
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 9

DEBT RELIEF ORDERS

CHAPTER 3

Verifying the application and determining the debtor's income and property

Prescribed verification checks: conditions in paragraphs 1 to 8 of Schedule 4ZA of the Act

9.6.—(1) For the purposes of section 251D(4) and (5) and the conditions in paragraphs 1 to 8 of Schedule 4ZA(1) of the Act, the prescribed verification checks are those searches or enquiries specified in this rule.

(2) For the purpose of verifying a debtor's connection with England and Wales on the application date, verification checks made in, or with, one or more of the following—

- (a) the electoral registers for the areas in England and Wales in which the debtor claims to reside or to carry on business or to have resided or carried on business at the date of the application;
- (b) the individual insolvency register;
- (c) the bankruptcy restrictions register;
- (d) the debt relief restrictions register;
- (e) a credit reference agency.

(3) Verification checks made in one or more of the registers specified in paragraph (4), for the purpose of verifying that a debtor—

- (a) is not, on the determination date—
 - (i) an undischarged bankrupt,
 - (ii) subject to a bankruptcy restrictions order or undertaking,
 - (iii) subject to a debt relief restrictions order or undertaking,
 - (iv) subject to an IVA; or
- (b) has not been the subject of a debt relief order in the period of six years ending with the determination date.

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

- (a) the individual insolvency register;
- (b) the bankruptcy restrictions register; and
- (c) the debt relief restrictions register.

(1) Paragraph 3 of Schedule 4ZA is substituted by paragraph 62 of Schedule 19 to the Enterprise and Regulatory Reform Act 2013 (c.24).

(5) Verification checks made in, or with, one or more of the sources specified in paragraph (6) for the purpose of verifying—

- (a) that the debtor is not subject to an interim order on the determination date;
- (b) whether a creditor's bankruptcy petition has been presented against the debtor before the determination date;
- (c) whether the debtor has made a bankruptcy application before the determination date;
- (d) whether proceedings in relation to any such bankruptcy application have finally been disposed of before the determination date;
- (e) where a creditor's bankruptcy petition has been presented against the debtor before the determination date, the status of the proceedings in relation to the petition and whether the person who presented the petition has consented to the making of the application for a debt relief order.

(6) The sources are—

- (a) the individual insolvency register;
- (b) county or other court records;
- (c) a credit reference agency.

(7) Verification checks made with a credit reference agency, for the purpose of verifying that each of the following does not exceed the prescribed amount—

- (a) the amount of the debtor's overall indebtedness;
- (b) the amount of the debtor's monthly surplus income; or
- (c) the total value of the debtor's property.