
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 10

BANKRUPTCY

CHAPTER 15

Permission to act as director, etc.

[Note: a document required by the Act or these Rules must also contain the standard contents set out in Part 1.]

Interpretation

10.127. In this Chapter a bankrupt includes a person in relation to whom a bankruptcy restrictions order is in force.

Application for permission

10.128.—(1) An application under section 11 of the Company Directors Disqualification Act 1986(1) by the bankrupt for permission to act as director of, or to take part or be concerned in the promotion, formation or management of a company, must be supported by a witness statement.

(2) The witness statement must identify the company and specify—

- (a) the nature of its business or intended business, and the place or places where that business is, or is to be, carried on;
- (b) whether it is, or in the case of a company which has not yet been incorporated is to be, a private or a public company;
- (c) the persons who are, or are to be, principally responsible for the conduct of its affairs (whether as directors, shadow directors, managers or otherwise);
- (d) the manner and capacity in which the applicant proposes to take part or be concerned in the promotion or formation of the company or, as the case may be, its management; and
- (e) the emoluments and other benefits to be obtained from the directorship.

(3) The court must fix a venue for hearing the bankrupt's application and deliver notice of the hearing to the bankrupt.

Report of official receiver

10.129.—(1) The bankrupt must, not less than 28 days before the date fixed for the hearing, deliver to the official receiver and the trustee (if different) notice of the venue, accompanied by copies of the application and the witness statement under rule 10.128.

(1) 1986 c.46; section 11 is amended by S.I. 2009/1941 and 2012/2404.

(2) The official receiver may, not less than 14 days before the date fixed for the hearing, file with the court a report of any matters which the official receiver considers ought to be drawn to the court's attention.

(3) The official receiver must deliver a copy of the report to the bankrupt and to the trustee (if not the official receiver) as soon as reasonably practicable after it is filed.

(4) Where a copy of the report is delivered by post under paragraph (3) it must be delivered by first class post.

(5) The bankrupt may, not later than five business days before the date of the hearing, file with the court a notice specifying any statements in the official receiver's report which the bankrupt intends to deny or dispute.

(6) If the bankrupt files such a notice, the bankrupt must deliver copies of it, not less than three business days before the date of the hearing, to the official receiver and the trustee.

(7) The official receiver and the trustee may appear on the hearing of the application, and may make representations and put to the bankrupt such questions as the court may allow.

Court's order on application

10.130.—(1) A court order granting the bankrupt permission under section 11 of the Company Directors Disqualification Act 1986 must specify what the bankrupt has permission to do.

(2) The court, having regard to any representations made by the trustee on the hearing of the application, may—

- (a) include in the order provision varying an income payments order or an income payments agreement already in force in relation to the bankrupt; or
- (b) if no income payments order is in force, make one.

(3) Whether or not the application is granted, copies of the order must be delivered by the court to the bankrupt, the official receiver and the trustee (if different).

Costs under this Chapter

10.131. In no case do any costs or expenses arising under this Chapter fall on the official receiver personally.