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STATUTORY INSTRUMENTS

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**2016 No. 1024**

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

**PART 5**

**MEMBERS' VOLUNTARY WINDING UP**

**CHAPTER 2**

**The liquidator**

**Application by former liquidator to the Secretary of State for release (section 173(2)(b)) <sup>M1</sup>**

**5.14.**—(1) This rule applies to a liquidator who—

- (a) is removed by the court;
- (b) vacates office on ceasing to be qualified to act as an insolvency practitioner in relation to the company; or
- (c) vacates office in consequence of the court making a winding-up order against the company.

(2) Where the former liquidator applies to the Secretary of State for release the application must contain—

- (a) identification details for the former liquidator;
- (b) identification details for the company;
- (c) the circumstances under which the former liquidator ceased to act as liquidator; and
- (d) a statement that the former liquidator is applying to the Secretary of State for release.

(3) The application must be authenticated and dated by the former liquidator.

(4) When the Secretary of State gives a release, the Secretary of State must deliver—

- (a) a certificate of the release to the former liquidator; and
- (b) a notice of the release to the registrar of companies.

(5) Release is effective from the date of the certificate or such other date as the certificate specifies.

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**Marginal Citations**

**M1** A new section 173(2)(b) is inserted by paragraph 44(2) of Schedule 9 to the [Small Business, Enterprise and Employment Act 2015 \(c.26\)](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Insolvency (England and Wales) Rules 2016, Section 5.