

1994 No 2507

## **Insolvency Regulations 1994**

Made - - - 26th September 1994

The Secretary of State, in exercise of the powers conferred on him by Rule 12.1 of the Insolvency Rules 1986 and sections 411 and 412 of, and paragraphs 27 of Schedule 8 and 30 of Schedule 9 to, the Insolvency Act 1986 and of all other powers enabling him in that behalf, hereby makes the following Regulations:--

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 1 General/1 Citation and commencement

### **Part 1**

#### **General**

##### **1 Citation and commencement**

These Regulations may be cited as the Insolvency Regulations 1994 and shall come into force on 24th October 1994.

#### **NOTES**

##### **Initial Commencement**

*Specified date*

Specified date: 24 October 1994: see above.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 1 General/2 Revocations

##### **2 Revocations**

Subject to regulation 37 below, the Regulations listed in Schedule 1 to these Regulations are hereby revoked.

#### **NOTES**

##### **Initial Commencement**

*Specified date*

Specified date: 24 October 1994: see reg 1.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 1 General/3 Interpretation and application

##### **3 Interpretation and application**

(1) In these Regulations, except where the context otherwise requires--

["bank" means--

- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to accept deposits, or
- (b) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12(1) of that Schedule) to accept deposits;]

"bankrupt" means the bankrupt or his estate;

"company" means the company which is being wound up;

"creditors' committee" means any committee established under section 301;

["electronic transfer" means transmission by any electronic means;]

"liquidation committee" means, in the case of a winding up by the court, any committee established under section 141 and, in the case of a creditors' voluntary winding up, any committee established under section 101;

"liquidator" includes, in the case of a company being wound up by the court, the official receiver when so acting;

"local bank" means any bank in, or in the neighbourhood of, the insolvency district, or the district in respect of which the court has winding-up jurisdiction, in which the proceedings are taken, or in the locality in which any business of the company or, as the case may be, the bankrupt is carried on;

"local bank account" means, in the case of a winding up by the court, a current account opened with a local bank under regulation 6(2) below and, in the case of a bankruptcy, a current account opened with a local bank under regulation 21(1) below;

"payment instrument" means a cheque or payable order;

"the Rules" means the Insolvency Rules 1986; and

"trustee", subject to regulation 19(2) below, means trustee of a bankrupt's estate including the official receiver when so acting;

and other expressions used in these Regulations and defined by the Rules have the meanings which they bear in the Rules.

(2) A Rule referred to in these Regulations by number means the Rule so numbered in the Rules.

(3) Any application to be made to the Secretary of State or to the Department or anything required to be sent to the Secretary of State or to the Department under these Regulations shall be addressed to [the Department for Business, Innovation and Skills], The Insolvency Service, PO Box 3690, Birmingham B2 4UY.

(4) Where a regulation makes provision for the use of a form obtainable from the Department, the Department may provide different forms for different cases arising under that regulation.

(5) Subject to regulation 37 below, these Regulations [(except for regulations 3A and 36A)] apply--

- (a) to winding-up proceedings commenced on or after 29th December 1986; and
- (b) to bankruptcy proceedings where the bankruptcy petition is or was presented on or after that day.

[(6) Regulation 3A applies in any case where a company entered into administration on or after 15th September 2003 other than a case where the company entered into administration by virtue of a petition presented before that date.

(7) Regulation 36A applies in any case where an insolvency practitioner is appointed on or after 1st April 2005.]

## NOTES

### Initial Commencement

#### *Specified date*

Specified date: 24 October 1994: see reg 1.

### Amendment

Para (1): definition "bank" substituted by SI 2001/3649, art 471.

Date in force: 1 December 2001: see SI 2001/3649, art 1.

Para (1): definition "electronic transfer" inserted by SI 2000/485, reg 3, Schedule, para 1.

Date in force: 31 March 2000: see SI 2000/485, reg 1.

Para (3): words "the Department for Business, Innovation and Skills" in square brackets substituted by SI 2009/2748, art 8, Schedule, Pt 2, para 17.

Date in force: 13 November 2009: see SI 2009/2748, art 1(2).

Para (5): words "(except for regulations 3A and 36A)" in square brackets inserted by SI 2005/512, regs 4, 5(1), (2).

Date in force: 1 April 2005: see SI 2005/512, reg 1.

Paras (6), (7): inserted by SI 2005/512, regs 4, 5(1), (3).

Date in force: 1 April 2005: see SI 2005/512, reg 1.

### See Further

See further, in relation to the application of this regulation, with modifications, in so far as it relates to bank insolvency or administration under the Banking Act 2009, Pts 2, 3: the Banking Act 2009 (Parts 2 and 3 Consequential Amendments) Order 2009, SI 2009/317, art 3, Schedule.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/[Part 1A Administration]/[3A Disposal of company's records and provision of information to the Secretary of State]

### [Part 1A

### Administration]

## NOTES

### Amendment

Inserted by SI 2005/512, regs 4, 6.

Date in force: 1 April 2005: see SI 2005/512, reg 1.

### **[3A Disposal of company's records and provision of information to the Secretary of State]**

[(1) The person who was the last administrator of a company which has been dissolved may, at any time after the expiration of a period of one year from the date of dissolution, destroy or otherwise dispose of the books, papers and other records of the company.

(2) An administrator or former administrator shall within 14 days of a request by the Secretary of State give the Secretary of State particulars of any money in his hands or under his control representing unclaimed or undistributed assets of the company or dividends or other sums due to any person as a member or former member of the company.]

### **NOTES**

#### **Amendment**

Inserted by SI 2005/512, regs 4, 6.

Date in force: 1 April 2005: see SI 2005/512, reg 1.

#### **See Further**

See further, in relation to the application of this regulation, with modifications, in so far as it relates to bank insolvency or administration under the Banking Act 2009, Pts 2, 3: the Banking Act 2009 (Parts 2 and 3 Consequential Amendments) Order 2009, SI 2009/317, art 3, Schedule.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/[Part 1A Administration]/[3B Payment of unclaimed dividends or other money]

### **[3B Payment of unclaimed dividends or other money]**

[(1) This regulation applies to monies which--

- (a) are held by the former administrator of a dissolved company, and
- (b) represent either or both of the following--
  - (i) unclaimed dividends due to creditors, or
  - (ii) sums held by the company in trust in respect of dividends or other sums due to any person as a member or former member of the company.

(2) Any monies to which this regulation applies may be paid into the Insolvency Services Account.

(3) Where under this regulation the former administrator pays any sums into the Insolvency Services Account, he shall at the same time give notice to the Secretary of State of--

- (a) the name of the company,
- (b) the name and address of the person to whom the dividend or other sum is payable,
- (c) the amount of the dividend or other sum, and
- (d) the date on which it was paid.

(4) Where a dividend or other sum is paid to a person by way of a payment instrument, any payment into the Insolvency Services Account in respect of that dividend or sum pursuant to paragraph (2) may not be made earlier

than on or after the expiry of 6 months from the date of the payment instrument.]

## **NOTES**

### **Amendment**

Inserted by SI 2008/670, reg 3(1), (2).

Date in force: 6 April 2008: see SI 2008/670, reg 1.

### **See Further**

See further, in relation to the application of this regulation, with modifications, in so far as it relates to bank insolvency or administration under the Banking Act 2009, Pts 2, 3: the Banking Act 2009 (Parts 2 and 3 Consequential Amendments) Order 2009, SI 2009/317, art 3, Schedule.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/[Part 1B Administrative Receivership]/[3C Payment of unclaimed dividends or other money]

## **[Part 1B**

### **Administrative Receivership]**

## **NOTES**

### **Amendment**

Inserted by SI 2008/670, reg 3(1), (2).

Date in force: 6 April 2008: see SI 2008/670, reg 1.

### **[3C Payment of unclaimed dividends or other money]**

[(1) This regulation applies to monies which--

- (a) are held by the former administrative receiver of a dissolved company, and
- (b) represent either or both of the following--
  - (i) unclaimed dividends due to creditors, or
  - (ii) sums held by the company in trust in respect of dividends or other sums due to any person as a member or former member of the company.

