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STATUTORY INSTRUMENTS

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**2004 No. 584**

**INSOLVENCY, ENGLAND AND WALES**

**COMPANIES**

**INDIVIDUALS**

**The Insolvency (Amendment) Rules 2004**

<i>Made</i>	- - - -	<i>3rd March 2004</i>
<i>Laid before Parliament</i>		<i>8th March 2004</i>
<i>Coming into force</i>	- -	<i>1st April 2004</i>

The Lord Chancellor, in the exercise of the powers conferred on him by sections 411 and 412 of the Insolvency Act 1986(1), with the concurrence of the Secretary of State, and after consulting the committee existing for that purpose under section 413 of that Act, hereby makes the following Rules:

**Citation and commencement**

- 1.—(1) These Rules may be cited as the Insolvency (Amendment) Rules 2004.
- (2) These Rules shall come into force on 1st April 2004 (“the commencement date”).

**Interpretation**

- 2.—(1) In these Rules references to the “principal Rules” are to the Insolvency Rules 1986(2) and a Rule referred to by number alone means the Rule so numbered in the principal Rules.
- (2) These Rules shall be construed as one with the principal Rules.

**Transitional provisions**

- 3.—(1) This Rule applies in any case where before the commencement date—
  - (a) a winding-up order is made or a resolution for the winding up of the company is passed and the liquidator is entitled to remuneration by virtue of Rule 4.127(6), Rule 4.128(1) or Rule 4.148A(4); or

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(1) 1986 c. 45 as amended by the Enterprise Act 2002 (c. 40). Sections 411 and 412 were amended by the Insolvency Act 1986 (Amendment) Regulations 2002 (S.I. 2002/1037).

(2) S.I. 1986/1925, amended by S.I. 1987/1919, 1989/397, 1991/495, 1993/602, 1995/586, 1999/359, 1999/1022, 2001/763, 2002/1307, 2002/2712 and 2003/1730.

(b) a bankruptcy order is made and the trustee is entitled to remuneration by virtue of Rule 6.138(6) or Rule 6.139(1).

(2) In a case to which this Rule applies the liquidator or, as the case may be, the trustee shall continue to be entitled to remuneration on the basis that—

(a) the amendments made to the principal Rules by these Rules do not apply; and

(b) the amendments made to the Insolvency Regulations 1994<sup>(3)</sup> by the Insolvency (Amendment) Regulations 2004<sup>(4)</sup> had not been made.

#### **Amendment to Rule 2.55**

4. In paragraph (4) of Rule 2.55 after the word “bankrupt,” there is inserted the word “or” and for the words “composition or arrangement with his creditors” there is substituted “bankruptcy restrictions order, bankruptcy restrictions undertaking or interim bankruptcy restrictions order”.

#### **Amendment to Rule 2.57**

5. In paragraph (1)(a) of Rule 2.57 omit the words “, or compounds or arranges with his creditors”.

#### **Amendment to Rule 3.21**

6. In paragraph (4) of Rule 3.21 after the word “bankrupt,” there is inserted “or a disqualified director,” and for the words “composition or arrangement with his creditors” there is substituted “bankruptcy restrictions order, bankruptcy restrictions undertaking or interim bankruptcy restrictions order”.

#### **Amendment to Rule 3.23**

7. In paragraph (1)(a) of Rule 3.23 omit the words “, or compounds or arranges with his creditors”.

#### **Amendment to Rule 4.7**

8. In Rule 4.7—

(a) for paragraph (2) there is substituted—

“(2) No petition shall be filed unless there is produced on presentation of the petition a receipt for the deposit payable or paragraph (2A) applies.

(2A) This paragraph applies in any case where the Secretary of State has given written notice to the court that the petitioner has made suitable alternative arrangements for the payment of the deposit to the official receiver and such notice has not been revoked in relation to the petitioner in accordance with paragraph (2B).

(2B) A notice of the kind referred to in paragraph (2A) may be revoked in relation to the petitioner in whose favour it is given by a further notice in writing to the court stating that the earlier notice is revoked in relation to the petitioner.”; and

(b) in paragraph (4)(b) delete the words “of the administration order or notice of appointment”.

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<sup>(3)</sup> S.I. 1994/2507 amended by S.I. 2000/485, S.I. 2001/762, S.I. 2001/3649 and S.I. 2003/1633.

<sup>(4)</sup> S.I. 2004/472.

#### **Substitution of Rule 4.74**

9. For Rule 4.74 there is substituted—

##### **“Supply of Forms**

##### **(NO CVL APPLICATION)**

**4.74.** A form of proof shall be sent to any creditor of the company by the liquidator where the creditor so requests.”

#### **Amendment to Rule 4.75**

10. For Rule 4.75(1) there is substituted—

“(1) Subject to Rule 4.73(5), the following matters shall be stated in a creditor’s proof of debt—

- (a) the creditor’s name and address, and, if a company, its company registration number;
- (b) the total amount of his claim (including any Value Added Tax) as at the date on which the company went into liquidation;
- (c) whether or not that amount includes outstanding uncapitalised interest;
- (d) particulars of how and when the debt was incurred by the company;
- (e) particulars of any security held, the date when it was given and the value which the creditor puts upon it;
- (f) details of any reservation of title in respect of goods to which the debt refers; and
- (g) the name, and address and authority of the person signing the proof (if other than the creditor himself).”

#### **Amendment to Rule 4.124**

11. In paragraph (1) of Rule 4.124 for the words “who have proved their debts” there is substituted “of which he is aware”.

#### **Amendment to Rule 4.125**

12. In paragraph (1) of Rule 4.125 for the words “who have proved their debts” there is substituted “of which he is aware”.

#### **Insertion of new Rule 4.125A**

13. After Rule 4.125 there is inserted—

##### **“Rule as to reporting**

**4.125A.**—(1) The court may, on the liquidator or official receiver’s application, relieve him of any duty imposed on him by Rule 4.124 or 4.125, or authorise him to carry out the duty in a way other than there required.

(2) In considering whether to act under this Rule, the court shall have regard to the cost of carrying out the duty, to the amount of the assets available, and to the extent of the interest of creditors or contributories, or any particular class of them.”

#### **Amendment to Rule 4.127**

14. For paragraph (6) of Rule 4.127 there is substituted—

“(6) Where the liquidator is not the official receiver and his remuneration is not fixed as above, the liquidator shall be entitled to remuneration fixed in accordance with the provisions of Rule 4.127A.”.

#### **Insertion of New Rules 4.127A and 4.127B**

15. After Rule 4.127 there is inserted—

##### **“Liquidator’s entitlement to remuneration where it is not fixed under Rule 4.127**

**4.127A.**—(1) This Rule applies where the liquidator is not the official receiver and his remuneration is not fixed in accordance with Rule 4.127.

(2) The liquidator shall be entitled by way of remuneration for his services as such, to such sum as is arrived at by—

- (a) first applying the realisation scale set out in Schedule 6 to the monies received by him from the realisation of the assets of the company (including any Value Added Tax thereon but after deducting any sums paid to secured creditors in respect of their securities and any sums spent out of money received in carrying on the business of the company); and
- (b) then by adding to the sum arrived at under sub-paragraph (a) such sum as is arrived at by applying the distribution scale set out in Schedule 6 to the value of assets distributed to creditors of the company (including payments made in respect of preferential debts) and to contributories.

##### **Liquidator’s remuneration where he realises assets on behalf of chargeholder**

**4.127B.**—(1) This Rule applies where the liquidator is not the official receiver and realises assets on behalf of a secured creditor.

(2) Where the assets realised for a secured creditor are subject to a charge which when created was a mortgage or a fixed charge, the liquidator shall be entitled to such sum by way of remuneration as is arrived at by applying the realisation scale set out in Schedule 6 to the monies received by him in respect of the assets realised (including any sums received in respect of Value Added Tax thereon but after deducting any sums spent out of money received in carrying on the business of the company).

(3) Where the assets realised for a secured creditor are subject to a charge which when created was a floating charge, the liquidator shall be entitled to such sum by way of remuneration as is arrived at by—

- (a) first applying the realisation scale set out in Schedule 6 to monies received by him from the realisation of those assets (including any Value Added Tax thereon but ignoring any sums received which are spent in carrying on the business of the company); and
- (b) then by adding to the sum arrived at under sub-paragraph (a) such sum as is arrived at by applying the distribution scale set out in Schedule 6 to the value of the assets distributed to the holder of the charge.”.

