

2005 No. 527

INSOLVENCY, ENGLAND AND WALES

COMPANIES

INDIVIDUALS

The Insolvency (Amendment) Rules 2005

Made - - - - - 8th March 2005

Laid before Parliament 8th March 2005

Coming into force - - 1st April 2005

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:—

Citation and commencement

- 1.—(1) These Rules may be cited as the Insolvency (Amendment) Rules 2005.
- (2) These Rules shall come into force on 1st April 2005 (“the commencement date”).

Interpretation

- 2.—(1) In these Rules references to the “principal Rules” are to the Insolvency Rules 1986(b) and a Rule referred to by number alone means the Rule so numbered in the principal Rules.
- (2) These Rules shall be construed as one with the principal Rules.

Transitional provisions

- 3.—(1) The provisions of Rules 8 to 17, 23 to 27, 43 and 44 of these Rules shall not apply, and the provisions of the principal Rules shall continue to apply without the amendments made by those Rules, in any case where a company has entered administration or gone into liquidation, or a bankruptcy order has been made, before the commencement date.
- (2) The provisions of Rules 29, 30, 32 and 39 to these Rules shall apply in any case where, on or after 1st April 2004, a winding-up order has been made or a resolution for the winding up of a company has been passed or a bankruptcy order has been made, before the commencement date.

Amendment to Rule 1.40

4. In paragraph (4)(a) of Rule 1.40 for “sheriff” substitute “enforcement officer”.

(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) S.I. 1986/1925, amended by S.I. 1987/1919, 1989/397, 1991/495, 1993/602, 1995/586, 1999/359, 1999/1022, 2001/763, 2002/1307, 2002/2712, 2003/1730, 2004/584 and 2004/1070.

Amendment to Rule 2.7

5. In Rule 2.7—
- (a) in the heading to the Rule for “sheriff” substitute “officers charged with execution of writs or other process”; and
 - (b) in paragraph (a) of Rule 2.7 for “sheriff” substitute “enforcement officer”.

Amendment to Rule 2.20

6. In paragraph (2)(a) of Rule 2.20 for “sheriff” substitute “enforcement officer”.

Amendment to Rule 2.27

7. In paragraph (2)(c) of Rule 2.27 for “sheriff” substitute “enforcement officer”.

Amendment to Rule 2.67

8. In Rule 2.67 insert—
- “(4) For the purposes of paragraph 99(3), the former administrator’s remuneration and expenses shall comprise all those items set out in paragraph (1) of this Rule.”.

Substitution of Rule 2.85

9. For Rule 2.85 substitute—

“Mutual credits and set-off

2.85—(1) This Rule applies where the administrator, being authorised to make the distribution in question, has, pursuant to Rule 2.95 given notice that he proposes to make it.

(2) In this Rule “mutual dealings” means mutual credits, mutual debts or other mutual dealings between the company and any creditor of the company proving or claiming to prove for a debt in the administration but does not include any of the following—

- (a) any debt arising out of an obligation incurred after the company entered administration;
- (b) any debt arising out of an obligation incurred at a time when the creditor had notice that—
 - (i) an application for an administration order was pending; or
 - (ii) any person had given notice of intention to appoint an administrator;
- (c) any debt arising out of an obligation where—
 - (i) the administration was immediately preceded by a winding up; and
 - (ii) at the time the obligation was incurred the creditor had notice that a meeting of creditors had been summoned under section 98 or a petition for the winding up of the company was pending;
- (d) any debt arising out of an obligation incurred during a winding up which immediately preceded the administration; or
- (e) any debt which has been acquired by a creditor by assignment or otherwise, pursuant to an agreement between the creditor and any other party where that agreement was entered into—
 - (i) after the company entered administration;
 - (ii) at a time when the creditor had notice that an application for an administration order was pending;
 - (iii) at a time when the creditor had notice that any person had given notice of intention to appoint an administrator;
 - (iv) where the administration was immediately preceded by a winding up, at a time when the creditor had notice that a meeting of creditors had been summoned under section 98 or that a winding up petition was pending; or
 - (v) during a winding up which immediately preceded the administration.

(3) An account shall be taken as at the date of the notice referred to in paragraph (1) of what is due from each party to the other in respect of the mutual dealings and the sums due from one party shall be set off against the sums due from the other.

(4) A sum shall be regarded as being due to or from the company for the purposes of paragraph (3) whether—

- (a) it is payable at present or in the future;
- (b) the obligation by virtue of which it is payable is certain or contingent; or
- (c) its amount is fixed or liquidated, or is capable of being ascertained by fixed rules or as a matter of opinion.

(5) Rule 2.81 shall apply for the purposes of this Rule to any obligation to or from the company which, by reason of its being subject to any contingency or for any other reason, does not bear a certain value;

(6) Rules 2.86 to 2.88 shall apply for the purposes of this Rule in relation to any sums due to the company which—

- (a) are payable in a currency other than sterling;
- (b) are of a periodical nature; or
- (c) bear interest.

(7) Rule 2.105 shall apply for the purposes of this Rule to any sum due to or from the company which is payable in the future.

(8) Only the balance (if any) of the account owed to the creditor is provable in the administration. Alternatively the balance (if any) owed to the company shall be paid to the administrator as part of the assets except where all or part of the balance results from a contingent or prospective debt owed by the creditor and in such a case the balance (or that part of it which results from the contingent or prospective debt) shall be paid if and when that debt becomes due and payable.

(9) In this Rule “obligation” means an obligation however arising, whether by virtue of an agreement, rule of law or otherwise.”.

Amendment to Rule 2.86

10. At the end of Rule 2.86(1) insert “or, if the administration was immediately preceded by a winding up, on the date that the company went into liquidation”.

Amendment to Rule 2.87

11. At the end of Rule 2.87(1) insert “or, if the administration was immediately preceded by a winding up, up to the date that the company went into liquidation”.

Amendment to Rule 2.88

12. In Rule 2.88—

- (a) at the end of paragraph (1) insert “or, if the administration was immediately preceded by a winding up, any period after the date that the company went into liquidation”; and
- (b) in paragraph (7) omit the words “Subject to Rule 2.105(3),”.

Amendment to Rule 2.89

13. In Rule 2.89 after “entered administration,” insert “or, if the administration was immediately preceded by a winding up, up to the date that the company went into liquidation”.

Amendment to Rule 2.105

14.—(1) For paragraph (2) of Rule 2.105 substitute—

“(2) For the purpose of dividend (and no other purpose) the amount of the creditor’s admitted proof (or, if a distribution has previously been made to him, the amount remaining outstanding in respect of his admitted proof) shall be reduced by applying the following formula—

$$\frac{X}{1.05^n}$$

where—

- (a) “X” is the value of the admitted proof; and
 - (b) “n” is the period beginning with the relevant date and ending with the date on which the payment of the creditor’s debt would otherwise be due expressed in years and months in a decimalised form.
- (3) In paragraph (2) “relevant date” means—
- (a) in the case of an administration which was not immediately preceded by a winding up, the date that the company entered administration;
 - (b) in the case of an administration which was immediately preceded by a winding up, the date that the company went into liquidation.”.

(2) Omit paragraph (3).

Amendment to Rule 2.106

15.—(1) After paragraph (5) of Rule 2.106 insert—

“(5A) In a case where the administrator has made a statement under paragraph 52(1)(b), if there is no creditors’ committee, or the committee does not make the requisite determination, the administrator’s remuneration may be fixed (in accordance with paragraph (2)) by the approval of—

- (a) each secured creditor of the company: or
 - (b) if the administrator has made or intends to make a distribution to preferential creditors—
 - (i) each secured creditor of the company; and
 - (ii) preferential creditors whose debts amount to more than 50% of the preferential debts of the company, disregarding debts of any creditor who does not respond to an invitation to give or withhold approval;
- and paragraph (4) applies to them as it does to the creditors’ committee.”.

(2) Omit paragraph (9).

Amendment to Rule 2.107

16. After Rule 2.107 insert, and Rule 2.107 becomes Rule 2.107(1)—

“(2) In a case where the administrator has made a statement under paragraph 52(1)(b), if the administrator’s remuneration has been fixed by the creditors’ committee, and he considers the rate or amount to be insufficient, he may request that it be increased by the approval of—

- (a) each secured creditor of the company: or
- (b) if the administrator has made or intends to make a distribution to preferential creditors—
 - (i) each secured creditor of the company; and
 - (ii) preferential creditors whose debts amount to more than 50% of the preferential debts of the company, disregarding debts of any creditor who does not respond to an invitation to give or withhold approval.”.

Amendment to Rule 2.108

17. After paragraph (1) of Rule 2.108 insert—

“(1A) In a case where the administrator has made a statement under paragraph 52(1)(b), if the administrator considers that the remuneration fixed by the approval of the creditors in accordance with Rule 2.107(2) is insufficient, he may apply to the court for an order increasing its amount or rate.”.

Amendment to Rule 4.7

18. For Rule 4.7(7)(c) substitute—

“(c) where applicable, contain an application under paragraph 79 of Schedule B1, requesting that the appointment of the administrator shall cease to have effect.”.

Amendment to Rule 4.11

19. In Rule 4.11(4)(a) after “the name” insert “and registered number”.

Amendment to Rule 4.12

20. After paragraph (7) of Rule 4.12 insert—

“(8) The affidavit shall state whether, in the opinion of the person making the application, (i) the EC Regulation will apply and (ii) if so, whether the proceedings will be main proceedings or territorial proceedings.”.

Amendment to Rule 4.26

21. In Rule 4.26—

(a) in paragraph (2)—

(i) in sub-paragraph (a) for “two” substitute “three”; and,

(ii) in sub-paragraph (b)(i) for “two” substitute “three”; and,

(b) for paragraph (3) substitute—

“(3) Of the three copies of the order sent to the official receiver under paragraph (2)(a), or to another person under paragraph (2)(b)(i)—

(i) one shall in each case be sent by the recipient to the company, or if a liquidator has been appointed for the company’s voluntary winding-up, to him; and

(ii) one shall be sent with Form 4.15A to the registrar of companies.”.

Amendment to Rule 4.51-CVL

22. In Rule 4.51-CVL(2) after “summoning the meeting shall” insert “state the name of the company and the registered number of the company, and”.

Substitution of Rule 4.90

23. For Rule 4.90 substitute—

“Mutual credits and set-off

4.90.—(1) This Rule applies where, before the company goes into liquidation there have been mutual credits, mutual debts or other mutual dealings between the company and any creditor of the company proving or claiming to prove for a debt in the liquidation.