(2) Any monies to which this regulation applies may be paid into the Insolvency Services Account.

(3) Where under this regulation the former administrative receiver pays any sums into the Insolvency Services Account, he shall at the same time give notice to the Secretary of State of--

- (a) the name of the company,
- (b) the name and address of the person to whom the dividend or other sum is payable,
- (c) the amount of the dividend or other sum, and
- (d) the date on which it was paid.

(3) Where a dividend or other sum is paid to a person by way of a payment instrument, any payment in respect of that dividend or sum into the Insolvency Services Account pursuant to paragraph (2) may not be made earlier than on or after the expiry of 6 months from the date of the payment instrument.]

## **NOTES**

### **Amendment**

Inserted by SI 2008/670, reg 3(1), (2).

Date in force: 6 April 2008: see SI 2008/670, reg 1.

### **Miscellaneous**

The second para (3) above has been reproduced in accordance with the Queen's Printer's copy of SI 2008/670.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 2 Winding up/4 Introductory

## **Part 2**

### **Winding up**

#### **4 Introductory**

This Part of these Regulations relates to--

- (a) voluntary winding up and
- (b) winding up by the court

of companies which the courts in England and Wales have jurisdiction to wind up.

## **NOTES**

### **Initial Commencement**

#### ***Specified date***

Specified date: 24 October 1994: see reg 1.

### **See Further**

See further, in relation to the application of this regulation, with modifications, in so far as it relates to bank insolvency or administration under the Banking Act 2009, Pts 2, 3: the Banking Act 2009 (Parts 2 and 3 Consequential Amendments) Order 2009, SI 2009/317, art 3, Schedule.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 2 Winding up/5 Payments into the Insolvency Services Account

### ***Payments Into and Out of the Insolvency Services Account***

#### **5 Payments into the Insolvency Services Account**

(1) In the case of a winding up by the court, subject to regulation 6 below, the liquidator shall pay all money received by him in the course of carrying out his functions as such without any deduction into the Insolvency Services Account kept by the Secretary of State with the Bank of England to the credit of the company once every 14 days or forthwith if £5,000 or more has been received.

[(2) . . .]

[(3) Every payment of money into the Insolvency Services Account under this regulation shall be--

- (a) made through the Bank Giro system; or
- (b) sent direct to the Bank of England, Threadneedle Street, London EC2R 8AH by cheque drawn in favour of the "Insolvency Services Account" and crossed "A/c payee only" "Bank of England": or
- (c) made by electronic transfer,

and the liquidator shall on request be given by the Department a receipt for the money so paid.]

(4) Every payment of money [made under sub-paragraph (a) or (b) of paragraph (3) above] shall be accompanied by a form obtainable from the Department for that purpose or by a form that is substantially similar. [Every payment of money made under sub-paragraph (c) of paragraph (3) above shall specify the name of the liquidator making the payment and the name of the company to whose credit such payment is made.]

(5) Where in a voluntary winding up a liquidator pays any unclaimed dividend into the Insolvency Services Account, he shall at the same time give notice to the Secretary of State, on a form obtainable from the Department or on one that is substantially similar, of the name and address of the person to whom the dividend is payable and the amount of the dividend.

## NOTES

### Initial Commencement

#### *Specified date*

Specified date: 24 October 1994: see reg 1.

### Amendment

Para (2): substituted by SI 2004/472, reg 2, Schedule, para 1.

Date in force: 1 April 2004: see SI 2004/472, reg 1(1).

Para (2): revoked by SI 2011/2203, reg 3, Schedule, para 1.

Date in force: 1 October 2011: see SI 2011/2203, reg 1; for transitional provisions see reg 4 thereof.

Para (3): substituted by SI 2000/485, reg 3, Schedule, para 2.

Date in force: 31 March 2000: see SI 2000/485, reg 1.

Para (4): words "made under sub-paragraph (a) or (b) of paragraph (3) above" in square brackets substituted by SI 2000/485, reg 3, Schedule, para 3.

Date in force: 31 March 2000: see SI 2000/485, reg 1.

Para (4): words from "Every payment of" to "payment is made." in square brackets inserted by SI 2000/485, reg 3, Schedule, para 3.

Date in force: 31 March 2000: see SI 2000/485, reg 1.

## **See Further**

See further, in relation to the application of this regulation, with modifications, in so far as it relates to bank insolvency or administration under the Banking Act 2009, Pts 2, 3: the Banking Act 2009 (Parts 2 and 3 Consequential Amendments) Order 2009, SI 2009/317, art 3, Schedule.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 2 Winding up/6 Local bank account and handling of funds not belonging to the company

## **6 Local bank account and handling of funds not belonging to the company**

- (1) This regulation does not apply in the case of a voluntary winding up.
- (2) Where the liquidator intends to exercise his power to carry on the business of the company, he may apply to the Secretary of State for authorisation to open a local bank account, and the Secretary of State may authorise him to make his payments into and out of a specified bank, subject to a limit, instead of into and out of the Insolvency Services Account if satisfied that an administrative advantage will be derived from having such an account.
- (3) Money received by the liquidator relating to the purpose for which the account was opened may be paid into the local bank account to the credit of the company to which the account relates.
- (4) Where the liquidator opens a local bank account pursuant to an authorisation granted under paragraph (2) above, he shall open and maintain the account in the name of the company.
- (5) Where money which is not an asset of the company is provided to the liquidator for a specific purpose, it shall be clearly identifiable in a separate account.
- (6) The liquidator shall keep proper records, including documentary evidence of all money paid into and out of every local bank account opened and maintained under this regulation.
- (7) The liquidator shall pay without deduction any surplus over any limit imposed by an authorisation granted under paragraph (2) above into the Insolvency Services Account in accordance with regulation 5 above as that regulation applies in the case of a winding up by the court.
- (8) As soon as the liquidator ceases to carry on the business of the company or vacates office or an authorisation given in pursuance of an application under paragraph (2) above is withdrawn, he shall close the account and pay any balance into the Insolvency Services Account in accordance with regulation 5 above as that regulation applies in the case of a winding up by the court.

## **NOTES**

### **Initial Commencement**

*Specified date*

Specified date: 24 October 1994: see reg 1.

## **See Further**

See further, in relation to the application of this regulation, with modifications, in so far as it relates to bank insolvency or administration under the Banking Act 2009, Pts 2, 3: the Banking Act 2009 (Parts 2 and 3 Consequential Amendments) Order 2009, SI 2009/317, art 3, Schedule.



## **7 Payment of disbursements etc out of the Insolvency Services Account**

[(A1) Paragraphs (1) [and (2)] of this regulation are subject to paragraph (3A).]

(1) In the case of a winding up by the court, on application to the Department, the liquidator shall be repaid all necessary disbursements made by him, and expenses properly incurred by him, in the course of his administration to the date of his vacation of office out of any money standing to the credit of the company in the Insolvency Services Account.

(2) In the case of a winding up by the court, the liquidator shall on application to the Department obtain payment instruments to the order of the payee for sums which become payable on account of the company for delivery by the liquidator to the persons to whom the payments are to be made.

(3) . . .

[(3A) In respect of an application made by the liquidator under [paragraph (1) or (2)] above, the Secretary of State, if requested to do so by the liquidator, may, at his discretion,

(a) make the payment which is the subject of the application to the liquidator by electronic transfer; or

(b) as an alternative to the issue of payment instruments, make payment by electronic transfer to the persons to whom the liquidator would otherwise deliver payment instruments.]

(4) Any application under this regulation shall be made by the liquidator on a form obtainable from the Department for the purpose or on a form that is substantially similar.

(5) In the case of a winding up by the court, on the liquidator vacating office, he shall be repaid by any succeeding liquidator out of any funds available for the purpose any necessary disbursements made by him and any expenses properly incurred by him but not repaid before he vacates office.

