

---

STATUTORY INSTRUMENTS

---

**2016 No. 1024**

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

**PART 10**

**BANKRUPTCY**

**CHAPTER 2**

**CREDITORS' BANKRUPTCY PETITIONS**

*Preliminary*

**Order for substitution of petitioner**

**10.28.** The order for substitution of a petitioner must contain—

- (a) identification details for the proceedings;
- (b) the date of the hearing of the petition;
- (c) the name of the original petitioner;
- (d) the name of the person who is willing to prosecute the petition (“the named person”);
- (e) a statement that the named person meets the requirements of rule 10.27(2);
- (f) details of the statutory demand or return of the enforcement officer or enforcement agent;
- (g) the following orders—
  - (i) that upon payment by the named person of the statutory deposit to the court the statutory deposit paid by the original petitioner to the court be repaid to the original petitioner by the official receiver,
  - (ii) that the named person be substituted as petitioner in place of the original petitioner and that the relevant person may amend the petition accordingly,
  - (iii) that the named person must within five business days from the date of the order file a copy of the amended petition together with a statement of truth verifying the amended petition,
  - (iv) that at least 14 days before the date of the adjourned hearing of the petition the named person must serve upon the debtor a sealed copy of the amended petition,
  - (v) that the hearing of the amended petition be adjourned to the venue specified in the order, and
  - (vi) that the question of the costs of the original petitioner and of the statutory deposit (if appropriate) be reserved until the final determination of the amended petition;
- (h) the venue of the adjourned hearing; and
- (i) the date of the order.