#### **Amendment to Rule 4.128**

16. Omit Rule 4.128(1).

**Amendment to Rule 4.138**

17. Omit Rule 4.138(2).

**Amendment to Rule 4.148A**

18. For paragraph (4) of Rule 4.148A there is substituted—

“(4) Where the liquidator’s remuneration is not fixed as above, the liquidator shall be entitled to remuneration calculated in accordance with the provisions of Rule 4.148B.”.

**Insertion of new Rule 4.148B**

19. After Rule 4.148A there is inserted—

**“Liquidator’s remuneration in members’ voluntary liquidation where it is not fixed under Rule 4.148A**

**4.148B.**—(1) This Rule applies where the liquidator’s remuneration is not fixed in accordance with Rule 4.148A.

(2) The liquidator shall be entitled by way of remuneration for his services as such, to such sum as is arrived at by—

- (a) first applying the realisation scale set out in Schedule 6 to the monies received by him from the realisation of the assets of the company (including any Value Added Tax thereon but after deducting any sums paid to secured creditors in respect of their securities and any sums spent out of money received in carrying on the business of the company); and
- (b) then by adding to the sum arrived at under sub-paragraph (a) such sum as is arrived at by applying the distribution scale set out in Schedule 6 to the value of assets distributed to creditors of the company (including payments made in respect of preferential debts) and to contributories.”.

**Amendment to Rule 4.159**

20. In paragraph (4) of Rule 4.159 after the word “bankrupt” there is inserted “or a disqualified director,” and for the words “composition or arrangement with his creditors” there is substituted “bankruptcy restrictions order, bankruptcy restrictions undertaking or an interim bankruptcy restrictions order”.

**Amendment to Rule 4.161**

21. In paragraph (1)(a) of Rule 4.161 omit the words “or compounds or arranges with his creditors”.

**Amendment to Rule 4.218**

22. In paragraph (1)(c) of Rule 4.218 after the words “under section 414” there are inserted the words “or section 415A”.

**Amendment to Rule 4.231**

23. In Rule 4.231(3) after “4.125(1) (final meeting),” insert “4.125A(2) (rule on reporting),”.

**Amendment of Rule 5.43**

24. In Rule 5.43 at the end there is inserted—

“(3) A proposal is not approved if those voting against it include more than half in value of the creditors, counting in the latter only those—

- (a) who gave notice to the official receiver in accordance with Rule 5.40;
- (b) whose votes are not to be left out of account under paragraph (2); and
- (c) who are not, to the best of the official receiver’s belief, associates of the debtor.

(4) It is for the official receiver to decide whether, under this Rule a person is an associate of the debtor for the purposes of paragraph (3)(c) and in relation to this he is entitled to rely on the information provided by the debtor’s statement of affairs or otherwise in accordance with this Part of the Rules.”.

**Amendment to Rule 5.60**

25. In Rule 5.60—

- (a) in paragraph (3) after “in writing,” there is inserted “within 28 days of the date of the order,”; and
- (b) paragraph (4) is omitted.

**Amendment to Rule 6.10**

26. For paragraph (2) there is substituted—

“(2) No petition shall be filed unless there is produced on presentation of the petition a receipt for the deposit payable or paragraph (2A) applies.

(2A) This paragraph applies in any case where the Secretary of State has given written notice to the court that the petitioner has made suitable alternative arrangements for the payment of the deposit to the official receiver and such notice has not been revoked in relation to the petitioner in accordance with paragraph (2B).

(2B) A notice of the kind referred to in paragraph (2A) may be revoked in relation to the petitioner in whose favour it is given by a further notice in writing to the court stating that the earlier notice is revoked in relation to the petitioner.”.

**Substitution of Rule 6.97**

27. For Rule 6.97 there is substituted—

**“Supply of forms**

**6.97.** A form of proof shall be sent to any creditor of the bankrupt by the official receiver or trustee where the creditor so requests.”.

**Amendment to Rule 6.98**

28.—(1) For Rule 6.98(1) there is substituted—

“(1) Subject to Rule 6.96(4), the following matters shall be stated in a creditor’s proof of debt—

- (a) the creditor’s name and address, and, if a company, its company registration number;

- (b) the total amount of his claim (including any Value Added Tax) as at the date on which the company went into liquidation;
- (c) whether or not that amount includes outstanding uncapitalised interest;
- (d) particulars of how and when the debt was incurred by the company;
- (e) particulars of any security held, the date when it was given and the value which the creditor puts upon it;
- (f) details of any reservation of title in respect of goods to which the debt refers; and
- (g) the name, and address and authority of the person signing the proof (if other than the creditor himself).”

(2) In Rule 6.98(3) after “the trustee” insert “the official receiver, acting as receiver and manager”.

#### **Amendment to Rule 6.99**

29. In Rule 6.99(1) after “the trustee” insert “or the official receiver, acting as receiver and manager”.

#### **Amendment to Rule 6.136**

30. In paragraph (1) of Rule 6.136 for the words “who have proved their debts” there is substituted “of which he is aware”.

#### **Amendment to Rule 6.137**

31. In paragraph (1) of Rule 6.137 for the words “who have proved their debts” there is substituted “of which he is aware”.

#### **Insertion of new Rule 6.137A**

32. After Rule 6.137 there shall be inserted—

##### **“Rule as to reporting**

**6.137A.**—(1) The court may, on the trustee or official receiver’s application, relieve him of any duty imposed on him by Rules 6.136 or 6.137, or authorise him to carry out the duty in a way other than there required.

(2) In considering whether to act as above, the court shall have regard to the cost of carrying out the duty, to the amount of the funds available in the estate, and to the extent of the interest of creditors or any particular class of them.”.

#### **Amendment to Rule 6.138**

33. For paragraph (6) there is substituted—

“(6) Where the trustee is not the official receiver and his remuneration is not fixed as above, the trustee shall be entitled to remuneration calculated in accordance with Rule 6.138A.”.

#### **Insertion of new Rule 6.138A**

34. After Rule 6.138 there is inserted—

**“Trustee’s remuneration where it is not fixed in accordance with Rule 6.138**

**6.138A.**—(1) This Rule applies where the trustee is not the official receiver and his remuneration is not fixed in accordance with Rule 6.138.

(2) Subject to paragraph (3), the trustee shall be entitled by way of remuneration for his services as such, to such sum as is arrived at by—

- (a) first applying the realisation scale set out in Schedule 6 to the monies received by him from the realisation of the assets of the bankrupt (including any Value Added Tax thereon but after deducting any sums paid to secured creditors in respect of their securities and any sums spent out of money received in carrying on the business of the bankrupt); and
- (b) then by adding to the sum arrived at under sub-paragraph (a) such sum as is arrived at by applying the distribution scale set out in Schedule 6 to the value of assets distributed to creditors of the bankrupt (including sums paid in respect of preferential debts).

(3) That part of the trustee’s remuneration calculated by reference to the realisation scale shall not exceed such sum as is arrived at by applying the realisation scale to such part of the bankrupt’s assets as are required to pay the items referred to in paragraph (4).

(4) The items referred to in paragraph (3) are—

- (a) the bankruptcy debts (including any interest payable by virtue of section 328(4)) to the extent required to be paid by these Rules (ignoring those debts paid otherwise than out of the proceeds of the realisation of the bankrupt’s assets or which have been secured to the satisfaction of the court);
- (b) the expenses of the bankruptcy other than—
  - (i) fees or the remuneration of the official receiver; and
  - (ii) any sums spent out of money received in carrying on the business of the bankrupt;
- (c) fees payable by virtue of any order made under section 415; and
- (d) the remuneration of the official receiver.”.

**Amendment to Rule 6.139**

**35.** For paragraph (1) there is substituted—

“(1) Where the trustee (not being the official receiver) realises assets on behalf of a secured creditor, the trustee is entitled to such sum by way of remuneration as is arrived at by applying the realisation scale set out in Schedule 6 to the monies received by him in respect of the assets realised (including any Value Added Tax thereon).”.

**Amendment to Rule 6.146**

**36.** Omit Rule 6.146(2).

**Amendment to Rule 6.156**

**37.** In paragraph (4) of Rule 6.156 after the word “bankrupt” there is inserted “or a disqualified director,” and for the words “composition or arrangement with his creditors” there is substituted “bankruptcy restrictions order, bankruptcy restrictions undertaking or an interim bankruptcy restrictions order”.



