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STATUTORY INSTRUMENTS

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**2016 No. 1024**

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

**PART 11**

**BANKRUPTCY AND DEBT RELIEF RESTRICTIONS ORDERS  
AND UNDERTAKINGS AND THE INSOLVENCY REGISTERS**

**CHAPTER 2**

Bankruptcy and debt relief restrictions orders (Schedules 4ZB and 4A)

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

**Application for a bankruptcy or debt relief restrictions order**

**11.2.**—(1) An application by the Secretary of State to the court for a bankruptcy restrictions order under paragraph 1 of Schedule 4A, or for a debt relief restrictions order under paragraph 1 of Schedule 4ZB, must be supported by a report by the Secretary of State.

(2) The report must—

- (a) set out the conduct which the Secretary of State thinks justifies making a bankruptcy restrictions order or a debt relief restrictions order; and
- (b) contain the evidence on which the Secretary of State relies in support of the application.

(3) Any evidence in support of the application provided by a person other than the Secretary of State must be given in a witness statement.

(4) The date for the hearing must be at least eight weeks after the date when the court fixes the venue for the hearing.

**Service of the application on the bankrupt or debtor**

**11.3.**—(1) The Secretary of State must serve a notice of the application and the venue on the bankrupt or debtor not more than 14 days after the application is filed with the court.

(2) The notice must be accompanied by—

- (a) a copy of the application;
- (b) a copy of the Secretary of State's report;
- (c) a copy of any other evidence filed in support of the application; and
- (d) a document for completion as an acknowledgement of service.

(3) The bankrupt or debtor must file the acknowledgement of service, indicating whether or not the application is contested, not more than 14 days after service of the application.

(4) A bankrupt or debtor who fails to file an acknowledgement of service within that time may attend the hearing of the application but may not take part in the hearing unless the court gives permission.

### **The bankrupt's or debtor's evidence opposing an application**

**11.4.**—(1) A bankrupt or debtor who wishes to oppose the application must—

- (a) file with the court any evidence for the court to take into consideration within 28 days of service of the application; and
- (b) serve a copy of it on the Secretary of State within three business days of filing the evidence with the court.

(2) The Secretary of State must file with the court any evidence in reply within 14 days from receiving the copy of the bankrupt's or debtor's evidence, and must serve a copy of that evidence on the bankrupt or debtor as soon as reasonably practicable.

### **Making a bankruptcy or debt relief restrictions order**

**11.5.**—(1) The court may make a bankruptcy restrictions order or a debt relief restrictions order whether or not the bankrupt or debtor appears or has filed evidence.

(2) Where the court makes such an order, it must deliver two sealed copies to the Secretary of State as soon as reasonably practicable.

(3) As soon as reasonably practicable after receiving the sealed copies, the Secretary of State must deliver one of them to the bankrupt or debtor.

**Changes to legislation:**

There are currently no known outstanding effects for the The Insolvency (England and Wales) Rules 2016, CHAPTER 2.