
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 1

SCOPE, INTERPRETATION, TIME AND RULES ABOUT DOCUMENTS

CHAPTER 1

Scope of these Rules

Scope

1.1.—(1) These Rules are made to give effect to [F1Part A1] to 11 of the Insolvency Act 1986 and to the [F2EU Regulation].

(2) Consequently references to insolvency proceedings and requirements relating to such proceedings are, unless the context requires otherwise, limited to proceedings in respect of [F1Part A1] to 11 of the Act and the [F2EU Regulation] (whether or not court proceedings).

Textual Amendments

- F1** Words in rule 1.1 substituted (1.10.2021) by virtue of [The Insolvency \(England and Wales\) \(No.2\) \(Amendment\) Rules 2021 \(S.I. 2021/1028\)](#), rule 1, Sch. 1 paras. 2, 3 Table (with rules 4, 5)
- F2** Words in rule 1.1(1)(2) substituted (8.12.2017) by [The Insolvency \(England and Wales\) and Insolvency \(Scotland\) \(Miscellaneous and Consequential Amendments\) Rules 2017 \(S.I. 2017/1115\)](#), rules 1(1), **23(1)**

CHAPTER 2

Interpretation

[Note: the terms which are defined in rule 1.2 include some terms defined by the Act for limited purposes which are applied generally by these Rules. Such terms have the meaning given by the Act for those limited purposes.]

Defined terms

1.2.—(1) In these Rules, unless otherwise stated, a reference to a Part or a Schedule is to a Part of, or Schedule to, these Rules.

(2) In these Rules—

“the Act” means the Insolvency Act 1986, and—

- (a) a reference to a numbered section without mention of another Act is to that section of the Act; and
- (b) a reference to [F3Schedule ZA1, ZA2,] B1, 4ZA, 4ZB or 4A is to that Schedule to the Act;

“appointed person” means a person as described in paragraph (3) who is appointed by an office-holder (other than the official receiver);

“Article 1.2 undertaking” means one of the following within the meaning of Article 1.2 of [F4Regulation (EU) 2015/848 of the European Parliament and of the Council] (“the EU Regulations”)]—

- (a) an insurance undertaking;
- (b) a credit institution;
- (c) an investment undertaking which provides services involving the holding of funds or securities for third parties;
- (d) a collective investment undertaking;

[Note: “associate” is defined by section 435];

[F5“attendance” and “attend” a person attends, or is in attendance at, a meeting who is present or attends remotely in accordance with section 246A or rule 15.6, or who participates in a virtual meeting, whether that person attends the meeting or virtual meeting in person, by proxy, or by corporate representative (in accordance with section 434B or section 323 of the Companies Act, as applicable);]

“authenticate” means to authenticate in accordance with rule 1.5;

“authorised deposit-taker” means a person with permission under Part 4A of the Financial Services and Markets Act 2000 ^{M1} to accept deposits; this definition must be read with—

- (a) section 22 of that Act ^{M2} and any relevant order under that section; and
- (b) Schedule 2 to that Act;

[Note: “bankrupt's estate” is defined in section 283];

“bankruptcy application” means the bankruptcy application submitted by the debtor to the adjudicator requesting the making of a bankruptcy order against the debtor;

“bankruptcy file” means the file opened by the adjudicator in accordance with rule 10.47;

“bankruptcy restrictions register” means the register referred to in rule 11.13(2) of matters relating to bankruptcy restrictions orders, interim bankruptcy restrictions orders and bankruptcy restrictions undertakings;

“business day” means, for the purposes of these Rules as they relate to Parts 7A to 10 of the Act (insolvency of individuals; bankruptcy), any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales [Note: for the purposes of these Rules as they relate to [F6Part A1] to 7 of the Act (company insolvency; company winding up) section 251 defines “business day” as including additionally a day which is a bank holiday in Scotland];

“centre of main interests” has the same meaning as in the [F7EU Regulation];

“certificate of service” means a certificate of service which complies with the requirements in Schedule 4;

[F8“COMI proceedings” means insolvency proceedings in England and Wales to which the EU Regulation applies where the centre of the debtor's main interests is in the United Kingdom;]

“Companies Act” means the Companies Act 2006 ^{M3};

[Note: the term “connected” used of a person in relation to a company is defined in section 249 of the Act];

“consumer” means an individual acting for purposes that are wholly or mainly outside that individual's trade, business, craft or profession;

[Note: “contributory” is defined by section 79];

“convener” means an office-holder or other person who seeks a decision in accordance with Part 15 of these Rules;

[Note: “the court” is defined by section 251 for the purposes of these Rules as they relate to [F9]Part A1] to 7 of the Act (company insolvency; company winding up) and by section 385(1) for the purposes of these Rules as they relate to Parts 7A to 10 of the Act (insolvency of individuals; bankruptcy);

“CPR” means the Civil Procedure Rules 1998 ^{M4};

“credit reference agency” means a person authorised or permitted by the Financial Conduct Authority to carry on the regulated activity of providing credit references;

“CVA” means a voluntary arrangement in relation to a company under Part 1 of the Act;

“debt” is defined in rule 14.1(3) for the purposes of administration and winding up and “small debt” is also defined in rule 14.1(3) for administration, winding up and bankruptcy [Note: debt is defined in section 385(1) for the purposes of these Rules as they relate to Parts 7A to 10 of the Act (insolvency of individuals; bankruptcy)];

“debt relief restrictions register” means the register referred to in rule 11.13(2) of matters relating to debt relief restrictions orders and debt relief restrictions undertakings;

“decision date” and “decision procedure” are to be interpreted in accordance with rule 15.2 and Part 15;

“decision procedure” means a decision procedure prescribed by rule 15.3;

[Note: “deemed consent procedure” is defined in section 246ZF for corporate insolvency and 379ZB for individual insolvency; rule 15.7 makes further provision about deemed consent];

“deliver” and “delivery” are to be interpreted in accordance with Chapter 9 of Part 1;

“deliver to the creditors” and similar expressions in these Rules and the Act are to be interpreted in accordance with rule 1.37;

[Note: “distress” is defined in section 436 as including the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (c.15), and references to levying distress, seizing goods and related expressions are to be construed accordingly];

“document” includes a written notice or statement or anything else in writing capable of being delivered to a recipient;

[F10]Note: EU Regulation is defined for the purposes of these Rules by section 436 of the Act as Regulation (EU) 2015/848 of the European Parliament and of the Council];

“enforcement agent” means a person authorised by section 63(2) of the Tribunals, Courts and Enforcement Act 2007 ^{M5} to act as an enforcement agent;

“enforcement officer” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003 ^{M6};

[F8]“establishment” has the same meaning as in Article 2(10) of the EU Regulation;]

[F8]“establishment proceedings” means insolvency proceedings in England and Wales to which the EU Regulation applies where the debtor has an establishment in the United Kingdom;]

“fees estimate” means a written estimate that specifies—

- (a) details of the work the insolvency practitioner (“the IP”) and the IP's staff propose to undertake;
- (b) the hourly rate or rates the IP and the IP's staff propose to charge for each part of that work;

- (c) the time the IP anticipates each part of that work will take;
- (d) whether the IP anticipates it will be necessary to seek approval or further approval under Chapter 4 of Part 18; and
- (e) the reasons it will be necessary to seek such approval under these Rules;

“file with the court” and similar expressions in these Rules means deliver to the court for filing and such references are to be read as including “submit” and “submission” to the court in the Act (except in sections 236 and 366);

“the Gazette”, which has the meaning given in section 251 for the purposes of these Rules as they relate to [F6Part A1] to 7 of the Act (company insolvency; company winding up), has that meaning for the purposes of these Rules as they relate to Parts 7A to 10 of the Act;

“Gazette notice” means a notice which is, has been or is to be gazetted;

“to gazette” means to advertise once in the Gazette;

“general regulations” means regulations made by the Secretary of State under introductory rule 5;

“hearing centre” means a hearing centre of the County Court;

[Note: “hire-purchase agreement” is defined by section 436(1) as having the same meaning as in the Consumer Credit Act 1974 ^{M7} for the ^{F11}... (administration) for the purposes of that Schedule];

“identification details” and similar references to information identifying persons, proceedings, etc. are to be interpreted in accordance with rule 1.6;

“individual insolvency register” means the register referred to in rule 11.13(1) of matters relating to bankruptcies, debt relief orders and IVAs;

“individual register” has the meaning given by rule 217(1) of the Land Registration Rules 2003 ^{M8};

“insolvent estate” means—

- (a) in relation to a company insolvency, the company's assets;
- (b) in relation to a bankruptcy, a petition or an application for bankruptcy, the bankrupt's estate (as defined in section 283);
- (c) or otherwise the debtor's property;

“IP number” means the number assigned to an office-holder as an insolvency practitioner by the Secretary of State;

“IVA” means a voluntary arrangement in relation to an individual under Part 8 of the Act;

“judge” includes [F12an Insolvency and Companies Court Judge] unless the context otherwise requires;

“London Insolvency District” has the meaning given by section 374 of the Act and the London Insolvency District (County Court at Central London) Order 2014 ^{M9};

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“meeting” in relation to a person's creditors or contributories means either a “physical meeting” or a “virtual meeting” as defined in rule 15.2, unless the contrary intention is given;

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“nominated person” means a person who has been required under section 47 or 131 to make out and submit a statement as to the affairs of a company in administrative receivership or being wound up by the court;

[Note: “nominee” is defined in section 1(2) in relation to company voluntary arrangements and section 253(2) in relation to individual voluntary arrangements];

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...

