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SCHEDULE 2 – Amendments
to forms in Schedule 4 (Forms)
of the Insolvency Rules 1986:
form 4.64 and form 6.57

Part 1 – new form 4.64

Rule 4.214

Form 4.64

**Order as to Examination of Person who Lacks Capacity
to Manage and Administer his Property and Affairs or is
Suffering from Physical Affliction or Disability**

(TITLE)

Mr Registrar in chambers

(a) "The official receiver" or
insert name and address of
applicant and the capacity
in which he makes the
application

Upon the application of (a)

And upon hearing

And upon reading the evidence

(b) Insert name of
examinee

And the court being satisfied that (b) lacks capacity
within the meaning of the Mental Capacity Act 2005 to manage and administer his property
and affairs or is suffering from physical affliction or disability and [is unfit to undergo a public
examination.

It is ordered that the order dated be stayed]

[is unfit to attend the public examination fixed by the order dated

It is ordered that the said order be varied as follows

]

Dated _____

(c) Delete warning where
the order for public
examination is stayed

Warning to person to be examined (c)

If you fail without reasonable excuse to attend your public examination at the time and place
set out in the order above you will be liable to be arrested without further notice (section 134(2)
of the Insolvency Act 1986).

You will also be guilty of contempt of court (section 134(1) of the Insolvency Act 1986) and
liable to be committed to prison or fined.

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Part 2 – new form 6.57

Rule 6.174

Form 6.57

Order as to Examination of Bankrupt who Lacks Capacity to Manage and Administer his Property and Affairs or is Suffering from Physical Affliction or Disability

(TITLE)

Mr Registrar in chambers

(a) "The official receiver" or insert name and address of applicant and the capacity in which he makes the application

Upon the application of (a)

And upon hearing

And upon reading the evidence

And the court being satisfied that the bankrupt lacks capacity within the meaning of the Mental Capacity Act 2005 to manage and administer his property and affairs or is suffering from physical affliction or disability and [is unfit to undergo a public examination. It is ordered that the order dated be stayed]

OR

[is unfit to attend the public examination fixed by the order dated It is ordered that the said order be varied as follows:—

(b) Insert details of any further order in the matter

[And it is ordered (b)

]

]

Dated _____

(c) Delete warning where the order for public examination is stayed

Warning to Bankrupt (c)

If you fail without reasonable excuse to attend your public examination at the time and place set out in the order above you will be liable to be arrested without further notice (section 364(1) of the Insolvency Act 1986).

You will also be guilty of contempt of court (section 290(5) of the Insolvency Act 1986) and liable to be committed to prison or fined.