(2) The reference in paragraph (1) to mutual credits, mutual debts or other mutual dealings does not include—

(a) any debt arising out of an obligation incurred at a time when the creditor had notice that—

(i) a meeting of creditors had been summoned under section 98; or

(ii) a petition for the winding up of the company was pending;

(b) any debt arising out of an obligation where—

(i) the liquidation was immediately preceded by an administration; and

(ii) at the time the obligation was incurred the creditor had notice that an application for an administration order was pending or a person had given notice of intention to appoint an administrator;

(c) any debt arising out of an obligation incurred during an administration which immediately preceded the liquidation; or

(d) any debt which has been acquired by a creditor by assignment or otherwise, pursuant to an agreement between the creditor and any other party where that agreement was entered into—

(i) after the company went into liquidation;

(ii) at a time when the creditor had notice that a meeting of creditors had been summoned under section 98;

(iii) at a time when the creditor had notice that a winding up petition was pending;

(iv) where the liquidation was immediately preceded by an administration, at a time when the creditor had notice that an application for an administration order was pending or a person had given notice of intention to appoint an administrator; or

(v) during an administration which immediately preceded the liquidation.

(3) An account shall be taken of what is due from each party to the other in respect of the mutual dealings, and the sums due from one party shall be set off against the sums due from the other.

(4) A sum shall be regarded as being due to or from the company for the purposes of paragraph (3) whether—

(a) it is payable at present or in the future;

(b) the obligation by virtue of which it is payable is certain or contingent; or

(c) its amount is fixed or liquidated, or is capable of being ascertained by fixed rules or as a matter of opinion.

(5) Rule 4.86 shall also apply for the purposes of this Rule to any obligation to or from the company which, by reason of its being subject to any contingency or for any other reason, does not bear a certain value.

(6) Rules 4.91 to 4.93 shall apply for the purposes of this Rule in relation to any sums due to the company which—

(a) are payable in a currency other than sterling;

(b) are of a periodical nature; or

(c) bear interest.

(7) Rule 11.13 shall apply for the purposes of this Rule to any sum due to or from the company which is payable in the future.

(8) Only the balance (if any) of the account owed to the creditor is provable in the liquidation. Alternatively the balance (if any) owed to the company shall be paid to the liquidator as part of the assets except where all or part of the balance results from a contingent or prospective debt owed by the creditor and in such a case the balance (or that part of it which results from the contingent or prospective debt) shall be paid if and when that debt becomes due and payable.

(9) In this Rule “obligation” means an obligation however arising, whether by virtue of an agreement, rule of law or otherwise.”.

Amendment to Rule 4.91

24. At the end of Rule 4.91(1) insert “or, if the liquidation was immediately preceded by an administration, on the date that the company entered administration”.

Amendment to Rule 4.92

25. At the end of Rule 4.92(1) insert “or, if the liquidation was immediately preceded by an administration, up to the date that the company entered administration”.

Amendment to Rule 4.93

26. At the end of Rule 4.93(1) insert “or, if the liquidation was immediately preceded by an administration, any period after the date that the company entered administration”.

Amendment to Rule 4.94

27. In Rule 4.94 after “went into liquidation,” insert “or, if the liquidation was immediately preceded by an administration, on the date that the company entered administration”.

Amendment to Rule 4.125

28. In Rule 4.125(4) for the words “official receiver” substitute “Secretary of State”.

Amendment to Rule 4.127B

29. At the end of sub-paragraph (3)(b) of Rule 4.127B there shall be inserted “and payments made in respect of preferential debts”.

Amendment to Rule 4.148A

30. In paragraph (5) of Rule 4.148A after “Rule 4.128” insert “and Rule 4.127B”.

Amendment to Rule 4.184

31. In Rule 4.184(1) after “liquidation committee” insert “(or if there is no such committee, a meeting of the company’s creditors)” and after “under” insert “section 165(2) or”.

Amendment to Rule 4.218

32. In sub-paragraph (o) of paragraph (1) of Rule 4.218 for the words “to the official receiver under general regulations” substitute “under Schedule 6”.

Amendment to Rule 4.223-CVL

33. Omit paragraph (4) of Rule 4.223-CVL.

Amendment to Rule 5.60

34. In paragraph (5) of Rule 5.60 for the words “paragraphs (3) and (4) are” substitute “paragraph (3) is”.

Amendment to Rule 6.34

35. In paragraph (3) of Rule 6.34 for “Rule 6.223(B)(1)” substitute “Rule 6A.4(2)”.

Amendment to Rule 6.42

36. In Rule 6.42—
- (a) in paragraph (1) for “two copies” substitute “one copy”; and
 - (b) for paragraph (4) substitute—
“(4) The copy of the statement of affairs shall be sent by the court to the official receiver.”.

Amendment to Rule 6.46

37. In paragraph (3) of Rule 6.46 for “Rule 6.223(B)(1)” substitute “Rule 6A.4(2)”.

Amendment to Rule 6.137

38. In Rule 6.137(4) for the words “official receiver” substitute “Secretary of State”.

Amendment to Rule 6.224

39. In sub-paragraph (o) of paragraph (1) of Rule 6.224 for the words “to the official receiver under general regulations” substitute “under Schedule 6”.

Insertion of new Rule 6.235A

40. After Rule 6.235 insert—

“Application for redirection order

6.235A—(1) This Rule applies where the official receiver or trustee in bankruptcy applies to the court under section 371(1) (re-direction of bankrupt’s letters etc).

(2) The application shall be made without notice to the bankrupt or any other person, unless the court directs otherwise.

(3) The applicant shall with his application, where he is the official receiver, file a report, and where he is the trustee in bankruptcy, an affidavit, setting out the reasons why such an order is sought.

(4) The court shall fix a venue for the hearing of the application if the court thinks fit and give notice to the applicant.

(5) The court may make an order on such conditions as it thinks fit.

(6) The order shall identify the person on whom it is to be served, and need not be served on the bankrupt unless the court directs otherwise.”.

Amendment to Rule 6A.2

41. In Rule 6A.2(1) at the end, there shall be inserted—

“; and ,

(c) in the circumstances set out in (a) and (b) above, the debtor’s gender, date of birth and any name by which he was known, not being the name in which he has entered into the voluntary arrangement”.

Amendment to Rule 7.36

42. In Rule 7.36—

(a) in the heading for “sheriff” substitute “officers charged with execution of writs or other process”;

(b) in paragraph (1) for “a sheriff” substitute “an enforcement officer, or other officer, charged with execution of the writ or other process;” and for “the sheriff’s” substitute “the enforcement officer’s or other officer’s”; and

(c) in paragraph (3) for “sheriff” substitute “enforcement officer”.

Amendment to Rule 11.13

43.—(1) For paragraph (2) of Rule 11.13 substitute—

“(2) For the purpose of dividend (and no other purpose) the amount of the creditor’s admitted proof (or, if a distribution has previously been made to him, the amount remaining outstanding in respect of his admitted proof) shall be reduced by applying the following formula—

$$\frac{X}{1.05^n}$$

where—

(a) “X” is the value of the admitted proof; and

(b) “n” is the period beginning with the relevant date and ending with the date on which the payment of the creditor’s debt would otherwise be due expressed in years and months in a decimalised form.

(3) In paragraph (2) “relevant date” means—

(a) in the case of a winding up which was not immediately preceded by an administration, the date that the company went into liquidation;

(b) in the case of a winding up which was immediately preceded by an administration, the date that the company entered administration; and

(c) in the case of a bankruptcy, the date of the bankruptcy order.”.

(2) Omit paragraph (3).

Amendment to Rule 12.3

44. In paragraph (2)(a) of Rule 12.3 after the words “any obligation” where they first appear insert “(other than an obligation to pay a lump sum or to pay costs)” and after the words “family proceedings or” insert “any obligation arising”.

Amendment to Rule 12.11

45. After the words “Rule 12.10” insert “and Rule 12.12”.

Amendment to Rule 12.12

46. In paragraph (1) of Rule 12.12 for “RSC Order 11” substitute “CPR Part 6, paragraphs 6.17 to 6.35” and for “does” substitute “do”.

Amendment to Rule 12.15

47. In paragraph (a) of Rule 12.15 for “section 130 of the Supreme Court Act 1981 or under section 128 of the County Courts Act 1984” substitute “section 92 of the Courts Act 2003”.

Amendment to Rule 12.19

48. In Rule 12.19—
- (a) in paragraph (1) for “sheriff” substitute “enforcement officer”; and
 - (b) in paragraph (2) for “under-sheriff” substitute “enforcement officer”.

Amendments to Schedule 4 to the principal Rules

- 49.—(1) In the index to forms in Schedule 4 to the principal Rules—
- (a) omit the entry for Form 4.3; and
 - (b) after the entry relating to Form 4.15 insert the following entry—
“4.15A Notice of appointment of provisional liquidator in winding up by the court”.
- (2) In Schedule 4 to the principal Rules—
- (a) omit Form 4.3;
 - (b) the Form set out in Part A of the Schedule to these Rules is inserted as Form 4.15A; and
 - (c) for Forms 2.8B, 2.11B, 2.13B, 2.14B, 3.1A, 3.2, 4.6, 4.11, 4.12, 4.13, 4.14, 4.17, 4.18, 4.19, 4.68, 6.9, 6.24A, 6.28, 6.80, 6.83 and 6.84 substitute the forms so numbered as set out in Part B of the Schedule to these Rules.

3rd March 2005

Falconer of Thoroton C.

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

8th March 2005

SCHEDULE

Rule 49

PART A
NEW FORM
4.15A

The Insolvency Act 1986

Notice of Appointment of Provisional Liquidator in Winding Up by the Court

R.4. 26

For official use

--	--	--

To the Registrar of Companies

Company Number

--

Name of Company

(a) Insert full name of company

(a)
Limited

(b) Insert full name and address I (b)

(c) Insert date give notice that on (c) liquidator of

I was appointed provisional

(a)

by an order of the court dated (c)

Dated

Signed

Name in BLOCK LETTERS

Presenter's name, and reference

For Official Use	
Liquidation Section	Post Room

PART B

SUBSTITUTED FORMS

*2.8B, 2.11B, 2.13B, 2.14B, 3.1A, 3.2, 4.6, 4.11, 4.12, 4.13, 4.14, 4.17, 4.18, 4.19,
4.68, 6.9, 6.24A, 6.28, 6.80, 6.83 and 6.84*

Notice of intention to appoint an administrator by company or director(s)

Name of Company	Company number
In the <div style="text-align: right; font-size: small;">[full name of court]</div>	<i>For court use only</i> Court case number

(a) Insert name and address of registered office of company

1. Notice is given that, in respect of (a) _____ (“the company”)

**Delete as applicable*

** the company / the directors of the company (“the appointor”) intend to appoint*

(b) Give name(s) and address(es) of proposed administrator(s)

(b) _____
as administrator(s) of the company.

