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STATUTORY INSTRUMENTS

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**2016 No. 1024**

**The Insolvency (England and Wales) Rules 2016**

[<sup>F1</sup>PART 1A

MORATORIUMS

[<sup>F1</sup>CHAPTER 9

*Termination of moratorium by monitor*

**Textual Amendments**

- F1** Pt. 1A inserted (1.10.2021) by [The Insolvency \(England and Wales\) \(No.2\) \(Amendment\) Rules 2021 \(S.I. 2021/1028\)](#), rules 1, 6 (with rules 4, 5)

[Note: a document required by the Act or these Rules must also contain the standard contents set out in Part 1.]

**Notice bringing moratorium to an end (section A38)**

**1A.23.**—(1) Notice bringing the moratorium to an end under section A38 must—

- (a) be filed with the court—
  - (i) as soon as practicable after the duty to bring the moratorium to an end arises, and
  - (ii) together with one copy for the company.
- (b) be headed “Notice of termination of moratorium by monitor under section A38 of the Insolvency Act 1986”,
- (c) state—
  - (i) that the notice is filed for the purpose of terminating a moratorium under section A38 of the Insolvency Act 1986,
  - (ii) the identification details of the company,
  - (iii) the name and contact details of the monitor,
  - (iv) the court (and where applicable the division or district registry of that court) or hearing centre in which the notice is filed,
  - (v) where the court has previously allocated a number to the insolvency proceedings within which the notice is filed, that number,
  - (vi) the date on which the notice is filed,
  - (vii) the grounds on which the moratorium is to be terminated,
  - (viii) the monitor’s reasons for concluding that those grounds are made out, and
  - (ix) the date on which the monitor concluded that those grounds were made out, and

- (d) be authenticated by, or on behalf of, the monitor.
- (3) The court must endorse both the notice and the copy of the notice with the date and time of filing.
- (4) The copy of the notice must have the seal of the court applied to it and must be delivered to the monitor.
- (5) The monitor must deliver—
  - (a) the sealed copy of the notice to the company, and
  - (b) further copies of that notice to—
    - (i) the registrar of companies, and
    - (ii) where paragraph (7) applies, the persons specified in paragraph 7(b),within the period of three business days beginning with the day on which the sealed copy of the notice is delivered to the monitor.
- (6) Paragraph (7) applies where—
  - (a) notification is required to be given to any of the relevant persons referred to in section A17(8)(b) to (d), or
  - (b) the moratorium is for a company which is a regulated company within the meaning given by section A49(13).
- (7) Where this paragraph applies—
  - (a) rule 1.19(3) (copy of document delivered to registrar of companies may be used to satisfy requirements for delivery to other persons) does not apply, and
  - (b) the monitor must deliver a copy of the document delivered to the registrar of companies to—
    - (i) the persons referred to in section A17(8)(b) to (d) for the purpose of giving the notification required by those paragraphs, and
    - (ii) the appropriate regulator, for the purpose of giving the notification required by section A49(3).

**Debts that are to be disregarded for the purposes of section A38(1)(d) of the Act**

**1A.24.** For the purposes of deciding whether to bring a moratorium to an end under section A38(1)(d) the monitor must disregard—

- (a) any debts that the monitor has reasonable grounds for thinking are likely to be—
  - (i) paid, or
  - (ii) compounded to the satisfaction of the creditor,within five business days of the decision, and
- (b) any debts in respect of which the creditor has agreed to defer payment until a time that is later than the decision.]

**Changes to legislation:**

There are currently no known outstanding effects for the The Insolvency (England and Wales) Rules 2016, Cross Heading: CHAPTER 9.