“office-holder” means a person who under the Act or these Rules holds an office in relation to insolvency proceedings and includes a nominee;

“permission” of the court is to be read as including “leave of the court” in the Act and in the Company Directors' Disqualification Act 1986^{M10};

“petitioner” or “petitioning creditor” includes a person who has been substituted as such or has been given carriage of the petition;

“physical meeting” means a meeting as described in section 246ZE(9) or 379ZA(9)^{M11};

“Practice Direction” means a direction as to the practice and procedure of a court within the scope of the CPR;

“prescribed order of priority” means the order of priority of payments of expenses set out in—

- (a) Chapter 10 of Part 3 for administration proceedings;
- (b) Chapter 6 of Part 6 for creditors' voluntary winding up proceedings;
- (c) Chapter 14 of Part 7 for winding up by the court proceedings; and
- (d) Chapter 18 of Part 10 for bankruptcy proceedings;

“prescribed part” has the same meaning as in section 176A(2)(a) and the Insolvency Act 1986 (Prescribed Part) Order 2003^{M12};

“progress report” means a report which complies with Chapter 2 of Part 18;

[Note: “property” is defined by section 436(1) of the Act];

“prove” and “proof” have the following meaning—

- (a) a creditor who claims for a debt in writing is referred to as proving that debt;
- (b) the document by which the creditor makes the claim is referred to as that creditor's proof; and
- (c) for the purpose of voting, or objecting to a deemed consent, in an administration, an administrative receivership, a creditors' voluntary winding up, a CVA or an IVA, the requirements for a proof are satisfied by the convener or chair having been notified by the creditor in writing of a debt;

“proxy” and “blank proxy” are to be interpreted in accordance with Part 16;

“qualified to act as an insolvency practitioner” in relation to a company, debtor or bankrupt has the meaning given by section 390 of the Act;

[Note: “records” are defined in section 436(1) of the Act]

“registered land” has the meaning given by section 132(1) of the Land Registration Act 2002^{M13};

“registrar” means [^{F12}an Insolvency and Companies Court Judge] and unless the context requires otherwise includes a District Judge—

- (a) in a District Registry of the High Court; and
- (b) in a hearing centre with relevant insolvency jurisdiction;

“residential address” means the current residential address of an individual or, if that is not known, the last known residential address;

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“serve” and “service” are to be interpreted in respect of a particular document by reference to Schedule 4;

“solicitor” means a solicitor of the Senior Courts and, in relation to England and Wales, includes any other person who, for the purpose of the Legal Services Act 2007 ^{M14} is an authorised person in relation to an activity which constitutes the conduct of litigation (within the meaning of that Act);

“standard contents” means—

- (a) for a Gazette notice, the standard contents set out in Chapter 4 of this Part;
- (b) for a notice to be advertised other than in the Gazette, the standard contents set out in Chapter 5 of Part 1;
- (c) for a document to be delivered to the registrar of companies, the standard contents set out in Chapter 6 of Part 1;
- (d) for notices to be delivered to other persons, the standard contents set out in Chapter 7 of Part 1;
- (e) for applications to the court the standard contents set out in Chapter 8 of Part 1;

“standard fee for copies” means 15 pence per A4 or A5 page or 30 pence per A3 page;

“statement of proposals” means a statement made by an administrator under paragraph 49 of Schedule B1 ^{M15} setting out proposals for achieving the purpose of an administration;

“statement of truth” means a statement of truth made in accordance with Part 22 of the CPR ^{M16};

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“trustee” has the same meaning throughout these Rules as they relate to the insolvency of individuals as it has for bankruptcy in section 385(1) ^{M17};

“venue” in relation to any proceedings, attendance before the court, decision procedure or meeting means the time, date and place or platform for the proceedings, attendance, decision procedure or meeting;

“virtual meeting” has the meaning given by rule 15.2(2);

“winding up by the court” means a winding up under section 122(1), 124A or 221;

“witness statement” means a witness statement verified by a statement of truth made in accordance with Part 32 of the CPR;

[Note: “writing”: section 436B(1) of the Act provides that a reference to a thing in writing includes that thing in electronic form; subsection (2) excludes certain documents from the application of subsection (1); and

“written resolution” in respect of a private company refers to a written resolution passed in accordance with Chapter 2 of Part 13 of the Companies Act].

- (3) An appointed person in relation to a company, debtor or bankrupt must be—
 - (a) qualified to act as an insolvency practitioner in relation to that company, debtor or bankrupt; or
 - (b) a person experienced in insolvency matters who is—
 - (i) a member or employee of the office-holder's firm, or
 - (ii) an employee of the office-holder.
- (4) A fee or remuneration is charged when the work to which it relates is done.

Textual Amendments

- F3** Words in rule 1.2(2) substituted (1.10.2021) by [The Insolvency \(England and Wales\) \(No.2\) \(Amendment\) Rules 2021 \(S.I. 2021/1028\)](#), rule 1, **Sch. 2 para. 3 Table** (with rules 4, 5)
- F4** Words in rule 1.2(2) substituted (26.6.2017) by [The Insolvency Amendment \(EU 2015/848\) Regulations 2017 \(S.I. 2017/702\)](#), reg. 1, **Sch. para. 33(a)** (with reg. 3)
- F5** Words in rule 1.2 substituted (6.4.2017) by [The Insolvency \(England and Wales\) \(Amendment\) Rules 2017 \(S.I. 2017/366\)](#), rules 1, 4
- F6** Words in rule 1.2 substituted (1.10.2021) by virtue of [The Insolvency \(England and Wales\) \(No.2\) \(Amendment\) Rules 2021 \(S.I. 2021/1028\)](#), rule 1, **Sch. 1 paras. 2, 3 Table** (with rules 4, 5)
- F7** Words in rule 1.2(2) substituted (8.12.2017) by [The Insolvency \(England and Wales\) and Insolvency \(Scotland\) \(Miscellaneous and Consequential Amendments\) Rules 2017 \(S.I. 2017/1115\)](#), rules 1(1), **23(2)**
- F8** Words in rule 1.2(2) inserted (31.12.2020) by [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 47(b)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in rule 1.2 Note substituted (1.10.2021) by virtue of [The Insolvency \(England and Wales\) \(No.2\) \(Amendment\) Rules 2021 \(S.I. 2021/1028\)](#), rule 1, **Sch. 1 Note** (with rules 4, 5)
- F10** Words in rule 1.2 substituted (26.6.2017) by [The Insolvency Amendment \(EU 2015/848\) Regulations 2017 \(S.I. 2017/702\)](#), reg. 1, **Sch. para. 32** (with reg. 3)
- F11** Words in rule 1.2(2) omitted (1.10.2021) by virtue of [The Insolvency \(England and Wales\) \(No.2\) \(Amendment\) Rules 2021 \(S.I. 2021/1028\)](#), rule 1, **Sch. 2 para. 3 Table** (with rules 4, 5)
- F12** Words in rule 1.2(2) substituted (26.2.2018) by [The Alteration of Judicial Titles \(Registrar in Bankruptcy of the High Court\) Order 2018 \(S.I. 2018/130\)](#), art. 1, **Sch. para. 14(a)(i)**
- F13** Words in rule 1.2(2) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 47(a)(i)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in rule 1.2(2) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 47(a)(ii)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in rule 1.2(2) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 47(a)(iii)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in rule 1.2(2) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 47(a)(iv)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in rule 1.2(2) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 47(a)(v)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in rule 1.2(2) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 47(a)(vi)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M1** 2000 c.8. Part 4A was inserted before Part 4 by section 11(2) of the [Financial Services Act 2012 \(c.21\)](#).
- M2** Section 22 is amended by Part 2 section 7 of the [Financial Services Act 2012 \(c.21\)](#).
- M3** 2006 c.46; relevant amendments are noted where reference is made to specific provisions which have been amended.
- M4** [S.I. 1998/3132](#); relevant amendments are noted where reference is made to specific provisions which have been amended.
- M5** 2007 c.15.
- M6** 2003 c.39.