(c) Insert name and address of each person to whom notice is given

2. This notice is being given to the following person(s), being person(s) who is / are or may be entitled to appoint an administrative receiver of the company or an administrator of the company under paragraph 14 of Schedule B1 to the Insolvency Act 1986:

(c) _____

3. The company has not, within the last twelve months:

- (i) been in administration
- (ii) been the subject of a moratorium under Schedule A1 to the Insolvency Act 1986 which has ended on a date when no voluntary arrangement was in force
- (iii) been the subject of a voluntary arrangement which was made during a moratorium for the company under Schedule A1 to the Insolvency Act 1986 and which ended prematurely within the meaning of section 7B of the Insolvency Act 1986.

4. In relation to the company there is no:

- (i) petition for winding up which has been presented but not yet disposed of
- (ii) administration application which has not yet been disposed of, or
- (iii) administrative receiver in office.

**Delete as applicable*

5. The company **is / is not *an insurance undertaking / a credit institution / an investment undertaking providing services involving the holding of funds or securities for third parties / or a collective investment undertaking under Article 1.2 of the EC Regulation.*

(d) Insert whether main or territorial proceedings

6. For the following reasons it is considered that the EC Regulation **will / will not apply*. If it does apply, these proceedings will be (d) _____ proceedings as defined in Article 3 of the EC Regulations. _____

**Delete as applicable*

7. Attached to this notice is **a copy of the resolution of the company to appoint an administrator / a record of the decision of the directors to appoint an administrator.*

(e) Insert name and address of person making declaration I (e) _____
(If making the declaration on behalf of appointor indicate capacity e.g. director/solicitor)

hereby do solemnly and sincerely declare that:

- (i) the company is or is likely to become unable to pay its debts
- (ii) the company is not in liquidation, and
- (iii) the statements in paragraphs 3 and 4 are, so far as I am able to ascertain, true,

and that the information provided in this notice is to the best of my knowledge and belief true,

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835

Declared at _____

Signed _____

This _____ day of _____ 20

before me _____

Note: This form now to be sent to all those required to be sent the form by Rule 2.20(2)

A Commissioner for Oaths or Notary Public or Justice of the Peace or Solicitor or Duly Authorised Officer.

Consent of Floating Charge Holder to Appointment of Administrator(s)
(Do not detach this part of the notice)

(f) Appointor to insert address

If, having read this notice, you have no objection to the making of this appointment you should complete the details in the box below and return a copy of this notice as soon as possible, and within five business days from receipt of this notice, to the appointor at the following address: (f) _____

If your consent has not been given within five business days the appointor may make the appointment notwithstanding that you have not replied.

(g) Insert name and address

(g) _____

being the holder of the following floating charge over the company's property:

(h) Give details of charge, date registered and (if any) financial limit

(h) _____

consents to the appointment of the administrator(s) in accordance with the details of this notice.

Signed _____ Dated _____
(If signing on behalf of a firm or company state position or office held)

(j) Insert date and time

Endorsement to be completed by court
This notice was filed (j) _____

Notification of appointment of administrator (for newspaper and London Gazette)

Name of Company	Company number
In the [full name of court]	Court case number

Nature of business _____

Registered office of company _____

(a) Insert date Administrator appointment made on (a) _____ 20

Name(s) and address(es) of administrator(s) _____

Joint / Administrator(s) (IP No(s) _____)

Notice requiring submission of a statement of affairs

Name of Company	Company number
In the [full name of court]	Court case number

The Administrator(s) require(s) a statement of affairs to be prepared and submitted by
 (a) Insert full name of each person required to submit statement (a) _____
 as to the affairs of (b) _____ ("the company").

(b) Insert full name of company A notice requiring submission of a statement of affairs has been sent to each of the following persons (c)

(c) Insert full name and address of each person sent this notice

The statement of affairs must be submitted within 11 days of receipt of this notice to
 (d) Insert name of administrator(s) (d) _____ ("the administrator(s)")
 at (e) _____
 (e) Insert full address

Signed _____
 Joint / Administrator(s)

Dated _____

WARNING

It is an offence under paragraph 48(4) of Schedule B1 to the Insolvency Act 1986 if you fail without reasonable excuse to comply with this requirement.

(f) Delete words in brackets if not applicable Section 235 of the Insolvency Act 1986 places a duty on you (f) (as an officer of the company) to provide the administrator with information and attend upon him if required. I have to warn you that failure to submit the statement of affairs as required by this notice, or to co-operate with the administrator under section 235 of the Insolvency Act 1986, may make you liable to a fine and, for continued contravention, to a daily default fine.

Under paragraph 10 of Schedule 1 to the Company Directors Disqualification Act 1986 failure to submit a statement of affairs or to co-operate with the administrator under section 235 of the Insolvency Act 1986 are matters which may be taken into account by the court in determining whether a person is unfit to be an officer of or to be involved in the management of a company. Unfit conduct may result in a disqualification under the Company Directors Disqualification Act 1986.

Note:
 Forms for the preparation of the statement of affairs are enclosed. Under Rule 2.32 expenses incurred in making the statement of affairs which the administrator considers to be reasonable can be claimed out of the company's assets.

Statement of affairs

Name of Company

Company number

In the [full name of court]

Court case number

(a) Insert name and address of registered office of the company

Statement as to the affairs of (a) _____

(b) Insert date

on the (b) _____ 20 , the date that the company entered administration.

Statement of Truth

I believe that the facts stated in this statement of affairs are a full, true and complete statement of the affairs of the above named company as at (b) _____ the date that the company entered administration.

Full name _____

Signed _____

Dated _____

A1 – Summary of Liabilities

		Estimated to realise £
Estimated total assets available for preferential creditors (carried from page A)	£	£
Liabilities		
Preferential creditors:-		
Estimated deficiency/surplus as regards preferential creditors		£
Estimated prescribed part of net property where applicable (to carry forward)	£	
Estimated total assets available for floating charge holders		£
Debts secured by floating charges	£	
Estimated deficiency/surplus of assets after floating charges		£
Estimated prescribed part of net property where applicable (brought down)	£	
Total assets available to unsecured creditors		£
Unsecured non-preferential claims (excluding any shortfall to floating charge holders)	£	
Estimated deficiency/surplus as regards non-preferential creditors (excluding any shortfall to floating charge holders)		£
Shortfall to floating charge holders (brought down)	£	
Estimated deficiency/surplus as regards creditors		£
Issued and called up capital	£ £	
Estimated total deficiency/surplus as regards members		£

Signature _____ Date _____

COMPANY SHAREHOLDERS

Name of Shareholder	Address (with postcode)	No. of shares held	Nominal Value	Details of Shares held
TOTALS				

Signature _____ Date _____

Notice of Appointment of Administrative Receiver
(for newspaper or London Gazette)

(Name of Company)

Nature of business _____

Registered number _____

Registered office of company _____

(a) Insert any other name(s) with which the company has been registered in the last 12 months

Former company name(s) (a) _____

(b) Insert any trading name(s) used by the company in the last 12 months

Trading name(s) (b) _____

Name of person appointing the administrative receiver(s) _____

Date of appointment of administrative receiver(s) _____

Name(s) and address (es) of administrative receiver/joint administrative receivers

(c) Insert name(s) of appointee(s)

(c) _____

Administrative Receiver/Joint Administrative Receivers
(IP No(s))

Statement of Affairs

Statement as to affairs of

On the _____ 20__ the date of the Administrative Receiver's Appointment

Affidavit

This affidavit must be sworn or affirmed before a Solicitor or Commissioner of Oaths when you have completed the rest of this form.

I _____

of _____

Swear /affirm that the several pages attached marked _____ are to the best of my knowledge and belief a full, true and complete statement of the affairs of the above named company as at _____ the date of the appointment of the administrative receiver and that the said company carried on business as

Sworn/affirmed at _____

Date _____

Signatures _____

Before me _____

A Solicitor or Commissioner of Oaths

The Solicitor or Commissioner is particularly requested, before swearing/affirming the affidavit, to make sur that the full name, address and description of the Deponent are stated, and to initial any crossings-out or othe alterations in the printed form. A deficiency in the affidavit in any of the above respects will mean that it i refused by the court, and will necessitate its being re-sworn/re-affirmed.

A1 – Summary of Liabilities

		Estimated to realise
		£
Estimated total assets available for preferential creditors (carried from page A)		£
Liabilities	£	
Preferential creditors:-		
Estimated deficiency/surplus as regards preferential creditors		£
Estimated prescribed part of net property where applicable (to carry forward)	£	
Estimated total assets available for floating charge holders		£
Debts secured by floating charges	£	
Estimated deficiency/surplus of assets after floating charges		£
Estimated prescribed part of net property where applicable (brought down)	£	
Total assets available to unsecured creditors		£
Unsecured non-preferential claims (excluding any shortfall to floating charge holders)	£	
Estimated deficiency/surplus as regards non-preferential creditors (excluding any shortfall to floating charge holders)		£
Shortfall to floating charge holders (brought down)	£	
Estimated deficiency/surplus as regards creditors		£
Issued and called up capital	£	
Estimated total deficiency/surplus as regards members		£

Signature _____ Date _____

Advertisement of Winding-Up Petition

(TITLE)

(Registered No.)

(a) Insert registered number of company, registered office address of company, or (if an unregistered company) the address of its principal place of business, or (if an overseas company) the address at which service of the petition was effected.

A Petition to wind up the above-named company (a)

(b) Insert date presented on (b)

(c) Insert name and address of petitioner. by (c)

(d) Delete where the petition is presented by the company itself, or by a person who is not a creditor or contributory.

