
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 7

WINDING UP BY THE COURT

CHAPTER 13

Public examination of company officers and others (section 133)

Further provisions about requests by a creditor or contributory for a public examination

7.101.—(1) A request by a creditor or contributory for a public examination does not require the support of concurring creditors or contributories if the requisitioning creditor's debt or, as the case may be, requisitioning contributory's shares, is sufficient alone under section 133(2).

(2) Before the official receiver makes the requested application, the creditor or contributory requesting the examination must deposit with the official receiver such sum (if any) as the official receiver determines is appropriate as security for the expenses of the public examination (if ordered).

(3) The official receiver must make the application for the examination—

- (a) within 28 days of receiving the creditor's or contributory's request (if no security is required under paragraph (2); or
- (b) within 28 days of the creditor or contributory (as the case may be) depositing the required security.

(4) However if the official receiver thinks the request is unreasonable, the official receiver may apply to the court for an order to be relieved from making the application.

(5) If the application for an order under paragraph (4) is made without notice to any other party and the court makes such an order then the official receiver must deliver a notice of the order as soon as reasonably practicable to the creditors or contributories who requested the examination.

(6) If the court dismisses the official receiver's application under paragraph (4), the official receiver must make the application under section 133(2) as soon as reasonably practicable.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Insolvency (England and Wales) Rules 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- rule 1.2-1.3 applied (with modifications) by [S.I. 2024/229 rule 56Sch.](#)
- rule 1.4-1.6 applied (with modifications) by [S.I. 2024/229 rule 57Sch.](#)
- rule 1.8-1.12 applied (with modifications) by [S.I. 2024/229 rule 58-10Sch.](#)
- rule 1.15-1.16 applied (with modifications) by [S.I. 2024/229 rule 5Sch.](#)
- rule 1.18-1.58 applied (with modifications) by [S.I. 2024/229 rule 512-33Sch.](#)
- rule 3.1-3.3 applied (with modifications) by [S.I. 2024/229 rule 53435Sch.](#)
- rule 3.6-3.9 applied (with modifications) by [S.I. 2024/229 rule 53637Sch.](#)
- rule 3.28-3.37 applied (with modifications) by [S.I. 2024/229 rule 542-45Sch.](#)
- rule 3.44-3.52 applied (with modifications) by [S.I. 2024/229 rule 54849Sch.](#)
- rule 3.59-3.70 applied (with modifications) by [S.I. 2024/229 rule 551-60Sch.](#)
- rule 12.6-12.31 applied (with modifications) by [S.I. 2024/229 rule 562-73Sch.](#)
- rule 12.39-12.43 applied (with modifications) by [S.I. 2024/229 rule 575-77Sch.](#)
- rule 12.46-12.53 applied (with modifications) by [S.I. 2024/229 rule 578-82Sch.](#)
- rule 12.63-12.65 applied (with modifications) by [S.I. 2024/229 rule 585Sch.](#)
- rule 14.1-14.24 applied (with modifications) by [S.I. 2024/229 rule 586-103Sch.](#)
- rule 14.28-14.35 applied (with modifications) by [S.I. 2024/229 rule 5104-108Sch.](#)
- rule 14.37-14.45 applied (with modifications) by [S.I. 2024/229 rule 5109-113Sch.](#)
- rule 15.2-15.15 applied (with modifications) by [S.I. 2024/229 rule 5115-123Sch.](#)
- rule 15.20-15.23 applied (with modifications) by [S.I. 2024/229 rule 5124-126Sch.](#)
- rule 15.25-15.28 applied (with modifications) by [S.I. 2024/229 rule 5127-129Sch.](#)
- rule 15.31-15.38 applied (with modifications) by [S.I. 2024/229 rule 5130-133Sch.](#)
- rule 15.41-15.46 applied (with modifications) by [S.I. 2024/229 rule 5135-137Sch.](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- rule 16.01-16.07 applied (with modifications) by [S.I. 2024/229 rule 5138139Sch.](#)
- rule 16.09 applied (with modifications) by [S.I. 2024/229 rule 5140Sch.](#)