
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 10

BANKRUPTCY

CHAPTER 2

CREDITORS' BANKRUPTCY PETITIONS

Preliminary

Substitution of petitioner

10.27.—(1) This rule applies where the petitioner—

- (a) is subsequently found not to have been entitled to present the petition;
- (b) consents to withdraw the petition or to allow it to be dismissed;
- (c) consents to an adjournment;
- (d) fails to appear in support of the petition when it is called on in court on the day originally fixed for the hearing, or on a day to which it is adjourned; or
- (e) appears, but does not apply for an order in the terms of the petition.

(2) The court may, on such terms as it thinks just, substitute as petitioner a person who—

- (a) has delivered a notice under rule 10.19 of intention to appear at the hearing;
- (b) is willing to prosecute the petition; and
- (c) was, in the case of a creditor, at the date on which the petition was presented, in such a position in relation to the debtor as would have enabled the creditor on that date to present a bankruptcy petition in relation to a debt or debts owed to that creditor by the debtor, paragraphs (a) to (d) of section 267(2) being satisfied in relation to that debt or those debts.