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STATUTORY INSTRUMENTS

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**2016 No. 1024**

**The Insolvency (England and Wales) Rules 2016**

**PART 7**

**WINDING UP BY THE COURT**

**CHAPTER 5**

**Provisional liquidator**

**Order of appointment of provisional liquidator**

**7.35.—**(1) The order appointing the provisional liquidator must have the title “Order of appointment of Provisional Liquidator” and contain—

- (a) the name of the court (and hearing centre if applicable) in which the order is made;
- (b) the name and title of the judge making the order;
- (c) the name and postal address of the applicant;
- (d) identification details for the company;
- (e) the statement that the court is satisfied—
  - (i) that the company is unable to pay its debts (if applicable), and
  - (ii) that the proceedings are main, secondary, territorial or non-EC proceedings, as the case may be;
- (f) an order either that—
  - (i) upon the sum, which is specified in the order, being deposited by the applicant with the official receiver, the official receiver is appointed provisional liquidator of the company, or
  - (ii) the person specified in the order is appointed provisional liquidator of the company;
- (g) identification and contact details for the provisional liquidator, where the provisional liquidator is not the official receiver;
- (h) details of the functions to be carried out by the provisional liquidator in relation to the company’s affairs;
- (i) a notice to the officers of the company that they are required by section 235 to give the provisional liquidator all the information the provisional liquidator may reasonably require relating to the company’s property and affairs and to attend upon the provisional liquidator at such times as the provisional liquidator may reasonably require; and
- (j) the date of the order.

(2) Where two or more provisional liquidators are appointed the order must also specify (as required by section 231) whether any act required or authorised under any enactment to be done by the provisional liquidator is to be done by all or any one or more of them.

- (3) The court must, as soon as reasonably practicable after the order is made, deliver copies of the order as follows—
- (a) if the official receiver is the provisional liquidator, two sealed copies to the official receiver;
  - (b) if another person is appointed as provisional liquidator—
    - (i) two sealed copies to that person, and
    - (ii) one copy to the official receiver;
  - (c) if there is an administrative receiver acting in relation to the company, one sealed copy to the administrative receiver.
- (4) The official receiver or other person appointed as provisional liquidator must as soon as reasonably practicable deliver a sealed copy of the order to either—
- (a) the company, or
  - (b) the liquidator, if a liquidator was appointed for the company's voluntary winding-up.
- (5) The official receiver or other person appointed as provisional liquidator must as soon as reasonably practicable deliver a copy of the order to the registrar of companies.