(d) [Claiming to be a (e) [creditor] [contributory] of the company] will be heard at (e) [The Royal Courts of Justice, Strand, London WC2A 2LL] [_____]
County Court at _____] [_____] District Registry at _____]

(e) Delete as applicable

Date _____

Time _____ hours
(or as soon thereafter as the petition can be heard)

(f) Insert date, which should be the business day before that appointed for the hearing

Any person intending to appear on the hearing of the petition (whether to support or oppose it) must give notice of intention to do so to the petitioner or his/its solicitor in accordance with Rule 4.16 by 16.00 hours on (f)

(g) Where applicable insert name and address of solicitor

The petitioner's solicitor is (g)

Dated _____

Order for Winding Up by the Court

(Title) (Registered No)

(a) Insert name and address of petitioner (as appropriate) "the company" or "...a creditor of the company" or "...a contributory of the company"
Upon the petition of (a)
presented to this court on

And upon hearing

And upon reading the evidence

(b) Insert full name and registered number of the company
It is ordered that (b)
be wound up by this court under the provisions of the Insolvency Act 1986

(c) Delete as applicable
(d) Insert whether main, secondary or territorial proceedings
And the Court being satisfied on the evidence that the EC Regulation (c) does/does not apply (c) and that these proceedings are (d) _____ proceedings as defined in Article 3 of the EC Regulation

(e) Insert names of all parties to be awarded their costs
And it is ordered that the costs of (e) _____ of the said petition be paid out of the assets of the company (f)

(f) Insert any terms concerning costs

Dated _____

Note: (c) [The][One of the] official receiver(s) attached to the court is by virtue of this order liquidator of the company

Order for Winding Up by the Court following upon the cessation of the appointment of an administrator

(TITLE) (Registered No.)

(a) Insert name(s) and address(es) of administrator(s)

Upon the petition of the administrator(s) (a)
.....

(b) Insert date

of the above-named company, appointed on (b)
presented to this court on (b)

And upon hearing

And upon reading the evidence

It is ordered that the appointment of the said administrator(s) shall cease to have effect

(c) Insert full name and registered number of the company

And it is ordered that (c)
be wound up by this court under the provisions of the Insolvency Act 1986

*Delete as applicable

*[And it is ordered that
be appointed liquidator of the company]

(d) Insert whether main, secondary or territorial proceedings

*[And the court being satisfied that these proceedings are (d) proceedings as defined in Article 3 of the EC Regulation]

(e) Insert any further terms of order, eg as to costs

And it is ordered (e)

Dated

* Delete as applicable

Note: * [The] [One of the] official receiver(s) attached to the court is by virtue of this order liquidator of the company

Notice to Official Receiver of Winding-up Order

(TITLE)

(a) Insert address To the Official Receiver of the Court (a)

Order pronounced this _____ day of _____ 20____
by Mr.

for winding up the under-mentioned company under the Insolvency Act 1986

Name of company:

Registered office of company:

Registered number of company:

(b) Insert name, address, telephone number and reference (if any) Petitioner or his solicitor(s) (b):

Date of presentation of petition:

Petition by Contributory

(TITLE) (Registered No.)

- (a) Insert title of court To (a)
- (b) Insert full name(s) and address(es) of petitioner(s) The petition of (b)
- (c) Insert full name and registered number of company subject to petition 1. (c)

(hereinafter called “the company”) was incorporated on
- (d) Insert date of incorporation (d)
under the Companies Act 19
- (e) Insert address of registered office 2. The registered office of the company is at (e)

3. The nominal capital of the company is £
divided into shares of £ each. The amount of the capital paid up or credited as paid up is £
- (f) Delete as applicable The petitioner(s) is/are the holder(s) of shares of £ each. Such shares (f) [were allotted to him/them on the incorporation of the company] [have been registered in his/their name(s) for more than 6 months in the last 18 months] [devolved upon him/them through the death of the former holder of the shares].

4. The principal objects for which the company was established are as follows:

and other objects stated in the memorandum of association of the company
- (g) Set out the grounds on which a winding-up order is sought 5. (g)

6. The company (f) is/is not an insurance undertaking; a credit institution; an investment undertaking providing services involving the holding of funds or securities for third parties; or a collective investment undertaking as referred to in Article 1.2 of the EC Regulation.
- (h) Insert name of person swearing affidavit 7. For the reasons stated in the affidavit of (h) filed in support hereof it is considered that the EC Regulation (f) will/will not apply (f) and that these proceedings will be (j) _____ proceedings as defined in Article 3 of the EC Regulation
- (j) Insert whether main, secondary or territorial proceedings 8. In the circumstances it is just and equitable that the company should be wound up.
The petitioner(s) therefore pray(s) as follows:-
(1) that (c)

may be wound up by the court under the provisions of the Insolvency Act 1986
or
(2) that such other order may be made as the court thinks fit.

(k) If the company is the petitioner, delete "the company". Add the full name and address of any other person on whom it is intended to serve this petition

Note: It is intended to serve this petition on (k) [the company] [and]

Endorsement

This petition having been presented to the court on _____ let all parties attend before the Registrar in Chambers on

Date _____

Time _____ hours

Place _____

for directions to be given

The solicitor(s) for the petitioner is/are:-

Name: _____

Address _____

Telephone no: _____

Reference _____

(l) Delete if London agents not instructed

(l) Whose London Agents are:-

Name _____

Address _____

Telephone no _____

Reference _____

Statement of Affairs

NOTE: These details will be the same as those shown at the top of the winding-up petition

(TITLE)

In the _____ No. _____ of 20__

STATEMENT OF AFFAIRS OF

_____ on the _____ 20__ the date of the winding-up order (or date directed by the Official Receiver)*

*Delete as appropriate

The 'Guidance notes' booklet tells you how to complete this form easily and correctly.

Show the company's current financial position by completing all the pages of this form which will then be your statement of the company's affairs.

Affidavit

This affidavit must be sworn or affirmed before a Solicitor or Commissioner of Oaths or an officer of the court duly authorised to administer oaths when you have completed the rest of this form

(a) Insert full name and occupation

I(a) _____

(b) Insert full address

of (b) _____

Make oath and say that the several pages exhibited hereto and marked _____ are to the best of my knowledge and belief a full, true and complete statement as to the affairs of the above named company as at _____ the date of the winding-up order (or the date directed by the Official Receiver) and that the said company carried on business as _____

Sworn at _____

Date _____

Signature(s) _____

Before me _____

A Solicitor or Commissioner of Oaths or Duly authorised officer

Before swearing the affidavit the Solicitor or Commissioner is particularly requested to make sure that the full name, address and description of the Deponent are stated, and to initial any crossings-out or other alterations in the printed form. A deficiency in the affidavit in any of the above respects will mean that it is refused by the court, and will need to be re-sworn.

A1 – Summary of Liabilities

	Estimated to realise £
Estimated total assets available for preferential creditors (carried from page A)	£
Liabilities	
Preferential creditors:-	£
Estimated deficiency/surplus as regards preferential creditors	£
Estimated prescribed part of net property where applicable (to carry forward)	£
Estimated total assets available for floating charge holders	£
Debts secured by floating charges	£
Estimated deficiency/surplus of assets after floating charges	£
Estimated prescribed part of net property where applicable (brought down)	£
Total assets available to unsecured creditors	£
Unsecured non-preferential claims (excluding any shortfall to floating charge holders)	£
Estimated deficiency/surplus as regards non-preferential creditors (excluding any shortfall to floating charge holders)	£
Shortfall to floating charge holders (brought down)	£
Estimated deficiency/surplus as regards creditors	£
Issued and called up capital	£
Estimated total deficiency/surplus as regards members	£

Signature _____ Date _____

Statement of Affairs

(TITLE)

Statement as to affairs of _____

on the _____ 20____ the date of the opinion formed by the liquidator under section 95 of the Insolvency Act 1986

Affidavit

This affidavit must be sworn or affirmed before a Solicitor or Commissioner of Oaths when you have completed the rest of this form.

I(a) _____

(a) Insert full name and occupation

of (b) _____

(b) Insert full address

Make oath and say that the several pages exhibited hereto and marked _____ are to the best of my knowledge and belief a full, true and complete statement as to the affairs of the above named company as at _____ the date I formed the opinion that the company would be unable to pay its debts in full (together with interest) within the period stated in the directors' declaration of solvency made under Section 89 of the Insolvency Act 1986 and that the said company carried on business as

Sworn at _____

Date _____

Signature(s) _____

Before me _____

A Solicitor or Commissioner of Oaths

Before swearing the affidavit the Solicitor or Commissioner is particularly requested to make sure that the full name, address and description of the Deponent are stated, and to initial any crossings-out or other alterations in the printed form. A deficiency in the affidavit in any of the above respects will mean that it is refused by the court, and will need to be re-sworn.

A1 – Summary of Liabilities

	Estimated to realise £
Estimated total assets available for preferential creditors (carried from page A)	£
Liabilities	
Preferential creditors:-	
Estimated deficiency/surplus as regards preferential creditors	£
Estimated prescribed part of net property where applicable (to carry forward)	£
Estimated total assets available for floating charge holders	£
Debts secured by floating charges	£
Estimated deficiency/surplus of assets after floating charges	£
Estimated prescribed part of net property where applicable (brought down)	£
Total assets available to unsecured creditors	£
Unsecured non-preferential claims (excluding any shortfall to floating charge holders)	£
Estimated deficiency/surplus as regards non-preferential creditors (excluding any shortfall to floating charge holders)	£
Shortfall to floating charge holders (brought down)	£
Estimated deficiency/surplus as regards creditors	£
Issued and called up capital	£
Estimated total deficiency/surplus as regards members	£

Signature _____ Date _____

Statement of Affairs

(TITLE)

Statement as to affairs of

_____ on the _____ 20____ being a date not more than 14 days before the date of the resolution for winding up

Affidavit

This affidavit must be sworn or affirmed before a Solicitor or Commissioner of Oaths when you have completed the rest of this form.

(a) Insert full name and occupation

I(a)

(b) Insert full address

of (b)

_____ Make oath and say that the several pages exhibited hereto and marked _____ are to the best of my knowledge and belief a full, true and complete statement as to the affairs of the above named company as at _____ (being a date not more than 14 days before the date of the resolution for winding up) and that the said company carried on business as _____

Sworn at _____

Date _____

Signature(s) _____

Before me _____

A Solicitor or Commissioner of Oaths

Before swearing the affidavit the Solicitor or Commissioner is particularly requested to make sure that the full name, address and description of the Deponent are stated, and to initial any crossings-out or other alterations in the printed form. A deficiency in the affidavit in any of the above respects will mean that it is refused by the court, and will need to be re-sworn.