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- M7** 1974 c.39.
- M8** S.I. 2003/1417 to which there are amendments not relevant to this instrument.
- M9** S.I. 2014/818.
- M10** 1986 c.46.
- M11** Section 246ZE is inserted by section 122 of the [Small Business, Enterprise and Employment Act 2015 \(c.26\)](#) and section 378ZA is inserted by section 123 of the same Act.
- M12** S.I. 2003/2097.
- M13** 2002 c.9.
- M14** 2007 c.29.
- M15** Schedule B1 was inserted by section 248 of the [Enterprise Act 2002 \(c.40\)](#); paragraph 49 is amended by paragraph 10 of Schedule 9 to the [Small Business, Enterprise and Employment Act 2015 \(c.26\)](#).
- M16** Relevant amendments are made by rule 4(2)(a) and (b) of S.I. 2004/3419.
- M17** Section 385(1) is amended by paragraph 55 of Schedule 19 to the [Enterprise and Regulatory Reform Act 2013 \(c.24\)](#) and by section 123(4) of the [Small Business, Enterprise and Employment Act 2015 \(c.26\)](#).

Calculation of time periods

1.3. The rules set out in Schedule 5 apply to the calculation of the beginning and end of time periods under these Rules.

CHAPTER 3

Form and content of documents

Requirement for writing and form of documents

- 1.4.—(1) A notice or statement must be in writing unless the Act or these Rules provide otherwise.
- (2) A document in electronic form must be capable of being—
- (a) read by the recipient in electronic form; and
 - (b) reproduced by the recipient in hard-copy form.

Modifications etc. (not altering text)

- C1** Rule 1.4 applied (temp.) (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 4 para. 44](#) (with ss. 2(2), 5(2), Sch. 4 para. 12)
- C2** Rule 1.4 applied (with modifications) (30.9.2021) by S.I. 2014/229, art. 2(2A), Sch. 1A paras. 1(4) (5), [32, 38](#) (as inserted by [The Co-operative and Community Benefit Societies \(Administration\) \(Amendment\) Order 2021 \(S.I. 2021/1048\)](#), arts. 1(1), [2](#))

Authentication

- 1.5.—(1) A document in electronic form is sufficiently authenticated—
- (a) if the identity of the sender is confirmed in a manner specified by the recipient; or
 - (b) where the recipient has not so specified, if the communication contains or is accompanied by a statement of the identity of the sender and the recipient has no reason to doubt the truth of that statement.
- (2) A document in hard-copy form is sufficiently authenticated if it is signed.
- (3) If a document is authenticated by the signature of an individual on behalf of—

- (a) a body of persons, the document must also state the position of that individual in relation to the body;
- (b) a body corporate of which the individual is the sole member, the document must also state that fact.

Modifications etc. (not altering text)

- C3** Rule 1.5 applied (temp.) (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), Sch. 4 paras. 15(3), 29(3), 32(4), 36(4), **39(3)** (with ss. 2(2), 5(2), Sch. 4 para. 12)
- C4** Rule 1.5 applied (with modifications) (30.9.2021) by [S.I. 2014/229](#), art. 2(2A), Sch. 1A paras. 1(4)(5), **3(3)**, 17(3), 20(4), 24(4), 27(3), 38 (as inserted by [The Co-operative and Community Benefit Societies \(Administration\) \(Amendment\) Order 2021 \(S.I. 2021/1048\)](#), arts. 1(1), 2)

Information required to identify persons and proceedings etc.

1.6.—(1) Where the Act or these Rules require a document to identify, or to contain identification details in respect of, a person or proceedings, or to provide contact details for an office-holder, the information set out in the table must be given.

(2) Where a requirement relates to a proposed office-holder, the information set out in the table in respect of an office-holder must be given with any necessary adaptations.

Bankrupt	<ul style="list-style-type: none">(a) (a) full name; and(b) residential address (subject to any order for limited disclosure made under Part 20).
Company where it is the subject of the proceedings	<p>In the case of a registered company—</p> <ul style="list-style-type: none">(c) the registered name;(d) for a company incorporated in England and Wales under the Companies Act or a previous Companies Act, its registered number;(e) for a company incorporated outside the United Kingdom—<ul style="list-style-type: none">(i) the country or territory in which it is incorporated,(ii) the number, if any, under which it is registered, and(iii) the number, if any, under which it is registered as an overseas company under Part 34 of the Companies Act. <p>In the case of an unregistered company—</p> <ul style="list-style-type: none">(f) its name; and(g) the postal address of any principal place of business.

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Company other than one which is the subject of the proceedings	<p>In the case of a registered company—</p> <ul style="list-style-type: none"> (h) the registered name; (i) for a company incorporated in any part of the United Kingdom under the Companies Act or a previous Companies Act, its registered number; (j) for a company incorporated outside the United Kingdom— <ul style="list-style-type: none"> (i) the country or territory in which it is incorporated, (ii) the number, if any, under which it is registered; and (k) the number, if any, under which it is registered as an overseas company under Part 34 of the Companies Act; (l) In the case of an unregistered company— <ul style="list-style-type: none"> (i) its name, and (ii) the postal address of any principal place of business.
Debtor	<ul style="list-style-type: none"> (m) (m) full name; and (n) residential address (subject to any order for limited disclosure made under Part 20).
Office-holder	<ul style="list-style-type: none"> (o) (o) the name of the office-holder; and (p) the nature of the appointment held by the office-holder.
Contact details for an office-holder	<ul style="list-style-type: none"> (q) (q) a postal address for the office-holder; and (r) either an email address, or a telephone number, through which the office-holder may be contacted.
Proceedings	<ul style="list-style-type: none"> (s) (s) for proceedings relating to a company, the information identifying the company; (t) for proceedings relating to an individual, the full name of the bankrupt or debtor; (u) the full name of the court or hearing centre in which the proceedings are, or are to be, conducted or where documents relating to the proceedings have been or will be filed; and, if applicable,

- (v) any number assigned to those proceedings by the court, the hearing centre or the adjudicator.

[^{F19}Reasons for stating whether proceedings are or will be COMI proceedings, establishment proceedings etc.]

1.7. Where these Rules require reasons to be given for a statement that proceedings are or will be [^{F20}COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply], the reasons must include [^{F21}as applicable]—

(a) for a company—

- (i) the centre of main interests,
- (ii) the place of the registered office within the meaning of Article 3(1) of the [^{F22}EU Regulation] and where appropriate an explanation why this is not the same as the centre of main interests, ^{F23}...

[^{F24}(ia) the place where there is an establishment within the jurisdiction, or]

- (iii) that there is no registered office if that be the case in [^{F25}proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply];

[^{F26}(b) for a debtor—

- (i) the centre of main interests, or
- (ii) the place where there is an establishment within the jurisdiction.]

Textual Amendments

- F19** Rule 1.7 heading substituted (31.12.2020) by [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 48(2)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F20** Words in rule 1.7 substituted (31.12.2020) by [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 48(3)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F21** Words in rule 1.7 inserted (31.12.2020) by [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 48(3)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F22** Words in rule 1.7(a)(ii) substituted (8.12.2017) by [The Insolvency \(England and Wales\) and Insolvency \(Scotland\) \(Miscellaneous and Consequential Amendments\) Rules 2017 \(S.I. 2017/1115\)](#), rules 1(1), **23(4)**
- F23** Word in rule 1.7(a)(ii) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 48(4)(a)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F24** Rule 1.7(a)(ia) inserted (31.12.2020) by [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 48(4)(b)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F25** Words in rule 1.7(a)(iii) substituted (31.12.2020) by [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 48(4)(c)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F26** Rule 1.7(b) substituted (31.12.2020) by [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 48(5)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

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Prescribed format of documents

1.8.—(1) Where a rule sets out requirements as to the contents of a document any title required by the rule must appear at the beginning of the document.

(2) Any other contents required by the rule (or rules where more than one apply to a particular document) must be provided in the order listed in the rule (or rules) or in another order which the maker of the document considers would be convenient for the intended recipient.

