
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 10

BANKRUPTCY

CHAPTER 17

Discharge

Certificate of discharge from bankruptcy order made on a bankruptcy application

10.145.—(1) A bankrupt may apply to the official receiver for a certificate of discharge where the bankruptcy order was made on a bankruptcy application.

(2) The bankrupt must send the application to the official receiver with the prescribed fee.

(3) Where it appears to the official receiver that the bankrupt is discharged, the official receiver must deliver a certificate of discharge to the former bankrupt by electronic means.

(4) The certificate of discharge must be headed “Certificate of Discharge” and must contain—

- (a) identification details for the former bankrupt;
- (b) the date of the bankruptcy order;
- (c) a statement that the former bankrupt was discharged from bankruptcy;
- (d) the date of discharge from the bankruptcy; and
- (e) the date of the certificate.

(5) The certificate must also state—

- (a) that the former bankrupt may request in writing notice of the discharge to be gazetted and advertised in the same manner as the bankruptcy order; and
- (b) that such a request must be delivered to the official receiver within 28 days of the making of the certificate of discharge.

(6) As soon as reasonably practicable after delivery of such a request to the official receiver the notice of discharge must be gazetted, and advertised in the same manner as the bankruptcy order.

(7) The notice must contain—

- (a) the name of the former bankrupt;
- (b) the date of the bankruptcy order;
- (c) the statement that a certificate of discharge has been delivered to the former bankrupt;
- (d) the date of the certificate; and
- (e) the date from which the discharge is effective.

(8) An application for a notice of discharge and a request in writing that the notice be gazetted and advertised may be made by the former bankrupt's personal representative or, as the case may

be, a person appointed by the court to represent or act for the former bankrupt where the former bankrupt—

- (a) has died; or
- (b) is a person lacking capacity to manage the person's own affairs (within the meaning of the Mental Capacity Act 2005).

Changes to legislation:

There are currently no known outstanding effects for the The Insolvency (England and Wales) Rules 2016, Section 10.