
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 12

COURT PROCEDURE AND PRACTICE

CHAPTER 7

The court file

The court file

12.39.—(1) Where documents are filed with the court under the Act or these Rules, the court must open and maintain a court file and place those documents on the file.

(2) However where a bankruptcy file has been opened under rule 10.47, documents filed with the court under the Act or these Rules must be placed on the bankruptcy file.

(3) The following may inspect the court file, or obtain from the court a copy of the court file, or of any document in the court file—

- (a) the office-holder in the proceedings;
- (b) the Secretary of State; and
- (c) a creditor who provides the court with a statement confirming that that person is a creditor of the company or the individual to whom the proceedings relate.

(4) The same right to inspect and obtain copies is exercisable—

- (a) in proceedings under [F1Part A1] to 7 of the Act, by—
 - (i) an officer or former officer of the company to which the proceedings relate, or
 - (ii) a member of the company or a contributory in its winding up;
- (b) in proceedings relating to an IVA, by the debtor;
- (c) in bankruptcy proceedings, by—
 - (i) the bankrupt,
 - (ii) a person against whom a bankruptcy petition has been presented, or
 - (iii) a person who has been served with a statutory demand under section 268;
- (d) in proceedings relating to a debt relief order, by the debtor.

(5) The right to inspect and obtain copies may be exercised on a person's behalf by someone authorised to do so by that person.

(6) Other persons may inspect the file or obtain copies if the court gives permission.

(7) The right to a copy of a document is subject to payment of the fee chargeable under an order made under section 92 of the Courts Act 2003 ^{M1}.

(8) Inspection of the file, with permission if required, may be at any reasonable time.

(9) The court may direct that the file, a document (or part of it) or a copy of a document (or part of it) must not be made available under paragraph (3), (4) or (5) without the permission of the court.

(10) An application for a direction under paragraph (9) may be made by—

- (a) the official receiver;
- (b) the office-holder in the proceedings; or
- (c) any person appearing to the court to have an interest.

(11) The following applications may be made without notice to any other party, but the court may direct that notice must be delivered to any person who would be affected by its decision—

- (a) an application for permission to inspect the file or obtain a copy of a document under paragraph (6); and
- (b) an application for a direction under paragraph (9).

(12) If, for the purposes of powers conferred by the Act or these Rules, the Secretary of State or the official receiver makes a request to inspect or requests the transmission of the file of insolvency proceedings, the court must comply with the request (unless the file is for the time being in use for the court's own purposes).

Textual Amendments

- F1** Words in rule 12.39 substituted (1.10.2021) by virtue of [The Insolvency \(England and Wales\) \(No.2\) \(Amendment\) Rules 2021 \(S.I. 2021/1028\)](#), rule 1, Sch. 1 paras. 2, 3 Table (with rules 4, 5)

Modifications etc. (not altering text)

- C1** Rule 12.39 restricted (temp.) (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), Sch. 10 para. 19(1)(4) (with ss. 2(2), 5(2))
- C2** Rule 12.39 applied (with modifications) (temp.) (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), **Sch. 4 para. 47** (with ss. 2(2), 5(2), Sch. 4 para. 12)
- C3** Rule 12.39 applied (with modifications) (30.9.2021) by [S.I. 2014/229](#), art. 2(2A), Sch. 1A paras. 1(4)(5), **35**, 38 (as inserted by [The Co-operative and Community Benefit Societies \(Administration\) \(Amendment\) Order 2021 \(S.I. 2021/1048\)](#), arts. 1(1), **2**)
- C4** Rules 12.39-12.43 applied (with modifications) (19.3.2024) by [The Water Industry \(Special Administration\) \(England and Wales\) Rules 2024 \(S.I. 2024/229\)](#), rules 1, 5, 75-77, **Sch.** (with rule 2(2))
- C5** Rule 12.39 applied (with modifications) (19.3.2024) by [The Water Industry \(Special Administration\) \(England and Wales\) Rules 2024 \(S.I. 2024/229\)](#), rules 1, **5(2)**, 75 (with rule 2(2))

Marginal Citations

- M1** [2003 c.39](#). There are amendments to section 92 which are not relevant to these Rules.

Changes to legislation:

There are currently no known outstanding effects for the The Insolvency (England and Wales) Rules 2016, Section 12.