Modifications etc. (not altering text)

- C5** Rule 1.8 applied (with modifications) (temp.) (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 4 para. 45](#) (with ss. 2(2), 5(2), Sch. 4 para. 12)
- C6** Rule 1.8 applied (with modifications) (30.9.2021) by [S.I. 2014/229](#), art. 2(2A), Sch. 1A paras. 1(4)(5), [33](#), [38](#) (as inserted by [The Co-operative and Community Benefit Societies \(Administration\) \(Amendment\) Order 2021 \(S.I. 2021/1048\)](#), arts. 1(1), [2](#))

Variations from prescribed contents

1.9.—(1) Where a rule sets out the required contents of a document, the document may depart from the required contents if—

- (a) the circumstances require such a departure (including where the requirement is not applicable in the particular case); or
- (b) the departure (whether or not intentional) is immaterial.

(2) However this rule does not apply to the required content of a statutory demand on a company set out in rule 7.3 and on an individual set out in rule 10.1.

Modifications etc. (not altering text)

- C7** Rule 1.9(1) applied (with modifications) (temp.) (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 4 para. 45](#) (with ss. 2(2), 5(2), Sch. 4 para. 12)
- C8** Rule 1.9(1) applied (with modifications) (30.9.2021) by [S.I. 2014/229](#), art. 2(2A), Sch. 1A paras. 1(4)(5), [33](#), [38](#) (as inserted by [The Co-operative and Community Benefit Societies \(Administration\) \(Amendment\) Order 2021 \(S.I. 2021/1048\)](#), arts. 1(1), [2](#))

CHAPTER 4

Standard contents of Gazette notices and the Gazette as evidence etc.

[Note: (1) the requirements in Chapter 4 must be read with rule 1.6 which sets out the information required to identify an office-holder, a company etc.;

(2) this Chapter does not apply to the notice of a liquidator's appointment prescribed under section 109 by SI 1987/752.]

Contents of notices to be gazetted under the Act or Rules

1.10.—(1) Where the Act or these Rules require or permit a notice to be gazetted, the notice must also contain the standard contents set out in this Chapter in addition to any content specifically required by the Act or any other provision of these Rules.

(2) Information which this Chapter requires to be included in a Gazette notice may be omitted if it is not reasonably practicable to obtain it.

Standard contents of all notices

1.11.—(1) A notice must identify the proceedings, if it is relevant to the particular notice, identify the office-holder and state—

- (a) the office-holder's contact details;
- (b) the office-holder's IP number (except for the official receiver);
- (c) the name of any person other than the office-holder who may be contacted about the proceedings; and
- (d) the date of the office-holder's appointment.

(2) This rule does not apply to a notice under rule 22.4(3) (Permission to act as a director: first excepted case).

Gazette notices relating to a company

1.12.—(1) A notice relating to a registered company must also state—

- (a) its registered office;
- (b) any principal trading address if this is different from its registered office;
- (c) any name under which it was registered in the period of 12 months before the date of the commencement of the proceedings which are the subject of the Gazette notice; and
- (d) any other name or style (not being a registered name)—
 - (i) under which the company carried on business, and
 - (ii) in which any debt owed to a creditor was incurred.

(2) A notice relating to an unregistered company must also identify the company and specify any name or style—

- (a) under which the company carried on business; and
- (b) in which any debt owed to a creditor was incurred.

Gazette notices relating to a bankruptcy

1.13. A notice relating to a bankruptcy must also identify the bankrupt and state—

- (a) any other address at which the bankrupt has resided in the period of 12 months before the making of the bankruptcy order;
- (b) any principal trading address if different from the bankrupt's residential address;
- (c) the bankrupt's date of birth;
- (d) the bankrupt's occupation;
- (e) any other name by which the bankrupt has been known; and
- (f) any name or style (other than the bankrupt's own name) under which—
 - (i) the bankrupt carried on business, and
 - (ii) any debt owed to a creditor was incurred.

The Gazette: evidence, variations and errors

1.14.—(1) A copy of the Gazette containing a notice required or permitted by the Act or these Rules to be gazetted is evidence of any facts stated in the notice.

(2) Where the Act or these Rules require an order of the court or of the adjudicator to be gazetted, a copy of the Gazette containing the notice may be produced in any proceedings as conclusive evidence that the order was made on the date specified in the notice.

(3) Where an order of the court or of the adjudicator which is gazetted has been varied, or any matter has been erroneously or inaccurately gazetted, the person whose responsibility it was to gazette the order or other matter must as soon as is reasonably practicable cause the variation to be gazetted or a further entry to be made in the Gazette for the purpose of correcting the error or inaccuracy.

CHAPTER 5

Standard contents of notices advertised otherwise than in the Gazette

[Note: the requirements in Chapter 5 must be read with rule 1.6 which sets out the information required to identify an office-holder, a company etc.]

Standard contents of notices advertised otherwise than in the Gazette

1.15.—(1) Where the Act or these Rules provide that a notice may be advertised otherwise than in the Gazette the notice must contain the standard contents set out in this Chapter (in addition to any content specifically required by the Act or any other provision of these Rules).

(2) A notice must, if it is relevant to the particular notice, identify the office-holder and specify the office-holder's contact details.

(3) Information which this Chapter requires to be included in a notice may be omitted if it is not reasonably practicable to obtain it.

Non-Gazette notices relating to a company

1.16. A notice relating to a company must also identify the proceedings and state—

- (a) the company's principal trading address;
- (b) any name under which the company was registered in the 12 months before the date of the commencement of the proceedings which are the subject of the notice; and
- (c) any name or style (not being a registered name) under which—
 - (i) the company carried on business, and
 - (ii) any debt owed to a creditor was incurred.

Non-Gazette notices relating to a bankruptcy

1.17. A notice relating to a bankruptcy must also identify the proceedings, identify the bankrupt and state—

- (a) any other address at which the bankrupt has resided in the period of 12 months before the making of the bankruptcy order;
- (b) any principal trading address if different from the bankrupt's residential address;
- (c) the bankrupt's date of birth;
- (d) the bankrupt's occupation;
- (e) any other name by which the bankrupt has been known; and
- (f) any name or style (other than the bankrupt's own name) under which—
 - (i) the bankrupt carried on business, and
 - (ii) any debt owed to a creditor was incurred.

Non-Gazette notices: other provisions

1.18. Information which this Chapter requires to be stated in a notice must be included in an advertisement of that notice in a way that is clear and comprehensible.

CHAPTER 6

Standard contents of documents to be delivered to the registrar of companies

[Note: the requirements in Chapter 6 must be read with rule 1.6 which sets out the information required to identify an office-holder, a company etc.]

Standard contents of documents delivered to the registrar of companies

1.19.—(1) Where the Act or these Rules require a document to be delivered to the registrar of companies the document must contain the standard contents set out in this Chapter (in addition to any content specifically required by the Act or any other provision of these Rules).

(2) A document of more than one type must satisfy the requirements which apply to each.

(3) However requirements as to the contents of a document which is to be delivered to another person at the same time as the registrar of companies may be satisfied by delivering to that other person a copy of the document delivered to the registrar.

Registrar of companies: covering notices

1.20.—^[F27](1) This rule applies where—

- (a) the Act or these Rules require an office-holder to deliver any of the documents specified in paragraph (1A) to the registrar of companies, or
- (b) the directors are required to deliver a copy of a court order to the registrar of companies in accordance with sections A31(7) or A32(5).]

^[F28](1A) The documents specified in this paragraph are—

- (a) a notice under section A38 bringing a moratorium under Part A1 of the Act to an end;
- (b) an account (including a final report) or a summary of receipts and payments;
- (c) an administrative receiver's report under section 48(1);
- (d) a court order;
- (e) a declaration of solvency;
- (f) a direction of the Secretary of State under section 203 or 205;
- (g) a notice of disclaimer;
- (h) a statement of administrator's proposals (including a statement of revised proposals);
- (i) a statement of affairs;
- (j) a statement of concurrence;
- (k) a notice of an administrator's resignation under paragraph 87(2) of Schedule B1;
- (l) a notice of a liquidator's death which the official receiver is required to deliver under rule 7.67(3)(b);
- (m) a notice that a liquidator has vacated office on loss of qualification to act which the official receiver is required to deliver under rule 7.68(4)(b);
- (n) any report including—
 - (i) a final report,
 - (ii) a progress report (including a final progress report),

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- (iii) a report of a creditor's decision under paragraph 53(2) or 54(6) of Schedule B1, and
 - (iv) a report of a decision approving a CVA under section 4(6) and (6A) or paragraph 30(3) and (4) of Schedule A1 to the Act;
 - (o) a copy of the notice that a CVA has been fully implemented or terminated that the supervisor is required to deliver under rule 2.44(3).]
- (2) The office-holder [^{F29}or the directors (as the case may be)] must deliver to the registrar of companies with a document mentioned in paragraph (1) a notice containing the standard contents required by this Part.
- (3) Such a notice may relate to more than one document where those documents relate to the same proceedings and are delivered together to the registrar of companies.

