accordance with Schedule 4 (Service of documents).

(2) If to the petitioner's knowledge there is in force for the debtor an IVA, and the petitioner is not the supervisor of the IVA, a copy of the petition must be delivered by the petitioner to the supervisor.

(3) If to the petitioner's knowledge, there is a member State liquidator appointed in main proceedings in relation to the debtor, a copy of the petition must be delivered by the petitioner to the member State liquidator.

### **Death of debtor before service**

**10.15.** If the debtor dies before service of the petition, the court may order service to be effected on the debtor's personal representative, or on such other person as it thinks just.

### **Amendment of petition**

**10.16.** The petition may be amended at any time after presentation with the court's permission.

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(4) 1972 c.61.

### **Security for costs**

**10.17.**—(1) This rule applies where the debt is a liquidated sum payable at some future time, it being claimed in the petition that the debtor appears to have no reasonable prospect of being able to pay it.

(2) The debtor may apply for an order that the petitioning creditor give security for the debtor's costs.

(3) The nature and amount of the security to be ordered is in the court's discretion.

(4) If an order for security is made then the petition may not be heard until the whole amount of the security has been given.

### **Debtor's notice of opposition to petition**

**10.18.**—(1) A debtor who intends to oppose the making of a bankruptcy order must not less than five business days before the day fixed for the hearing—

(a) file a notice with the court; and

(b) deliver a copy of the notice to the petitioning creditor or the petitioner's solicitor.

(2) The notice must—

(a) identify the proceedings;

(b) state that the debtor intends to oppose the making of a bankruptcy order; and

(c) state the grounds on which the debtor opposes the making of the order.

### **Notice by persons intending to appear**

**10.19.**—(1) A creditor or a member State liquidator appointed in main proceedings in relation to the debtor who intends to appear on the hearing of the petition must deliver a notice of intention to appear to the petitioner.

(2) The notice must contain the following—

(a) the name and address of the person, and any telephone number and reference which may be required for communication with that creditor or with any other person (also to be specified in the notice) authorised to speak or act on the person's behalf;

(b) the date of the presentation of the bankruptcy petition and a statement that the notice relates to the matter of that petition;

(c) the date of the hearing of the petition;

(d) in the case of a creditor, the amount and nature of the debt due from the debtor to the creditor;

(e) whether the person intends to support or oppose the petition;

(f) where the person is represented by a solicitor or other agent, the name, postal address, telephone number and reference number (if any) of that person and details of that person's position with or relationship to the creditor or member State liquidator; and

(g) the name and postal address of the petitioner.

(3) The notice must be authenticated and dated by the person delivering it.

(4) The notice must be delivered to the petitioner or the petitioner's solicitor at the address shown in the court records.

(5) The notice must be delivered so as to reach the petitioner (or the petitioner's solicitor) not later than 4pm on the business day before that which is appointed for the hearing (or, where the hearing has been adjourned, for the adjourned hearing).

(6) A person who fails to comply with this rule may appear and be heard on the hearing of the petition only with the permission of the court.

### **List of appearances**

**10.20.**—(1) The petitioner must prepare for the court a list of the persons who have delivered a notice under rule 10.19 of their intention to appear.

(2) The list must contain—

- (a) the date of the presentation of the bankruptcy petition;
- (b) the date of the hearing of the petition;
- (c) a statement that the persons listed have delivered notice that they intend to appear at the hearing of the petition;
- (d) the name and address of each person who has delivered notice of intention to appear;
- (e) in the case of creditors, the amount owed to each such creditor;
- (f) the name and postal address of any solicitor for a person listed; and
- (g) whether each person listed intends to support the petition, or to oppose it.

(3) On the day appointed for hearing the petition, a copy of the list must be handed to the court before the hearing commences.

(4) If the court gives a person permission to appear under rule 10.19(6) then the petitioner must add that person to the list with the same particulars.

### **Hearing of petition**

**10.21.**—(1) The petition may not be heard until at least 14 days have elapsed since it was served on the debtor.

(2) However the court may, on such terms as it thinks just, hear the petition at an earlier date, if—

- (a) it appears that the debtor has absconded;
- (b) the court is satisfied that it is a proper case for an expedited hearing; or
- (c) the debtor consents to a hearing within the 14 days.

(3) The following persons may appear and be heard—

- (a) the petitioning creditor;
- (b) the debtor;
- (c) the supervisor of any IVA in force for the debtor; and
- (d) any person who has delivered a notice under rule 10.19.

