

*This Statutory Instrument has been made in consequence of a defect in S.I. 2004/584 and is being issued free of charge to all known recipients of that Statutory Instrument.*

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STATUTORY INSTRUMENTS

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**2004 No. 1070**

**INSOLVENCY, ENGLAND AND WALES**

**COMPANIES, INDIVIDUALS**

**The Insolvency (Amendment No. 2) Rules 2004**

<i>Made</i> - - - -	<i>6th April 2004</i>
<i>Laid before Parliament</i>	<i>6th April 2004</i>
<i>Coming into force</i> - -	<i>3rd May 2004</i>

The Lord Chancellor, in the exercise of the powers conferred on him by sections 411 and 412 of the Insolvency Act 1986 (a), with the concurrence of the Secretary of State, and after consulting the committee existing for that purpose under section 413 of that Act, hereby makes the following Rules:

1. These Rules may be cited as the Insolvency (Amendment No.2) Rules 2004 and shall come into force on 3rd May 2004.

2. For Rule 6.98(1) (b) there is substituted—

“(1) Subject to Rule 6.96(4), the following matters shall be stated in a creditor’s proof of debt—

- (a) the creditor’s name and address, and, if a company, its company registration number;
- (b) the total amount of his claim (including any Value Added Tax) as at the date of the bankruptcy order;
- (c) whether or not that amount includes outstanding uncapitalised interest;
- (d) particulars of how and when the debt was incurred by the debtor;
- (e) particulars of any security held, the date when it was given and the value which the creditor puts upon it
- (f) details of any reservation of title in respect of goods to which the debt refers; and
- (g) the name, and address and authority of the person signing the proof (if other than the creditor himself).”.

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(a) 1986 c.45, as amended by the Enterprise Act 2002 (c.40). Sections 411 and 412 were amended by the Insolvency Act 1986 (Amendment) Regulations 2002 (S.I. 2002/1037).

(b) Rule 6.98(1) is amended from 1st April 2004 by the substitution of new text by Rule 28 of S.I. 2004/584 and that text is superseded by text introduced by Rule 2 of these Rules.

*Falconer of Thoroton, C.*

5th April 2004

I concur, on behalf of the Secretary of State,

*Gerry Sutcliffe,*  
Parliamentary Under-Secretary of State for  
Employment Relations, Competition and Consumers,  
Department of Trade and Industry

6th April 2004

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### **EXPLANATORY NOTE**

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

These Rules correct errors made in Rule 28 of the Insolvency (Amendment) Rules 2004 (S.I.2004/584) which substitutes new text for the text of Rule 6.98(1) of the Insolvency Rules 1986. The text which is substituted by Rule 28 of the Insolvency (Amendment) Rules 2004 refers to companies rather than bankrupts and this defect is corrected by these Rules.

No regulatory impact assessment has been prepared in relation to these Rules.

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