Textual Amendments

- F27** Rule 1.20(1) substituted (1.10.2021) by [The Insolvency \(England and Wales\) \(No.2\) \(Amendment\) Rules 2021 \(S.I. 2021/1028\)](#), rules 1, **7(2)** (with rules 4, 5)
- F28** Rule 1.20(1A) inserted (1.10.2021) by [The Insolvency \(England and Wales\) \(No.2\) \(Amendment\) Rules 2021 \(S.I. 2021/1028\)](#), rules 1, **7(3)** (with rules 4, 5)
- F29** Words in rule 1.20(2) inserted (1.10.2021) by [The Insolvency \(England and Wales\) \(No.2\) \(Amendment\) Rules 2021 \(S.I. 2021/1028\)](#), rules 1, **7(4)** (with rules 4, 5)

Standard contents of all documents

- 1.21.—**(1) A document to be delivered to the registrar of companies must—
- (a) identify the company;
 - (b) state—
 - (i) the nature of the document,
 - (ii) the section of the Act, the paragraph of Schedule ^{F30}... B1 or the rule under which the document is delivered,
 - (iii) the date of the document,
 - (iv) the name and address of the person delivering the document, and
 - (v) the capacity in which that person is acting in relation to the company; and
 - (c) be authenticated by the person delivering the document.
- (2) Where the person delivering the document is the office-holder, the address may be omitted if it has previously been notified to the registrar of companies in the proceedings and is unchanged.

Textual Amendments

- F30** Words in rule 1.21(1)(b)(ii) omitted (1.10.2021) by virtue of [The Insolvency \(England and Wales\) \(No.2\) \(Amendment\) Rules 2021 \(S.I. 2021/1028\)](#), rule 1, **Sch. 2 para. 3** Table (with rules 4, 5)

Standard contents of documents relating to the office of office-holders

- 1.22.—**(1) A document relating to the office of the office-holder must also identify the office-holder and state—
- (a) the date of the event of which notice is delivered or of the notice (as applicable);
 - ^{F31}(b) where the document relates to—

- (i) an appointment, (other than an appointment to which sub-paragraph (b)(ii) refers), the person, body or court making the appointment; or
 - (ii) in the case of an appointment of a person as a monitor in respect of a moratorium for a company to which section A3 applies, the court with which the relevant documents, within the meaning given by section A6, were filed;]
 - (c) where the document relates to the termination of an appointment, the reason for that termination; and
 - (d) the contact details for the office-holder.
- (2) Where the person delivering the document is the office-holder, the address may be omitted if it has previously been notified to the registrar of companies in the proceedings and is unchanged.

Textual Amendments

F31 [Rule 1.22\(1\)\(b\)](#) substituted (1.10.2021) by [The Insolvency \(England and Wales\) \(No.2\) \(Amendment\) Rules 2021 \(S.I. 2021/1028\)](#), [rules 1, 8](#) (with [rules 4, 5](#))

Standard contents of documents relating to other documents

- 1.23.** A document relating to another document must also state—
- (a) the nature of the other document;
 - (b) the date of the other document; and
 - (c) where the other document relates to a period of time, the period of time to which it relates.

Standard contents of documents relating to court orders

- 1.24.** A document relating to a court order must also specify—
- (a) the nature of the order; and
 - (b) the date of the order.

Standard contents of returns or reports of decisions

- 1.25.** A return or report of a decision procedure, deemed consent procedure or meeting must also state—
- (a) the purpose of the procedure or meeting;
 - (b) a description of the procedure or meeting used;
 - (c) in the case of a decision procedure or meeting, the venue;
 - (d) whether, in the case of a meeting, the required quorum was in place;
 - (e) the outcome (including any decisions made or resolutions passed); and
 - (f) the date of any decision made or resolution passed.

Standard contents of returns or reports of matters considered by company members by correspondence

- 1.26.** A return or report of a matter, consideration of which has been sought from the members of a company by correspondence, must also state—
- (a) the purpose of the consideration; and

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- (b) the outcome of the consideration (including any resolutions passed or deemed to be passed).

Standard contents of documents relating to other events

1.27. A document relating to any other event must also state—

- (a) the nature of the event, including the section of the Act, the paragraph of Schedule ^{F32}... B1 or the rule under which it took place; and
- (b) the date on which the event occurred.

Textual Amendments

F32 Words in rule 1.27(a) omitted (1.10.2021) by virtue of [The Insolvency \(England and Wales\) \(No.2\) \(Amendment\) Rules 2021 \(S.I. 2021/1028\)](#), rule 1, [Sch. 2 para. 3](#) Table (with rules 4, 5)

CHAPTER 7

Standard contents of notices for delivery to other persons etc.

[Note: the requirements in Chapter 7 must be read with rule 1.6 which sets out the information required to identify an office-holder, a company etc.]

Standard contents of notices to be delivered to persons other than the registrar of companies

1.28.—(1) Where the Act or these Rules require a notice to be delivered to a person other than the registrar of companies in respect of proceedings under [^{F33}Part A1] to 11 of the Act or the [^{F34}EU Regulation], the notice must contain the standard contents set out in this Chapter (in addition to any content specifically required by the Act or another provision of these Rules).

(2) A notice of more than one type must satisfy the requirements which apply to each.

(3) However, the requirements in respect of a document which is to be delivered to another person at the same time as the registrar of companies may be satisfied by delivering to that other person a copy of the document delivered to the registrar.

Textual Amendments

F33 Words in rule 1.28 substituted (1.10.2021) by virtue of [The Insolvency \(England and Wales\) \(No.2\) \(Amendment\) Rules 2021 \(S.I. 2021/1028\)](#), rule 1, [Sch. 1 paras. 2, 3](#) Table (with rules 4, 5)

F34 Words in [rule 1.28\(1\)](#) substituted (8.12.2017) by [The Insolvency \(England and Wales\) and Insolvency \(Scotland\) \(Miscellaneous and Consequential Amendments\) Rules 2017 \(S.I. 2017/1115\)](#), rules 1(1), [23\(5\)](#)

Standard contents of all notices

1.29. A notice must—

- (a) state the nature of the notice;
- (b) identify the proceedings;
- (c) in the case of proceedings relating to an individual, identify the bankrupt or debtor;
- (d) state the section of the Act, the paragraph of Schedule ^{F35}... B1 or the rule under which the notice is given; and

- (e) in the case of a notice delivered by the office-holder, state the contact details for the office-holder.

Textual Amendments

F35 Words in [rule 1.29\(d\)](#) omitted (1.10.2021) by virtue of [The Insolvency \(England and Wales\) \(No.2\) \(Amendment\) Rules 2021 \(S.I. 2021/1028\)](#), [rule 1](#), [Sch. 2 para. 3 Table](#) (with [rules 4, 5](#))

Standard contents of notices relating to the office of office-holders

1.30. A notice relating to the office of the office-holder must also identify the office-holder and state—

- (a) the date of the event of which notice is delivered;
- [^{F36}(b) where the document relates to—
 - (i) an appointment, (other than an appointment to which sub-paragraph (b)(ii) refers), the person, body or court making the appointment; or
 - (ii) in the case of an appointment of a person as a monitor in respect of a moratorium for a company to which section A3 applies, the court with which the relevant documents, within the meaning given by section A6, were filed.]
- (c) where the notice relates to the termination of an appointment, the reason for that termination.

Textual Amendments

F36 [Rule 1.30\(b\)](#) substituted (1.10.2021) by [The Insolvency \(England and Wales\) \(No.2\) \(Amendment\) Rules 2021 \(S.I. 2021/1028\)](#), [rules 1, 9](#) (with [rules 4, 5](#))

Standard contents of notices relating to documents

1.31. A notice relating to a document must also state—

- (a) the nature of the document;
- (b) the date of the document; and
- (c) where the document relates to a period of time the period of time to which the document relates.

Standard contents of notices relating to court proceedings or orders

1.32. A notice relating to court proceedings must also identify those proceedings and if the notice relates to a court order state—

- (a) the nature of the order; and
- (b) the date of the order.

