

STATUTORY INSTRUMENTS

**2016 No. 1024**

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

**PART 1**

**SCOPE, INTERPRETATION, TIME AND RULES ABOUT DOCUMENTS**

**CHAPTER 9**

<sup>MIM1</sup>Delivery of documents and opting out (sections 246C, 248A , 379C and 383A )

**Office-holder to provide information to creditors on opting-out**

**1.39.**—<sup>F1</sup>(A1) This rule does not apply in relation to a moratorium under Part A1 of the Act.]

(1) The office-holder must, in the first communication with a creditor, inform the creditor in writing that the creditor may elect to opt out of receiving further documents relating to the proceedings.

(2) The communication must contain—

- (a) identification and contact details for the office-holder;
- (b) a statement that the creditor has the right to elect to opt out of receiving further documents about the proceedings unless—
  - (i) the Act requires a document to be delivered to all creditors without expressly excluding opted-out creditors,
  - (ii) it is a notice relating to a change in the office-holder or the office-holder's contact details, or
  - (iii) it is a notice of a dividend or proposed dividend or a notice which the court orders to be sent to all creditors or all creditors of a particular category to which the creditor belongs;
- (c) a statement that opting-out will not affect the creditor's entitlement to receive dividends should any be paid to creditors;
- (d) a statement that unless these Rules provide to the contrary opting-out will not affect any right the creditor may have to vote in a decision procedure or a participate in a deemed consent procedure in the proceedings although the creditor will not receive notice of it;
- (e) a statement that a creditor who opts out will be treated as having opted out in respect of any consecutive insolvency proceedings of a different kind in respect of the same company or individual; and
- (f) information about how the creditor may elect to be or cease to be an opted-out creditor.

**Textual Amendments**

- F1** Rule 1.39(A1) inserted (1.10.2021) by [The Insolvency \(England and Wales\) \(No.2\) \(Amendment\) Rules 2021 \(S.I. 2021/1028\)](#), rules 1, **11** (with rules 4, 5)

---

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (England and Wales) Rules 2016, Section 1. (See end of Document for details)

---

**Modifications etc. (not altering text)**

- C1** Rules 1.18-1.58 applied (with modifications) (19.3.2024) by [The Water Industry \(Special Administration\) \(England and Wales\) Rules 2024 \(S.I. 2024/229\)](#), rules 1, 5, 12-33, **Sch.** (with rule 2(2))

**Changes to legislation:**

There are currently no known outstanding effects for the The Insolvency (England and Wales) Rules 2016, Section 1.