
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 9

DEBT RELIEF ORDERS

CHAPTER 7

Permission to act as a director, etc.

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

Application for permission under the Company Directors Disqualification Act 1986

9.25.—(1) This rule relates to an application for permission under section 11 of the Company Directors Disqualification Act 1986⁽¹⁾, to act as director of, or to take part or be concerned in the promotion, formation or management of a company by a person—

- (a) in relation to whom a moratorium period under a debt relief order applies; or
- (b) in relation to whom a debt relief restrictions order or undertaking is in force.

(2) The application must be supported by a witness statement which must contain identification details for the company and specify—

- (a) the nature of its business or intended business, and the place or places where that business is, or is to be, carried on;
- (b) in the case of a company which has not yet been incorporated, whether it is, or is to be, a private or a public company;
- (c) the persons who are, or are to be, principally responsible for the conduct of its affairs (whether as directors, shadow directors, managers or otherwise);
- (d) the manner and capacity in which the applicant for permission proposes to take part or be concerned in the promotion or formation of the company or, as the case may be, its management; and
- (e) the emoluments and other benefits to be obtained by virtue of the matters referred to in paragraph (d).

(3) The court must fix a venue for the hearing of the application, and must deliver a notice to the applicant for permission accordingly.

Report of official receiver

9.26.—(1) The applicant for permission must, not less than 28 days before the date fixed for the hearing, deliver to the official receiver, notice of the venue, accompanied by copies of the application and the witness statement under rule 9.25.

(1) 1986 c.46; section 11 is amended by S.I. 2009/1941 and 2012/2404.

(2) The official receiver may, not less than 14 days before the date fixed for the hearing, file with the court a report of any matters which the official receiver considers ought to be drawn to the court's attention.

(3) A copy of the report must be delivered by the official receiver, as soon as reasonably practicable after it is filed, to the applicant for permission.

(4) The applicant for permission may, not later than five business days before the date of the hearing, file with the court a notice specifying any statements in the official receiver's report which are to be denied or disputed.

(5) If a notice is filed under paragraph (4), the applicant for permission must deliver copies of it, not less than three business days before the date of the hearing, to the official receiver.

(6) The official receiver may appear on the hearing of the application, and may make representations and put to the applicant for permission such questions as the court may allow.

Court's order on application

9.27.—(1) If the court grants the application for permission under section 11 of the Company Directors Disqualification Act 1986, its order must specify that which by virtue of the order the applicant has permission to do.

(2) The court may at the same time, having regard to any representations made by the official receiver on the hearing of the application, exercise in relation to the moratorium period or the debt relief order to which the applicant for permission is subject, any power which it has under section 251M.

(3) Whether or not the application is granted, copies of the order must be delivered by the court to the applicant and the official receiver.