Standard contents of notices of the results of decisions

1.33. A notice of the result of a decision procedure, deemed consent procedure or meeting must also state—

- (a) the purpose of the procedure or meeting;
- (b) a description of the procedure or meeting used;

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- (c) in the case of a decision procedure or meeting, the venue;
- (d) whether, in the case of a meeting, the required quorum was in place; and
- (e) the outcome (including any decisions made or resolutions passed).

Standard contents of returns or reports of matters considered by company members by correspondence

1.34. A return or report of a matter, consideration of which has been sought from the members of a company by correspondence, must also specify—

- (a) the purpose of the consideration; and
- (b) the outcome of the consideration (including any resolutions passed or deemed to be passed).

CHAPTER 8

Applications to the court

[Note: the requirements in Chapter 8 must be read with rule 1.6 which sets out the information required to identify an office-holder, a company etc.]

Standard contents and authentication of applications to the court under [F37 Part A1] to 11 of the Act

1.35.—(1) This rule applies to applications to court under [F37 Part A1] to 11 of the Act (other than an application for an administration order, a winding up petition or a bankruptcy petition).

(2) The application must state—

- (a) that the application is made under the Act or these Rules (as applicable);
- (b) the section of the Act or paragraph of a Schedule to the Act or the number of the rule under which it is made;
- (c) the names of the parties;
- (d) the name of the bankrupt, debtor or company which is the subject of the insolvency proceedings to which the application relates;
- (e) the court (and where applicable, the division or district registry of that court) or hearing centre in which the application is made;
- (f) where the court has previously allocated a number to the insolvency proceedings within which the application is made, that number;
- (g) the nature of the remedy or order applied for or the directions sought from the court;
- (h) the names and addresses of the persons on whom it is intended to serve the application or that no person is intended to be served;
- (i) where the Act or Rules require that notice of the application is to be delivered to specified persons, the names and addresses of all those persons (so far as known to the applicant); and
- (j) the applicant's address for service.

(3) The application must be authenticated by or on behalf of the applicant or the applicant's solicitor.

Textual Amendments

- F37** Words in rule 1.35 substituted (1.10.2021) by virtue of [The Insolvency \(England and Wales\) \(No.2\) \(Amendment\) Rules 2021 \(S.I. 2021/1028\)](#), rule 1, [Sch. 1 paras. 2, 3 Table](#) (with rules 4, 5)

Modifications etc. (not altering text)

- C9** Rule 1.35 applied (with modifications) (temp.) (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 4 para. 47](#) (with ss. 2(2), 5(2), [Sch. 4 para. 12](#))
- C10** Rule 1.35 applied (with modifications) (30.9.2021) by [S.I. 2014/229](#), art. 2(2A), [Sch. 1A paras. 1\(4\) \(5\), 35, 38](#) (as inserted by [The Co-operative and Community Benefit Societies \(Administration\) \(Amendment\) Order 2021 \(S.I. 2021/1048\)](#), arts. 1(1), 2)

CHAPTER 9

^{M18M19}Delivery of documents and opting out (sections 246C, 248A , 379C and 383A)

Marginal Citations

- M18** Section 246C was inserted by section 124(3) of the [Small Business, Enterprise and Employment Act 2015 \(c.26\)](#) and section 248A was inserted by section 124(4) of the same Act.
- M19** Section 379C was inserted by section 125(3) of the [Small Business, Enterprise and Employment Act 2015](#) and section 383(A) was inserted by section 125(4) of the same Act.

Application of Chapter

[Note: the registrar's rules include provision for the electronic delivery of documents.]

1.36.—(1) This Chapter applies where a document is required under the Act or these Rules to be delivered, filed, forwarded, furnished, given, sent, or submitted in respect of proceedings under Parts 1 to 11 of the Act or the [^{F38}EU Regulation] unless the Act, a rule or an order of the court makes different provision including one requiring service of the document.

(2) However in respect of delivery of a document to the registrar of companies—

- (a) subject to sub-paragraph (b) only the following rules in this Chapter apply: rules 1.42 (postal delivery of documents), 1.43 (delivery by document exchange), 1.44 (personal delivery) and 1.52 (proof of delivery of documents);
- (b) the registrar's rules made under sections 1068 and 1117 of the Companies Act apply to determine the date when any document is received by the registrar of companies.

Textual Amendments

- F38** Words in rule 1.36(1) substituted (8.12.2017) by [The Insolvency \(England and Wales\) and Insolvency \(Scotland\) \(Miscellaneous and Consequential Amendments\) Rules 2017 \(S.I. 2017/1115\)](#), rules 1(1), [23\(6\)](#)

Modifications etc. (not altering text)

- C11** Rule 1.36(2) applied (with modifications) (temp.) (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 4 para. 46](#) (with ss. 2(2), 5(2), [Sch. 4 para. 12](#))

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C12 Rule 1.36(2) applied (with modifications) (30.9.2021) by [S.I. 2014/229](#), art. 2(2A), Sch. 1A paras. 1(4) (5), [34\(a\)](#), 38 (as inserted by [The Co-operative and Community Benefit Societies \(Administration\) \(Amendment\) Order 2021 \(S.I. 2021/1048\)](#), arts. 1(1), 2)

Delivery to the creditors and opting out

1.37.—(1) Where the Act or a rule requires an office-holder to deliver a document to the creditors, or the creditors in a class, the requirement is satisfied by the delivery of the document to all such creditors of whose address the office-holder is aware other than opted-out creditors [^{F39}unless the opt out does not apply].

- (2) Where a creditor has opted out from receiving documents, the opt out does not apply to—
- (a) a notice which the Act requires to be delivered to all creditors without expressly excluding opted-out creditors;
 - (b) a notice of a change in the office-holder or the contact details for the office-holder;
 - (c) a notice as provided for by sections 246C(2) or 379C(2) (notices of distributions, intended distributions and notices required to be given by court order); or
 - (d) a document which these Rules requires to accompany a notice within sub-paragraphs (a) to (c).

(3) The office-holder must begin to treat a creditor as an opted-out creditor as soon as reasonably practicable after delivery of the creditor's election to opt out.

(4) An office-holder in any consecutive insolvency proceedings of a different kind under Parts 1 to 11 of the Act in respect of the same company or individual who is aware that a creditor was an opted-out creditor in the earlier proceedings must treat the creditor as an opted out creditor in the consecutive proceedings.

Textual Amendments

F39 Words in [rule 1.37\(1\)](#) substituted (6.4.2017) by [The Insolvency \(England and Wales\) \(Amendment\) Rules 2017 \(S.I. 2017/366\)](#), rules 1, 5

Creditor's election to opt out

1.38.—[^{F40}(A1) This rule does not apply in relation to a moratorium under Part A1 of the Act.]

- (1) A creditor may at any time elect to be an opted-out creditor.
- (2) The creditor's election to opt out must be by a notice in writing authenticated and dated by the creditor.
- (3) The creditor must deliver the notice to the office-holder.
- (4) A creditor becomes an opted-out creditor when the notice is delivered to the office-holder.
- (5) An opted-out creditor—
 - (a) will remain an opted-out creditor for the duration of the proceedings unless the opt out is revoked; and
 - (b) is deemed to be an opted-out creditor in respect of any consecutive insolvency proceedings under Parts 1 to 11 of the Act of a different kind relating to the same company or individual.
- (6) The creditor may at any time revoke the election to opt out by a further notice in writing, authenticated and dated by the creditor and delivered to the office-holder.

(7) The creditor ceases to be an opted-out creditor from the date the notice is received by the office-holder.

Textual Amendments

F40 Rule 1.38(A1) inserted (1.10.2021) by [The Insolvency \(England and Wales\) \(No.2\) \(Amendment\) Rules 2021 \(S.I. 2021/1028\)](#), rules 1, **10** (with rules 4, 5)

Office-holder to provide information to creditors on opting-out

1.39.—^{F41}(A1) This rule does not apply in relation to a moratorium under Part A1 of the Act.]

(1) The office-holder must, in the first communication with a creditor, inform the creditor in writing that the creditor may elect to opt out of receiving further documents relating to the proceedings.

(2) The communication must contain—

- (a) identification and contact details for the office-holder;
- (b) a statement that the creditor has the right to elect to opt out of receiving further documents about the proceedings unless—
 - (i) the Act requires a document to be delivered to all creditors without expressly excluding opted-out creditors,
 - (ii) it is a notice relating to a change in the office-holder or the office-holder's contact details, or
 - (iii) it is a notice of a dividend or proposed dividend or a notice which the court orders to be sent to all creditors or all creditors of a particular category to which the creditor belongs;
- (c) a statement that opting-out will not affect the creditor's entitlement to receive dividends should any be paid to creditors;
- (d) a statement that unless these Rules provide to the contrary opting-out will not affect any right the creditor may have to vote in a decision procedure or a participate in a deemed consent procedure in the proceedings although the creditor will not receive notice of it;
- (e) a statement that a creditor who opts out will be treated as having opted out in respect of any consecutive insolvency proceedings of a different kind in respect of the same company or individual; and
- (f) information about how the creditor may elect to be or cease to be an opted-out creditor.

