

SCHEDULE 1

PART 7

NEW PART 6A FOR INSERTION INTO THE PRINCIPAL RULES

53. After Part 6 of the principal Rules there is inserted—

“PART 6A

CHAPTER 1

GENERAL

The individual insolvency register; the bankruptcy restrictions register

6A.1.—(1) The Secretary of State shall create and maintain a register of matters relating to bankruptcies and individual voluntary arrangements in accordance with the provisions of this Part (referred to in this Part as “the individual insolvency register”).

(2) The register referred to in paragraph 12 of Schedule 4A to the Act (referred to in this Part as “the bankruptcy restrictions register”) shall be maintained in accordance with the provisions of this Part.

(3) In this Part the “registers” means the registers referred to in paragraphs (1) and (2).

(4) The registers shall be open to public inspection on any business day between the hours of 9.00 am and 5.00 pm.

(5) Where an obligation to enter information onto, or delete information from, the registers arises under this Part, that obligation shall be performed as soon as is reasonably practicable after it arises.

CHAPTER 2

INDIVIDUAL INSOLVENCY REGISTER

Entry of information onto the individual insolvency register—individual voluntary arrangements

6A.2.—(1) The Secretary of State shall enter onto the individual insolvency register—

(a) as regards any voluntary arrangement other than a voluntary arrangement under section 263A any information—

(i) that was required to be held on the register of individual voluntary arrangements maintained by the Secretary of State immediately prior to the coming into force of this Rule and which relates to a voluntary arrangement which has not been completed or has not terminated on or before the date on which this Rule comes into force; or

(ii) that is sent to him in pursuance of Rule 5.29 or Rule 5.34; and

(b) as regards any voluntary arrangement under section 263A of which notice is given to him pursuant to Rule 5.45—

(i) the name and address of the debtor;

(ii) the date on which the arrangement was approved by the creditors; and

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- (iii) the court in which the official receiver's report has been filed.
- (2) This Rule is subject to Rule 6A.3.

Deletion of information from the individual insolvency register—individual voluntary arrangements

6A.3. The Secretary of State shall delete from the individual insolvency register all information concerning an individual voluntary arrangement where—

- (a) he receives notice under Rule 5.30(5) or Rule 5.46(4) of the making of a revocation order in respect of the arrangement; or
- (b) he receives notice under Rule 5.34(3) or Rule 5.50(3) of the full implementation or termination of the arrangement.

Entry of information onto the individual insolvency register—bankruptcy orders

6A.4.—(1) The Secretary of State shall enter onto the individual insolvency register any information that was required to be held on the register of bankruptcy orders maintained by the Secretary of State immediately prior to the coming into force of this Rule and which relates to a bankrupt who—

- (a) has not received his discharge on or before the date that this Rule comes into force; or
- (b) was discharged in the period of 3 months immediately preceding the coming into force of this Rule.

(2) Where the official receiver receives pursuant to Rule 6.34 or Rule 6.46 a copy of a bankruptcy order from the court, he shall cause to be entered onto the individual insolvency register—

- (a) the matters listed in Rules 6.7 and 6.38 with respect to the debtor as they are stated in the bankruptcy petition;
- (b) the date of the making of the bankruptcy order;
- (c) the name of the court that made the order; and
- (d) the court reference number as stated on the order.

(3) The official receiver shall cause to be entered onto the individual insolvency register as soon as reasonably practicable after receipt by him, the following information—

- (a) the name, gender, occupation (if any) and date of birth of the bankrupt;
- (b) the bankrupt's last known address;
- (c) the date of any bankruptcy order (or if more than one the latest of them) made in the period of 6 years immediately prior to the date of the latest bankruptcy order made against the bankrupt (excluding for these purposes any order that was annulled);
- (d) any name by which the bankrupt was known, not being the name in which he was adjudged bankrupt;
- (e) the address of any business carried on by the bankrupt and the name in which that business was carried on if carried on in a name other than the name in which the bankrupt was adjudged bankrupt;
- (f) the name and address of any insolvency practitioner appointed to act as trustee in bankruptcy;
- (g) the address at which the official receiver may be contacted; and

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(h) the automatic discharge date under section 279.

