
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 10

BANKRUPTCY

CHAPTER 16

Annulment of bankruptcy order

The hearing

10.137.—(1) The trustee must attend the hearing of the application under section 282(1) unless the court directs otherwise.

(2) The official receiver, if not the trustee, may attend, but is not required to do so unless the official receiver has filed a report under rule 10.133.

(3) If the court makes an order on the application or on an application under rule 10.134, it must deliver copies of the order to the applicant, the official receiver and (if other) the trustee.

(4) An order of annulment under section 282 must contain—

- (a) identification details for the proceedings;
- (b) the name and address of the applicant;
- (c) the date of the bankruptcy order;
- (d) the date of the filing of the bankruptcy petition or the making of the bankruptcy application;
- (e) the date and reference number of the registration of the bankruptcy petition or bankruptcy application as a pending action with the Chief Land Registrar;
- (f) the date and reference number of the registration of the bankruptcy order on the register of writs and orders affecting land with the Chief Land Registrar;
- (g) a statement that it appears to the court that—
 - (i) the bankruptcy order ought not to have been made, or
 - (ii) the bankruptcy debts and expenses of the bankruptcy have all been paid or secured to the satisfaction of the court;

and that under section 282(2) the bankruptcy order ought to be annulled;

- (h) an order—
 - (i) that the bankruptcy order specified in the order is annulled,
 - (ii) that the bankruptcy petition or bankruptcy application specified in the order be dismissed, and

(1) Section 282(2) is amended by paragraph 13 of Schedule 19 to the Enterprise and Regulatory Reform Act 2013 (c.24) and (4) is amended by section 135(2)(a) of the Small Business, Enterprise and Employment Act 2015 (c.26).

- (iii) that the registration of the petition or the bankruptcy application as a pending action with the Chief Land Registrar and of the bankruptcy order with the Chief Land Registrar specified in the order be vacated upon application made by the bankrupt; and
 - (i) the date of the order.
- (5) The order must contain a notice to the bankrupt stating—
 - (a) should the bankrupt require notice of the order to be gazetted and to be advertised in the same manner as the bankruptcy order was advertised, the bankrupt must within 28 days deliver notice of that requirement to the official receiver; and
 - (b) it is the bankrupt's responsibility and in the bankrupt's interest to ensure that the registration of the petition or bankruptcy application and of the bankruptcy order with the Chief Land Registrar are cancelled.