Textual Amendments

F41 Rule 1.39(A1) inserted (1.10.2021) by [The Insolvency \(England and Wales\) \(No.2\) \(Amendment\) Rules 2021 \(S.I. 2021/1028\)](#), rules 1, **11** (with rules 4, 5)

Delivery of documents to authorised recipients

1.40. Where under the Act or these Rules a document is to be delivered to a person (other than by being served on that person), it may be delivered instead to any other person authorised in writing to accept delivery on behalf of the first-mentioned person.

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Modifications etc. (not altering text)

- C13** Rule 1.40 applied (with modifications) (temp.) (26.6.2020) by Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), **Sch. 4 para. 46** (with ss. 2(2), 5(2), Sch. 4 para. 12)
- C14** Rule 1.40 applied (with modifications) (30.9.2021) by S.I. 2014/229, art. 2(2A), Sch. 1A paras. 1(4) (5), **34(b)**, 38 (as inserted by The Co-operative and Community Benefit Societies (Administration) (Amendment) Order 2021 (S.I. 2021/1048), arts. 1(1), 2)

Delivery of documents to joint office-holders

1.41. Where there are joint office-holders in insolvency proceedings, delivery of a document to one of them is to be treated as delivery to all of them.

Modifications etc. (not altering text)

- C15** Rule 1.41 applied (with modifications) (temp.) (26.6.2020) by Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), **Sch. 4 para. 46** (with ss. 2(2), 5(2), Sch. 4 para. 12)
- C16** Rule 1.41 applied (with modifications) (30.9.2021) by S.I. 2014/229, art. 2(2A), Sch. 1A paras. 1(4) (5), **34(c)**, 38 (as inserted by The Co-operative and Community Benefit Societies (Administration) (Amendment) Order 2021 (S.I. 2021/1048), arts. 1(1), 2)

Postal delivery of documents

1.42.—(1) A document is delivered if it is sent by post in accordance with the provisions of this rule.

(2) First class or second class post may be used to deliver a document except where these Rules require first class post to be used.

(3) Unless the contrary is shown—

- (a) a document sent by first class post is treated as delivered on the second business day after the day on which it is posted;
- (b) a document sent by second class post is treated as delivered on the fourth business day after the day on which it is posted;
- (c) where a post-mark appears on the envelope in which a document was posted, the date of that post-mark is to be treated as the date on which the document was posted.

(4) In this rule “post-mark” means a mark applied by a postal operator which records the date on which a letter entered the postal system of the postal operator.

Modifications etc. (not altering text)

- C17** Rule 1.42 applied (with modifications) (temp.) (26.6.2020) by Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), **Sch. 4 para. 46** (with ss. 2(2), 5(2), Sch. 4 para. 12)
- C18** Rule 1.42 applied (with modifications) (30.9.2021) by S.I. 2014/229, art. 2(2A), Sch. 1A paras. 1(4) (5), **34(d)**, 38 (as inserted by The Co-operative and Community Benefit Societies (Administration) (Amendment) Order 2021 (S.I. 2021/1048), arts. 1(1), 2)

Delivery by document exchange

1.43.—(1) A document is delivered to a member of a document exchange if it is delivered to that document exchange.

(2) Unless the contrary is shown, a document is treated as delivered—

- (a) one business day after the day it is delivered to the document exchange where the sender and the intended recipient are members of the same document exchange; or
- (b) two business days after the day it is delivered to the departure facility of the sender's document exchange where the sender and the intended recipient are members of different document exchanges.

Modifications etc. (not altering text)

- C19** Rule 1.43 applied (with modifications) (temp.) (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 4 para. 46](#) (with ss. 2(2), 5(2), Sch. 4 para. 12)
- C20** Rule 1.43 applied (with modifications) (30.9.2021) by [S.I. 2014/229](#), art. 2(2A), Sch. 1A paras. 1(4) (5), [34\(e\)](#), 38 (as inserted by [The Co-operative and Community Benefit Societies \(Administration\) \(Amendment\) Order 2021 \(S.I. 2021/1048\)](#), arts. 1(1), 2)

Personal delivery of documents

1.44. A document is delivered if it is personally delivered in accordance with the rules for personal service in CPR Part 6.

Modifications etc. (not altering text)

- C21** Rule 1.44 applied (with modifications) (temp.) (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 4 para. 46](#) (with ss. 2(2), 5(2), Sch. 4 para. 12)
- C22** Rule 1.44 applied (with modifications) (30.9.2021) by [S.I. 2014/229](#), art. 2(2A), Sch. 1A paras. 1(4) (5), [34\(f\)](#), 38 (as inserted by [The Co-operative and Community Benefit Societies \(Administration\) \(Amendment\) Order 2021 \(S.I. 2021/1048\)](#), arts. 1(1), 2)

Electronic delivery of documents

1.45.—(1) A document is delivered if it is sent by electronic means and the following conditions apply.

(2) The conditions are that the intended recipient of the document has—

- (a) given actual or deemed consent for the electronic delivery of the document;
- (b) not revoked that consent before the document is sent; and
- (c) provided an electronic address for the delivery of the document.

(3) Consent may relate to a specific case or generally.

(4) For the purposes of paragraph (2)(a) an intended recipient is deemed to have consented to the electronic delivery of a document by the office-holder where the intended recipient and the person who is the subject of the insolvency proceedings had customarily communicated with each other by electronic means before the proceedings commenced.

(5) Unless the contrary is shown, a document is to be treated as delivered by electronic means to an electronic address where the sender can produce a copy of the electronic communication which—

- (a) contains the document; and

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(b) shows the time and date the communication was sent and the electronic address to which it was sent.

(6) Unless the contrary is shown, a document sent electronically is treated as delivered to the electronic address to which it is sent at 9.00 am on the next business day after it was sent.

Modifications etc. (not altering text)

C23 Rule 1.45 applied (with modifications) (temp.) (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 4 para. 46](#) (with ss. 2(2), 5(2), [Sch. 4 para. 12](#))

C24 Rule 1.45 applied (with modifications) (30.9.2021) by [S.I. 2014/229](#), art. 2(2A), [Sch. 1A paras. 1\(4\) \(5\)](#), [34\(g\)](#), 38 (as inserted by [The Co-operative and Community Benefit Societies \(Administration\) \(Amendment\) Order 2021 \(S.I. 2021/1048\)](#), arts. 1(1), 2)

Electronic delivery of documents to the court

1.46.—(1) A document may not be delivered to a court by electronic means unless this is expressly permitted by the CPR, a Practice Direction, or these Rules.

(2) A document delivered by electronic means is to be treated as delivered to the court at the time it is recorded by the court as having been received or otherwise as the CPR, a Practice Direction or these Rules provide.

Electronic delivery of notices to enforcement officers

1.47. Where anything in the Act or these Rules provides for the delivery of a notice to an enforcement officer or enforcement agent, it may be delivered by electronic means to a person who has been authorised to receive such a notice on behalf of a specified enforcement officer or enforcement agent or on behalf of enforcement officers or enforcement agents generally.

Electronic delivery by office-holders

1.48.—(1) Where an office-holder delivers a document by electronic means, the document must contain, or be accompanied by, a statement that the recipient may request a hard copy of the document and a telephone number, email address and postal address that may be used to make that request.

(2) An office-holder who receives such a request must deliver a hard copy of the document to the recipient free of charge within five business days of receipt of the request.

Use of website by office-holder to deliver a particular document (sections 246B and 379B)

[Note: rule 3.54(3) allows notice of an extension to an administration to be given on a website, and rules 2.25(6) and 8.22(5) do likewise in respect of notice of the result of the consideration of a proposal for a CVA and an IVA respectively.]

1.49.—(1) This rule applies for the purposes of sections 246B and 379B ^{M20} (use of websites).

