
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 3

ADMINISTRATION

CHAPTER 2

Appointment of administrator by Court

Administration application (paragraph 12 of Schedule B1)

3.3.—(1) An administration application in relation to a company must be headed “Administration application” and must identify the company immediately below the heading.

(2) The application must contain—

- (a) the name of the applicant;
- (b) a statement whether the application is being made by—
 - (i) the company under paragraph 12(1)(a) of Schedule B1,
 - (ii) the directors of the company under paragraph 12(1)(b) of Schedule B1,
 - (iii) a single creditor under paragraph 12(1)(c) of Schedule B1,
 - (iv) a creditor under paragraph 12(1)(c) of Schedule B1 on behalf of that creditor and others,
 - (v) the holder of a qualifying floating charge under paragraph 35 or 37 of Schedule B1 (specifying which),
 - (vi) the liquidator of the company under paragraph 38 of Schedule B1,
 - (vii) the supervisor of a CVA under section 7(4)(b), or
 - (viii) a designated officer of a magistrates' court under section 87A of the Magistrates' Courts Act 1980^{M1};
- (c) if the application is made by a creditor on behalf of that creditor and others, the names of the others;
- (d) if the application is made by the holder of a qualifying floating charge, details of the charge including the date of the charge, the date on which it was registered and the maximum amount if any secured by the charge;
- (e) if the company is registered under the Companies Act—
 - (i) any issued and called-up capital, the number of shares into which the capital is divided, the nominal value of each share and the amount of capital paid up or treated as paid up; or
 - (ii) that it is a company limited by guarantee;
- (f) particulars of the principal business carried on by the company;

- (g) a statement whether the company is an Article 1.2 undertaking;
 - (h) a statement whether the proceedings flowing from the appointment will be [F1COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply] and that the reasons for the statement are set out in the witness statement in support of the application made under rule 3.6;
 - (i) except where the applicant is the holder of a qualifying floating charge and is making the application under paragraph 35 of Schedule B1, a statement that the applicant believes, for the reasons set out in the witness statement in support of the application that the company is, or is likely to become, unable to pay its debts;
 - (j) the name and address of the proposed administrator;
 - (k) the address for service of the applicant;
 - (l) the statement that the applicant requests the court—
 - (i) to make an administration order in relation to the company,
 - (ii) to appoint the proposed person to be administrator, and
 - (iii) to make such ancillary order as the applicant may request, and such other order as the court thinks appropriate.
- (3) The application must be authenticated by the applicant or the applicant's solicitor and dated.

Textual Amendments

- F1** Words in rule 3.3(2)(h) substituted (31.12.2020) by [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 54** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

- C1** [Rules 3.1-3.3](#) applied (with modifications) (19.3.2024) by [The Water Industry \(Special Administration\) \(England and Wales\) Rules 2024 \(S.I. 2024/229\)](#), rules 1, 5, 34, 35, **Sch.** (with rule 2(2))

Marginal Citations

- M1** 1980 c.43; section 87A was inserted by [Criminal Justice Act 1988 \(c.33\)](#) and amended by [Enterprise Act 2002 \(c.40\)](#), [Courts Act 2003 \(c.39\)](#) and [Tribunals, Courts and Enforcement Act 2007 \(c.15\)](#).

Changes to legislation:

There are currently no known outstanding effects for the The Insolvency (England and Wales) Rules 2016, Section 3.