## **NOTES**

### **Initial Commencement**

#### ***Specified date***

Specified date: 24 October 1994: see reg 1.

### **Amendment**

Para (A1): inserted by SI 2000/485, reg 3, Schedule, para 4.

Date in force: 31 March 2000: see SI 2000/485, reg 1.

Para (A1): words "and (2)" in square brackets substituted by SI 2011/2203, reg 3, Schedule, para 2.

Date in force: 1 October 2011: see SI 2011/2203, reg 1; for transitional provisions see reg 4 thereof.

Para (3): revoked by SI 2011/2203, reg 3, Schedule, para 3.

Date in force: 1 October 2011: see SI 2011/2203, reg 1; for transitional provisions see reg 4 thereof.

Para (3A): inserted by SI 2000/485, reg 3, Schedule, para 5.

Date in force: 31 March 2000: see SI 2000/485, reg 1.

Para (3A): words "paragraph (1) or (2)" in square brackets substituted by SI 2011/2203, regs 3, Schedule, para 4.

Date in force: 1 October 2011: see SI 2011/2203, reg 1; for transitional provisions see reg 4 thereof.

## **See Further**

See further, in relation to the application of this regulation, with modifications, in so far as it relates to bank insolvency or administration under the Banking Act 2009, Pts 2, 3: the Banking Act 2009 (Parts 2 and 3 Consequential Amendments) Order 2009, SI 2009/317, art 3, Schedule.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 2 Winding up/8 Payment

### ***Dividends to Creditors and Returns of Capital to Contributories of a Company***

## **8 Payment**

[(A1) Paragraphs (1) [and (2)] of this regulation are subject to paragraph (3A).]

(1) In the case of a winding up by the court, the liquidator shall pay every dividend by payment instruments which shall be prepared by the Department on the application of the liquidator and transmitted to him for distribution amongst the creditors.

(2) In the case of a winding up by the court, the liquidator shall pay every return of capital to contributories by payment instruments which shall be prepared by the Department on application.

(3) . . .

[(3A) In respect of an application made by the liquidator under [paragraph (1) or (2)] above, the Secretary of State, if requested to do so by the liquidator, may, at his discretion,

(a) as an alternative to the issue of payment instruments, make payment by electronic transfer to the persons to whom the liquidator would otherwise deliver payment instruments; or

(b) make the payment which is the subject of the application to the liquidator by electronic transfer.]

(4) Any application under this regulation for a payment instrument [or payment by electronic transfer] shall be made by the liquidator on a form obtainable from the Department for the purpose or on a form which is substantially similar.

(5) In the case of a winding up by the court, the liquidator shall enter the total amount of every dividend and of every return to contributories that he desires to pay under this regulation in the records to be kept under regulation 10 below in one sum.

(6) On the liquidator vacating office, he shall send to the Department any valid unclaimed or undelivered payment instruments for dividends or returns to contributories after endorsing them with the word "cancelled".

## **NOTES**

### **Initial Commencement**

*Specified date*

Specified date: 24 October 1994: see reg 1.

## **Amendment**

Para (A1): inserted by SI 2000/485, reg 3, Schedule, para 6.

Date in force: 31 March 2000: see SI 2000/485, reg 1.

Para (A1): words "and (2)" in square brackets substituted by SI 2011/2203, regs 3, Schedule, para 5.

Date in force: 1 October 2011: see SI 2011/2203, reg 1; for transitional provisions see reg 4 thereof.

Para (3): revoked by SI 2011/2203, regs 3, Schedule, para 6.

Date in force: 1 October 2011: see SI 2011/2203, reg 1; for transitional provisions see reg 4 thereof.

Para (3A): inserted by SI 2000/485, reg 3, Schedule, para 7.

Date in force: 31 March 2000: see SI 2000/485, reg 1.

Para (3A): words "paragraph (1) or (2)" in square brackets substituted by SI 2011/2203, regs 3, Schedule, para 7.

Date in force: 1 October 2011: see SI 2011/2203, reg 1; for transitional provisions see reg 4 thereof.

Para (4): words "or payment by electronic transfer" in square brackets inserted by SI 2000/485, reg 3, Schedule, para 8.

Date in force: 31 March 2000: see SI 2000/485, reg 1.

## **See Further**

See further, in relation to the application of this regulation, with modifications, in so far as it relates to bank insolvency or administration under the Banking Act 2009, Pts 2, 3: the Banking Act 2009 (Parts 2 and 3 Consequential Amendments) Order 2009, SI 2009/317, art 3, Schedule.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 2 Winding up/9

### ***Investment or Otherwise Handling of Funds in Winding up of Companies and Payment of Interest***

## **9**

(1) When the cash balance standing to the credit of the company in the account in respect of that company kept by the Secretary of State is in excess of the amount which, in the opinion of the liquidator, is required for the immediate purposes of the winding up and should be invested, he may request the Secretary of State to invest the amount not so required in Government securities, to be placed to the credit of that account for the company's benefit.

(2) When any of the money so invested is, in the opinion of the liquidator, required for the immediate purposes of the winding up, he may request the Secretary of State to raise such sum as may be required by the sale of such of those securities as may be necessary.

(3) In cases where investments have been made at the request of the liquidator in pursuance of paragraph (1)

above and additional sums to the amounts so invested, including money received under paragraph (7) below, are paid into the Insolvency Services Account to the credit of the company, a request shall be made to the Secretary of State by the liquidator if it is desired that these additional sums should be invested.

(4) Any request relating to the investment in, or sale of, as the case may be, Treasury Bills made under paragraphs (1), (2) or (3) above shall be made on a form obtainable from the Department or on one that is substantially similar and any request relating to the purchase or sale, as the case may be, of any other type of Government security made under the provisions of those paragraphs shall be made in writing.

(5) Any request made under paragraphs (1), (2) or (3) above shall be sufficient authority to the Secretary of State for the investment or sale as the case may be.

[(6) Subject to paragraphs (6A) and (6B), at any time after 1st April 2004 whenever there are any monies standing to the credit of the company in the Insolvency Services Account the company shall be entitled to interest on those monies at the rate of 4.25 per cent per annum.

(6A) Interest shall cease to accrue pursuant to paragraph (6) from the date of receipt by the Secretary of State of a notice in writing from the liquidator that in the opinion of the liquidator it is necessary or expedient in order to facilitate the conclusion of the winding up that interest should cease to accrue but interest shall start to accrue again pursuant to paragraph (6) where the liquidator gives a further notice in writing to the Secretary of State requesting that interest should start to accrue again.

(6B) The Secretary of State may by notice published in the London Gazette vary the rate of interest prescribed by paragraph (6) and such variation shall have effect from the day after the date of publication of the notice in the London Gazette or such later date as may be specified in the notice.]

(7) All money received in respect of investments and interest earned under this regulation shall be paid into the Insolvency Services Account to the credit of the company.

(8) . . .

## NOTES

### Initial Commencement

#### *Specified date*

Specified date: 24 October 1994: see reg 1.

### Amendment

Paras (6), (6A), (6B): substituted, for para (6) as originally enacted, by SI 2004/472, reg 2, Schedule, para 2(1).

Date in force: 1 April 2004: see SI 2004/472, reg 1(1); for transitional provisions see reg 2, Schedule, para 2(2) thereto.

Para (8): revoked by SI 2011/2203, regs 3, Schedule, para 8.

Date in force: 1 October 2011: see SI 2011/2203, reg 1; for transitional provisions see reg 4 thereof.

### See Further

See further, in relation to the application of this regulation, with modifications, in relation to eligible debt securities: the Uncertificated Securities (Amendment) (Eligible Debt Securities) Regulations 2003, SI 2003/1633, reg 15, Sch 2, para 2(h).

See further, in relation to the application of this regulation, with modifications, in so far as it relates to bank insolvency or administration under the Banking Act 2009, Pts 2, 3: the Banking Act 2009 (Parts 2 and 3 Consequential Amendments) Order 2009, SI 2009/317, art 3, Schedule.