A – Summary of Assets

Assets

Assets subject to fixed charge:

Assets subject to floating charge:

Uncharged assets:

Estimated total assets available for preferential creditors

Signature _____ Date _____

Book Value £	Estimated to Realise £

A1 – Summary of Liabilities

	Estimated to realise £
Estimated total assets available for preferential creditors (carried from page A)	£
Liabilities	
Preferential creditors:-	
Estimated deficiency/surplus as regards preferential creditors	£
Estimated prescribed part of net property where applicable (to carry forward)	£
Estimated total assets available for floating charge holders	£
Debts secured by floating charges	£
Estimated deficiency/surplus of assets after floating charges	£
Estimated prescribed part of net property where applicable (brought down)	£
Total assets available to unsecured creditors	£
Unsecured non-preferential claims (excluding any shortfall to floating charge holders)	£
Estimated deficiency/surplus as regards non-preferential creditors (excluding any shortfall to floating charge holders)	£
Shortfall to floating charge holders (brought down)	£
Estimated deficiency/surplus as regards creditors	£
Issued and called up capital	£
Estimated total deficiency/surplus as regards members	£

Signature _____ Date _____

The Insolvency Act 1986

Liquidator's Statement of Receipts and Payments **S. 192**

Pursuant to section 192 of the Insolvency Act 1986

To the Registrar of Companies

For official use

--	--	--

Company Number

--

Name of Company

(a) Insert full name of company

(a)
Limited

(b) Insert full name(s) and address(es)

I/We (b)

the liquidator(s) of the company attach a copy of my/our statement of receipts and payments under section 192 of the Insolvency Act 1986

Signed

Date

Presenter's name, address and reference (if any)

For Official Use

Liquidation Section

Post Room

Statement of Receipts and Payments under section 192 of the Insolvency Act 1986

Name of company
Company's registered number
State whether members' or creditors' voluntary winding up
Date of commencement of winding up
Date to which this statement is brought down
Name and address of liquidator

NOTES

You should read these notes carefully before completing the forms. The notes do not form part of the return to be sent to the registrar of companies.

Form and Contents of Statement

(1) Every statement must contain a detailed account of all the liquidator's realisations and disbursements in respect of the company. The statement of realisations should contain a record of all receipts derived from assets existing at the date of the winding-up resolution and subsequently realised, including balance at bank, book debts and calls collected, property sold, etc, and the account of disbursements should contain all payments of costs, charges and expenses, or to creditors or contributories. Receipts derived from deposit accounts and money market deposits are to be included in the 'balance at bank'. Only actual investments are to be included in the 'amounts invested' section in the analysis of balance on page 5 of the form. Where property has been realised, the gross proceeds of sale must be entered under realisations and the necessary payments incidental to sales must be entered as disbursements. A payment into the Insolvency Services Account is not a disbursement and should not be shown as such; nor are payments into a bank, building society or any other financial institution. However, the interest received on any investment should be shown in the realisations. Each receipt and payment must be entered in the account in such a manner as sufficiently to explain its nature. The receipts and payments must severally be added up at the foot of each sheet and the totals carried forward from one account to another without any intermediate balance, so that the gross totals represents the total amounts received and paid by the liquidator respectively.

Trading Account

(2) When the liquidator carries on a business, a trading account must be forwarded as a distinct account, and the totals of receipts and payments on the trading account must alone be set out in this statement.

Dividends

(3) When dividends, instalments of compositions, etc are paid to creditors or a return of surplus assets is made to contributories, the total amount of each dividend, etc actually paid, must be entered in the statement of disbursements as one sum; and the liquidator must forward separate accounts showing in lists the amount of the claim of each creditor and the amount of dividend, etc payable to each creditor, or contributory.

(4) When unclaimed dividends, etc are paid into the Insolvency Services Account, the total amount so paid in should be entered in the statement of disbursements as one sum. The items to be paid in relation to unclaimed dividends should first be included in the realisations side of the account.

(5) Credit should not be taken in the statement of disbursements for any amount in respect of liquidator's remuneration unless it has been duly allowed by resolutions of the liquidation committee or of the creditors or of the company in general meeting, or by order of the court as the case may require, or is otherwise allowable under the provisions of the Insolvency Rules.

**Liquidator's statement of account
under section 192 of the Insolvency Act 1986**

Realisations			
Date	Of whom received	Nature of assets realised	Amount
		Brought forward	£
		Carried forward	

Note: No balance should be shown on this account but only the total realisations and

Disbursements			
Date	To whom paid	Nature of disbursements	Amount
		Brought forward	£
		Carried forward	

disbursements which should be carried forward to the next account

Analysis of balance

Total realisations		£
Total disbursements		
	Balance £	
The balance is made up as follows –		
1. Cash in hands of liquidator		
2. Balance at bank		
3. Amount in Insolvency Services Account		
4. Amounts invested by liquidator	£	
Less: the cost of investments realised		
Balance		
Total balance as shown above	£	

[NOTE - Full details of stocks purchased for investment and any realisation of them should be given in a separate statement]

The liquidator should also state –

(1) The amount of the estimated assets and liabilities at the date of the commencement of the winding up-

Assets (after deducting amounts charged to secured creditors –including the holders of floating charges)	£
Liabilities-Fixed charge creditors	
Floating charge holders	
Unsecured creditors	

(2) The total amount of the capital paid up at the date of the commencement of the winding up-

Paid up in cash	
Issued as paid up otherwise than for cash	

(3) The general description and estimated value of any outstanding assets (if there is insufficient space here, attach a separate sheet).

(4) Why the winding up cannot yet be concluded

(5) The period within which the winding up is expected to be completed.

Creditor’s Bankruptcy Petition Where Execution or Other Process on a Judgment has been Returned in Whole or Part (Title)

(a) Insert full name(s) and address(es) of petitioner(s)

I/We (a) _____

(b) Insert full name, place of residence and occupation (if any) of debtor

petition the court that a bankruptcy order may be made against (b) _____

(c) Insert in full any other name(s) by which the debtor is or has been known

[also known as (c) _____]

(d) Insert trading name (adding “with another or others”, if this is so), business address and nature of business

[and carrying on business as (d) _____]

(e) Insert any other address or addresses at which the debtor has resided at or after the time the petition debt was incurred

[and lately residing at (e) _____]

(f) Give the same details as specified in note (d) above for any other businesses which have been carried on at or after the time the petition debt was incurred

[and lately carrying on business as (f) _____]

and say as follows:-

1.(g) [The debtor’s centre of main interests has been] [The debtor has had an establishment] at _____

(g) Delete as applicable

OR

The debtor carries on business as an insurance undertaking; a credit institution; an investment undertaking providing services involving the holding of funds or securities for third parties; or a collective investment undertaking as referred to in Article 1.2 of the EC Regulation

OR

The debtor’s centre of main interests is not within a member State

2. The debtor has for the greater part of six months immediately preceding the presentation of this petition (g) [resided at] [carried on business at] _____

(h) Or as the case may be following the terms of Rule 6..9

within the district of this court (h)

Under the EC Regulation:

- (i) The centre of main interest should correspond to the place where the debtor conducts the administration of his interests on a regular basis.
- (ii) Establishment is defined as “any place of operations where the debtor carries out a non-transitory economic activity with human means and goods”.

(j) Please give the amount of the debt(s), what they relate to and when they were incurred
Please show separately the amount or rate of any interest or other charge not previously notified to the debtor and the reasons why you are claiming it

3. The debtor is justly and truly indebted to me [us] in the aggregate sum of £(j) _____

4. The above-mentioned debt is for a liquidated sum payable immediately and the debtor appears to be unable to pay it.

(k) Insert date on which judgment was obtained

5. On (k) _____ judgment was obtained in (g) [the High Court of justice _____ Division] [_____ County Court] [or as the case may be] on an action the short title and reference to the record whereof is "A _____ V B" Number _____ in the sum of £ _____ following which execution was issued at the _____ court in respect of the debt and on (1) _____ the enforcement officer/county court, (g) [made a return] [endorsed upon the writ a statement] to the effect that the execution was unsatisfied (g) [as to the whole] [as to part] and the above-mentioned debt represents the amount by which the execution was returned unsatisfied.

(l) Insert date of execution

6. I/We do not, nor does any person on my/our behalf, hold any security on the debtor's estate, or any part thereof, for the payment of the above-mentioned sum.

OR

(m) Delete as applicable

I/We hold security for the payment of (m) [part of] the above-mentioned sum. I/We will give up such security for the benefit of all the creditors in the event of a bankruptcy order being made.

OR

I/We hold security for the payment of part of the above-mentioned sum and I/we estimate the value of such security to be £ _____. This petition is not made in respect of the secured part of my/our debt.

Endorsement

This petition having been presented to the court on _____ it is ordered that the petition shall be heard as follows:-

Date _____

Time _____ hours

Place _____

and you, the above-named (n) _____, are to take notice that if you intend to oppose the petition you must not later than 7 days before the date fixed for the hearing:

(n) Insert name of debtor

- (i) file in court a notice (in Form 6.19) specifying the grounds on which you object to the making of a bankruptcy order, and
- (ii) send a copy of the notice to the petitioner or his solicitor.

The solicitor to the petitioning creditor is:- (o)

Name _____

Address _____

(o) Only to be completed where the petitioning creditor is represented by a solicitor

Telephone Number _____

Reference _____

Order for substitution of petitioner on creditor's petition

(TITLE)

Upon the hearing of this petition on this day

(a) Insert name of creditor who wishes to be substituted as petitioner

and upon the application of (a)

for an order that he be substituted as petitioning creditor therein pursuant to Rule 6.30 of the Insolvency Rules 1986

And upon hearing

(b) Recite details of demand or return of enforcement officer or bailiff

And upon reading (b)

(c) Insert name of original petitioning creditor

[It is ordered that upon payment by the said (a) of the statutory deposit to the court the statutory deposit paid by (c)

to the court be repaid to him by the official receiver]

And it is ordered that the said (a) be substituted as petitioning creditor in place of the said (c) and that the said (a) be at liberty to amend the said petition accordingly. And it is ordered that the said (a) do within 7 days from the date of this order file an affidavit of truth of statements in the bankruptcy petition and exhibit thereto a sealed copy of the said amended petition and at least 14 days before the date of the adjourned hearing of the petition serve* upon the above-named debtor a sealed copy of the amended petition.