### **Postponement of hearing**

**10.22.**—(1) The petitioner may, if the petition has not been served, apply to the court to appoint another day for the hearing.

(2) The application must state the reasons why the petition has not been served.

(3) Costs of the application may not be allowed in the proceedings except by order of the court.

(4) If the court appoints another day for the hearing, the petitioner must as soon as reasonably practicable deliver notice of that day to any person who delivered notice of intention to appear under rule 10.19 and to any person who must be served with a copy of the petition under rule 10.14.

**Adjournment of the hearing**

- 10.23.**—(1) This rule applies if the court adjourns the hearing of a bankruptcy petition.
- (2) The order of adjournment must identify the proceedings and contain—
- (a) the date of the presentation of the petition;
  - (b) the order that the further hearing of the petition be adjourned to the venue specified in the order;
  - (c) the venue of the adjourned hearing; and
  - (d) the date of the order.
- (3) Unless the court otherwise directs, the petitioner must as soon as reasonably practicable deliver a notice of the order of adjournment to—
- (a) the debtor; and
  - (b) any person who has delivered a notice of intention to appear under rule 10.19 but was not present at the hearing.
- (4) The notice of the order of adjournment must identify the proceedings and—
- (a) contain—
    - (i) the date of the presentation of the petition,
    - (ii) the date the order of adjournment was made, and
    - (iii) the venue for the adjourned hearing; and
  - (b) be authenticated and dated by the petitioner or the petitioner’s solicitor.

**Decision on the hearing**

- 10.24.**—(1) On the hearing of the petition, the court may make a bankruptcy order if satisfied that the statements in the petition are true, and that the debt on which it is founded has not been paid, or secured or compounded.
- (2) If the petition is brought in relation to a judgment debt, or a sum ordered by any court to be paid, the court may stay or dismiss the petition on the ground that an appeal is pending from the judgment or order, or that execution of the judgment has been stayed.
- (3) An order dismissing or giving permission to withdraw a bankruptcy petition must contain—
- (a) identification details for the proceedings;
  - (b) the date of the presentation of the bankruptcy petition;
  - (c) the name, postal address and description of the applicant;
  - (d) a statement that the petition has been heard;
  - (e) the order that the petition be dismissed or that, with the permission of the court, the petition is withdrawn;
  - (f) details of any further terms of the order;
  - (g) the date and reference number of the registration of the petition as a pending action with the Chief Land Registrar;
  - (h) an order that the entry relating to the petition in the register of pending actions be vacated on the debtor’s application; and
  - (i) the date of the order.
- (4) The order must notify the debtor that it is the debtor’s responsibility and in the debtor’s interest to ensure that the registration of the petition as an entry, both with the Chief Land Registrar and in the title register of any property owned by the debtor, is cancelled.



(5) In the case of a petition preceded by a statutory demand, the petition will not be dismissed on the ground only that the amount of the debt was over-stated in the demand, unless the debtor, within the time allowed for complying with the demand, delivered a notice to the creditor disputing the validity of the demand on that ground; but, in the absence of such notice, the debtor is deemed to have complied with the demand if the correct amount is paid within the time allowed.

#### **Vacating registration on withdrawal of petition**

**10.25.** If the petition is withdrawn by permission of the court, the court must deliver to the debtor two sealed copies of the order (one for the Chief Land Registrar).

#### **Non-appearance of petitioning creditor**

**10.26.** A petitioning creditor who fails to appear on the hearing of the petition may not present a petition either alone or jointly with any other person against the same debtor in respect of the same debt without the permission of the court to which the previous petition was presented.

#### **Substitution of petitioner**

**10.27.**—(1) This rule applies where the petitioner—

- (a) is subsequently found not to have been entitled to present the petition;
- (b) consents to withdraw the petition or to allow it to be dismissed;
- (c) consents to an adjournment;
- (d) fails to appear in support of the petition when it is called on in court on the day originally fixed for the hearing, or on a day to which it is adjourned; or
- (e) appears, but does not apply for an order in the terms of the petition.

(2) The court may, on such terms as it thinks just, substitute as petitioner a person who—

- (a) has delivered a notice under rule 10.19 of intention to appear at the hearing;
- (b) is willing to prosecute the petition; and
- (c) was, in the case of a creditor, at the date on which the petition was presented, in such a position in relation to the debtor as would have enabled the creditor on that date to present a bankruptcy petition in relation to a debt or debts owed to that creditor by the debtor, paragraphs (a) to (d) of section 267(2) being satisfied in relation to that debt or those debts.