See further, the rate of interest prescribed by para (6) above is varied from 6.5% to 6.75% with effect from 18 May 2007: the London, Edinburgh and Belfast Gazettes, 17 May 2007.

See further, the rate of interest prescribed by para (6) above is varied from 7% to 6.25% with effect from 17 October 2008: the London Gazette, 15 October 2008.

See further, the rate of interest prescribed by para (6) above is varied from 6.25% to 4.75% with effect from 11 November 2008: the London Gazette, 7 November 2008.

See further, the rate of interest prescribed by para (6) above is varied from 4.75% to 3.5% with effect from 9 December 2008: the London Gazette, 8 December 2008.

See further, the rate of interest prescribed by para (6) above is varied from 3.5% to 2.75% with effect from 13 January 2009: the London Gazette, 12 January 2009.

See further, the rate of interest prescribed by para (6) above is varied from 2.75% to 2% with effect from 9 February 2009: the London Gazette, 9 February 2009.

See further, the rate of interest prescribed by para (6) above is varied from 2% to 1.25% with effect from 10 March 2009: the London Gazette, 10 March 2009.

See further, the rate of interest prescribed by para (6) above is varied from 1.25% to 0.5% with effect from 13 May 2009: the London Gazette, 12 May 2009.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 2 Winding up/10 Financial records

### ***Records to be Maintained by Liquidators and the Provision of Information***

#### **10 Financial records**

(1) This regulation does not apply in the case of a members' voluntary winding up.

(2) The liquidator shall prepare and keep--

(a) separate financial records in respect of each company; and

(b) such other financial records as are required to explain the receipts and payments entered in the records described in sub-paragraph (a) above or regulation 12(2) below, including an explanation of the source of any receipts and the destination of any payments;

and shall, subject to regulation 12(2) below as to trading accounts, from day to day enter in those records all the receipts and payments . . . made by him.

(3) In the case of a winding up by the court, the liquidator shall obtain and keep bank statements relating to any local bank account in the name of the company.

(4) The liquidator shall submit financial records to the liquidation committee when required for inspection.

(5) In the case of a winding up by the court, if the liquidation committee is not satisfied with the contents of the financial records submitted under paragraph (4) above it may so inform the Secretary of State, giving the reasons for its dissatisfaction, and the Secretary of State may take such action as he thinks fit.

#### **NOTES**

##### **Initial Commencement**

*Specified date*

Specified date: 24 October 1994: see reg 1.

##### **Amendment**

Para (2): words omitted revoked by SI 2011/2203, regs 3, Schedule, para 9.

Date in force: 1 October 2011: see SI 2011/2203, reg 1; for transitional provisions see reg 4 thereof.

## See Further

See further, in relation to the application of this regulation, with modifications, in so far as it relates to bank insolvency or administration under the Banking Act 2009, Pts 2, 3: the Banking Act 2009 (Parts 2 and 3 Consequential Amendments) Order 2009, SI 2009/317, art 3, Schedule.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 2 Winding up/11 Provision of information by liquidator

### 11 Provision of information by liquidator

- (1) In the case of a winding up by the court, the liquidator shall, within 14 days of the receipt of a request for a statement of his receipts and payments as liquidator from any creditor, contributory or director of the company, supply free of charge to the person making the request, a statement of his receipts and payments as liquidator during the period of one year ending on the most recent anniversary of his becoming liquidator which preceded the request.
- (2) In the case of a voluntary winding up, the liquidator shall, on request from any creditor, contributory or director of the company for a copy of a statement for any period, including future periods, sent to the registrar of companies under section 192, send such copy free of charge to the person making the request and the copy of the statement shall be sent within 14 days of the liquidator sending the statement to the registrar or the receipt of the request whichever is the later.

## NOTES

### Initial Commencement

*Specified date*

Specified date: 24 October 1994: see reg 1.

## See Further

See further, in relation to the application of this regulation, with modifications, in so far as it relates to bank insolvency or administration under the Banking Act 2009, Pts 2, 3: the Banking Act 2009 (Parts 2 and 3 Consequential Amendments) Order 2009, SI 2009/317, art 3, Schedule.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 2 Winding up/12 Liquidator carrying on business

### 12 Liquidator carrying on business

- (1) This regulation does not apply in the case of a members' voluntary winding up.
- (2) Where the liquidator carries on any business of the company, he shall--
  - (a) keep a separate and distinct account of the trading, including, where appropriate, in the case of a winding up by the court, particulars of all local bank account transactions; and
  - (b) incorporate in the financial records required to be kept under regulation 10 above the total weekly amounts of the receipts and payments made by him in relation to the account kept under sub-paragraph (a) above.

## NOTES

### Initial Commencement

*Specified date*

Specified date: 24 October 1994: see reg 1.

### **See Further**

See further, in relation to the application of this regulation, with modifications, in so far as it relates to bank insolvency or administration under the Banking Act 2009, Pts 2, 3: the Banking Act 2009 (Parts 2 and 3 Consequential Amendments) Order 2009, SI 2009/317, art 3, Schedule.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 2 Winding up/13 Retention and delivery of records

### **13 Retention and delivery of records**

(1) All records kept by the liquidator under regulations 10 and 12(2) and any such records received by him from a predecessor in that office shall be retained by him for a period of 6 years following--

- (a) his vacation of office, or
- (b) in the case of the official receiver, his release as liquidator under section 174,

unless he delivers them to another liquidator who succeeds him in office.

(2) Where the liquidator is succeeded in office by another liquidator, the records referred to in paragraph (1) above shall be delivered to that successor forthwith, unless, in the case of a winding up by the court, the winding up is for practical purposes complete and the successor is the official receiver, in which case the records are only to be delivered to the official receiver if the latter so requests.

### **NOTES**

#### **Initial Commencement**

*Specified date*

Specified date: 24 October 1994: see reg 1.

### **See Further**

See further, in relation to the application of this regulation, with modifications, in so far as it relates to bank insolvency or administration under the Banking Act 2009, Pts 2, 3: the Banking Act 2009 (Parts 2 and 3 Consequential Amendments) Order 2009, SI 2009/317, art 3, Schedule.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 2 Winding up/14 Provision of accounts by liquidator and audit of accounts

### **14 Provision of accounts by liquidator and audit of accounts**

(1) The liquidator shall, if required by the Secretary of State at any time, send to the Secretary of State an account in relation to the company of the liquidator's receipts and payments covering such period as the Secretary of State may direct and such account shall, if so required by the Secretary of State, be certified by the liquidator.

(2) Where the liquidator in a winding up by the court vacates office prior to the holding of the final general meeting of creditors under section 146, he shall within 14 days of vacating office send to the Secretary of State an account of his receipts and payments as liquidator for any period not covered by an account previously so sent by him or if no such account has been sent, an account of his receipts and payments in respect of the whole period of his office.

- (3) In the case of a winding up by the court, where:
- (a) a final general meeting of creditors has been held pursuant to section 146, or
  - (b) a final general meeting is deemed to have been held by virtue of Rule 4.125(5),

the liquidator shall send to the Secretary of State, in case (a), within 14 days of the holding of the final general meeting of creditors and, in case (b), within 14 days of his report to the court pursuant to Rule 4.125(5), an account of his receipts and payments as liquidator which are not covered by any previous account so sent by him, or if no such account has been sent an account of his receipts and payments in respect of the whole period of his office.

(4) In the case of a winding up by the court, where a statement of affairs has been submitted under the Act, any account sent under this regulation shall be accompanied by a summary of that statement of affairs and shall show the amount of any assets realised and explain the reasons for any non-realisation of any assets not realised.

(5) In the case of a winding up by the court, where a statement of affairs has not been submitted under the Act, any account sent under this regulation shall be accompanied by a summary of all known assets and their estimated values and shall show the amounts actually realised and explain the reasons for any non-realisation of any assets not realised.