#### **Amendment to Rule 6.158**

38. In paragraph (1)(a) of Rule 6.158 omit the words “or compounds or arranges with his creditors”.

#### **Amendment to Rule 6.213**

39. In Rule 6.213—

- (a) in paragraph (3) after “require” insert “within 28 days of the order”; and
- (b) in paragraph (4) omit the words from “The Secretary of State shall notify” to “has been paid.”.

#### **Amendment to Rule 6.214A**

40. For Rule 6.214A(4) there is substituted—

“(4) Where the official receiver receives no objection from either a creditor or a trustee he may file a notice under section 279(2) by sending to the court two copies of Form 6.82. The court shall endorse each copy with the date of filing and shall return one copy to the official receiver. The official receiver shall send a copy of the endorsed form to the bankrupt.”.

#### **Amendment to Rule 6.224**

41. In paragraph (1)(c) of Rule 6.224 after the words “under section 415” there are inserted the words “or 415A”.

#### **Insertion of new Rule 6.237CA**

42. After Rule 6.237C insert—

##### **“Vesting of bankrupt’s estate—substituted period.**

**6.237CA.** For the purposes of section 283A(2) for the period of three years set out therein there shall be substituted, where the trustee in bankruptcy has sent notice to the bankrupt that he considers—

- (a) the continued vesting of the property in the bankrupt’s estate to be of no benefit to creditors; or
- (b) the re-vesting to the bankrupt will facilitate a more efficient administration of the bankrupt’s estate,

the period of one month from the date of that notice.”.

#### **Amendment to Rule 6.237D**

43. At the end of Rule 6.237D there is inserted—

“(10) In determining the value of the bankrupt’s interest for the purposes of paragraph (6) (c), the court shall disregard that part of the value of the property in which the bankrupt’s interest subsists which is equal to the value of—

- (a) any loans secured by mortgage or other charge against the property;
- (b) any other third party interest; and
- (c) the reasonable costs of sale.”.

**Amendment to Rule 6A.5**

44. In Rule 6A.5 omit “Subject to paragraph (2),”.

**Amendment to Rule 6A.6—**

45. In Rule 6A.6—

- (a) in paragraph (1) for sub-paragraph (a) there is substituted—  
 “(a) the name, gender, occupation (if any) and date of birth of the bankrupt,  
 (aa) the bankrupt’s last known address,”; and
- (b) in paragraph (2) for sub-paragraph (a) there is substituted—  
 “(a) the name, gender, occupation (if any) and date of birth of the bankrupt,  
 (aa) the bankrupt’s last known address,”.

**Amendments to Schedule 4 of the principal Rules**

46. In Schedule 4 to the principal Rules for Forms 2.8B, 2.9B, 2.11B, 2.25B, 4.25, 5.7, 5.8, 6.28, 6.37, 6.71, 6.79A, 6.82 and 6.84 there shall be substituted the forms so numbered in the Schedule to these Rules.

**Insertion of Schedule 6**

47. After Schedule 5 there is inserted—

“SCHEDULE 6 Rules 4.127A, 4.127B, 4.148B and  
6.138A

**DETERMINATION OF INSOLVENCY OFFICE HOLDER'S REMUNERATION**

As regards the determination of the remuneration of trustees and liquidators the realisation and distribution scales are as set out in the table below—

*The realisation scale*

(i) on the first £5000 or fraction thereof	20%
(ii) on the next £5000 or fraction thereof	15%
(iii) on the next £90000 or fraction thereof	10%
(iv) on all further sums realised	5%

*The distribution scale*

(i) on the first £5000 or fraction thereof	10%
(ii) on the next £5000 or fraction thereof	7.5%
(iii) on the next £90000 or fraction thereof	5%
(iv) on all further sums distributed	2.5%.”

3rd March 2004

*Falconer of Thoroton, C.*

I concur, on behalf of the Secretary of State,

*Gerry Sutcliffe,*  
Parliamentary Under-Secretary of State for  
Employment Relations, Competition and  
Consumers,  
Department of Trade and Industry

3rd March 2004

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SCHEDULE

Rule 46

SUBSTITUTED FORMS

2.8B, 2.9B, 2.11B, 2.25B, 4.25, 5.7, 5.8, 6.28, 6.37, 6.71, 6.79A, 6.82 and 6.84

Rule 2.20

Form 2.8B

**Notice of intention to appoint an administrator by company or director(s)**

Name of Company	Company number
In the  [full name of court]	For court use only Court case number

- (a) Insert name and address of registered office of company
- 1.** Notice is given that, in respect of (a) \_\_\_\_\_ (“the company”)
- \* the company / the directors of the company (“the appointor”) intend to appoint
- (b) \_\_\_\_\_ as administrator(s) of the company.
- (b) Give name(s) and address(es) of proposed administrator(s)
- 2.** This notice is being given to the following person(s), being person(s) who is / are or may be entitled to appoint an administrative receiver of the company or an administrator of the company under paragraph 14 of Schedule B1 to the Insolvency Act 1986:
- (c) \_\_\_\_\_
- (c) Insert name and address of each person to whom notice is given
- 3.** The company has not, within the last twelve months:
- (i) been in administration
  - (ii) been the subject of a moratorium under Schedule A1 to the Insolvency Act 1986 which has ended on a date when no voluntary arrangement was in force
  - (iii) been the subject of a voluntary arrangement which was made during a moratorium for the company under Schedule A1 to the Insolvency Act 1986 and which ended prematurely within the meaning of section 7B of the Insolvency Act 1986.
- 4.** In relation to the company there is no:
- (i) petition for winding up which has been presented but not yet disposed of
  - (ii) administration application which has not yet been disposed of, or
  - (iii) administrative receiver in office.
- \*Delete as applicable
- 5.** The company \*is / is not \*an insurance undertaking / a credit institution / an investment undertaking providing services involving the holding of funds or securities for third parties / or a collective investment undertaking under Article 1.2 of the EC Regulation.
- (d) Insert whether main or territorial proceedings
- 6.** For the following reasons it is considered that the EC Regulation \*will / will not apply. If it does apply, these proceedings will be (d) \_\_\_\_\_ proceedings as defined in Article 3 of the EC Regulations.
- \*Delete as applicable
- 7.** Attached to this notice is \*a copy of the resolution of the company to appoint an administrator / a record of the decision of the directors to appoint an administrator.

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Form 2.8B continued

8. This form has been sent to all those persons to whom it is required to be sent under Rule 2.20(2).

(e) Insert name and address of person making declaration

I (e) \_\_\_\_\_  
(If making the declaration on behalf of appointor indicate capacity e.g. director/solicitor)

hereby do solemnly and sincerely declare that:

- (i) the company is or is likely to become unable to pay its debts
- (ii) the company is not in liquidation, and
- (iii) the statements in paragraphs 3 and 4 are, so far as I am able to ascertain, true,

and that the information provided in this notice is to the best of my knowledge and belief true,

**AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835**

Declared at \_\_\_\_\_

Signed \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_ 20

before me \_\_\_\_\_

A Commissioner for Oaths or Notary Public or Justice of the Peace or Solicitor or Duly Authorised Officer.

**Consent of Floating Charge Holder to Appointment of Administrator(s)**  
(Do not detach this part of the notice)

If, having read this notice, you have no objection to the making of this appointment you should complete the details in the box below and return a copy of this notice as soon as possible, and within five business days from receipt of this notice, to the appointor at the following address: (f) \_\_\_\_\_

(f) Appointor to insert address

If your consent has not been given within five business days the appointor may make the appointment notwithstanding that you have not replied.

(g) Insert name and address

(g) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

being the holder of the following floating charge over the company's property:

(h) Give details of charge, date registered and (if any) financial limit

(h) \_\_\_\_\_  
\_\_\_\_\_

consents to the appointment of the administrator(s) in accordance with the details of this notice.

Signed \_\_\_\_\_ Dated \_\_\_\_\_  
(If signing on behalf of a firm or company state position or office held)

(j) Insert date and time

**Endorsement to be completed by court**

This notice was filed (j) \_\_\_\_\_

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Rule 2.23

Form 2.9B

### Notice of appointment of an administrator by company or director(s)

(where a notice of intention to appoint has been issued)

Name of Company	Company number
In the  [full name of court]	For court use only Court case number

(a) Insert name and address of registered office of the company

1. Notice is given that, in respect of (a) \_\_\_\_\_

\*Delete as applicable

\_\_\_\_\_ ("the company")  
\* the company / the directors of the company ("the appointor") hereby appoints

(b) Give name(s) and address(es) of administrator(s)

(b) \_\_\_\_\_  
\_\_\_\_\_  
as administrator(s) of the company.

