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STATUTORY INSTRUMENTS

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**2016 No. 1024**

**The Insolvency (England and Wales) Rules 2016**

**PART 10**

**BANKRUPTCY**

**CHAPTER 21**

Miscellaneous rules in bankruptcy

**Application in relation to the vesting of an interest in a dwelling-house (registered land)**

**10.168.**—(1) This rule applies where—

- (a) the bankrupt's estate includes an interest in a dwelling-house which at the date of bankruptcy was the sole or principal residence of—
  - (i) the bankrupt,
  - (ii) the bankrupt's spouse or civil partner, or
  - (iii) a former spouse or former civil partner of the bankrupt; and
- (b) the dwelling-house is registered land; and
- (c) an entry has been made relating to the bankruptcy in the individual register of the dwelling-house or the register has been altered to reflect the vesting of the bankrupt's interest in a trustee in bankruptcy.

(2) Where such an interest ceases to be comprised in the bankrupt's estate and vests in the bankrupt under either section 283A(2) or 283A(4) of the Act, or under section 261(8) of the Enterprise Act 2002(1), the trustee must, within five business days of the vesting, make such application to the Chief Land Registrar as is necessary to show in the individual register of the dwelling-house that the interest has vested in the bankrupt.

(3) The trustee's application must be made in accordance with the Land Registration Act 2002 and must be accompanied by—

- (a) evidence of the trustee's appointment (where not previously provided to the Chief Land Registrar); and
- (b) a certificate from the trustee stating that the interest has vested in the bankrupt under section 283A(2) or 283A(4) of the Act or section 261(8) of the Enterprise Act 2002 (whichever is appropriate).

(4) As soon as reasonably practicable after making such an application, the trustee must deliver notice of the application—

- (a) to the bankrupt; and
- (b) to the bankrupt's spouse, former spouse, civil partner or former civil partner if the dwelling-house was the sole or principal residence of that person.

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(1) 2002 c.40. There are amendments to this Act but they are not relevant to this instrument.

(5) The trustee must deliver notice of the application to every person who (to the trustee's knowledge) claims an interest in, or is under any liability in relation to, the dwelling-house.