(6) Any account sent to the Secretary of State shall, if he so requires, be audited, but whether or not the Secretary of State requires the account to be audited, the liquidator shall send to the Secretary of State on demand any documents (including vouchers and bank statements) and any information relating to the account.

## NOTES

### Initial Commencement

#### *Specified date*

Specified date: 24 October 1994: see reg 1.

### See Further

See further, in relation to the application of this regulation, with modifications, in so far as it relates to bank insolvency or administration under the Banking Act 2009, Pts 2, 3: the Banking Act 2009 (Parts 2 and 3 Consequential Amendments) Order 2009, SI 2009/317, art 3, Schedule.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 2 Winding up/15 Production and inspection of records

## 15 Production and inspection of records

(1) The liquidator shall produce on demand to the Secretary of State, and allow him to inspect, any accounts, books and other records kept by him (including any passed to him by a predecessor in office), and this duty to produce and allow inspection shall extend--

- (a) to producing and allowing inspection at the premises of the liquidator; and
- (b) to producing and allowing inspection of any financial records of the kind described in regulation 10(2)(b) above prepared by the liquidator (or any predecessor in office of his) before 24th October 1994 and kept by the liquidator;

and any such demand may--

- (i) require the liquidator to produce any such accounts, books or other records to the Secretary of State, and allow him to inspect them--



- (A) at the same time as any account is sent to the Secretary of State under regulation 14 above; or
- (B) at any time after such account is sent to the Secretary of State;

whether or not the Secretary of State requires the account to be audited; or

(ii) where it is made for the purpose of ascertaining whether the provisions of these Regulations relating to the handling of money received by the liquidator in the course of carrying out his functions have been or are likely to be complied with, be made at any time, whether or not an account has been sent or should have been sent to the Secretary of State under regulation 14 above and whether or not the Secretary of State has required any account to be audited.

(2) The liquidator shall allow the Secretary of State on demand to remove and take copies of any accounts, books and other records kept by the liquidator (including any passed to him by a predecessor in office), whether or not they are kept at the premises of the liquidator.

## NOTES

### Initial Commencement

#### *Specified date*

Specified date: 24 October 1994: see reg 1.

### See Further

See further, in relation to the application of this regulation, with modifications, in so far as it relates to bank insolvency or administration under the Banking Act 2009, Pts 2, 3: the Banking Act 2009 (Parts 2 and 3 Consequential Amendments) Order 2009, SI 2009/317, art 3, Schedule.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 2 Winding up/16 Disposal of company's books, papers and other records

## 16 Disposal of company's books, papers and other records

(1) The liquidator in a winding up by the court, on the authorisation of the official receiver, during his tenure of office or on vacating office, or the official receiver while acting as liquidator, may at any time sell, destroy or otherwise dispose of the books, papers and other records of the company.

(2) In the case of a voluntary winding up, the person who was the last liquidator of a company which has been dissolved may, at any time after the expiration of a period of one year from the date of dissolution, destroy or otherwise dispose of the books, papers and other records of the company.

## NOTES

### Initial Commencement

#### *Specified date*

Specified date: 24 October 1994: see reg 1.

### See Further

See further, in relation to the application of this regulation, with modifications, in so far as it relates to bank insolvency or administration under the Banking Act 2009, Pts 2, 3: the Banking Act 2009 (Parts 2 and 3 Consequential Amendments) Order 2009, SI 2009/317, art 3, Schedule.

## **17 Voluntary liquidator to provide information to Secretary of State**

- (1) In the case of a voluntary winding up, a liquidator or former liquidator, whether the winding up has been concluded under Rule 4.223 or not, shall, within 14 days of a request by the Secretary of State, give the Secretary of State particulars of any money in his hands or under his control representing unclaimed or undistributed assets of the company or dividends or other sums due to any person as a member or former member of the company . . .
- (2) . . .

### **NOTES**

#### **Initial Commencement**

##### *Specified date*

Specified date: 24 October 1994: see reg 1.

#### **Amendment**

Para (1): words omitted revoked by SI 2011/2203, reg 3, Schedule, para 10.

Date in force: 1 October 2011: see SI 2011/2203, reg 1; for transitional provisions see reg 4 thereof.

Para (2): revoked by SI 2011/2203, reg 3, Schedule, para 11.

Date in force: 1 October 2011: see SI 2011/2203, reg 1; for transitional provisions see reg 4 thereof.

#### **See Further**

See further, in relation to the application of this regulation, with modifications, in so far as it relates to bank insolvency or administration under the Banking Act 2009, Pts 2, 3: the Banking Act 2009 (Parts 2 and 3 Consequential Amendments) Order 2009, SI 2009/317, art 3, Schedule.

## **[18 Payment of unclaimed dividends or other money]**

- [(1) This regulation applies to monies which--
- (a) are held by the former liquidator of a dissolved company, and
  - (b) represent either or both of the following--
    - (i) unclaimed dividends due to creditors, or
    - (ii) sums held by the company in trust in respect of dividends or other sums due to any person as a member or former member of the company.
- (2) Monies to which this regulation applies--
- (a) may in the case of a voluntary winding up,

(b) must in the case of a winding up by the court,

be paid into the Insolvency Services Account.

(3) Where the former liquidator pays any sums into the Insolvency Services Account pursuant to paragraph (2), he shall at the same time give notice to the Secretary of State of--

(a) the name of the company,

(b) the name and address of the person to whom the dividend or other sum is payable,

(c) the amount of the dividend, and

(d) the date on which it was paid.

(4) Where a dividend or other sum is paid to a person by way of a payment instrument, any payment into the Insolvency Services Account in respect of that dividend or sum pursuant to paragraph (2) may not be made earlier than on or after the expiry of 6 months from the date of the payment instrument.]

## **NOTES**

### **Amendment**

Substituted by SI 2008/670, reg 3(1), (3).

Date in force: 6 April 2008: see SI 2008/670, reg 1.

### **See Further**

See further, in relation to the application of this regulation, with modifications, in so far as it relates to bank insolvency or administration under the Banking Act 2009, Pts 2, 3: the Banking Act 2009 (Parts 2 and 3 Consequential Amendments) Order 2009, SI 2009/317, art 3, Schedule.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 3  
Bankruptcy/19 Introductory

## **Part 3**

### **Bankruptcy**

#### **19 Introductory**

(1) This Part of these Regulations relates to bankruptcy and extends to England and Wales only.

(2) In addition to the application of the provisions of this Part to the official receiver when acting as trustee, the provisions of this Part (other than regulations 30 and 31) shall also apply to him when acting as receiver or manager under section 287 and the term "trustee" shall be construed accordingly.

## **NOTES**

### **Initial Commencement**

#### ***Specified date***

Specified date: 24 October 1994: see reg 1.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 3  
Bankruptcy/20 Payments into the Insolvency Services Account

## ***Payments Into and Out of the Insolvency Services Account***

### **20 Payments into the Insolvency Services Account**

(1) Subject to regulation 21 below, the trustee shall pay all money received by him in the course of carrying out his functions as such without any deduction into the Insolvency Services Account kept by the Secretary of State with the Bank of England to the credit of the bankrupt once every 14 days or forthwith if £5,000 or more has been received.

[(2) Every payment of money into the Insolvency Services Account under this regulation shall be--

(a) made through the Bank Giro system; or

(b) sent direct to the Bank of England, Threadneedle Street, London EC2R 8AH by cheque drawn in favour of the "Insolvency Services Account" and crossed "A/c payee only" "Bank of England"; or

(c) made by electronic transfer,

and the trustee shall on request be given by the Department a receipt for the money so paid.]

(3) Every payment of money [made under sub-paragraph (a) or (b) of paragraph (2) above] shall be accompanied by a form obtainable from the Department for that purpose or by a form that is substantially similar. [Every payment of money made under sub-paragraph (c) of paragraph (2) above shall specify the name of the trustee making the payment and the name of the bankrupt to whose credit such payment is made.]

