
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 14

**CLAIMS BY AND DISTRIBUTIONS TO CREDITORS IN
ADMINISTRATION, WINDING UP AND BANKRUPTCY**

CHAPTER 1

Application and interpretation

Application of Part 14 and interpretation

[Note: “bankruptcy debt” and related expressions are defined in relation to bankruptcy in section 382.]

14.1.—(1) This Part applies to administration, winding up and bankruptcy proceedings.

(2) The definitions in this rule apply to administration, winding up and bankruptcy proceedings except as otherwise stated.

(3) “Debt”, in relation to winding up and administration, means (subject to the next paragraph) any of the following—

- (a) any debt or liability to which the company is subject at the relevant date;
- (b) any debt or liability to which the company may become subject after the relevant date by reason of any obligation incurred before that date;
- (c) any interest provable as mentioned in rule 14.23;

“small debt” means a debt (being the total amount owed to a creditor) which does not exceed £1,000 (which amount is prescribed for the purposes of paragraph 13A of Schedule 8 to the Act and paragraph 18A of Schedule 9 to the Act⁽¹⁾);

“dividend”, in relation to a members’ voluntary winding up, includes a distribution;

“provable debt” has the meaning given in rule 14.2; and

“relevant date” means—

- (a) in the case of an administration which was not immediately preceded by a winding up, the date on which the company entered administration,
- (b) in the case of an administration which was immediately preceded by a winding up, the date on which the company went into liquidation,
- (c) in the case of a winding up which was not immediately preceded by an administration, the date on which the company went into liquidation,
- (d) in the case of a winding up which was immediately preceded by an administration, the date on which the company entered administration, and

(1) Paragraph 13A was inserted into Schedule 8 by section 131 of the Small Business, Enterprise and Employment Act 2015 (c.26) and paragraph 18A was inserted into Schedule 9 by section 132 of that Act.

(e) in the case of a bankruptcy, the date of the bankruptcy order.

(4) For the purposes of any provision of the Act or these Rules about winding up or administration, any liability in tort is a debt provable in the winding up or administration, if either—

(a) the cause of action has accrued at the relevant date; or

(b) all the elements necessary to establish the cause of action exist at that date except for actionable damage.

(5) For the purposes of references in any provision of the Act or these Rules about winding up or administration to a debt or liability, it is immaterial whether the debt or liability is present or future, whether it is certain or contingent, or whether its amount is fixed or liquidated, or is capable of being ascertained by fixed rules or as a matter of opinion; and references in any such provision to owing a debt are to be read accordingly.

(6) In any provision of the Act or these Rules about winding up or administration, except in so far as the context otherwise requires, “liability” means (subject to paragraph (4)) a liability to pay money or money’s worth, including any liability under an enactment, a liability for breach of trust, any liability in contract, tort or bailment, and any liability arising out of an obligation to make restitution.