*NOTE: In the absence of any order to the contrary, this will involve personal service

And it is ordered that the hearing of the said amended petition be adjourned to:

Date _____

Time _____ hours

Place _____

It is ordered that the question of the costs of the said (c) [and of the statutory deposit] be reserved until the final determination of the said amended petition.

Dated _____

Insolvency Act 1986

NOTE:

These details will be the same as those shown at the top of your petition. Please complete this form in black ink.

In the

In Bankruptcy

No. _____ of 20 ____

Re _____

The 'Guidance Notes' Booklet tells you how to complete this form easily and correctly

Show your current financial position and supply the required information by completing all the pages of this form, which will then be your Statement of Affairs

AFFIDAVIT

When you have completed the rest of this form, this Affidavit must be sworn before a Solicitor or Commissioner for Oaths or an officer of the court duly authorised to administer oaths

- (a) Insert full name
(b) Insert occupation
(c) Insert full address

I (a) _____
(b) _____
of (c) _____

Make oath and say that the several pages marked

and contained in the exhibit marked "Z"

are to the best of my knowledge and belief a full, true and complete statement of my affairs at today's date.

Sworn at

Dated this ___ day of _____ 20 ___ Signature(s) _____

Before me _____

A Solicitor or Commissioner for Oaths or authorised officer

Before swearing the affidavit, the Solicitor or Commissioner is particularly requested to make sure that the full name, address and description of the deponent are stated, and to initial any crossing out or other alterations in the printed form. A deficiency in the affidavit in any of the above respects will mean it will be refused by the court, and will need to be re-sworn.

IN THE
IN BANKRUPTCY

No of 20

Re

This is the exhibit marked "Z" referred to in the annexed affidavit of

sworn on the day of 20

Before me

Officer appointed to administer oaths

Section 1 :

Personal Details

1.1 Surname	
Forename(s)	
Title (Mr, Mrs, Ms etc)	
1.2 Any other names by which you have been known (such as maiden name, alias or nickname).	
1.3 Date of birth	
1.4 Place of birth	
1.5 National insurance number	
1.6 Home address	
1.7 Home telephone number	
1.8 Mobile telephone number	
1.9 On which telephone number can you be contacted during the day?	
1.10 E-mail address	

1.11 Are you (tick all that apply):

Single	<input type="checkbox"/>	Co-habiting	<input type="checkbox"/>
Married	<input type="checkbox"/>	Separated	<input type="checkbox"/>
Divorced	<input type="checkbox"/>	Widowed	<input type="checkbox"/>

1.12 Are you, or in the last 5 years have you been, involved in proceedings for divorce or separation?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

If 'No', please go to question 1.14

Section 1 cont:

Personal Details

If **Yes**, please give details including any agreed settlement whether formal or informal, and any gifts or transfers of property that occurred in those proceedings.

1.13 Name, address and reference of your solicitor in the proceedings

1.14 Have you been bankrupt before?

Yes **No**

If **Yes**, when?

Which court and which Official Receiver's office dealt with the proceedings?

1.15 Have you previously entered, or have you tried to enter, into an Individual Voluntary Arrangement (a formal arrangement with your creditors, ratified by the Court, to pay them in full or part over time)?

Yes **No**

If **Yes**, give the name and address of the insolvency practitioner involved and the date of the arrangement.

Section 1 cont:**Personal Details**

1.16 Are you involved in any legal proceedings?

Yes

No

If **Yes**, please give brief details of the nature of the proceedings, the name and address of any solicitor acting for you, the name of the relevant court and any case or reference number.

--

1.17 Are you, or in the last five years, have you been a director or involved in the management of a company?

Yes

No

If **'Yes'**, please give details of all the companies in question:

Name of company	If the company is subject to liquidation administration, administrative receivership or other insolvency proceedings, give details of the Official Receiver's office or insolvency practitioner dealing with the company.

Section 2 :**Business Details**

Please complete this section if you are or have been self-employed (including a partner in a partnership) at any time in the last two years. If not, go to Section 3.

2.1	What was the name of your business?			
2.2	State the type of business, trade or profession			
2.3	What was the trading address? (this should also be listed in Section 8)			
2.4	Was the business registered for VAT?	Yes		No
	If Yes, give the VAT number.			
2.5	If the business was a partnership give the name(s) and address(es) of the partner(s)			
2.6	When did the business start trading?			
2.7	If it has stopped trading, when did it do so?			
2.8	At what address are your books of account and other accounting records kept?			
2.9	If you hold records on a computer, provide details of which records are held, what software is used (including any passwords) and state where the computer is.			
2.10	What is the name and address of your accountant?			
2.11	What is the name and address of your solicitor?			

Section 2 cont:	Business Details
------------------------	-------------------------

2.12 Have you employed anybody during the last two years? **Yes** **No**

If **Yes**, do you owe them any money or may any former employee claim that you owe them any money, e.g. for wages, holiday pay or redundancy pay? **Yes** **No**



Details of employees to whom money is or may be owing should be included in your list of creditors in Section 4.

Section 3:**Assets**

3.1	Details (if none owned write "NONE")	Approximate value £
1. Cash in hand		
2. Cash in bank, building society or similar account		
3. Cash held by anyone for you		
4. Money owed to you		
5. Tools of your trade		
6. Stock in trade		
7. Machinery, plant and equipment		
8. Fixtures and fittings		
9. Freehold land and property		
10. Leasehold land and property		

Section 3 cont:	Assets
------------------------	---------------

	Details	Approximate value £
11. Stocks, shares and investments		
12. Pension policies and other pension entitlements		
13. Endowment and other life policies		
14. Motor vehicles		
15. Farming stock and crops		
16. National Savings and Premium Bonds		
17. Any property or possessions abroad in which you have an interest, including timeshares		
18. Any property or sums due to you under a will or trust		
19. Any other property of any value e.g. paintings, furniture or jewellery		

Section 3 cont:	Assets
------------------------	---------------

3.2 Do you have or have you had any endowment or other life policies? **Yes** **No**

3.3 If **Yes**, give details, including details of lapsed policies.

Name and address (including postcode) of life assurance company or broker	Policy number	When was it taken out, roughly?	Type of policy	Estimated value of policy £	Name and address (including postcode) of any concern holding security over the policy
TOTAL				£	

3.4 Apart from state benefits, do you have or have you had any personal pension arrangements? **Yes** **No**

If **Yes**, give details.

Name and address of the pension company	Policy number	Roughly when did you take out the policy? How much have you paid in total?	When are the payments to you due to start?	Amount (if any) being received now, and how often/period £	Value of pension £

Section 3 cont:**Assets**

- 3.5 Have you in the last five years given away, transferred or sold for less than its true value any property or possessions you owned? This includes the surrender of life, endowment and pension policies. Yes No

If Yes, please provide the following details.

Description of the asset	When did you give away, transfer or sell the asset?	Name and address of recipient	Estimated market value or true value of the asset	Value at which the asset was given away, transferred or sold

- 3.6 In the last 2 years have you made any payment to a creditor, other than in the ordinary course of business, with a view to improving the position of that creditor in case you became subject to insolvency/bankruptcy proceedings? Yes No

If Yes, give details.

- 3.7 Do you own a motor vehicle or have you disposed of any vehicle in the last 12 months? (if you own a motor vehicle, this should also be listed in Q3.1) Yes No

Section 3 cont:**Assets**

If **Yes**, please provide the following details:

Make/Model	
Registration number	
Estimated value £	
Finance outstanding £	
Name of finance company	
Reference number of agreement	
Does the vehicle have a valid MOT? If yes, provide expiry date of MOT	
Insurance / Expiry date	
Give your general view on the condition of the vehicle	
Location of vehicle	
Name of any joint owner	

3.8 If you have disposed of any vehicle in the last 12 months, please specify where the vehicle is now.

--

Section 3 cont:

Assets

3.9 Do you have the use of a motor vehicle that you do not own?

Yes

No

If Yes, please provide the following details:

Registration number	
Owner	
Estimated value £	

3.10 Has an enforcement officer (previously known as sheriff's officer) / bailiff visited you in the last 6 months?

Yes

No

(An enforcement officer / bailiff is an officer of the court who may attend to remove assets for sale, if, for example, a judgment debt has not been paid)

If Yes, please provide the following details:

Name of creditor	Amount of claim £	Date distress levied	Description and estimated value of property seized

Section 4: List of Secured Creditors (e.g. anyone holding a mortgage or charge over property belonging to you)						
Name of creditor	Address	Account, reference or agreement number (if known)	Amount owing (A) £	What of yours is claimed and what is its present value? (B) £	Net amount owing (A-B) £	
					TOTAL £	

Section 4 cont:

List of Unsecured Creditors

Name of creditor	Address	Account, reference or agreement number (if known)	Amount owing £	Date incurred	What was the debt for?
TOTAL £					

Section 4 cont: **List of Unsecured Creditors**

Name of creditor	Address	Account, reference or agreement number (if known)	Amount owing £	Date incurred	What was the debt for?
TOTAL £					

Section 5 : Bank Accounts and Credit Cards

Note: Include any current liability also shown in Section 4.

5.1 Do you have any cheque cards, cash dispenser cards, credit or charge cards, debit cards, etc?

Yes

No

5.2 If Yes, provide details.

Type of card	Card number	Name and address of bank or supplier	Date obtained

5.3 Are any of the above accounts or cards held jointly with anyone else?

Yes

No

If Yes, provide details

WARNING:

If you become bankrupt it may be possible for the Official Receiver to ask your bank or building society to release some or all of a credit balance to you if it is required for your domestic living expenses. However you should not access any account without first contacting the Official Receiver. If you become bankrupt, you must not use any credit cards or charge cards and should cut them in half and send them to the Official Receiver.

Section 5 cont: Bank Accounts and Credit Cards

Note: Include details of accounts with a debit (overdrawn) balance also shown in Section 4.

5.4 Please list any bank, building society or National Savings accounts you hold, or have held in the last two years, including any joint, business or dormant accounts.

Name and address (including postcodes) of banks etc	Account number	Tick if your regular income is paid into this account	Name of joint account-holder (if applicable)	Balance of account £

Section 6 : Employment and Present Income

The court can order that you pay part of your earnings or other income to your trustee if your income is more than you need to live on. The order is known as an Income Payments Order and is made under section 310 of the Insolvency Act 1986. Alternatively you can enter into a voluntary arrangement with the Official Receiver or trustee called an Income Payments Agreement under section 310A of the Insolvency Act 1986.