### **NOTES**

#### **Initial Commencement**

##### ***Specified date***

Specified date: 24 October 1994: see reg 1.

#### **Amendment**

Para (2): substituted by SI 2000/485, reg 3, Schedule, para 9.

Date in force: 31 March 2000: see SI 2000/485, reg 1.

Para (3): words "made under sub-paragraph (a) or (b) of paragraph (2) above" in square brackets substituted by SI 2000/485, reg 3, Schedule, para 10.

Date in force: 31 March 2000: see SI 2000/485, reg 1.

Para (3): words from "Every payment of" to "payment is made." in square brackets inserted by SI 2000/485, reg 3, Schedule, para 10.

Date in force: 31 March 2000: see SI 2000/485, reg 1.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 3  
Bankruptcy/21 Local bank account and handling of funds not forming part of the bankrupt's estate

### **21 Local bank account and handling of funds not forming part of the bankrupt's estate**

- (1) Where the trustee intends to exercise his power to carry on the business of the bankrupt, he may apply to the Secretary of State for authorisation to open a local bank account, and the Secretary of State may authorise him to make his payments into and out of a specified bank, subject to a limit, instead of into and out of the Insolvency Services Account if satisfied that an administrative advantage will be derived from having such an account.
- (2) Money received by the trustee relating to the purpose for which the account was opened may be paid into the local bank account to the credit of the bankrupt to whom the account relates.
- (3) Where the trustee opens a local bank account pursuant to an authorisation granted under paragraph (1) above he shall open and maintain the account in the name of the bankrupt.
- (4) Where money which does not form part of the bankrupt's estate is provided to the trustee for a specific purpose it shall be clearly identifiable in a separate account.
- (5) The trustee shall keep proper records, including documentary evidence of all money paid into and out of every local bank account opened and maintained under this regulation.
- (6) The trustee shall pay without deduction any surplus over any limit imposed by an authorisation granted under paragraph (1) above into the Insolvency Services Account in accordance with regulation 20(1) above.
- (7) As soon as the trustee ceases to carry on the business of the bankrupt or vacates office or an authorisation given in pursuance of an application under paragraph (1) above is withdrawn, he shall close the account and pay any balance into the Insolvency Services Account in accordance with regulation 20(1) above.

## NOTES

### Initial Commencement

#### *Specified date*

Specified date: 24 October 1994: see reg 1.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 3  
Bankruptcy/22 Payment of disbursements etc out of the Insolvency Services Account

## **22 Payment of disbursements etc out of the Insolvency Services Account**

[(A1) Paragraphs (1) and (2) of this regulation are subject to paragraph (2A).]

(1) On application to the Department, the trustee shall be repaid all necessary disbursements made by him, and expenses properly incurred by him, in the course of his administration to the date of his vacation of office out of any money standing to the credit of the bankrupt in the Insolvency Services Account.

(2) The trustee shall on application to the Department obtain payment instruments to the order of the payee for sums which become payable on account of the bankrupt for delivery by the trustee to the persons to whom the payments are to be made.

[(2A) In respect of an application made by the trustee under paragraph (1) or (2) above, the Secretary of State, if requested to do so by the trustee, may, at his discretion,

- (a) make the payment which is the subject of the application to the trustee by electronic transfer; or
- (b) as an alternative to the issue of payment instruments, make payment by electronic transfer to the persons to whom the trustee would otherwise deliver payment instruments.]

(3) Any application under this regulation shall be made on a form obtainable from the Department or on one that is substantially similar.

(4) On the trustee vacating office, he shall be repaid by any succeeding trustee out of any funds available for the purpose any necessary disbursements made by him and any expenses properly incurred by him but not repaid

before he vacates office.

## **NOTES**

### **Initial Commencement**

#### ***Specified date***

Specified date: 24 October 1994: see reg 1.

### **Amendment**

Para (A1): inserted by SI 2000/485, reg 3, Schedule, para 11.

Date in force: 31 March 2000: see SI 2000/485, reg 1.

Para (2A): inserted by SI 2000/485, reg 3, Schedule, para 12.

Date in force: 31 March 2000: see SI 2000/485, reg 1.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 3  
Bankruptcy/23 Payment

## ***Dividends to Creditors***

### **23 Payment**

(1) [Subject to paragraph (1A),] the trustee shall pay every dividend by payment instruments which shall be prepared by the Department on the application of the trustee and transmitted to him for distribution amongst the creditors.

[(1A) In respect of an application made by the trustee under paragraph (1) above, the Secretary of State, if requested to do so by the trustee, may, at his discretion, as an alternative to the issue of payment instruments, make payment by electronic transfer to the persons to whom the trustee would otherwise deliver payment instruments.]

(2) Any application under this regulation for a payment instrument [or payment by electronic transfer] shall be made by the trustee on a form obtainable from the Department for the purpose or on a form which is substantially similar.

(3) The trustee shall enter the total amount of every dividend that he desires to pay under this regulation in the records to be kept under regulation 24 below in one sum.

(4) On the trustee vacating office, he shall send to the Department any valid unclaimed or undelivered payment instruments for dividends after endorsing them with the word "cancelled".

## **NOTES**

### **Initial Commencement**

#### ***Specified date***

Specified date: 24 October 1994: see reg 1.

### **Amendment**

Para (1): words "Subject to paragraph (1A)," in square brackets inserted by SI 2000/485, reg 3, Schedule, para 13.

Date in force: 31 March 2000: see SI 2000/485, reg 1.

Para (1A): inserted by SI 2000/485, reg 3, Schedule, para 14.

Date in force: 31 March 2000: see SI 2000/485, reg 1.

Para (2): words "or payment by electronic transfer" in square brackets inserted by SI 2000/485, reg 3, Schedule, para 15.

Date in force: 31 March 2000: see SI 2000/485, reg 1.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 3  
Bankruptcy/[23A Investment or otherwise handling of funds in bankruptcy and payment of interest]

### **[23A Investment or otherwise handling of funds in bankruptcy and payment of interest]**

[(1) When the cash balance standing to the credit of the bankrupt in the account in respect of that bankrupt kept by the Secretary of State is in excess of the amount which, in the opinion of the trustee, is required for the immediate purposes of the bankruptcy and should be invested, he may request the Secretary of State to invest the amount not so required in Government securities, to be placed to the credit of that account for the benefit of the bankrupt.

(2) When any of the money so invested is, in the opinion of the trustee, required for the immediate purposes of the bankruptcy, he may request the Secretary of State to raise such sum as may be required by the sale of such of those securities as may be necessary.

(3) In cases where investments have been made at the request of the trustee in pursuance of paragraph (1) above and additional sums to the amounts so invested, including money received under paragraph (7) below, are paid into the Insolvency Services Account to the credit of the bankrupt, a request shall be made to the Secretary of State by the trustee if it is desired that these additional funds should be invested.

(4) Any request relating to the investment in, or sale of, as the case may be, Treasury Bills under paragraphs (1), (2) or (3) above shall be made on a form obtainable from the Department or on one that is substantially similar and any request relating to the purchase or sale, as the case may be, of any other type of Government security made under the provisions of those paragraphs shall be made in writing.

(5) Any request made under paragraphs (1), (2) or (3) above shall be sufficient authority to the Secretary of State for the investment or sale as the case may be.

[(6) Subject to paragraphs (6A) and (6B), at any time after 1st April 2004 whenever there are any monies standing to the credit of the estate of the bankrupt in the Insolvency Services Account the estate shall be entitled to interest on those monies at the rate of 4.25 per cent per annum.

(6A) Interest shall cease to accrue pursuant to paragraph (6) from the date of receipt by the Secretary of State of a notice in writing from the trustee that in the opinion of the trustee it is necessary or expedient in order to facilitate the conclusion of the bankruptcy that interest should cease to accrue but interest shall start to accrue again pursuant to paragraph (6) where the trustee gives a further notice in writing to the Secretary of State requesting that interest should start to accrue again.