\*Delete as applicable

2. The written statement(s) in Form 2.2B \*is / are attached.

3. The appointor is entitled to make an appointment under paragraph 22 of Schedule B1 to the Insolvency Act 1986.

4. This appointment is in accordance with Schedule B1 to the Insolvency Act 1986.

\*Delete as applicable

5. The company \*is / is not \*an insurance undertaking / a credit institution / an investment undertaking providing services involving the holding of funds or securities for third parties / or a collective investment undertaking under Article 1.2 of the EC Regulation.

(c) Insert whether main or territorial proceedings

6. For the following reasons it is considered that the EC Regulation \*will / will not apply. If it does apply, these proceedings will be (c) \_\_\_\_\_ proceedings as defined in Article 3 of the EC Regulation:

7. Where there are joint administrators, a statement for the purposes of paragraph 100(2) of Schedule B1 to the Insolvency Act 1986 is attached.

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Form 2.9B continued

8. The appointor has given written notice of the intention to appoint in accordance with paragraph 26(1) of Schedule B1 to the Insolvency Act 1986 and a copy of that notice was filed at court on (d)

(d) Insert date \_\_\_\_\_

and \*(a) five business days have elapsed from the date of the notice, or

\*Delete as applicable

\* (b) each person to whom the notice was sent has consented to this appointment.

(e) Insert name and address of person making declaration

I (e) \_\_\_\_\_ do solemnly and  
(If making the declaration on behalf of appointor indicate capacity e.g. director/solicitor)

sincerely declare that

(i) the information provided in this notice and

(ii) the statements made and information given in the notice of intention to appoint

are, and remain, to the best of my knowledge and belief, true,

**AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835.**

Declared at \_\_\_\_\_

Signed \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_ 20

before me \_\_\_\_\_

A Commissioner for Oaths or Notary Public or Justice of the Peace or Solicitor or Duly Authorised Officer

**Endorsement to be completed by court**

(f) Insert date and time

This notice was filed (f) \_\_\_\_\_

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 2.27

Form 2.11B

## Notification of appointment of administrator (for newspaper and London Gazette)

Name of Company	Company number
In the  [full name of court]	Court case number

Nature of business \_\_\_\_\_

Registered office of company \_\_\_\_\_

(a) Insert the number of the trade classification listed **overleaf** which most closely relates to the business of the company

Trade classification (a) \_\_\_\_\_

Administrator appointment made on (b) \_\_\_\_\_ 20

(b) Insert date

Name(s) and address(es) of administrator(s) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Joint / Administrator(s) (IP No(s) \_\_\_\_\_ )



*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## TRADE CLASSIFICATION

**NOTE:** This page is *not* part of the advertisement

### **DIVISION 0**

- 01 AGRICULTURE
- 02 FORESTRY AND FISHING

### **DIVISION 1**

- 03 MINING AND ENERGY INDUSTRIES

### **DIVISION 2**

MANUFACTURING INDUSTRIES:—

- 04 MANUFACTURE OF FOOD, DRINK AND TOBACCO
- 05 MANUFACTURE OF CHEMICALS
- 06 METAL MANUFACTURE
- 07 ENGINEERING AND ALLIED INDUSTRIES
- 08 TEXTILES AND CLOTHING MANUFACTURE
- 09 MANUFACTURE OF TIMBER AND FURNITURE
- 10 PAPER, PRINTING AND PUBLISHING
- 11 OTHER MANUFACTURE

### **DIVISION 3**

WHOLESALE DISTRIBUTION:—

- 12 WHOLESALE OF FOOD DRINK
- 13 WHOLESALE OF TEXTILES AND CLOTHING
- 14 MOTOR VEHICLES WHOLESALERS
- 15 OTHER WHOLESALE

### **DIVISION 4**

RETAILING:—

- 16 RETAIL OF FOOD, DRINK AND TOBACCO
- 17 RETAIL OF TEXTILES AND CLOTHING
- 18 RETAILS OF BOOKS, PAPERS ETC
- 19 MOTOR VEHICLES AND PETROL SALES
- 20 RETAIL OF FURNITURE
- 21 RETAIL OF ELECTRICAL GOODS
- 22 OTHER RETAIL

### **DIVISION 5**

CONSTRUCTION:—

- 23 GENERAL CONSTRUCTION AND DEMOLITION
- 24 HOME IMPROVEMENTS
- 25 DECORATING AND SMALL WORKS
- 26 BUILDING REPAIRS
- 27 ELECTRICAL AND PLUMBING

### **DIVISION 6**

TRANSPORT AND COMMUNICATIONS:—

- 28 ROAD TRANSPORT
- 29 AIR TRANSPORT
- 30 SHIPPING
- 31 TRAVEL AGENTS
- 32 OTHER TRANSPORT, COMMUNICATIONS

### **DIVISION 7**

FINANCE AND BUSINESS SERVICES:—

- 33 INSURANCE
- 34 ACCOUNTANTS AND LEGAL SERVICES
- 35 REAL ESTATE
- 36 COMPUTER SERVICES
- 37 MANAGEMENT SERVICES
- 38 OTHER BUSINESS SERVICES

### **DIVISION 8**

OTHER SERVICES:—

- 39 RECREATIONAL SERVICES
- 40 MEDICAL SERVICES
- 41 EDUCATIONAL SERVICES
- 42 REPAIRS OF CONSUMER GOODS
- 43 LAUNDRY
- 44 HAIRDRESSING & BEAUTY PARLOURS
- 45 SCRAP METAL DEALERS
- 46 OTHER SERVICES

### **DIVISION 9**

HOTELS AND CATERING:—

- 47 RESIDENTIAL ACCOMMODATION
- 48 LICENSED PREMISES
- 49 RESTAURANTS
- 50 OTHER CATERING

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 2.48

Form 2.25B

### Notice of conduct of business by correspondence

Name of Company	Company number
In the     [full name of Court]	Court case number

a) Insert full name(s) and address(es) of the administrator(s) Notice is hereby given by (a) \_\_\_\_\_

(b) Insert full name and address of registered office of the company to the creditors of (b) \_\_\_\_\_

(c) Insert number of resolutions enclosed that, pursuant to paragraph 58 of Schedule B1 to the Insolvency Act 1986, enclosed are (c) \_\_\_\_\_ resolutions for your consideration. Please indicate below whether you are in favour or against each resolution.

(d) Insert address to which form is to be delivered This form must be received at (d) \_\_\_\_\_

(e) Insert closing date by 12.00 hours on (e) \_\_\_\_\_ in order to be counted. It must be accompanied by details in writing of your claim. Failure to do so will lead to your vote(s) being disregarded.

Repeat as necessary for the number of resolutions attached  
Resolution (1) ..... I am \*in Favour / Against  
Resolution (2) ..... I am \*in Favour / Against

**TO BE COMPLETED BY CREDITOR WHEN RETURNING FORM:**

Name of creditor: \_\_\_\_\_

Signature of creditor: \_\_\_\_\_  
(If signing on behalf of creditor, state capacity e.g. director/solicitor)

If you require any further details or clarification prior to returning your votes, please contact me / us at the address above.

