
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 9

DEBT RELIEF ORDERS

CHAPTER 3

Verifying the application and determining the debtor's income and property

Property to be excluded in determining the value of a debtor's property

9.9.—(1) For the purposes of determining the value of a person's property under rule 9.8, the official receiver must disregard—

- (a) a single domestic motor vehicle belonging to or vested in the debtor if—
 - (i) it has been especially adapted for use by the debtor because of a physical impairment that has a substantial and long-term adverse effect on the debtor's ability to carry out normal day-to-day activities, subject to paragraph (2), or
 - (ii) the maximum potential realisable value of the vehicle is less than £1,000 (the prescribed amount);
- (b) subject to paragraph (3), such tools, books and other items of equipment as are necessary to the debtor for use personally in the debtor's employment, business or vocation;
- (c) subject to paragraph (3), such clothing, bedding, furniture, household equipment and provisions as are necessary for satisfying the basic domestic needs of the debtor and the debtor's family;
- (d) property held by the debtor on trust for any other person;
- (e) the right of nomination to a vacant ecclesiastical benefice;
- (f) a tenancy which is an assured tenancy or an assured agricultural occupancy, within the meaning of Part 1 of the Housing Act 1988⁽¹⁾, and the terms of which inhibit an assignment as mentioned in section 127(5) of the Rent Act 1977⁽²⁾;
- (g) a protected tenancy, within the meaning of the Rent Act 1977, in relation to which, by virtue of any provision of Part 9 of that Act, no premium can lawfully be required as a condition of assignment;
- (h) a tenancy of a dwelling-house by virtue of which the debtor is, within the meaning of the Rent (Agriculture) Act 1976⁽³⁾, a protected occupier of the dwelling-house, and the terms of which inhibit an assignment as mentioned in section 127(5) of the Rent Act 1977;
- (i) a secure tenancy, within the meaning of Part 4 of the Housing Act 1985⁽⁴⁾, which is not capable of being assigned, except in the cases mentioned in section 91(3) of that Act; and

(1) 1998 c.50.

(2) 1977 c.42.

(3) 1976 c.80.

(4) 1985 c.68.

- (j) any right of the debtor under an approved pension arrangement (as defined by section 11 of the Welfare Reform and Pensions Act 1999 **(5)**).
- (2) The amount the official receiver must disregard under paragraph (1)(a)(i) is limited to the value of a reasonable replacement where it appears to the official receiver that the realisable value of the vehicle to be disregarded exceeds the cost of a reasonable replacement for it.
- (3) The amount the official receiver must disregard under paragraph (1)(b) or (c) is limited to the value of a reasonable replacement where it appears to the official receiver that the realisable value of the whole or a part of the property to be disregarded exceeds the cost of a reasonable replacement for that property or that part.
- (4) A vehicle or other property is a reasonable replacement if it is reasonably adequate for meeting the needs met by the other vehicle or other property.

(5) [1999 c 30](#); section 11 is amended by [S.I. 2006/745](#).