(6B) The Secretary of State may by notice published in the London Gazette vary the rate of interest prescribed by paragraph (6) and such variation shall have effect from the day after the date of publication of the notice in the London Gazette or such later date as may be specified in the notice.]

(7) All money received in respect of investments and interest earned under this regulation shall be paid into the Insolvency Services Account to the credit of the bankrupt.]

### **NOTES**

## **Amendment**

Inserted by SI 2001/762, reg 3, Schedule.

Date in force: 2 April 2001: see SI 2001/762, reg 1.

Paras (6), (6A), (6B): substituted, for para (6) as originally enacted, by SI 2004/472, reg 2, Schedule, para 3(1).

Date in force: 1 April 2004: see SI 2004/472, reg 1(1); for transitional provisions see reg 2, Schedule, para 3(2) thereto.

## **See Further**

See further, in relation to the application of this regulation, with modifications, in relation to eligible debt securities: the Uncertificated Securities (Amendment) (Eligible Debt Securities) Regulations 2003, SI 2003/1633, reg 15, Sch 2, para 2(h).

See further, the rate of interest prescribed by para (6) above is varied from 6.5% to 6.75% with effect from 18 May 2007: the London, Edinburgh and Belfast Gazettes, 17 May 2007.

See further, the rate of interest prescribed by para (6) above is varied from 7% to 6.25% with effect from 17 October 2008: the London Gazette, 15 October 2008.

See further, the rate of interest prescribed by para (6) above is varied from 6.25% to 4.75% with effect from 11 November 2008: the London Gazette, 7 November 2008.

See further, the rate of interest prescribed by para (6) above is varied from 4.75% to 3.5% with effect from 9 December 2008: the London Gazette, 8 December 2008.

See further, the rate of interest prescribed by para (6) above is varied from 3.5% to 2.75% with effect from 13 January 2009: the London Gazette, 12 January 2009.

See further, the rate of interest prescribed by para (6) above is varied from 2.75% to 2% with effect from 9 February 2009: the London Gazette, 9 February 2009.

See further, the rate of interest prescribed by para (6) above is varied from 2% to 1.25% with effect from 10 March 2009: the London Gazette, 10 March 2009.

See further, the rate of interest prescribed by para (6) above is varied from 1.25% to 0.5% with effect from 13 May 2009: the London Gazette, 12 May 2009.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 3  
Bankruptcy/24 Financial records

### ***Records to be Maintained by Trustees and the Provision of Information***

## **24 Financial records**

(1) The trustee shall prepare and keep--

(a) separate financial records in respect of each bankrupt; and

(b) such other financial records as are required to explain the receipts and payments entered in the records described in sub-paragraph (a) above or regulation 26 below, including an explanation of the source of any receipts and the destination of any payments;

and shall, subject to regulation 26 below as to trading accounts, from day to day enter in those records all the receipts and payments made by him.

(2) The trustee shall obtain and keep bank statements relating to any local bank account in the name of the bankrupt.

(3) The trustee shall submit financial records to the creditors' committee when required for inspection.



(4) If the creditors' committee is not satisfied with the contents of the financial records submitted under paragraph (3) above it may so inform the Secretary of State, giving the reasons for its dissatisfaction and the Secretary of State may take such action as he thinks fit.

## **NOTES**

### **Initial Commencement**

#### ***Specified date***

Specified date: 24 October 1994: see reg 1.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 3  
Bankruptcy/25 Provision of information by trustee

### **25 Provision of information by trustee**

The trustee shall, within 14 days of the receipt of a request from any creditor or the bankrupt for a statement of his receipts and payments as trustee, supply free of charge to the person making the request, a statement of his receipts and payments as trustee during the period of one year ending on the most recent anniversary of his becoming trustee which preceded the request.

## **NOTES**

### **Initial Commencement**

#### ***Specified date***

Specified date: 24 October 1994: see reg 1.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 3  
Bankruptcy/26 Trustee carrying on business

### **26 Trustee carrying on business**

Subject to paragraph (2) below, where the trustee carries on any business of the bankrupt, he shall--

- (a) keep a separate and distinct account of the trading, including, where appropriate, particulars of all local bank account transactions; and
- (b) incorporate in the financial records required to be kept under regulation 24 above the total weekly amounts of the receipts and payments made by him in relation to the account kept under paragraph (a) above.

## **NOTES**

### **Initial Commencement**

#### ***Specified date***

Specified date: 24 October 1994: see reg 1.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 3  
Bankruptcy/27 Retention and delivery of records

### **27 Retention and delivery of records**

- (1) All records kept by the trustee under regulations 24 and 26 and any such records received by him from a

predecessor in that office shall be retained by him for a period of 6 years following--

- (a) his vacation of office, or
- (b) in the case of the official receiver, his release as trustee under section 299,

unless he delivers them to another trustee who succeeds him in office.

(2) Where the trustee is succeeded in office by another trustee, the records referred to in paragraph (1) above shall be delivered to that successor forthwith, unless the bankruptcy is for practical purposes complete and the successor is the official receiver, in which case the records are only to be delivered to the official receiver if the latter so requests.

## NOTES

### Initial Commencement

#### *Specified date*

Specified date: 24 October 1994: see reg 1.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 3  
Bankruptcy/28 Provision of accounts by trustee and audit of accounts

### 28 Provision of accounts by trustee and audit of accounts

- (1) The trustee shall, if required by the Secretary of State at any time, send to the Secretary of State an account of his receipts and payments as trustee of the bankrupt covering such period as the Secretary of State may direct and such account shall, if so required by the Secretary of State, be certified by the trustee.
- (2) Where the trustee vacates office prior to the holding of the final general meeting of creditors under section 331, he shall within 14 days of vacating office send to the Secretary of State an account of his receipts and payments as trustee for any period not covered by an account previously so sent by him, or if no such account has been sent, an account of his receipts and payments in respect of the whole period of his office.
- (3) Where:
  - (a) a final general meeting of creditors has been held pursuant to section 331, or
  - (b) a final general meeting is deemed to have been held by virtue of Rule 6.137(5),

the trustee shall send to the Secretary of State, in case (a), within 14 days of the holding of the final general meeting of creditors and, in case (b), within 14 days of his report to the court pursuant to Rule 6.137(5), an account of his receipts and payments as trustee which are not covered by any previous account so sent by him, or if no such account has been sent, an account of his receipts and payments in respect of the whole period of his office.

(4) Where a statement of affairs has been submitted under the Act, any account sent under this regulation shall be accompanied by a summary of that statement of affairs and shall show the amount of any assets realised and explain the reasons for any non-realisation of any assets not realised.

(5) Where a statement of affairs has not been submitted under the Act, any account sent under this regulation shall be accompanied by a summary of all known assets and their estimated values and shall show the amounts actually realised and explain the reasons for any non-realisation of any assets not realised.

(6) Any account sent to the Secretary of State shall, if he so requires, be audited, but whether or not the Secretary of State requires the account to be audited, the trustee shall send to the Secretary of State on demand any documents (including vouchers and bank statements) and any information relating to the account.

## NOTES

## **Initial Commencement**

### ***Specified date***

Specified date: 24 October 1994: see reg 1.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 3  
Bankruptcy/29 Production and inspection of records

## **29 Production and inspection of records**

(1) The trustee shall produce on demand to the Secretary of State, and allow him to inspect, any accounts, books and other records kept by him (including any passed to him by a predecessor in office), and this duty to produce and allow inspection shall extend--

(a) to producing and allowing inspection at the premises of the trustee; and

(b) to producing and allowing inspection of any financial records of the kind described in regulation 24(1)(b) above prepared by the trustee before 24th October 1994 and kept by him;

and any such demand may--

(i) require the trustee to produce any such accounts, books or other records to the Secretary of State, and allow him to inspect them--

(A) at the same time as any account is sent to the Secretary of State under regulation 28 above; or

(B) at any time after such account is sent to the Secretary of State;

whether or not the Secretary of State requires the account to be audited; or

(ii) where it is made for the purpose of ascertaining whether the provisions of these Regulations relating to the handling of money received by the trustee in the course of carrying out his functions have been or are likely to be complied with, be made at any time, whether or not an account has been sent or should have been sent to the Secretary of State under regulation 28 above and whether or not the Secretary of State has required any account to be audited.