Signed \_\_\_\_\_  
Joint / Administrator(s)

Dated \_\_\_\_\_

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(TITLE)	
Date of Winding-Up Order/Resolution for voluntary winding-up	
1 Name of creditor (If a company please also give company registration number.)	
2 Address of creditor for correspondence.	
3 Total amount of claim, including any Value Added Tax and outstanding uncapitalised interest as at the date the company went into liquidation.	£
4 Details of any documents by reference to which the debt can be substantiated. (Note: There is no need to attach them now but the liquidator may call for any document or evidence to substantiate the claim at his discretion as may the chairman or convenor of any meeting.)	
5 If amount in 3 above includes outstanding uncapitalised interest please state amount.	£
6 Particulars of how and when debt incurred (If you need more space append a continuation sheet to this form.)	
7 Particulars of any security held, the value of the security, and the date it was given.	
8 Particulars of any reservation of title claimed in respect of goods supplied to which the claim relates.	
9 Signature of creditor or person authorised to act on his behalf	
Name in BLOCK LETTERS	
Position with or in relation to creditor	
Address of person signing (if different from 2 above)	
Admitted to vote for	Admitted for dividend for
£	£
Date	Date
Liquidator	Liquidator

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 5.52,  
Rule 5.55

Form 5.7

### Order of Annulment under Section 261 of the Insolvency Act 1986

(TITLE)

Mr Registrar/District Judge ..... in chambers

(a) Insert full name  
and address and  
description of  
applicant

Upon the application of (a)

And upon hearing

And upon reading the evidence filed

And it appearing that

(b) Delete as  
applicable

(b) a voluntary arrangement under section 258 has been approved and implemented and there being no application under section 262 for the revocation or suspension of that arrangement, or

(c) Insert date

(b) a voluntary arrangement under section 258 was approved and implemented on (c)....., there being no application under section 262 for the revocation or suspension of that arrangement, and that the time period in Rule 5.55(2) has expired.

(d) Insert bankrupt's  
full title as set out in  
the bankruptcy  
order

It is hereby ordered that the bankruptcy order dated (c) ..... against

(d) ..... is hereby annulled.

And it is ordered that the petition filed on (c) ..... be dismissed.

(e) Insert date of  
registration /  
reference number

And it is ordered that the registration of the petition as a pending action at the Land Charges Department of H M Land Registry on (e) ..... under the reference number (e) ..... and of the bankruptcy order on the register of writs and orders affecting land at that department on

(e) ..... under reference number (e) ..... be vacated upon application made by the bankrupt.

Dated \_\_\_\_\_

#### Notice to bankrupt

1. Should you, the bankrupt, require advertisement of this order in a newspaper and/or the Gazette, you should within 28 days, notify the Secretary of State in writing.
2. It is your responsibility and it is in your interest to ensure that the registration of the petition and of the bankruptcy order at HM Land Registry is cancelled.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 5.58

Form 5.8

**Order of Annulment under Section 263D  
of the Insolvency Act 1986  
(TITLE)**

Mr Registrar/District Judge ..... in chambers

Upon the application of the Official Receiver  
[and upon hearing]

And upon reading the evidence filed

(a) Insert date And it appearing that a voluntary arrangement under section 263A was approved and implemented on  
(a) ....., there being no application under section 263F for the revocation of that arrangement.

(b) Insert bankrupt's full title as set out in the bankruptcy order It is hereby ordered that the bankruptcy order dated (a)..... against  
(b) ..... is hereby annulled.

And it is ordered that the petition filed on (a) ..... be dismissed.

(c) Insert date of registration / reference number And it is ordered that the registration of the petition as a pending action at the Land Charges Department of H M Land Registry on (c) ..... under the reference number (c) ..... and the bankruptcy order on the register of writs and orders affecting land at the department on (c) ..... under reference number (c) ..... be vacated upon application made by the bankrupt.

Dated \_\_\_\_\_

**Notice to bankrupt**

1. Should you, the bankrupt, require advertisement of this order in a newspaper and/or the Gazette, you should within 28 days, notify the Secretary of State in writing.
2. It is your responsibility and it is in your interest to ensure that the registration of the petition and of the bankruptcy order at HM Land Registry is cancelled

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 6.41(1)

**Statement of Affairs (Debtor's Petition)**  
Insolvency Act 1986

Form 6.28

**NOTE:**

These details will be the same as those shown at the top of your petition

In the HIGH COURT OF JUSTICE

In Bankruptcy

No. \_\_\_\_\_ of 20 \_\_\_\_\_

Re \_\_\_\_\_  
The 'Guidance Notes' Booklet tells you how to complete this form easily and correctly

Show your current financial position and supply the required information by completing all the pages of this form, which will then be your Statement of Affairs

---

**AFFIDAVIT**

When you have completed the rest of this form, this Affidavit must be sworn before a Solicitor or Commissioner for Oaths or an officer of the court duly authorised to administer oaths

(a) Insert full name and occupation  
(b) Insert full address

I (a) \_\_\_\_\_  
of (b) \_\_\_\_\_  
\_\_\_\_\_

Make oath and say that the several pages marked

\_\_\_\_\_ and contained in the exhibit marked "Z"

are to the best of my knowledge and belief a full, true and complete statement of my affairs at today's date.

Sworn at

Dated this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ Signature(s) \_\_\_\_\_  
Before me \_\_\_\_\_

---

A Solicitor or Commissioner for Oaths or authorised officer

Before swearing the affidavit, the Solicitor or Commissioner is particularly requested to make sure that the full name, address and description of the deponent are stated, and to initial any crossing out or other alterations in the printed form. A deficiency in the affidavit in any of the above respects will mean it will be refused by the court, and will need to be re-sworn.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**IN THE HIGH COURT OF JUSTICE  
IN BANKRUPTCY**

**No            of 20**

**Re**

**This is the exhibit marked "Z" referred to in the annexed affidavit of**

**sworn on the            day of            20**

**Before me**

**Officer appointed to administer oaths**

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<b>Section 1 :</b>	<b>Personal Details</b>
--------------------	-------------------------

1.1 Surname	
Forename(s)	
Title (Mr, Mrs, Ms etc)	
1.2 Any other names by which you have been known (such as maiden name, alias or nickname).	
1.3 Date of birth	
1.4 Place of birth	
1.5 National insurance number (if known)	
1.6 Home address	
1.7 Home telephone number	
1.8 Mobile telephone number	
1.9 On which telephone number can you be contacted during the day?	
1.10 E-mail address	

1.11 Are you (tick all that apply):

Single	<input type="checkbox"/>	Co-habiting	<input type="checkbox"/>
Married	<input type="checkbox"/>	Separated	<input type="checkbox"/>
Divorced	<input type="checkbox"/>	Widowed	<input type="checkbox"/>

1.12 Are you, or in the last 5 years have you been, involved in proceedings for divorce or separation?

	<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input type="checkbox"/>
--	------------	--------------------------	-----------	--------------------------



<b>Section 1 cont:</b>	<b>Personal Details</b>
------------------------	-------------------------

1.13 Have you been bankrupt before?

Yes

No

If Yes, when?

Which court and which Official Receiver's office dealt with the proceedings?

1.14 Have you previously entered, or have you tried to enter, into an Individual Voluntary Arrangement (a formal arrangement with your creditors, ratified by the Court, to pay them in full or part over time)?

Yes

No

If Yes, give the name and address of the insolvency practitioner involved and the date of the arrangement.

1.15 Are you involved in any legal proceedings?

Yes

No

If Yes, please give brief details of the nature of the proceedings, the name and address of any solicitor acting for you, the name of the relevant court and any case or reference number.

1.16 Are you, or in the last five years, have you been a director or involved in the management of a company?

Yes

No

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

<b>Section 2 :</b>	<b>Business Details</b>
--------------------	-------------------------

**Please complete this section if you are or have been self-employed (including a partner in a partnership) at any time in the last two years. If not, go to Section 3.**

2.1 What was the name of your business?				
2.2 State the type of business, trade or profession				
2.3 What was the trading address? (this should also be listed in Section 8)				
2.4 Was the business registered for VAT?	Yes		No	
If Yes, give the VAT number.				
2.5 If the business was a partnership give the name(s) and address(es) of the partner(s)				
2.6 When did the business start trading?				
2.7 If it has stopped trading, when did it do so?				
2.8 At what address are your books of account and other accounting records kept?				
2.9 If you hold records on a computer, provide details of which records are held and state where the computer is.				
2.10 What is the name and address of your accountant?				
2.11 What is the name and address of your solicitor?				

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<b>Section 2 cont:</b>	<b>Business Details</b>
------------------------	-------------------------

2.12 Have you employed anybody during the last two years?      Yes            No     

If **Yes**, do you owe them any money or may any former employee claim that you owe them any money, e.g. for wages, holiday pay or redundancy pay?      Yes            No     



**Details of employees to whom money is or may be owing should be included in your list of creditors in Section 4.**

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

<b>Section 3 :</b>	<b>Assets</b>
--------------------	---------------

**An asset is something that you own, either alone or jointly.**

Please list everything you own, including assets of your business (if any), and their approximate amount or value.

You should also mark any assets that are perishable or likely to reduce in value if not realised quickly (e.g. if they are incurring fees that need to be paid before the item can be collected) with a \*.

