
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 9

DEBT RELIEF ORDERS

CHAPTER 5

Objection and revocation

Creditor's objection to a debt relief order (section 251K)

9.15.—(1) The prescribed period under section 251K(2)(a) for a creditor to object to a debt relief order during the moratorium period is within 30 days of the date on which a notice of the making of the order was delivered to the creditor.

(2) The objection must be made in writing to the official receiver and must contain—

- (a) the name and address of the creditor;
- (b) the name of the debtor and the reference number of the order;
- (c) the matters under section 251K to which the creditor objects;
- (d) a statement of which of the prescribed grounds for objection the creditor relies upon;
- (e) a statement of the facts on which the creditor relies; and
- (f) information and documents in support of the grounds and the facts on which the creditor relies.

(3) The prescribed grounds for objection are that—

- (a) there is an error in, or an omission from, something specified in the debt relief order;
- (b) a bankruptcy order has been made in relation to the debtor;
- (c) the debtor has made a proposal under Part 8 of the Act⁽¹⁾;
- (d) the official receiver should not have been satisfied that—
 - (i) the debts specified in the order were qualifying debts of the debtor as at the application date,
 - (ii) the conditions specified in Part 1 of Schedule 4ZA⁽²⁾ were met, or
 - (iii) the conditions specified in Part 2 of that Schedule were met; or
- (e) the official receiver should have been satisfied that the official receiver was permitted to make an order in spite of any failure to meet the conditions referred to in sub-paragraphs (d)(ii) and (iii).

(1) 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 134 and 135 and paragraphs 61 to 72 of Schedule 9 to the Small Business, Enterprise and Employment Act 2015 (c.26).

(2) Paragraph 3 of Schedule 4ZA is substituted by paragraph 62 of Schedule 19 to the Enterprise and Regulatory Reform Act 2013.

Status: *This is the original version (as it was originally made).*
