
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 10

BANKRUPTCY

CHAPTER 2

CREDITORS' BANKRUPTCY PETITIONS

Preliminary

Identification of debt

- 10.9.**—(1) The petition must state for each debt in relation to which it is presented—
- (a) the amount of the debt, the consideration for it (or, if there is no consideration, the way in which it arises) and the fact that it is owed to the petitioner;
 - (b) when the debt was incurred or became due;
 - (c) if the amount of the debt includes any charge by way of interest not previously notified to the debtor as a liability of the debtor's, the amount or rate of the charge (separately identified);
 - (d) if the amount of the debt includes any other charge accruing from time to time, the amount or rate of the charge (separately identified);
 - (e) the grounds on which any such a charge is claimed to form part of the debt, provided that the amount or rate must, in the case of a petition based on a statutory demand, be limited to that claimed in the demand;
 - (f) that the debt is unsecured (subject to section 269); and
 - (g) either—
 - (i) that the debt is for a liquidated sum payable immediately, and the debtor appears to be unable to pay it, or
 - (ii) that the debt is for a liquidated sum payable at some certain, future time (that time to be specified), and the debtor appears to have no reasonable prospect of being able to pay it.
- (2) Where the debt is one for which, under section 268, a statutory demand must have been served on the debtor, the petition must—
- (a) specify the date and manner of service of the statutory demand; and
 - (b) state that, to the best of the creditor's knowledge and belief—
 - (i) the demand has been neither complied with nor set aside in accordance with these Rules, and
 - (ii) that no application to set it aside is outstanding.

Status: Point in time view as at 08/12/2017.

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (England and Wales) Rules 2016, Section 10. (See end of Document for details)

(3) If the case is within section 268(1)(b) (unsatisfied execution or process in respect of judgment debt, etc.) the petition must state which court issued the execution or other process and give particulars of the return.

[^{F1}(4) The court may decline to file the petition if not satisfied that the creditor has discharged the obligation imposed by rule 10.2.]

Textual Amendments

F1 [Rule 10.9\(4\)](#) inserted (8.12.2017) by [The Insolvency \(England and Wales\) and Insolvency \(Scotland\) \(Miscellaneous and Consequential Amendments\) Rules 2017 \(S.I. 2017/1115\)](#), rules 1(1), **8**

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