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STATUTORY INSTRUMENTS

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**1986 No. 1925**

**The Insolvency Rules 1986**

THE SECOND GROUP OF PARTS

PART 6

BANKRUPTCY

CHAPTER 26

MISCELLANEOUS RULES IN BANKRUPTCY

**Bankruptcy of solicitors**

**6.235.** Where a bankruptcy order is made against a solicitor, or such an order made against a solicitor is rescinded or annulled, the court shall forthwith give notice to the Secretary of the Law Society of the order that it has made.

**Consolidation of petitions**

**6.236.** Where two or more bankruptcy petitions are presented against the same debtor, the court may order the consolidation of the proceedings, on such terms as it thinks fit.

**Bankrupt's dwelling-house and home**

**6.237.**—(1) This Rule applies where the trustee applies to the court under section 313 for an order imposing a charge on property consisting of an interest in a dwelling-house.

(2) The bankrupt's spouse or former spouse shall be made respondent to the application; and the court may, if it thinks fit, direct other persons to be made respondents also, in respect of any interest which they may have in the property.

(3) The trustee shall make a report to the court, containing the following particulars—

- (a) the extent of the bankrupt's interest in the property which is the subject of the application; and
- (b) the amount which, at the date of the application, remains owing to unsecured creditors of the bankrupt.

(4) The terms of the charge to be imposed shall be agreed between the trustee and the bankrupt or, failing agreement, shall be settled by the court.

(5) The rate of interest applicable under section 313(2) is the rate specified in section 17 of the Judgments Act 1838 on the day on which the charge is imposed, and the rate so applicable shall be stated in the court's order imposing the charge.

(6) The court's order shall also—

- (a) describe the property to be charged;
- (b) state whether the title to the property is registered and, if it is, specify the title number;

- (c) set out the extent of the bankrupt's interest in the property which has vested in the trustee;
  - (d) indicate, by reference to the amount which remains owing to unsecured creditors of the bankrupt, the amount of the charge to be imposed;
  - (e) set out the conditions (if any) imposed by the court under section 3(1) of the Charging Orders Act 1979;
  - (f) provide for any property comprised in the charge to vest again in the bankrupt as from a specified date.
- (7) Unless the court is of the opinion that a different date is appropriate, the date under paragraph (6)(f) shall be that of the registration of the charge in accordance with section 3(2) of the Charging Orders Act 1979.
- (8) The trustee shall, forthwith after the making of the court's order, send notice of it and its effect to the Chief Land Registrar.