If a creditor (see section 4) has a claim over an asset, put the letter "S" against the asset in this list and make sure the creditor is included on the 'Secured Creditors' page of section 4.

To help you, here is a list of the types of asset you may own.

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>➤ Cash in hand</li> <li>➤ Cash held by anyone for you</li> <li>➤ Stock in trade</li> <li>➤ Fixtures and fittings</li> <li>➤ Leasehold land and property</li> <li>➤ National Savings and Premium Bonds</li> <li>➤ Pension policies and other pension entitlements</li> <li>➤ Any property or sums due to you under a will or trust</li> <li>➤ Motor vehicles</li> </ul> | <ul style="list-style-type: none"> <li>➤ Cash in bank, building society or similar account</li> <li>➤ Money owed to you</li> <li>➤ Tools of trade, plant and equipment, machinery</li> <li>➤ Farming stock and crops</li> <li>➤ Freehold land and property</li> <li>➤ Stocks, shares and other investments</li> <li>➤ Endowment and other life policies</li> <li>➤ Any property abroad in which you have an interest, including timeshares</li> <li>➤ Any other property of any value, e.g. paintings, furniture or jewellery</li> </ul> |
|---|--|

**Remember**

You must take or send any documents relating to your assets to the Official Receiver. These may include such things as documents of title, share certificates, investments, life assurance documents, and pension policies.

If you do not disclose all of your assets, you may commit a criminal offence.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<b>Section 3 cont:</b>	<b>List of Assets</b>
------------------------	-----------------------

3.1	<b>Details</b>	<b>Approximate value £</b>
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<b>Section 3 cont:</b>	<b>List of Assets</b>
------------------------	-----------------------

	<b>Details</b>	<b>Approximate value £</b>
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<b>Section 3 cont:</b>	<b>Assets</b>
------------------------	---------------

3.2 Have you in the last five years given away, transferred or sold for less than its true value any property or possessions you owned? This includes the surrender of life, endowment and pension policies.      **Yes**       **No**

If **Yes**, please provide the following details.

Description of the asset	When did you give away, transfer or sell the asset?	Name and address of recipient	Estimated market value or true value of the asset	Value at which the asset was given away, transferred or sold

3.3 Do you own a motor vehicle or have you disposed of any vehicle in the last 6 months? (if you own a motor vehicle, this should also be listed in Q3.1)      **Yes**       **No**

If **Yes**, please provide the following details:

Make	
Registration number	
Estimated value £	
Finance outstanding £	
Location of vehicle	
Name of any joint owner	

3.4 If you have disposed of any vehicle in the last 6 months, please specify where the vehicle is now.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<b>Section 3 cont:</b>	<b>Assets</b>
------------------------	---------------

3.5 Do you have the use of a motor vehicle that you do not own? Yes  No

If **Yes**, please provide the following details:

Registration number	
Owner	
Estimated value £	

3.6 Has an enforcement officer (previously known as sheriff's officer) / bailiff visited you in the last 6 months? Yes  No

(An enforcement officer / bailiff is an officer of the court who may attend to remove assets for sale, if, for example, a judgment debt has not been paid)

If **Yes**, please provide the following details:

Name of creditor	Amount of claim £	Date distress levied	Description and estimated value of property seized



**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**Section 4 :**

**Creditors**

**Creditors are people to whom you owe money.**

Complete the lists on the next few pages, giving full names and postal addresses of everyone to whom you owe money, including any account, agreement or reference numbers where known.

The first page is for secured creditors, i.e. creditors who have a claim over something of yours, such as a mortgage or charge over your home. The amounts owing to these creditors should show only the net debt (the amount owing after taking off the value of the asset concerned). If the asset is worth more than the amount of the debt, put 'Nil' in the 'Net amount owing' column. You should include any property or goods that are covered by hire purchase agreements in this section.

The remaining pages of this section are for unsecured creditors, i.e. those who do not have a claim over anything of yours.

Where the debt or amount is in dispute, write the amount being claimed by the creditor in the 'Amount owing' column and also the amount you think you owe. Mark the disputed debts with the letter "D".

If any of the debts are owed as a result of being a member of a partnership, mark them with the letter "P".

If any of the debts are owed to your employee(s), mark them with the letter "E".

To help you, here is a list of the types of things for which, or people to whom, you may owe money. This list is not exhaustive.

- Electricity
- Rent
- Water rates and sewerage charges
- Inland Revenue
- Goods or services you have received
- Guarantees you have given
- Money owed to employees
- Customers who have paid money for goods and services that you have not supplied
- Gas
- Telephone
- Council tax, general rates and community charge
- Any banks or financial companies
- H M Customs and Excise
- Department for Work and Pensions
- Leasing agreements
- Creditors claiming their own goods are in your possession

**Remember**

If the telephone, gas or electric accounts are in your name and you become bankrupt, supplies could be cut off. Contact the supply companies to arrange for any future supply you want.

*Status:* This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Section 4 cont: List of Secured Creditors (e.g. anyone holding a mortgage or charge over property belonging to you)						
Name of creditor	Address	Account, reference or agreement number (if known)	Amount owing (A) £	What of yours is claimed and what is its present value? (B) £	Net amount owing (A-B) £	
					<b>TOTAL £</b>	

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Section 4 cont: List of Unsecured Creditors						
Name of creditor	Address	Account, reference or agreement number (if known)	Amount owing £	Date incurred	What was the debt for?	
						<b>TOTAL £</b>

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<b>Section 4 cont: List of Unsecured Creditors</b>						
Name of creditor	Address	Account, reference or agreement number (if known)	Amount owing £	Date incurred	What was the debt for?	
						<b>TOTAL £</b>

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**Section 5 : Bank Accounts and Credit Cards**

Note: Include any current liability also shown in Section 4.

5.1 Do you now, or have you in the last 2 years had, any cheque cards, cash dispenser cards, credit or charge cards, debit cards, etc? **Yes**  **No**

5.2 If Yes, provide details.

Type of card	Card number	Name and address of bank or supplier	Date obtained

5.3 Are any of the above accounts or cards held jointly with anyone else? **Yes**  **No**

If Yes, provide details

**WARNING:**

If you become bankrupt, you must not use any cheques, cheque cards, cash dispenser cards, credit cards, debit cards, charge cards or pass books in your possession. If you do so, you may be committing a criminal offence. You must take or send all cards (which should be cut in half), cheque books and pass books to the Official Receiver.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<b>Section 5 cont:</b>	<b>Bank Accounts and Credit Cards</b>
------------------------	---------------------------------------

Note: Include details of accounts with a debit (overdrawn) balance also shown in Section 4.

5.4 Please list any bank, building society or National Savings accounts you hold, or have held in the last two years, including any joint, business or dormant accounts.

Name and address (including postcodes) of banks etc	Account number	Tick if your regular income is paid into this account	Name of joint account-holder (if applicable)	Balance of account £

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**Section 6 : Employment and Present Income**

The court can order that you pay part of your earnings or other income to your trustee if your income is more than you need to live on. The order is known as an Income Payments Order and is made under section 310 of the Insolvency Act 1986. Alternatively you can enter into a voluntary arrangement with the Official Receiver or trustee called an Income Payments Agreement under section 310A of the Insolvency Act 1986.

You must answer the following questions about your income and outgoings and you may be asked to provide your wage slips or salary statements and bills such as gas or electricity to support your answers. This will enable a decision to be made as to whether an Income Payments Order or an Income Payments Agreement is appropriate.

The court will not make an Income Payments Order, neither would an Income Payments Agreement be agreed, that would leave you too little income to meet the reasonable domestic needs of you and your family.

If an Income Payments Order or an Income Payments Agreement is made against you, the payments will usually stop after 3 years.

If your income increases while you are bankrupt, you must inform your trustee of the increase within 21 days.

6.1 Are you:                      employed                       self-employed                       unemployed

If you are unemployed, when did you last work?

6.2 If employed, what is your job and who is your employer? What is the address of the personnel department and your pay reference number?  
When did you start this job?  
  
If self-employed, give the name and address of the business.