(4) Where pursuant to Rule 6.176(5) or Rule 6.215(8) the official receiver receives a copy of an order suspending the bankrupt's discharge he shall cause to be entered onto the individual insolvency register—

- (a) the fact that such an order has been made; and
- (b) the period for which the discharge has been suspended or that the relevant period has ceased to run until the fulfilment of conditions specified in the order.

(5) Where pursuant to Rule 6.216(7) a copy of a certificate certifying the discharge of an order under section 279(3) is received by the official receiver, he shall cause to be entered onto the individual insolvency register—

- (a) that the court has discharged the order made under section 279(3); and
- (b) the new date of discharge of the bankrupt,

but where the order discharging the order under section 279(3) is subsequently rescinded by the court, the official receiver shall cause the register to be amended accordingly.

(6) Where a bankrupt is discharged from bankruptcy under section 279(1) or section 279(2), the official receiver shall cause the fact and date of such discharge to be entered in the individual insolvency register.

(7) This Rule is subject to Rule 6A.5.

Deletion of information from the individual insolvency register—bankruptcy orders

6A.5. Subject to paragraph (2), the Secretary of State shall delete from the individual insolvency register all information concerning a bankruptcy where—

- (a) the bankruptcy order has been annulled pursuant to section 261(2)(a), 261(2)(b), 263D(3) or section 282(1)(b);
- (b) the bankrupt has been discharged from the bankruptcy and a period of 3 months has elapsed from the date of discharge;
- (c) the bankruptcy order is annulled pursuant to section 282(1)(a) and he has received notice of the annulment under Rule 6.213(2); or
- (d) the bankruptcy order is rescinded by the court under section 375 and the Secretary of State has received a copy of the order made by the court.

CHAPTER 3

BANKRUPTCY RESTRICTIONS REGISTER

Bankruptcy restrictions orders and undertakings—entry of information onto the bankruptcy restrictions register

6A.6.—(1) Where an interim bankruptcy restrictions order or a bankruptcy restrictions order is made against a bankrupt, the Secretary of State shall enter onto the bankruptcy restrictions register—

- (a) the name of the bankrupt;
- (b) a statement that an interim bankruptcy restrictions order or, as the case may be, a bankruptcy restrictions order has been made against him;
- (c) the date of the making of the order, the court and the court reference number; and
- (d) the duration of the order.

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(2) Where a bankruptcy restrictions undertaking is given by a bankrupt, the Secretary of State shall enter onto the bankruptcy restrictions register—

- (a) the name of the bankrupt;
- (b) a statement that a bankruptcy restrictions undertaking has been given;
- (c) the date of the acceptance of the bankruptcy restrictions undertaking by the Secretary of State; and
- (d) the duration of the bankruptcy restrictions undertaking.

(3) This Rule is subject to Rule 6A.7.

Deletion of information from the bankruptcy restrictions register—bankruptcy restrictions orders and undertakings

6A.7. In any case where an interim bankruptcy restrictions order or a bankruptcy restrictions order is made or a bankruptcy restrictions undertaking has been accepted, the Secretary of State shall remove from the bankruptcy restrictions register all information regarding that order or, as the case may be, undertaking after—

- (a) receipt of notification that the order or, as the case may be, the undertaking has ceased to have effect; or
- (b) the expiry of the order or, as the case may be, undertaking.

CHAPTER 4

RECTIFICATION OF REGISTERS

Rectification of the registers

6A.8.—(1) Where the Secretary of State becomes aware that there is any inaccuracy in any information maintained on the registers he shall rectify the inaccuracy as soon as reasonably practicable.

(2) Where the Secretary of State receives notice of the date of the death of a bankrupt in respect of whom information is held on the register, he shall cause the fact and date of the bankrupt's death to be entered onto the individual insolvency register and bankruptcy restrictions register.”.