

---

## EXPLANATORY NOTE

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

These Rules further amend the Insolvency Rules 1986 (S.I. 1986/1925), which set out detailed procedures for the conduct of all company and individual insolvency proceedings in England and Wales under the Insolvency Act 1986 (c. 45) (“the Act”), with effect from 22nd March 1999.

These Rules provide for the maintenance by the Secretary of State of a register of bankruptcy orders which shall be open to public inspection.

These Rules require the official receiver to enter in the register the specified bankruptcy information (as defined in Rule 6.223(B)(5)) received by him relating to any bankruptcy order. Subject to the exceptions provided in Rule 6.223(A)(3)(a)–(c), the Secretary of State is also under an obligation to enter in the register such specified bankruptcy information relating to any bankruptcy order made in the period of five years prior to 22nd March 1999 as is in his possession on that date.

Provision is made for the deletion of information entered in the register in the following circumstances:

- (a) upon receipt by the Secretary of State of notice of an annulment order under section 282(1)(a) of the Act or of a copy of an order rescinding a bankruptcy order under section 375 of the Act;
- (b) upon the expiry of two years after the date on which a bankrupt is discharged or, where a certificate for the summary administration of the bankrupt’s estate is issued under section 275(1) of the Act, upon the expiry of three years after the bankrupt is discharged; and
- (c) upon the expiry of two years after the date of an annulment order under section 261(1)(a) or 282(1)(b) of the Act.

These Rules also amend Rule 5.23 to provide for the deletion from the register of individual voluntary arrangements of information entered in it relating to any individual voluntary arrangement in respect of which the Secretary of State has received notice of the making of a revocation order made prior to 22nd March 1999 or of the final completion or termination of an arrangement more than two years prior to 22nd March 1999. Provision is also made for the deletion of information entered in the register relating to any individual voluntary arrangement upon the expiry of two years following the final completion or termination of such arrangement and following receipt by the Secretary of State of notice of the making of a revocation order. Rule 5.29 is amended so as to apply in the event of the completion or termination of an arrangement.

A Regulatory Impact Assessment is available, copies of which have been placed in the libraries of both Houses of Parliament. Copies are also available from The Insolvency Service of the Department of Trade and Industry, PO Box 203, Room 5.1, 21 Bloomsbury Street, London WC1B 3QW.