
STATUTORY INSTRUMENTS

2011 No. 785

The Insolvency (Amendment) Rules 2011

Substitution of Rule 5A.21

4. For Rule 5A.21 (court in which applications under sections 251M (powers of court in relation to debt relief orders) or 251N (inquiry into debtor's dealings and property) to be made) substitute—

“Court in which applications under sections 251M (powers of court in relation to debt relief orders) or 251N (inquiry into debtor's dealings and property) to be made

5A.21.—(1) An application to the court under section 251M or 251N must be made to—

- (a) the High Court, where the proceedings are allocated to the London insolvency district under Rule 7.10ZA(a)(v);
- (b) the Central London County Court, where the proceedings are allocated to the London insolvency district under Rule 7.10ZA(a)(i) to (iv);
- (c) the debtor's own county court (subject to paragraph (4)), in any other case where the debtor is resident in England and Wales.

(2) If the debtor is not resident in England and Wales but was resident or carried on business in England and Wales within the 6 months immediately preceding the filing with the court of the application and the proceedings are not allocated to the London insolvency district, the application may be made to either the debtor's own county court or the High Court.

(3) In this Rule the debtor's own county court is—

- (a) where the debtor has carried on business in England and Wales within the 6 months immediately preceding the making of the application to the court, the county court for the insolvency district where for the longest period during those 6 months—
 - (i) the debtor carried on business, or
 - (ii) the principal place of business was located, if business was carried on in more than one insolvency district; or
- (b) where the debtor has not carried on business in England and Wales within the 6 months immediately preceding the making of the application to the court, the county court for the insolvency district where the debtor resided for the longest period during those 6 months.

(4) Where, for whatever reason, it is not possible for the application to be made to the debtor's own county court, the applicant may, with a view to expediting the application, make the application—

- (a) where paragraph (3)(a) applies, to—
 - (i) the court for the insolvency district in which the debtor resides, or
 - (ii) whichever court is specified by Schedule 2 to these Rules as being the nearest full time court in relation to—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (aa) the court in paragraph (3)(a), or
 - (bb) the court in sub-paragraph (i),
- as the case may be; or
- (b) where paragraph (3)(b) applies, whichever court is specified by Schedule 2 to these Rules as being the nearest full time court in relation to the court in that paragraph.
- (5) The application must contain sufficient information to establish that it is made to the appropriate court.”.