6.3 What is your average monthly take-home pay (include, for example, overtime, commission and bonuses).

6.4 How much tax do you usually pay each month?

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**Section 6 cont:                      Employment and Present Income**

6.5 How much do you pay in National Insurance each month?                      £

6.6 Do you receive any other income, including state benefits or tax credits?                      Yes                       No

If **Yes**, state from what source (for example pension, state benefits, part-time earnings) and how much you receive each month?                      £

6.7 How much do other members of your household contribute each month to the household expenses?                      £

6.8 Total household income (Q6.3 + 6.6 + 6.7)                      £

6.9 Give your current (or last) Income Tax reference number.                     

Address of tax office (including postcode)



**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<b>Section 6 cont:</b>	<b>Employment and Present Income</b>
------------------------	--------------------------------------

6.10 Do you have any current attachment of earnings orders in force against you?      Yes       No

If Yes, give details

Name of creditor	Date of first payment	Date last payment due	Court	Amount of each payment and whether monthly or weekly £	Total amount paid to date £

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

<b>Section 7 :</b>	<b>Outgoings</b>
--------------------	------------------

**The information in this section may be used to work out how much, if anything, you can afford to pay your creditors each month. It is important that it is accurate and that you include all necessary expenditure.**

**7.1 How much do you spend each month on the following:-**

Mortgage payments or rent on your home	£	<input style="width: 95%;" type="text"/>
Housekeeping (including food and cleaning)	£	<input style="width: 95%;" type="text"/>
Gas, electricity, other heating	£	<input style="width: 95%;" type="text"/>
Water	£	<input style="width: 95%;" type="text"/>
Telephone charges	£	<input style="width: 95%;" type="text"/>
Travelling to and from work and other essential journeys	£	<input style="width: 95%;" type="text"/>
Clothing	£	<input style="width: 95%;" type="text"/>
Maintenance payments and fines	£	<input style="width: 95%;" type="text"/>
Council tax	£	<input style="width: 95%;" type="text"/>
Other essential payments (e.g. life/household insurance, car tax & repairs)	£	<input style="width: 95%;" type="text"/>
<b>Total</b>	£	<input style="width: 95%;" type="text"/>

→ Provide details of these payments



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<b>Section 8 :</b>							
<b>Current Property</b> (including properties used for residential and business purposes)							
<b>8.1</b>	Give details of any properties you own. (these should also be listed in Q3.1)	Address, type of property (e.g. flat, semi-detached house), number of bedrooms and whether freehold or leasehold	Approximate value of property (A) £	Name and address(es) of any joint owner(s)	Name and address of anyone who holds a charge or mortgage over your property.	Amount owing to each secured creditor (B) £	Net value of the property (A)-(B) £
<b>8.2</b>	Give details of any properties you rent or lease, either alone or jointly.	Address of property	Monthly rent £	Name and address(es) of any joint tenant(s)	Name and address of landlord		

**You must take or send to the Official Receiver a copy of your lease or rent agreement.  
A rent demand or rent book will help if you do not have a copy agreement.**

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<b>Section 8 cont: Current Property</b>															
<p><b>8.3</b> Apart from properties that you own, rent or lease, are there any other properties in which you may otherwise have an interest?</p> <p style="text-align: center;">If <b>Yes</b>, give details</p>	<p style="text-align: center;"><b>Yes</b></p> <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>	<p style="text-align: center;"><b>No</b></p> <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>													
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%; padding: 5px;">Address of property, type of property (e.g. flat, semi-terraced) and number of bedrooms</th> <th style="width: 20%; padding: 5px;">Who lets you use it?</th> <th style="width: 20%; padding: 5px;">How much do you pay?</th> <th style="width: 30%; padding: 5px;">Is there a written agreement?</th> </tr> </thead> <tbody> <tr> <td style="height: 40px;"></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="height: 40px;"></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Address of property, type of property (e.g. flat, semi-terraced) and number of bedrooms	Who lets you use it?	How much do you pay?	Is there a written agreement?											
Address of property, type of property (e.g. flat, semi-terraced) and number of bedrooms	Who lets you use it?	How much do you pay?	Is there a written agreement?												
<p><b>8.4</b> Does anyone else have interest in any of the properties that you own, rent or lease? This interest may be as a sub-tenant, a guarantor of the mortgage, a partner, a joint tenant, joint lessee or otherwise.</p> <p style="text-align: center;">If <b>Yes</b>, give details</p>	<p style="text-align: center;"><b>Yes</b></p> <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>	<p style="text-align: center;"><b>No</b></p> <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>													
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%; padding: 5px;">Address of property (including postcode)</th> <th style="width: 25%; padding: 5px;">Name of person with an interest</th> <th style="width: 25%; padding: 5px;">Their address, if different from the property (including postcode) and reference</th> <th style="width: 25%; padding: 5px;">Nature of interest</th> </tr> </thead> <tbody> <tr> <td style="height: 100px;"></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Address of property (including postcode)	Name of person with an interest	Their address, if different from the property (including postcode) and reference	Nature of interest											
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<b>Property Disposed of in the last Five Years</b>					
<b>Section 9 :</b>	<b>Address of property</b>	<b>Value of property £</b>	<b>When did you sell, transfer or give away the property?</b>	<b>To whom did you sell, transfer or give away the property?</b>	<b>Net sale proceeds (less any charges and legal fees) £</b>
9.1 Give details of any properties, owned alone or jointly, that you have sold, given away or transferred in the five years before the presenting of your bankruptcy petition.					

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**Section 10 : Members of your Household and Dependants**

10.1 Give the names and ages of all occupants of your household and state which, if any, are dependent on you.

10.2 Apart from members of your household, is any other person dependent upon you?

**Yes**

**No**

If Yes, provide details including their name, address and reason for dependency

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<b>Section 11 :</b>	<b>Causes of Bankruptcy</b>
---------------------	-----------------------------

11.1 When did you first have difficulty paying your debts?

11.2 What do you think are the reasons for you not having enough money to pay your debts? You should provide reasons to support your answer. For example, it would not be enough to state "the recession" without explaining its effect on your affairs.

11.3 Have you lost any money through betting or gambling during the last two years? **Yes**   
**No**

If Yes, how much have you lost?

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<b>Section 12 :</b>	<b>Declaration</b>
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I hereby confirm that my answers to all the above questions (including any extra information on pages following this declaration) are to the best of my knowledge and belief a true and accurate statement of my affairs as at today's date. I understand that I may be committing a criminal offence if I deliberately give false information in relation to my bankruptcy.

Your signature

Name in  
BLOCK CAPITALS

Date



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<b>Section 13 :</b>	<b>Extra Information</b>
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Question  
No:

If there is insufficient space on any page, you should continue your answer to the question on this page. The question number should be given in the left-hand column.

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<b>Section 13 cont:</b>	<b>Extra Information</b>
-------------------------	--------------------------

Question  
No:

Rule 6.96

Form 6.37

### Proof of Debt – General Form

(TITLE)	
Date of Bankruptcy Order	No.
1 Name of creditor (If a company please also give company registration number.)	
2 Address of creditor for correspondence.	
3 Total amount of claim, including any value added tax and outstanding uncapitalised interest as at the date of the bankruptcy order.	
4 Details of any documents by reference to which the debt can be substantiated. (Note: There is no need to attach them now but the trustee may call for any document or evidence to substantiate the claim at his discretion as may the official receiver whilst acting as receiver and manager, or the chairman or convenor of any meeting.)	
5 If amount in 3 above includes outstanding uncapitalised interest please state amount	
6 Particulars of time and when debt incurred (If you need more space append a continuation sheet to this form.)	
7 Particulars of any security held, the value of the security, and the date it was given.	
8 Particulars of any reservation of title claimed, in respect of goods supplied to which the claim relates.	
9 Signature of creditor or person authorised to act on his behalf	
Name in BLOCK LETTERS	
Position with or in relation to creditor:	
Address of person signing (if different from 2 above)	
Admitted to vote for	Admitted for dividend for
£	€
Date	Date
Official Receiver/Trustee	Trustee

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Rule 6.210

Form 6.71

**Order of Annulment Under Section 282  
of the Insolvency Act 1986**  
(TITLE)

Mr Registrar in chambers

(a) Insert full name,  
address and  
description of  
applicant

Upon the application of (a)

And upon hearing

And upon reading the evidence filed

(b) Delete as applicable

And it appearing that (b) [the bankruptcy order ought not to have been made] [the bankruptcy debts and the expenses of the bankruptcy have all been paid or secured to the satisfaction of the court] [under Section 282(2) of the Insolvency Act 1986 the bankruptcy order ought to be annulled].