You must answer the following questions about your income and outgoings and you may be asked to provide your wage slips or salary statements and bills such as gas or electricity to support your answers. This will enable a decision to be made as to whether an Income Payments Order or an Income Payments Agreement is appropriate.

The court will not make an Income Payments Order, neither would an Income Payments Agreement be agreed, that would leave you too little income to meet the reasonable domestic needs of you and your family.

If an Income Payments Order or an Income Payments Agreement is made against you, the payments will usually stop after 3 years.

If your income increases while you are bankrupt, you must inform your trustee of the increase within 21 days.

6.1 Are you: employed self-employed unemployed

If you are unemployed, when did you last work, what was your last job and who was your last employer?

6.2 If employed, what is your job and who is your employer? What is the address of the personnel department and your pay reference number?
When did you start this job?

If self-employed, give the name and address of the business.

6.3 What is your average monthly take-home pay (include, for example, overtime, commission and bonuses).

£

Section 6 cont:

Employment and Present Income

6.4 How much tax do you usually pay each month?

£

6.5 How much do you pay in National Insurance each month?

£

6.6 Do you receive any other income, including state benefits or tax credits?

Yes

No

If Yes, state from what source (for example pension, state benefits, part-time earnings) and how much you receive each month?

£

6.7 How much do other members of your household contribute each month to the household expenses?

£

6.8 Total household income (Q6.3 + 6.6 + 6.7)

£

6.9 Give your current (or last) Income Tax reference number.

Address of tax office (including postcode)

Section 6 cont: Employment and Present Income

6.10 Do you have any current attachment of earnings orders in force against you? Yes No

If Yes, give details

Name of creditor	Date of first payment	Date last payment due	Court	Amount of each payment and whether monthly or weekly £	Total amount paid to date £

Section 7 :**Outgoings**

The information in this section may be used to work out how much, if anything, you can afford to pay your creditors each month. It is important that it is accurate and that you include all necessary expenditure.

7.1 How much do you spend each month on the following:-

Mortgage payments or rent on your home £

Housekeeping (including food and cleaning) £

Gas, electricity, other heating £

Water £

Telephone charges £

Travelling to and from work and other essential journeys £

Clothing £

Maintenance payments and fines £

Council tax £

Other essential payments (e.g. life/household insurance, car tax & repairs) £

→ Provide details of these payments

Total £



Section 8 :

Current Property
(including properties used for residential and business purposes)

Address, type of property (e.g. flat, semi-detached house), number of bedrooms and whether freehold or leasehold	Approximate value of property (A) £	Name and address(es) of any joint owner(s)	Name and address of anyone who holds a charge or mortgage over your property.	Amount owing to each secured creditor (B) £	Net value of the property (A)-(B) £	What insurance is currently in force and what is its expiry date

8.1 Give details of any properties you own. (these should also be listed in Q3.1)

Address of property	Monthly rent £	Name and address(es) of any joint tenant(s)	Name and address of landlord

8.2 Give details of any properties you rent or lease, either alone or jointly.

**You must take or send to the Official Receiver a copy of your lease or rent agreement.
A rent demand or rent book will help if you do not have a copy agreement.**

Section 8 cont: **Current Property**

8.3 Apart from properties that you own, rent or lease, are there any other properties in which you may otherwise have an interest?

Yes

No

If Yes, give details

Address of property, type of property (e.g. flat, semi-terraced) and number of bedrooms	Who lets you use it?	How much do you pay?	Is there a written agreement?

8.4 Does anyone else have an interest in any of the properties that you own, rent or lease? This interest may be as a sub-tenant, a guarantor of the mortgage, a partner, a joint tenant, joint lessee or otherwise.

Yes

No

If Yes, give details

Address of property (including postcode)	Name of person with an interest	Their address, if different from the property (including postcode) and reference	Nature of interest

Section 9 :

Property Disposed of in the last Five Years

9.1 Give details of any properties, owned alone or jointly, that you have sold, given away or transferred in the five years before the presenting of your bankruptcy petition.

Address of property	Value of property £	When did you sell, transfer or give away the property?	To whom did you sell, transfer or give away the property?	Net sale proceeds (less any charges and legal fees) £	Details of solicitor (name and address) who acted on your behalf in the transaction

Section 10 : Members of your Household and Dependents

10.1 Give the names and ages of all occupants of your household and state which, if any, are dependent on you.

10.2 Apart from members of your household, is any other person dependent upon you?

Yes

No

If **Yes**, provide details including their name, address and reason for dependency

11.1 When did you first have difficulty paying your debts?

11.2 What do you think are the reasons for you not having enough money to pay your debts? You should provide reasons to support your answer. For example, it would not be enough to state “the recession” without explaining its effect on your affairs.

11.3 Have you lost any money through betting or gambling during the last two years? **Yes**

No

If Yes, how much have you lost?

I hereby confirm that my answers to all the above questions (including any extra information on pages following this declaration) are to the best of my knowledge and belief a true and accurate statement of my affairs as at today's date. I understand that I may be committing a criminal offence if I deliberately give false information in relation to my bankruptcy.

Your signature

**Name in
BLOCK CAPITALS**

Date

Question No.

If there is insufficient space on any page, you should continue your answer to the question on this page. The question number should be given in the left-hand column.

Question
No:

Order to postal operator under section 371 of the Insolvency Act 1986

(TITLE)

Mr Registrar in chambers

(a) Insert full name Upon the application of (a)

(b) Delete as applicable the (b) [official receiver] [trustee] of the above named bankrupt's property, and after taking into consideration his report filed on

(c) Insert date (c) _____

And upon hearing

And upon reading the evidence

IT IS ORDERED that for a period of three months from (c) all postal packets (within the meaning of the Postal Services Act 2000), directed or addressed to the bankrupt at (d)

(d) Insert full address(es) shall be re-directed, sent or delivered by the postal operator (within the meaning of that Act) to whom this Order is addressed to (e)

(e) Insert name and address of person to which post is to be re-addressed

EXCEPT any letter on which there is a specific direction signed by the (b) [official receiver] [trustee] that it is to be delivered as addressed, if possible.

A sealed copy of this order is to be forthwith sent by the (b) [official receiver] [trustee] to the postal operator to whom this Order is addressed [and to the above named bankrupt]

Dated _____

Notice to interested parties of a dwelling-house falling within Section 283A of the Insolvency Act 1986

(TITLE)

In theCourt/District Registry

No.of

(a) Insert date Bankruptcy order dated (a) _____

(b) Insert full name and address of trustee I (b) _____

the trustee in bankruptcy of the above named hereby notify

(c) Insert name of bankrupt, and where applicable the name of the bankrupt's spouse or former spouse (c) _____

(d) Insert address of dwelling-house That the dwelling-house (d) _____

(e) Delete if unregistered land or insert relevant Land Registry details (e) Registered at the Land Registry under title number _____

falls within Section 283A(1) of the Insolvency Act 1986

The last date under which I am able to serve this notice is

(f) Insert relevant date which is either 14 days before the third anniversary of the bankruptcy order or, 14 days before the third anniversary of when the official receiver or trustee became aware of the property (f) _____

Dated _____

Signed _____

Certificate issued pursuant to Rule 6.237B(1) of the Insolvency Rules 1986

(a) Insert full name and address of trustee I (a)

(b) Insert name of bankrupt was appointed the trustee in bankruptcy of (b)

(c) Insert date of appointment on (c).....

(d) Insert mode of appointment and delete the options that do not apply I enclose a copy of my Certificate of Appointment (d)

OR

Official Receiver only

I became trustee of the bankrupt's estate on (c) pursuant to Section 293(3) of the Insolvency Act 1986 (being the date the court was notified that no first meeting of creditors was summoned)

(e) Insert address A consequence of my appointment as trustee was that the bankrupt's interest in the property (e) vested in me pursuant to Section 306 of the Insolvency Act 1986.

(f) Delete as applicable Pursuant to (f) Section [283A (2)], [283A (4)] [of the Insolvency Act 1986], [Section 261(8) of the Enterprise Act 2002] and pursuant to Rule 6.237B of the Insolvency Rules 1986 and with effect from (g)

(g) Insert date on which the property vests in the bankrupt I certify that from (g) I no longer have an interest in the property and that from that date my former interest has vested in (b)

Signed:

Date:

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make a number of changes to the Insolvency Rules 1986 (S.I. 1986/1925) (“the 1986 Rules”).

The following Rules which relate to mutual credit and set-off have been revised and new Rules substituted:—

- Rules 2.85 and 4.90.

The substituted Rules are designed to provide greater detail and clarity of meaning for the user to reflect the applicable case law and bring the rule on set-off for liquidation into line with the rule in administration. The main points to note are:—

- “Mutual dealings” that are not to be included in the set-off account are defined; these include any debt acquired by a creditor by way of an agreement entered into after one of the dates set out in Rules 2.85(2)(e) and 4.90(2)(d). If a creditor acquires, or re-acquires, a debt after one of those dates, as a result of an agreement entered into at an earlier date, then such a debt would be considered a “mutual dealing” for the purposes of the set-off account.
- Set-off in liquidation proceedings and administration proceedings are harmonised so that all amounts due to and from a company are “mutual dealings” to be included in, or excluded from, the set-off account, as applicable.
- The provision of a meaning for the term “sums due” drawing on the definition of “debt or liability” in Rule 13.12(3).
- For the purposes of calculating the set-off account, the Rules which relate to the quantification of debts (Rules 2.81, 2.86 to 2.88, 2.105, 4.86, 4.91 to 4.93 and 11.13) are extended to cover debts owed to a company, as well as debts owed by a company. Accordingly, debts owed to the company that are contingent or payable at a future time are to be included in the set-off account and liquidators and administrators will be able to place a value on such debts.
- Rules 2.78 and 4.83 provide the means of appeal if a mutual third party disagrees with an administrator’s or liquidator’s valuation of a debt that third party owes to a company.
- Where, after the calculation of the set-off account an amount is owed to the company arising from a contingent debt or a debt payable at a future time, such an amount only has to be paid to the liquidator or administrator if and when it becomes due and payable.

An amendment to Rules 2.105 and 11.13 (and, consequentially, to Rule 2.88(7)) to the formula for use in calculating the discounted value of a debt which is not due for payment at the date of payment. This change responds to criticism made by the House of Lords in *Re Park Air Services Limited* [2000] 2 AC 172.

