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STATUTORY INSTRUMENTS

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**1986 No. 1925**

**The Insolvency Rules 1986**

THE SECOND GROUP OF PARTS

PART 6

BANKRUPTCY

CHAPTER 8

PROOF OF BANKRUPTCY DEBTS

*SECTION A: PROCEDURE FOR PROVING*

**Meaning of “prove”**

**6.96.**—(1) A person claiming to be a creditor of the bankrupt and wishing to recover his debt in whole or in part must (subject to any order of the court under Rule 6.93(2)) submit his claim in writing to the official receiver, where acting as receiver and manager, or to the trustee.

(2) The creditor is referred to as “proving” for his debt; and the document by which he seeks to establish his claim is his “proof”.

(3) Subject to the next two paragraphs, the proof must be in the form known as “proof of debt” (whether the form prescribed by the Rules, or a substantially similar form), which shall be made out by or under the directions of the creditor, and signed by him or a person authorised in that behalf.

(4) Where a debt is due to a Minister of the Crown or a Government Department, the proof need not be in that form, provided that there are shown all such particulars of the debt as are required in the form used by other creditors, and as are relevant in the circumstances.

(5) Where an existing trustee proves in a later bankruptcy under section 335(5), the proof must be in FORM 6.38.

(6) In certain circumstances, specified below in this Chapter, the proof must be in the form of an affidavit.