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## STATUTORY INSTRUMENTS

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# 2016 No. 1024

## The Insolvency (England and Wales) Rules 2016

### PART 7

#### WINDING UP BY THE COURT

##### CHAPTER 6

##### Statement of affairs and other information

##### Statement of affairs

- 7.41.**—(1) The statement of affairs must be headed “Statement of affairs” and must contain—
- (a) identification details for the company;
  - (b) a statement that it is a statement of the affairs of the company on a date which is specified, being—
    - (i) the date of the winding-up order, or
    - (ii) the date directed by the official receiver;
  - (c) a list of the company's shareholders with the following information about each one—
    - (i) name and postal address,
    - (ii) the type of shares held,
    - (iii) the nominal amount of the shares held,
    - (iv) the number of shares held,
    - (v) the amount per share called up, and
    - (vi) the total amount of shares called up;
  - (d) the total amount of shares called up held by all shareholders;
  - (e) a summary of the assets of the company, setting out the book value and estimated realisable value of—
    - (i) any assets subject to a fixed charge,
    - (ii) any assets subject to a floating charge,
    - (iii) any uncharged assets, and
    - (iv) the total value of all the assets available for preferential creditors;
  - (f) a summary of the liabilities of the company, setting out—
    - (i) the amount of preferential debts,
    - (ii) an estimate of the deficiency with respect to preferential debts or the surplus available after paying the preferential debts,
    - (iii) an estimate of the prescribed part, if applicable,
    - (iv) an estimate of the total assets available to pay debts secured by floating charges,

- (v) the amount of debts secured by floating charges,
  - (vi) an estimate of the deficiency with respect to debts secured by floating charges or the surplus available after paying the debts secured by fixed or floating charges,
  - (vii) the amount of unsecured debts (excluding preferential debts),
  - (viii) an estimate of the deficiency with respect to unsecured debts or the surplus available after paying unsecured debts,
  - (ix) any issued and called-up capital, and
  - (x) an estimate of the deficiency with respect to, or surplus available to, members of the company;
- (g) a list of the company's creditors (as required by section 131(2)) with the following particulars required by paragraph (2) indicating—
- (i) any creditors under hire-purchase, chattel leasing or conditional sale agreements,
  - (ii) any creditors who are consumers claiming amounts paid in advance of the supply of goods or services, and
  - (iii) any creditors claiming retention of title over property in the company's possession.
- (2) The particulars required by this paragraph are as follows—
- (i) the name and postal address,
  - (ii) the amount of the debt owed to the creditor,
  - (iii) details of any security held by the creditor,
  - (iv) the date the security was given, and
  - (v) the value of any such security.
- (3) Paragraph (4) applies where the particulars required by paragraph (2) relate to creditors who are either—
- (a) employees or former employees of the company; or
  - (b) consumers claiming amounts paid in advance for the supply of goods or services.
- (4) Where this paragraph applies—
- (a) the statement of affairs itself must state separately for each of paragraph (3)(a) and (b) the number of such creditors and the total of the debts owed to them; and
  - (b) the particulars required by paragraph (2) in respect of those creditors must be set out in separate schedules to the statement of affairs for each of paragraph (3)(a) and (b).
- (5) The statement of affairs must be verified by a statement of truth by the nominated person, or all of them if more than one, making the statement of affairs.
- (6) The nominated person (or one of them, if more than one) must deliver the statement of affairs verified as required by paragraph (5) to the official receiver together with a copy.
- (7) The official receiver must deliver the verified copy of the statement of affairs and any statements of concurrence delivered under rule 7.42 to the registrar of companies.
- (8) However the official receiver must not deliver to the registrar of companies with the statement of affairs any schedule required by paragraph (4)(b).

**Status:**

Point in time view as at 06/04/2017. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Insolvency (England and Wales) Rules 2016, Section 7.