
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 19

Disclaimer in winding up and bankruptcy

Notice of disclaimer (sections 178 and 315)

19.2.—(1) An office-holder’s notice of disclaimer of property under section 178 (winding up) or section 315 (bankruptcy) must (as appropriate)—

- (a) have the title—
 - (i) “Notice of disclaimer under section 178 of the Insolvency Act 1986” (in the case of a winding up), or
 - (ii) “Notice of disclaimer under section 315 of the Insolvency Act 1986” (in the case of a bankruptcy);
- (b) identify the company or the bankrupt;
- (c) identify and provide contact details for the office-holder;
- (d) contain such particulars of the property disclaimed as will enable it to be easily identified;
- (e) state—
 - (i) that the liquidator of the company disclaims all the company’s interest in the property, or
 - (ii) that the trustee of the bankrupt’s estate disclaims all the bankrupt’s interest in the property.
- (2) The notice must be authenticated and dated by the office-holder.
- (3) If the property consists of registered land—
 - (a) the notice must state the registered title number; and
 - (b) the office-holder must deliver a copy of the notice to the Chief Land Registrar as soon as reasonably practicable after authenticating the notice.
- (4) The liquidator must, as soon as reasonably practicable after authenticating the notice, deliver a copy of the notice to the registrar of companies.
- (5) The trustee must, as soon as reasonably practicable after authenticating the notice, file a copy of the notice—
 - (a) with the court; or
 - (b) where the bankruptcy is based on a bankruptcy application, on the bankruptcy file.
- (6) If the property consists of land or buildings the nature of the interest must be stated in the notice.
- (7) The date of disclaimer for the purposes of section 178(4)(a) (winding up) or section 315(3) (a) (bankruptcy) is the date on which the liquidator or trustee authenticated the notice.