
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 10

BANKRUPTCY

CHAPTER 2

CREDITORS' BANKRUPTCY PETITIONS

Preliminary

Petitioner seeking dismissal or permission to withdraw

[Note. See rule 10.24 for the contents of an order dismissing or giving permission to withdraw a petition.]

10.30.—(1) Where the petitioner applies to the court for the petition to be dismissed, or for permission to withdraw it, the petitioner must file with the court a witness statement specifying the grounds of the application and the circumstances in which it is made if—

- (a) a person has delivered notice under rule 10.19 of intention to appear at the hearing of the petition; or
- (b) the court so orders.

(2) If any payment has been made to the petitioner since the petition was filed by way of settlement (in whole or in part) of the debt or any arrangement has been entered into for securing or compounding the debt, the witness statement must also state—

- (a) what dispositions of property have been made for the purposes of the settlement or arrangement;
- (b) whether, in the case of any disposition, it was property of the debtor, or of some other person; and
- (c) whether, if it was property of the debtor, the disposition was made with the approval of, or has been ratified by, the court (if so, specifying the relevant court order).

(3) An order giving permission to withdraw a petition must not be made before the petition is heard.

(4) The order of dismissal or granting permission to withdraw a bankruptcy petition must contain—

- (a) identification details for the proceedings;
- (b) the date of the filing of the bankruptcy petition;
- (c) the name, postal address and description of the applicant;
- (d) a statement that the petition has been heard;

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- (e) the order that the petition be dismissed or that, with the permission of the court, the petition is withdrawn;
- (f) details of any further terms of the order;
- (g) the date and reference number of the registration of the petition as a pending action with the Chief Land Registrar;
- (h) an order that the entry relating to the petition in the register of pending actions be vacated on the debtor's application; and
- (i) the date of the order.