As a result of the changes made to the law on administration by the Enterprise Act 2002 (c. 40) a company can move between liquidation and administration or between administration and liquidation. Both of these procedures enable creditors to prove their debts at the date of the administration or liquidation respectively. By way of clarification of the existing rules, the amendments provide that the relevant date is the date of the first insolvency procedure commenced. The Rules affected are:—

- Rules 2.86, 2.87, 2.88, 2.89, 4.91, 4.92, 4.93 and 4.94.

Following amendments made in the Insolvency (Amendment) Rules 2004, post 1st April 2004, provisions relating to the calculation of the remuneration of a non official receiver liquidator or trustee, are set out in the Rules. There was no intention to change the substance of the provisions in force pre 1st April 2004 (which were set out in Regulations 33, 34 and 36 of the Insolvency Regulations 1994)—the amendments introduced in the Rules were simply intended to restate the substance of the legislation that had previously been set out in the Regulations. The Rules affected are:—

- Rules 4.127B, 4.148A, 4.218 and 6.224.

Following changes introduced by section 99 of and Schedule 7 to, the Courts Act 2003, from 1st April 2004 High Sheriffs no longer carry out writs of execution emanating from the High Court and have been replaced by High Court Enforcement Officers. The changes in the Courts Act 2003 have not altered the requirement to serve notice of insolvency proceedings on the enforcement officer executing a warrant. There are numerous references to “sheriff” and “under-sheriff” in the Rules and Forms which are amended consequently upon these changes. The Rules and Forms affected are:—

- Rules 1.40, 2.7, 2.20, 2.27, 7.36, 12.19.
- Forms 6.9, 6.24A.

In order to assist the identification of a company entering into liquidation and to bring certain Rules and Forms into line with requirements elsewhere in the Rules, the following Rules and Forms are amended to require the inclusion of a company’s registered number in liquidation proceedings:—

- Rules 4.11 and 4.51 – CVL.
- Forms 4.6, 4.11, 4.12, 4.13, 4.14.

Section 371 Insolvency Act 1986 permits the court to make an order, on the application of the official receiver or the trustee of the bankrupt’s estate, for the redirection by a postal operator of a bankrupt’s post for a period not exceeding three months. Postal redirection orders are typically sought only in cases of non-cooperation or where the applicant believes that a bankrupt has not made a full disclosure of his affairs (for example, in an attempt to conceal assets).

Applications for such orders have become increasingly rare—in part due to practical procedural difficulties that are seen to exist following the judgment of the European Court of Human Rights in the case of *Foxley v UK* [2000] BPIR 1009 and the Vice-Chancellor’s comments in the domestic case of *Singh v Official Receiver* [1997] BPIR 530:—

- A new Rule, 6.235A, provides for procedure on the application for such an order and Form 6.80 is revised.

Miscellaneous amendments are:—

- A new sub-rule is added to Rule 2.67 to state expressly that the expenses of the administration per Rule 2.67(1) are expenses of the former administrator for the purposes of paragraph 99(3) of Schedule B1 to the Insolvency Act 1986.
- Rules 2.106 and 2.107 are amended to clarify that in circumstances where an administrator had made a statement under paragraph 52(1)(b) of Schedule B1 to the Insolvency Act 1986 if it falls to the creditors to fix or increase the administrator’s remuneration, those creditors comprise the secured creditors (with the inclusion of 50 per cent of the preferential creditors where a distribution is made etc to preferential creditors).
- Rule 2.108 is amended to provide that where the administrator feels that the quantum of remuneration fixed by the secured/preferential creditors under Rule 2.107(2) is insufficient, he may apply to the Court to have it increased.
- Rule 4.7 is amended to clarify the circumstances in which a winding up petition can be presented following the discharge of administration.
- A new sub-rule is added to Rule 4.12 (mirroring the wording in Rule 2.4(4)) to provide that the affidavit in support of a winding-up petition must include a statement as to the (non) applicability of the EC Regulation. This will then reflect the requirement of the winding up petition (Form 4.2). In order to harmonise with the administration procedure, the prescribed form of affidavit (Form 4.3) is deleted.
- Rule 4.26(3) and (4) is amended to provide that a copy of the provisional liquidation order must be sent to the registrar of companies by the provisional liquidator (whether the official receiver or otherwise). A new statutory form (Form 4.15A) is introduced for this purpose.
- The duty to send a copy of the notice to the official receiver in Rule 4.125(4) is replaced by the Secretary of State. Insolvency practitioners will be advised of the actual address by the Insolvency Service: it will be the same as that to which the receipts and payments account under Regulation 14(3) is to be sent. Rule 6.137(4) is similarly amended for bankruptcy.

- Rule 4.184(1) is amended to provide expressly that it relates to creditors' voluntary winding-up as well as winding up by the court.
- Before the changes to the Insolvency Service's financial regime introduced on 1st April 2004, voluntary liquidators had to bank with the Insolvency Services Account (ISA). Consequently, a voluntary liquidator was required to send two copies of his receipts and payments account (i.e. the original plus a copy) to the registrar of companies. The registrar forwarded the copy to the Insolvency Service who used it for monitoring compliance with ISA usage.

Post 1st April 2004, voluntary liquidators no longer have to bank with the ISA. Although the requirement to submit receipts and payments accounts to the registrar of companies does remain, there is no longer any need for a copy to be sent to the Insolvency Service as there is no ISA monitoring issue to pursue. The duplicate copy sent to the registrar of companies is thus redundant and a waste of resource.

The requirement to send the duplicate receipts and payments account is set out in Rule 4.223-CVL(4) and must be sent in Form 4.68.

Sub-rule (4) is redundant and is deleted. Consequential amendments are made to Form 4.68.

- Rule 5.60 was amended by the Insolvency (Amendment) Rules 2004: one of the amendments being the deletion of Rule 5.60(4). However, Rule 5.60(5) still has a reference to (4). Rule 5.60(5) is amended to remove the reference to the redundant (4).
- Following amendments introduced in the Insolvency (Amendment) Rules 2003, from 1st April 2004, the Individual Insolvency Register ("IIR") has replaced the former "bankruptcy register". The official receiver's obligation to enter details of bankrupts on the bankruptcy register was set out in Rule 6.223(B)(1). From 1st April that Rule has been revoked and its substance replaced by Rule 6A.4(2).

The reference to Rule 6.223(B)(1) in Rules 6.34 and 6.46 is replaced by reference to Rule 6A.4(2) in both instances:—

- Rule 6.42 is amended to provide that a debtor is only required to file one copy of the SA with his petition; and that the court is to send that copy to the official receiver if a bankruptcy order is made.
- Rule 6A.2(1) is amended to provide that for individual voluntary arrangement ("IVA") or fast track voluntary arrangement ("FTVA") details of a debtor's gender, date of birth and any previous name must be recorded in the IIR. This brings information recorded on the IIR for IVA/FTVA in line with that recorded in bankruptcy cases and improves the service offered to users of the IIR.

Rule 12.3(2)(a) is amended to provide that, with the exception of lump sum and costs, any obligation arising as a result of an order made in family proceedings is not provable in bankruptcy. Thus, lump sum and costs are now provable in bankruptcy proceedings whilst periodical payments continue to be non-provable.

- Under the Insolvency Act 1986, a bankruptcy debt is defined in section 382 as being any debt or liability to which (bankrupt) is subject at the date of the bankruptcy order, and or to which the bankrupt may become subject after the bankruptcy order by reason of an obligation incurred before the bankruptcy order. Thus any lump sum, costs or arrears of periodical payments were bankruptcy debts. However, by virtue of Rule 12.3(2)(a) any "obligation arising under an order made in family proceedings or under a maintenance assessment made under the Child Support Act 1991" was not a debt that could be proved in the bankruptcy, and by virtue of Section 281(5)(b) those debts were not released on the bankrupt's discharge.

Miscellaneous amendments are:—

- The reference to RSC Order 11 in Rule 12.12(1) is replaced by reference to CPR Part 6 paragraphs 6.17 to 6.35 to make it clear that those procedural rules relating to service out of the jurisdiction are not to be applied in relation to insolvency proceedings. Rule 12.11 is also amended by the inclusion of a reference to Rule 12.12 to further enforce the point that insolvency proceedings have their own free-standing rules dealing with service outside the jurisdiction.
- The reference to the Supreme Court Act 1981 and the County Courts Act 1984 in Rule 12.15 is replaced by reference to the Courts Act 2003.

Minor amendments are made to the following Forms:—

- 2.8B Content of paragraph 8 (which provides that the notice had been sent to those persons detailed in Rule 2.20(2)) is deleted and its substance restated as a side-note. This remedies the existing problem that, as paragraph 8 comes before the statutory declaration, copies of the form had to be sent under Rule 2.20(2) before the statutory declaration had been made.
- 2.11B and 3.1A Revised to remove reference to the company's trade classification number.
- 2.13B
 - (i) Revised wording to reflect requirement of paragraph 48(1) of Schedule B1 that statement of affairs must be submitted within 11 days of receipt of the notice: reference to a final date for submission is deleted.
 - (ii) Revised wording of the Note at the foot of the form to reflect the requirements of Rules 2.32(1)—administrator having to form a view as to the reasonableness of the expenses incurred in preparing the statement of affairs prior to payment—and Rule 2.28(4)—no requirement for instructions to be sent with the forms for the statement of affairs.
- 2.14B, 3.2, 4.17, 4.18 and 4.19 Page A1—summary of liabilities—revised to reflect how the prescribed part should be applied to unsecured creditors. Form 4.19 only—date to which statement of affairs can be made revised on front page to reflect requirement of Rule 4.34(4)-CVL i.e. that it may be to a date not more than 14 days before that on which the resolution for voluntary winding-up is passed.
- 6.28
 - (i) References to “HIGH COURT OF JUSTICE” on the front page and on the schedule page deleted.
 - (ii) Affidavit revised to include specific lines for debtor's name, occupation and address;
 - (iii) Additional information requested to incorporate substance of current questionnaire booklet (which is completed by a bankrupt after the making of the order).
- 6.83 Revised to delete reference to the dwelling house vesting in the trustee and to clarify that the form complies with the requirements of Rule 6.237 and is simply to notify interested parties of the trustee's interest in the named dwelling house under section 283A of the Act.
- 6.84 Revised wording in side-note (e) to remove reference to “registered title” of the property. Form 6.84 is sent in accordance with Rule 6.237B which only relates to unregistered land.

No regulatory impact assessment has been prepared in relation to these Rules as they will not impose any significant costs on business.