
STATUTORY INSTRUMENTS

2016 No. 187

The Insolvency (Amendment) Rules 2016

Amendments to the 1986 Rules

5. In Part 6 (bankruptcy)(1)—
- (a) for Chapter 3 (bankruptcy petition (debtor's)) substitute the Chapter set out in Schedule 1 (amendments to Part 6 (bankruptcy) of the 1986 Rules);
 - (b) in Rule 6.51 (application for appointment of interim receiver)—
 - (i) omit paragraphs (1)(c) and (3);
 - (ii) in paragraph (4) omit the second sentence.
 - (c) in the heading before Rule 6.67 (preliminary) for “petition” substitute “application”.
 - (d) for Rule 6.67 (preliminary) substitute—

“6.67. The Rules in this Section apply in relation to further disclosure which is required of a bankrupt where the bankruptcy order was made on a bankruptcy application.”.
 - (e) omit Rule 6.68 (contents of statement).
 - (f) in Rule 6.69(2) (requirement to submit accounts) for “presentation of the bankruptcy petition” substitute “making of the bankruptcy application”.
 - (g) in Rule 6.72(1) (further disclosure) for “his statement of affairs” substitute “the bankruptcy application”.
 - (h) in Rule 6.75(1) (report where statement of affairs lodged) omit “or 6.72”.
 - (i) at the beginning of Rule 6.126A(7)(b) (resignation (application under Rule 6.142)) insert “in a bankruptcy based on a petition”.
 - (j) in Rule 6.127 (action following acceptance of resignation)—
 - (i) at the beginning of paragraph (6) for “The” substitute “In a bankruptcy based on a petition the”.
 - (ii) for paragraph (7) substitute—

“(7) The trustee’s resignation is effective—

 - (a) in a bankruptcy based on a petition, as from the date on which the official receiver files the copy notice in court, that date to be endorsed on the copy notice;
 - (b) in a bankruptcy based on a debtor’s application, as from the date on which the official receiver places the copy notice on the bankruptcy file.”.
 - (k) for Rule 6.128(4) (permission to resign granted by the court) substitute—

“(4) In a bankruptcy based on a debtor’s application the trustee must send notice of resignation to the official receiver.

- (4A) In a bankruptcy based on a petition the trustee must send notice of resignation to the court and a copy of such notice to the official receiver.”.
- (l) for Rule 6.131 (procedure on removal) substitute—
- “**6.131.**—(1) This Rule applies where the creditors have resolved that the trustee be removed.
- (2) The Secretary of State must deliver to the official receiver a notice of reconciliation that the removed trustee has reconciled the trustee’s account with the account held by the Secretary of State in respect of the bankruptcy.
- (3) In a bankruptcy based on a petition, where the Secretary of State has delivered the notice of reconciliation to the official receiver—
- (a) the official receiver must file the certificate of removal in court; and
- (b) the resolution is effective from the date on which the certificate of removal is filed in court.
- (4) In a bankruptcy based on a debtor’s application, the resolution is effective from the date of the notice of reconciliation.
- (5) The official receiver must deliver a copy of the certificate of removal to the removed trustee, and if a new trustee has been appointed, to the new trustee.”.
- (m) in Rule 6.133(2) (removal of trustee by Secretary of State) at the beginning of subparagraph (a) insert “where the bankruptcy is based on a petition.”.
- (n) in Rule 6.135 (release of resigning or removed trustee)—
- (i) in paragraph (1A) for “ on which the official receiver” to the end substitute—
- “(a) in a bankruptcy based on a debtor’s application, the chairman of the meeting delivers a certificate under paragraph (7) of that Rule to the official receiver, or
- (b) in a bankruptcy based on a petition, the official receiver files a copy of the certificate under paragraph (7) of that Rule in court.”;
- (ii) at the end of paragraph (4) before the full stop insert “in a bankruptcy based on a petition”.
- (o) in Rule 6.136(3) (release of the official receiver) for “to the court that he has done so. The notice” substitute “of that date to the court in a bankruptcy based on a petition or to the official receiver in a bankruptcy based on the debtor’s application. The notice to the court”.
- (p) in Rule 6.137 (final meeting of creditors) in paragraphs (4) and (5) after “to the court” in each paragraph insert “in a bankruptcy based on a petition or to the official receiver in a bankruptcy based on a debtor’s application”.
- (q) in Rule 6.143 (trustee deceased)—
- (i) at the beginning of paragraph (4) for “The” substitute “In a bankruptcy based on a petition, the”;
- (ii) after paragraph (4) insert—
- “(4A) In a bankruptcy based on a debtor’s application, the official receiver must place notice of the death on the bankruptcy file for the purpose of fixing the date of the deceased trustee’s release in accordance with section 299(3)(a).”.
- (r) in Rule 6.144(2) (loss of qualification as insolvency practitioner) after “file in court” insert “in a bankruptcy based on a petition”.
- (s) in Rule 6.220 (certificate of discharge)—

- (i) in paragraph (1) after the words “expiration of time or otherwise” insert “and the bankruptcy order was made otherwise than on a bankruptcy application,”;
- (ii) after paragraph (1) insert—
 - “(1A) On payment of the prescribed fee, a bankrupt may apply to the official receiver for a certificate of discharge where the bankruptcy order was made on a bankruptcy application.
 - (1B) Where it appears to the official receiver that the bankrupt is discharged, the official receiver must deliver a certificate of discharge, and the date from which it is effective, to the former bankrupt by electronic means.
 - (1C) The certificate of discharge delivered by the official receiver must—
 - (a) state the former bankrupt’s full name;
 - (b) state the date of the bankruptcy order;
 - (c) certify that the former bankrupt was discharged from the bankruptcy;
 - (d) state the date of discharge from the bankruptcy;
 - (e) state the date of certification of discharge.”.
- (t) in Rule 6.224(1)(d)(ii) (general rule as to priority) omit the words after “sub-paragraph (i)” to the end of the subparagraph.