
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 10

BANKRUPTCY

CHAPTER 19

Second bankruptcy

[Note: a document required by the Act or these Rules must also contain the standard contents set out in Part 1.]

Scope of this Chapter

[Note: “the earlier bankruptcy”, “the existing trustee” and “the later bankruptcy” are defined in section 334(1).]

10.150. The rules in this Chapter relate to the manner in which, in the case of a second bankruptcy, the existing trustee is to deal with property and money to which section 334(3) applies until there is a trustee of the bankrupt’s estate in the later bankruptcy.

General duty of existing trustee

10.151.—(1) The existing trustee must take into custody or under control the property and money to which section 334(3) applies so far as this has not already been done in the earlier bankruptcy.

(2) Where any of that property consists of perishable goods, or goods the value of which is likely to diminish if they are not disposed of, the existing trustee has power to sell or otherwise dispose of those goods.

(3) The proceeds of such a sale or disposal must be held, under the existing trustee’s control, with the other property and money comprised in the bankrupt’s estate.

Delivery up to later trustee

10.152. The existing trustee must, if requested by the later trustee for the purposes of the later bankruptcy, deliver to the later trustee as soon as reasonably practicable all the property and money in the existing trustee’s custody or under the existing trustee’s control under rule 10.151.

Existing trustee’s expenses

10.153. Any expenses incurred by the existing trustee in compliance with section 335(1) and this Chapter must be paid out of, and are a charge on, all of the property and money referred to in section 334(3), whether in the hands of the existing trustee or of the later trustee for the purposes of the later bankruptcy.