(2) An office-holder who is required to deliver a document to any person may (except where personal delivery is required) satisfy that requirement by delivering a notice to that person which contains—

- (a) a statement that the document is available for viewing and downloading on a website;
 - (b) the website's address and any password necessary to view and download the document;
- and

- (c) a statement that the person to whom the notice is delivered may request a hard copy of the document with a telephone number, email address and postal address which may be used to make that request.
- (3) An office-holder who receives such a request must deliver a hard copy of the document to the recipient free of charge within five business days of receipt of the request.
- (4) A document to which a notice under paragraph (2) relates must—
 - (a) remain available on the website for the period required by rule 1.51; and
 - (b) be in a format that enables it to be downloaded within a reasonable time of an electronic request being made for it to be downloaded.
- (5) A document which is delivered to a person by means of a website in accordance with this rule, is deemed to have been delivered—
 - (a) when the document is first made available on the website; or
 - (b) when the notice under paragraph (2) is delivered to that person, if that is later.

Marginal Citations

M20 Sections 246B and 379B were inserted by [S.I. 2010/18](#).

General use of website to deliver documents

- 1.50.**—(1) The office-holder may deliver a notice to each person to whom a document will be required to be delivered in the insolvency proceedings which contains—
- (a) a statement that future documents in the proceedings other than those mentioned in paragraph (2) will be made available for viewing and downloading on a website without notice to the recipient and that the office-holder will not be obliged to deliver any such documents to the recipient of the notice unless it is requested by that person;
 - (b) a telephone number, email address and postal address which may be used to make a request for a hard copy of a document;
 - (c) a statement that the recipient of the notice may at any time request a hard copy of any or all of the following—
 - (i) all documents currently available for viewing on the website,
 - (ii) all future documents which may be made available there, and
 - (d) the address of the website, any password required to view and download a relevant document from that site.
- (2) A statement under paragraph (1)(a) does not apply to the following documents—
- (a) a document for which personal delivery is required;
 - (b) a notice under rule 14.29 of intention to declare a dividend; and
 - (c) a document which is not delivered generally.
- (3) A document is delivered generally if it is delivered to some or all of the following classes of persons—
- (a) members,
 - (b) contributories,
 - (c) creditors;
 - (d) any class of members, contributories or creditors.

- (4) An office-holder who has delivered a notice under paragraph (1) is under no obligation—
 - (a) to notify a person to whom the notice has been delivered when a document to which the notice applies has been made available on the website; or
 - (b) to deliver a hard copy of such a document unless a request is received under paragraph (1)(c).
- (5) An office-holder who receives such a request—
 - (a) in respect of a document which is already available on the website must deliver a hard copy of the document to the recipient free of charge within five business days of receipt of the request; and
 - (b) in respect of all future documents must deliver each such document in accordance with the requirements for delivery of such a document in the Act and these Rules.
- (6) A document to which a statement under paragraph (1)(a) applies must—
 - (a) remain available on the website for the period required by rule 1.51; and
 - (b) must be in such a format as to enable it to be downloaded within a reasonable time of an electronic request being made for it to be downloaded.
- (7) A document which is delivered to a person by means of a website in accordance with this rule, is deemed to have been delivered—
 - (a) when the relevant document was first made available on the website; or
 - (b) if later, when the notice under paragraph (1) was delivered to that person.
- (8) Paragraph (7) does not apply in respect of a person who has made a request under paragraph (1)(c)(ii) for hard copies of all future documents.

Retention period for documents made available on websites

1.51.—(1) This rule applies to a document which is made available on a website under rules 1.49, 1.50, 2.25(6) (notice of the result of the consideration of a proposal for a CVA), 3.54(3) (notice of an extension to an administration) and 8.22(4) (notice of the result of the consideration of a proposal for an IVA).

(2) Such a document must continue to be made available on the website until two months after the end of the particular insolvency proceedings or the release of the last person to hold office as the office-holder in those proceedings.

Proof of delivery of documents

1.52.—(1) A certificate complying with this rule is proof that a document has been duly delivered to the recipient in accordance with this Chapter unless the contrary is shown.

(2) A certificate must state the method of delivery and the date of the sending, posting or delivery (as the case may be).

(3) In the case of the official receiver or the adjudicator the certificate must be given by—

- (a) the official receiver or the adjudicator; or
- (b) a member of the official receiver's or adjudicator's staff.

(4) In the case of an office-holder other than the official receiver or the adjudicator the certificate must be given by—

- (a) the office-holder;
- (b) the office-holder's solicitor; or
- (c) a partner or an employee of either of them.

(5) In the case of a person other than an office-holder the certificate must be given by that person and must state—

- (a) that the document was delivered by that person; or
 - (b) that another person (named in the certificate) was instructed to deliver it.
- (6) A certificate under this rule may be endorsed on a copy of the document to which it relates.

Delivery of proofs and details of claims

1.53.—(1) Once a proof has, or details of a claim have, been delivered to an office-holder in accordance with these Rules that proof or those details need not be delivered again; and accordingly, where a provision of these Rules requires delivery of a proof or details of a claim by a certain time, that requirement is satisfied if the proof has or the details have already been delivered.

(2) Paragraph (1) also applies to those cases set out in rule 14.3(2)(a) and (b) where a creditor who has proved in insolvency proceedings is deemed to have proved in an insolvency proceedings which immediately follows that proceeding.

CHAPTER 10

Inspection of documents, copies and provision of information

Right to copies of documents

1.54. Where the Act, in relation to proceedings under [^{F42}Part A1] to 11 of the Act, or these Rules give a person the right to inspect documents, that person has a right to be supplied on request with copies of those documents on payment of the standard fee for copies.

Textual Amendments

F42 Words in rule 1.54 substituted (1.10.2021) by virtue of [The Insolvency \(England and Wales\) \(No.2\) \(Amendment\) Rules 2021 \(S.I. 2021/1028\)](#), rule 1, [Sch. 1 paras. 2, 3 Table](#) (with rules 4, 5)

Charges for copies of documents provided by the office-holder

1.55. Except where prohibited by these Rules, an office-holder is entitled to require the payment of the standard fee for copies of documents requested by a creditor, member, contributory or member of a liquidation or creditors' committee.

Offence in relation to inspection of documents

1.56.—(1) It is an offence for a person who does not have a right under these Rules to inspect a relevant document falsely to claim to be a creditor, a member of a company or a contributory of a company with the intention of gaining sight of the document.

(2) A relevant document is one which is on the court file, the bankruptcy file or held by the office-holder or any other person and which a creditor, a member of a company or a contributory of a company has the right to inspect under these Rules.

(3) A person guilty of an offence under this rule is liable to imprisonment or a fine, or both.

Right to list of creditors

1.57.—(1) This rule applies to—

[^{F43}(za) a moratorium under Part A1 of the Act;]

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- (a) administration;
 - (b) creditors' voluntary winding up;
 - (c) winding up by the court; and
 - (d) bankruptcy.
- (2) A creditor has the right to require the office-holder to provide a list of the names and addresses of the creditors and the amounts of their respective debts unless—
- (a) a statement of affairs has been filed with the court or delivered to the registrar of companies; or
 - (b) the information is available for inspection on the bankruptcy file.
- (3) The office-holder on being required to provide such a list—
- (a) must deliver it to the person requiring the list as soon as reasonably practicable; and
 - (b) may charge the standard fee for copies for a hard copy.
- (4) The office-holder may omit the name and address of a creditor if the office-holder thinks its disclosure would be prejudicial to the conduct of the proceedings or might reasonably be expected to lead to violence against any person.
- (5) In such a case the list must include—
- (a) the amount of that creditor's debt; and
 - (b) a statement that the name and address of the creditor has been omitted for that debt.

Textual Amendments

F43 [Rule 1.57\(za\)](#) inserted (1.10.2021) by [The Insolvency \(England and Wales\) \(No.2\) \(Amendment\) Rules 2021 \(S.I. 2021/1028\)](#), rules 1, 12 (with rules 4, 5)

Confidentiality of documents: grounds for refusing inspection

1.58.—(1) Where an office-holder considers that a document forming part of the records of the insolvency proceedings—

- (a) should be treated as confidential; or
- (b) is of such a nature that its disclosure would be prejudicial to the conduct of the proceedings or might reasonably be expected to lead to violence against any person;

the office-holder may decline to allow it to be inspected by a person who would otherwise be entitled to inspect it.

(2) The persons to whom the office-holder may refuse inspection include members of a liquidation committee or a creditors' committee.

(3) Where the office-holder refuses inspection of a document, the person wishing to inspect it may apply to the court which may reconsider the office-holder's decision.

(4) The court's decision may be subject to such conditions (if any) as it thinks just.

Changes to legislation:

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- rule 16.01-16.07 applied (with modifications) by [S.I. 2024/229 rule 5138139Sch.](#)
- rule 16.09 applied (with modifications) by [S.I. 2024/229 rule 5140Sch.](#)