#### **Order for substitution of petitioner**

**10.28.** The order for substitution of a petitioner must contain—

- (a) identification details for the proceedings;
- (b) the date of the hearing of the petition;
- (c) the name of the original petitioner;
- (d) the name of the person who is willing to prosecute the petition (“the named person”);
- (e) a statement that the named person meets the requirements of rule 10.27(2);
- (f) details of the statutory demand or return of the enforcement officer or enforcement agent;
- (g) the following orders—
  - (i) that upon payment by the named person of the statutory deposit to the court the statutory deposit paid by the original petitioner to the court be repaid to the original petitioner by the official receiver,

- (ii) that the named person be substituted as petitioner in place of the original petitioner and that the relevant person may amend the petition accordingly,
  - (iii) that the named person must within five business days from the date of the order file a copy of the amended petition together with a statement of truth verifying the amended petition,
  - (iv) that at least 14 days before the date of the adjourned hearing of the petition the named person must serve upon the debtor a sealed copy of the amended petition,
  - (v) that the hearing of the amended petition be adjourned to the venue specified in the order, and
  - (vi) that the question of the costs of the original petitioner and of the statutory deposit (if appropriate) be reserved until the final determination of the amended petition;
- (h) the venue of the adjourned hearing; and
- (i) the date of the order.

### **Change of carriage of petition**

**10.29.**—(1) On the hearing of the petition, a person who has delivered notice under rule 10.19 of intention to appear at the hearing, may apply to the court for an order giving that person carriage of the petition in place of the petitioner, but without requiring any amendment of the petition.

(2) The court may, on such terms as it thinks just, make a change of carriage order if satisfied that—

- (a) the applicant is an unpaid and unsecured creditor of the debtor or a member State liquidator appointed in main proceedings in relation to the debtor; and
- (b) the petitioner either—
  - (i) intends by any means to secure the postponement, adjournment, dismissal or withdrawal of the petition, or
  - (ii) does not intend to prosecute the petition, either diligently or at all.

(3) The court must not make such an order if satisfied that the petitioner's debt has been paid, secured or compounded by means of—

- (a) a disposition of property made by some person other than the debtor; or
- (b) a disposition of the debtor's own property made with the approval of, or ratified by, the court.

(4) A change of carriage order may be made whether or not the petitioner appears at the hearing.

(5) If the order is made, the person given the carriage of the petition is entitled to rely on all evidence previously provided in the proceedings.

(6) The change of carriage order will contain—

- (a) identification details for the proceedings;
- (b) the date of the hearing of the petition;
- (c) the name of the person who is willing to be given carriage of the petition (“the relevant person”);
- (d) a statement that the relevant person is a creditor of the debtor or a member State liquidator appointed in main proceedings in relation to the debtor;
- (e) the name of the original petitioner;
- (f) a statement that the relevant person has applied for an order under this rule to have carriage of the petition in place of the original petitioner;

- (g) the order that the relevant person must within a period which is specified in the order serve upon the debtor and the original petitioner a sealed copy of the order;
- (h) the order that the further hearing of the petition be adjourned to the venue specified in the order;
- (i) the venue of the adjourned hearing;
- (j) the order that the question of the costs of the original petitioner be reserved until the final determination of the petition; and
- (k) the date of the order.

### **Petitioner seeking dismissal or permission to withdraw**

[Note. See rule 10.24 for the contents of an order dismissing or giving permission to withdraw a petition.]

**10.30.**—(1) Where the petitioner applies to the court for the petition to be dismissed, or for permission to withdraw it, the petitioner must file with the court a witness statement specifying the grounds of the application and the circumstances in which it is made if—

- (a) a person has delivered notice under rule 10.19 of intention to appear at the hearing of the petition; or
- (b) the court so orders.

(2) If any payment has been made to the petitioner since the petition was filed by way of settlement (in whole or in part) of the debt or any arrangement has been entered into for securing or compounding the debt, the witness statement must also state—

- (a) what dispositions of property have been made for the purposes of the settlement or arrangement;
- (b) whether, in the case of any disposition, it was property of the debtor, or of some other person; and
- (c) whether, if it was property of the debtor, the disposition was made with the approval of, or has been ratified by, the court (if so, specifying the relevant court order).