(c) Insert bankrupt's full  
title as set out in the  
bankruptcy order

It is ordered that the bankruptcy order dated \_\_\_\_\_ against (c)

is hereby annulled

(d) Insert date

And it is ordered that the petition filed on (d) \_\_\_\_\_ be dismissed.

(e) Insert date of  
registration/reference  
number

And it is ordered that the registration of the petition as a pending action at the Land Charges Department of HM Land Registry on (e) \_\_\_\_\_ under reference number (e) \_\_\_\_\_ and of the bankruptcy order on the register of writs and orders affecting land at that department on (e) \_\_\_\_\_ under reference number (e) \_\_\_\_\_ be vacated upon application made by the bankrupt.

Dated \_\_\_\_\_

**Notice to Bankrupt**

1. Should you, the bankrupt, require advertisement of this order in a newspaper and/or the Gazette, you should, within 28 days, notify the Secretary of State in writing.
2. It is your responsibility and it is in your interests to ensure that the registration of the petition and of the bankruptcy order at HM Land Registry is cancelled.



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Rule 6.214A

Form 6.82

### Notice under Section 279(2) of the Insolvency Act 1986

(TITLE)

A bankruptcy order having been made by this court against

(a) Insert full name and address of bankrupt

(a) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) Insert date of bankruptcy order

on (b) \_\_\_\_\_

Pursuant to section 279(2) of the Insolvency Act 1986, the Official Receiver states that the investigation of the bankrupt's affairs is unnecessary or concluded.

Dated .....

[Deputy] Official Receiver

of .....

DATE OF FILING AT COURT:.....  
(To be completed by court)

**Notice to bankrupt**

With effect from the date that this notice is filed in court you are discharged from bankruptcy.

If you require a formal Certificate of Discharge please contact the court.

**Even though you are discharged from bankruptcy you have a continuing duty pursuant to section 333 of the Insolvency Act 1986 to co-operate with the trustee in bankruptcy so that the trustee may carry out his functions. You also have a continuing duty pursuant to section 291 of the Insolvency Act 1986 to co-operate with the Official Receiver regarding the administration of your bankruptcy estate. You should further note that the assets in your bankruptcy estate remain vested in your trustee in bankruptcy and they will not be returned to you.**

**If you fail to co-operate with the trustee without a reasonable excuse you are liable to be held in contempt of court and punished accordingly, and you may be sent to prison.**

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**Certificate issued pursuant to Rule 6.237B(1) of the Insolvency Rules 1986**

(a) Insert full name and address of trustee I (a) .....

(b) Insert name of bankrupt was appointed the trustee in bankruptcy of (b) .....

(c) Insert date of appointment on (c).....

(d) Insert mode of appointment and delete the options that do not apply I enclose a copy of my Certificate of Appointment (d) .....

OR

**Official Receiver only**

I became trustee of the bankrupt's estate on (d) ..... pursuant to Section 293(3) of the Insolvency Act 1986 (being the date the court was notified that no first meeting of creditors was summoned)

(e) Insert address and registered title no. if applicable/known A consequence of my appointment as trustee was that the bankrupt's interest in the property (e) ..... vested in me pursuant to Section 306 of the Insolvency Act 1986.

(f) Delete as applicable Pursuant to (f) Section [283A (2)], [283A (4)] [of the Insolvency Act 1986], [Section 261(8) of the Enterprise Act 2002] and pursuant to Rule 6.237B of the Insolvency Rules 1986 and with effect from (g) .....

(g) Insert date on which the property vests in the bankrupt I certify that from (g) ..... I no longer have an interest in the property and that from that date my former interest has vested in (b) .....

Signed: .....

Date: .....

**EXPLANATORY NOTE**

*(This note is not part of the Rules)*

These Rules make a number of amendments to the Insolvency Rules 1986 (S.I. 1986/1925) (“the 1986 Rules”).

The amendments to the 1986 Rules are generally consequential on amendments made to the Insolvency Act 1986 (c. 45) by the Enterprise Act 2002 (c. 40).

Rules 2.55, 2.57, 3.21, 3.23, 4.159, 4.161, 6.156 and 6.158 are amended to remove references to persons subject to a composition or arrangement with their creditors in the restrictions on

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membership of a creditors' or liquidation committee. These Rules have also been amended to include within the restrictions persons subject to a bankruptcy restrictions order or bankruptcy restrictions undertaking or an interim bankruptcy restrictions order.

Rules 4.7 and 6.10 are amended to provide that a deposit must be paid to the court before a petition can be filed unless the Secretary of State has given written notice to the court that the petitioner has made arrangements to pay the deposit to the official receiver.

Rules 4.74, 4.75, 4.138, 6.97, 6.98, 6.99 and 6.146, are amended to remove the requirement for the official receiver, trustee or liquidator to have to send proof of debt forms to creditors unless so requested, and to revise the content of the form. There are consequential amendments to Forms 4.25 and 6.37.

Rules 4.124, 4.125, 4.231, 6.136, 6.37 are amended and Rules 4.125A and 6.137A are inserted to provide that a liquidator or trustee must notify all creditors before obtaining release from office, unless the Court relieves them of that obligation.

Rules 4.127, 4.128, 4.148A, 6.138 and 6.139 are amended and Rules 4.127A, 4.127B, 4.148B, 6.138A and Schedule 6 are inserted to make provisions as to the payment of remuneration of trustees and liquidators consequential on the amendments made to the Insolvency Regulations 1994 ([S.I. 1994/2507](#)). Originally the Rules made provision for the payment of remuneration of liquidators and trustees in certain circumstances on the basis set for the official receiver under the Insolvency Regulations 1994. The entitlement to remuneration for the official receiver in those circumstances is revoked by the Insolvency (Amendment) Regulations 2004 with the result that the substance of the revoked provisions is now repeated in the Insolvency Rules 1986. Transitional provisions provide for the application of the former basis for remuneration to cases which are already on foot at the date these Rules come into force.

Rules 4.218 and 6.224 are amended to provide for fees payable under section 415A (inserted into the Insolvency Act 1986 by section 270 of the Enterprise Act 2002) to rank as expenses payable in the same order of priority as those currently payable under the orders made in accordance with the powers in sections 414 and 415 of the Insolvency Act 1986.

Rule 5.43 is amended to provide that claims of associates are to be disregarded when calculating those creditors voting against an individual voluntary arrangement proposal.

Rules 5.60 and 6.213 are amended to remove the requirement for the payment of the costs of advertisement of a bankruptcy annulment order and to require a request for an advertisement to be made within 28 days of the order. Consequential changes are made to Forms 5.7, 5.8 and 6.71.

Rule 6.214A is amended to require the court to endorse the notice under section 279(2) of the Insolvency Act 1986 with the date of filing in order to make clear the date when discharge from bankruptcy is obtained under this section. There is a consequential amendment to Form 6.82.

Rule 6.237CA is inserted to make provision in accordance with section 313(2B) in accordance with section 283A (2) for the early re-vesting of a bankrupt's interest in his sole or principal residence.

Rule 6.237D is amended to provide in accordance with section 313(2B) for the matters which a court shall disregard when determining the value of the bankrupt's interest for the purposes of Rule 6.237D(6)(c). There is a related amendment to Form 6.79A.

Rule 6A.5 is amended to correct errors in text inserted by [S.I. 2003/1730](#) and Rule 6A.6 is amended to require more detailed information about the bankrupt to allow for more effective and targeted use of the bankruptcy restrictions register, and to bring this into line with the requirements in respect of the individual insolvency register.

Form 6.84 is amended to correct an error and insert a requirement to state the registered title number of the property, where applicable.

Minor amendments are made to Forms 2.8B, 2.9B, 2.11B, 2.25B and 6.28—



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(2.8B) Additional paragraph numbered 8 stating that the notice has been sent to any relevant person in accordance with Rule 2.20(2).

(2.9B) Revised wording at paragraph 8 to reflect requirements of paragraph 28(1)(b) of Schedule B1.

(2.11B) Revised to include registered office of company.

(2.25B) Additional lines inserted for name and signature of creditor.

(6.28) Revised to incorporate a questionnaire requesting additional details of an individual's assets and liabilities.

The costs to business of the commencement of the provisions of the Enterprise Act 2002 are set out in the Regulatory Impact Assessment prepared for the Act. Copies of the assessment are available from the Policy Unit, The Insolvency Service, 21 Bloomsbury Street, London WC1B 3QW.