
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 7

WINDING UP BY THE COURT

CHAPTER 5

Provisional liquidator

Application for appointment of provisional liquidator (section 135)

7.33.—(1) An application to the court for the appointment of a provisional liquidator under section 135 may be made by—

- (a) the petitioner;
 - (b) a creditor of the company;
 - (c) a contributory;
 - (d) the company;
 - (e) the Secretary of State;
 - (f) a temporary administrator;
 - (g) a member State liquidator appointed in main proceedings (including in accordance with Article 29 of the EC Regulation); or
 - (h) any person who under any enactment would be entitled to present a petition for the winding up of the company.
- (2) The application must be supported by a witness statement stating—
- (a) the grounds on which it is proposed that a provisional liquidator should be appointed;
 - (b) if some person other than the official receiver is proposed to be appointed, that that person has consented to act and, to the best of the applicant's belief, is qualified to act as an insolvency practitioner in relation to the company;
 - (c) whether or not the official receiver has been informed of the application and, if so, whether a copy of it has been delivered to the official receiver;
 - (d) whether to the applicant's knowledge—
 - (i) there has been proposed or is in force for the company a CVA;
 - (ii) an administrator or administrative receiver is acting in relation to the company; or
 - (iii) a liquidator has been appointed for its voluntary winding up; and
 - (e) the applicant's estimate of the value of the assets in relation to which the provisional liquidator is to be appointed.

(3) The applicant must deliver copies of the application and the witness statement in support to the official receiver, who may attend the hearing and make any representations which the official receiver thinks appropriate.

(4) If for any reason it is not practicable to deliver copies of the application and statement to the official receiver before the hearing, the applicant must inform the official receiver of the application in sufficient time for the official receiver to be able to attend.

(5) If satisfied that sufficient grounds are shown for the appointment the court may appoint a provisional liquidator on such terms as it thinks just.