(3) An order giving permission to withdraw a petition must not be made before the petition is heard.

(4) The order of dismissal or granting permission to withdraw a bankruptcy petition must contain—

- (a) identification details for the proceedings;
- (b) the date of the filing of the bankruptcy petition;
- (c) the name, postal address and description of the applicant;
- (d) a statement that the petition has been heard;
- (e) the order that the petition be dismissed or that, with the permission of the court, the petition is withdrawn;
- (f) details of any further terms of the order;
- (g) the date and reference number of the registration of the petition as a pending action with the Chief Land Registrar;
- (h) an order that the entry relating to the petition in the register of pending actions be vacated on the debtor's application; and
- (i) the date of the order.

**Contents of bankruptcy order**

**10.31.**—(1) The bankruptcy order must identify the proceedings and contain—

- (a) the name and address of the petitioner;
- (b) the date of the presentation of the petition;
- (c) the details of the debtor as provided under rule 10.8(1)(a) to (g);
- (d) the order that the person named is made bankrupt;
- (e) the order either—
  - (i) that the court being satisfied that the EC Regulation 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 court is satisfied that the EC Regulation does not apply in relation to the proceedings;
- (f) a statement that the official receiver (or one of them) attached to the court is by virtue of the order trustee of the bankrupt's estate;
- (g) a notice of the bankrupt's duties in relation to the official receiver under section 291(5), 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; and
- (h) the date and time of the order.

(2) If the petitioner is represented by a solicitor the order is to be endorsed with the name, address, telephone number and reference of the solicitor.

(3) Subject to section 346(6) (effect of bankruptcy on enforcement procedures), the order may include provision staying any action or proceeding against the bankrupt.

**Delivery and notice of the order**

**10.32.**—(1) As soon as reasonably practicable after making a bankruptcy order the court must deliver two sealed copies of the order to the official receiver.

(2) The official receiver must as soon as reasonably practicable deliver a sealed copy of the order to the bankrupt.

(3) On receipt of the sealed copies of the bankruptcy order the official receiver—

- (a) must as soon as reasonably practicable—
  - (i) deliver an application for registration of the order containing the particulars specified in rule 10.33 to the Chief Land Registrar, for registration in the register of writs and orders affecting land, and
  - (ii) cause notice of the order to be gazetted;
- (b) must cause an entry to be made in the individual insolvency register in accordance with rule 11.16; and
- (c) may cause notice of the order to be advertised in such other manner as the official receiver thinks fit.

(4) The notice to be gazetted and any notice to be advertised must state—

- (a) that a bankruptcy order has been made against the bankrupt;

(5) Section 291 subsections (1) to (3) are omitted by paragraph 4 of Schedule 10 to the Small Business, Enterprise and Employment Act 2015 (c.26).

(6) Section 346(1) to (4) is amended by paragraph 39 of Schedule 19 of the Enterprise and Regulatory Reform Act 2013 (c.24).

- (b) the date and time of the making of the bankruptcy order;
- (c) the name and address of the petitioning creditor; and
- (d) the date of presentation of the petition.

(5) The court may, on the application of the bankrupt or a creditor, order the official receiver to suspend action under paragraph (3) and rule 11.16, 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 to suspend such action is made, the applicant must deliver a copy of the order to the official receiver as soon as reasonably practicable.

### **Application to Chief Land Registrar to register bankruptcy order**

**10.33.**—(1) The application for registration of the bankruptcy order delivered to the Chief Land Registrar under rule 10.32 must contain—

- (a) identification details for the proceedings;
- (b) a statement that the official receiver is applying for registration of a bankruptcy order in the register of writs and orders under section 6 of the Land Charges Act 1972(7);
- (c) the name of the bankrupt;
- (d) the bankrupt's gender, if known;
- (e) details of the bankrupt's trade, profession or occupation, including any trading name and, in the case of a partnership, the name and gender, if known, of each of the other partners;
- (f) the postal address for each known place of residence of the bankrupt, including the bankrupt's business address where the official receiver considers it to be appropriate for the purpose of the notice;
- (g) the relevant key number allocated by the Chief Land Registrar;
- (h) the date of the bankruptcy order; and
- (i) the name and postal address of the petitioner.

(2) The application must be authenticated and dated by the official receiver.

(3) A separate application must be completed for each address and for any alternative name by which the bankrupt has been or is known (other than any trading name).