
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 10

BANKRUPTCY

CHAPTER 4

The interim receiver

Application for appointment of interim receiver (section 286)

10.49.—(1) An application to the court under section 286(1) for the appointment of the official receiver or an insolvency practitioner as interim receiver may be made by—

- (a) a creditor;
- (b) the debtor;
- (c) a temporary administrator; or
- (d) a member State liquidator appointed in main proceedings (including in accordance with Article 29 of the EC Regulation).

(2) The application must be supported by a witness statement stating—

- (a) the grounds on which it is proposed that the interim receiver should be appointed;
- (b) whether or not the official receiver has been informed of the application and, if so, whether a copy of it has been delivered to that person;
- (c) if the proposed interim receiver is an insolvency practitioner, that the insolvency practitioner has consented to act;
- (d) whether to the applicant's knowledge there has been proposed or is in force an IVA(2); and
- (e) the applicant's estimate of the value of the property or business in relation to which the interim receiver is to be appointed.

(3) The applicant must deliver copies of the application and the witness statement to the proposed interim receiver and to the official receiver.

(4) If for any reason it is not practicable to deliver a copy of the application to the proposed interim receiver that person must be informed of the application in sufficient time to be able to be present at the hearing.

(5) The official receiver may attend the hearing of the application and make representations.

(1) Section 286 is amended by paragraph 17 of Schedule 19 to the Enterprise and Regulatory Reform Act 2013 (c.24), paragraph 13 of Schedule 6 to the Deregulation Act 2015 (c.20) and paragraph 2 of Schedule 10 to the Small Business, Enterprise and Employment Act 2015 (c.26).

(2) Part 8 is amended by paragraph 2 of Schedule 6 to the Deregulation Act 2015 (c.20), paragraphs 2 to 4 of Schedule 19 to the Enterprise and Regulatory Reform Act 2013 (c.24) and sections 124 and 15 and paragraphs 61 to 72 of Schedule 9 to the Small Business, Enterprise and Employment Act 2015 (c.26).

(6) If satisfied that sufficient grounds are shown for the appointment, the court may appoint an interim receiver on such terms as it thinks just.