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STATUTORY INSTRUMENTS

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**1986 No. 1925**

The Insolvency Rules 1986

THE THIRD GROUP OF PARTS

PART 12

MISCELLANEOUS AND GENERAL

**Execution overtaken by judgment debtor's insolvency**

**12.19.**—(1) This Rule applies where execution has been taken out against property of a judgment debtor, and notice is given to the sheriff or other officer charged with the execution—

- (a) under section 184(1) (that a winding-up order has been made against the debtor, or that a provisional liquidator has been appointed, or that a resolution for voluntary winding up has been passed); or
- (b) under section 184(4) (that a winding-up petition has been presented or a winding-up order made, or that a meeting has been called at which there is to be proposed a resolution for voluntary winding up, or that such a resolution has been passed); or
- (c) under section 346(2) (that the judgment debtor has been adjudged bankrupt); or
- (d) under section 346(3)(b) (that a bankruptcy petition has been presented in respect of him).

(2) Subject as follows, the notice shall be in writing and be delivered by hand at, or sent by recorded delivery to, the office of the under-sheriff or (as the case may be) of the officer charged with the execution.

(3) Where the execution is in a county court, and the officer in charge of it is the registrar of that court, then if—

- (a) there is filed in that court in respect of the judgment debtor a winding-up or bankruptcy petition, or
- (b) there is made by that court in respect of him a winding-up order or an order appointing a provisional liquidator, or a bankruptcy order or an order appointing an interim receiver,

section 184 or (as the case may be) 346 is deemed satisfied as regards the requirement of a notice to be served on, or given to, the officer in charge of the execution.