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STATUTORY INSTRUMENTS

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**2011 No. 785**

**The Insolvency (Amendment) Rules 2011**

**Substitution of Rule 6.9A**

6. For Rule 6.9A (court in which petition to be presented) substitute—

**“Court in which petition to be presented**

**6.9A.**—(1) Where the proceedings are allocated to the London insolvency district under Rule 7.10ZA(a)(i) to (iv) or (b), the creditor must present the petition to—

- (a) the High Court where the petition debt is £50,000 or more;
- (b) the Central London County Court where the petition debt is less than £50,000;

(2) Where the proceedings are allocated to the London insolvency district under Rule 7.10ZA(a)(v), (c) or (d), the creditor must present the petition to the High Court.

(3) Where the debtor is resident in England and Wales and the proceedings are not allocated to the London insolvency district, the creditor must present the petition to the debtor’s own county court.

(4) 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 presentation of the petition, 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 presentation of the petition, the county court for the insolvency district where the debtor resided for the longest period during those 6 months.

(5) 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 presentation of the petition and the proceedings are not allocated to the London insolvency district, the petition may be presented either to the debtor’s own county court or to the High Court.

(6) Notwithstanding any other provision of this Rule except paragraph (2), where there is in force for the debtor a voluntary arrangement under Part 8 of the Act, the petition must be presented to the court to which—

- (a) the nominee’s report under section 256 was submitted, or
- (b) where a nominee has made a report under section 256A(3), an application has been made.

(7) The petition must contain sufficient information to establish that it is presented in the appropriate court.”.