



ASSOCIATION OF BUSINESS RECOVERY PROFESSIONALS

REGIONAL COMMUNICATIONS COMMITTEE

A PROTOCOL FOR THE SUSPENSION OF DISCHARGE IN BANKRUPTCY

In the event that there are no available funds in the insolvent estate and the Trustee has taken all the appropriate steps to seek the bankrupt's compliance then the following shall apply:

- 1 The Insolvency Practitioner (IP) shall prepare a witness statement that complies with the requirements of Rule 6.215(3) of the Insolvency Rules 1986 as amended within the bankruptcy proceedings in which he shall set out the evidence in support of an application to suspend the automatic discharge of the bankrupt.
- 2 The IP shall submit the signed and dated witness statement to the Official Receiver relevant to the case and in the event that the Official Receiver agrees that there are sufficient grounds to make the application then the Official Receiver shall inform the trustee of his decision within 3 business days of receiving the IP's witness statement and shall make the application as soon as practicable thereafter.
- 3 In the event that the Official Receiver does not agree that there are sufficient grounds to support such an application then he will notify the IP accordingly, summarising his reasons, within 3 business days of receiving the IP's witness statement.
- 4 In the event that an application is issued seeking an Order for suspension then the Official Receiver shall attend Court and present the application and, if so required by the Official Receiver, the Insolvency Practitioner or an appropriate member of his staff shall attend Court to give evidence in support of the application.
- 5 The above shall apply only where the signed and dated witness statement is provided to the Official Receiver **by no later than one calendar month prior to the date upon which the bankrupt would otherwise be automatically discharged.**