(2) The trustee shall allow the Secretary of State on demand to remove and take copies of any accounts, books and other records kept by the trustee (including any passed to him by a predecessor in office), whether or not they are kept at the premises of the trustee.

## **NOTES**

### **Initial Commencement**

#### ***Specified date***

Specified date: 24 October 1994: see reg 1.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 3  
Bankruptcy/30 Disposal of bankrupt's books, papers and other records

## **30 Disposal of bankrupt's books, papers and other records**

The trustee, on the authorisation of the official receiver, during his tenure of office or on vacating office, or the official receiver while acting as trustee, may at any time sell, destroy or otherwise dispose of the books, papers

and other records of the bankrupt.

## NOTES

### Initial Commencement

#### *Specified date*

Specified date: 24 October 1994: see reg 1.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 3  
Bankruptcy/31 Payment of unclaimed or undistributed assets, dividends or other money

### 31 Payment of unclaimed or undistributed assets, dividends or other money

Notwithstanding anything in these Regulations, any money--

- (a) in the hands of the trustee at the date of his vacation of office, or
- (b) which comes into the hands of any former trustee at any time after his vacation of office,

representing, in either case, unclaimed or undistributed assets of the bankrupt or dividends, shall forthwith be paid by him into the Insolvency Services Account.

## NOTES

### Initial Commencement

#### *Specified date*

Specified date: 24 October 1994: see reg 1.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 4 Claiming Money  
Paid into the Insolvency Services Account/32

## Part 4

### Claiming Money Paid into the Insolvency Services Account

### 32

- (1) Any person claiming to be entitled to any money paid into the Insolvency Services Account may apply to the Secretary of State for payment and shall provide such evidence of his claim as the Secretary of State may require.
- (2) Any person dissatisfied with the decision of the Secretary of State in respect of his claim made under this regulation may appeal to the court.

## NOTES

### Initial Commencement

#### *Specified date*

Specified date: 24 October 1994: see reg 1.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 5 Remuneration of  
Official Receiver/33 . . .

## Part 5

### Remuneration of Official Receiver

33 . . .

. . .

#### NOTES

##### Amendment

Revoked by SI 2004/472, reg 2, Schedule, para 4.

Date in force: 1 April 2004: see SI 2004/472, reg 1(1).

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 5 Remuneration of Official Receiver/34 . . .

34 . . .

. . .

#### NOTES

##### Amendment

Revoked by SI 2004/472, reg 2, Schedule, para 4.

Date in force: 1 April 2004: see SI 2004/472, reg 1(1).

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 5 Remuneration of Official Receiver/[35 Official receiver's general remuneration while acting as interim receiver, provisional liquidator, liquidator or trustee]

#### **[35 Official receiver's general remuneration while acting as interim receiver, provisional liquidator, liquidator or trustee]**

[(1) The official receiver shall be entitled to remuneration calculated in accordance with the applicable hourly rates set out in paragraph (2) for services provided by him (or any of his officers) in relation to--

- (a) a distribution made by him when acting as liquidator or trustee to creditors (including preferential or secured creditors or both such classes of creditor);
- (b) the realisation of assets on behalf of the holder of a fixed or floating charge or both types of those charges;
- (c) the supervision of a special manager;
- (d) the performance by him of any functions where he acts as provisional liquidator; or
- (e) the performance by him of any functions where he acts as an interim receiver.

(2) The applicable hourly rates referred to in paragraph (1) are--

- (a) in relation to the official receiver of the London insolvency district, those set out in Table 2 in Schedule 2;
- and

(b) in relation to any other official receiver, those set out in Table 3 in Schedule 2.]

## **NOTES**

### **Amendment**

Substituted by SI 2005/512, regs 4, 7.

Date in force: 1 April 2005: see SI 2005/512, reg 1; for transitional provisions see reg 3 thereof.

### **See Further**

See further, in relation to the application of this regulation, with modifications, in so far as it relates to bank insolvency or administration under the Banking Act 2009, Pts 2, 3: the Banking Act 2009 (Parts 2 and 3 Consequential Amendments) Order 2009, SI 2009/317, art 3, Schedule.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 5 Remuneration of Official Receiver/36 . . .

**36 . . .**

. . .

## **NOTES**

### **Amendment**

Revoked by SI 2004/472, reg 2, Schedule, para 4.

Date in force: 1 April 2004: see SI 2004/472, reg 1(1).

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/[Part 5A Information about Time Spent on a Case to be Provided by Insolvency Practitioner to Creditors etc]/[36A]

### **[Part 5A**

#### **Information about Time Spent on a Case to be Provided by Insolvency Practitioner to Creditors etc]**

## **NOTES**

### **Amendment**

Inserted by SI 2005/512, regs 4, 8.

Date in force: 1 April 2005: see SI 2005/512, reg 1.

### **[36A]**

[(1) Subject as set out in this regulation, in respect of any case in which he acts, an insolvency practitioner shall on request in writing made by any person mentioned in paragraph (2), supply free of charge to that person a statement of the kind described in paragraph (3).

(2) The persons referred to in paragraph (1) are--

(a) any creditor in the case;

- (b) where the case relates to a company, any director or contributory of that company; and
- (c) where the case relates to an individual, that individual.

(3) The statement referred to in paragraph (1) shall comprise in relation to the period beginning with the date of the insolvency practitioner's appointment and ending with the relevant date the following details--

- (a) the total number of hours spent on the case by the insolvency practitioner and any staff assigned to the case during that period;
- (b) for each grade of individual so engaged, the average hourly rate at which any work carried out by individuals in that grade is charged; and
- (c) the number of hours spent by each grade of staff during that period.

(4) In relation to paragraph (3) the "relevant date" means the date next before the date of the making of the request on which the insolvency practitioner has completed any period in office which is a multiple of six months or, where the insolvency practitioner has vacated office, the date that he vacated office.

(5) Where an insolvency practitioner has vacated office, an obligation to provide information under this regulation shall only arise in relation to a request that is made within 2 years of the date he vacates office.

(6) Any statement required to be provided to any person under this regulation shall be supplied within 28 days of the date of the receipt of the request by the insolvency practitioner.

(7) In this regulation the expression "insolvency practitioner" shall be construed in accordance with section 388 of the Insolvency Act 1986.]

## NOTES

### Amendment

Inserted by SI 2005/512, regs 4, 8.

Date in force: 1 April 2005: see SI 2005/512, reg 1.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/Part 6 Transitional and Saving Provisions/37

## Part 6

### Transitional and Saving Provisions

#### 37

The Regulations shall have effect subject to the transitional and saving provisions set out in Schedule 3 to these Regulations.

## NOTES

### Initial Commencement

*Specified date*

Specified date: 24 October 1994: see reg 1.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/SCHEDULE 1

## SCHEDULE 1

...

**NOTES****Initial Commencement***Specified date*

Specified date: 24 October 1994: see reg 1.

**Amendment**

This Schedule revokes SI 1986/1994, SI 1987/1959, SI 1988/1739 and SI 1991/380.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/SCHEDULE 2

**SCHEDULE 2****Regulations 33 to 36****Table 1**

...

**[Table 2**

## London Rates

<i>Grade according to the Insolvency Service grading structure/Status of Official</i>	<i>Total hourly rate £</i>
D2/Official Receiver	75
C2/Deputy or Assistant Official Receiver	63
C1/Senior Examiner	58
L3/Examiner	46
L2 Examiner	42
B2/Administrator	46
L1/Examiner	40
B1/Administrator	46
A2/Administrator	40
A1/Administrator	35

**Table 3**

## Provincial Rates

<i>Grade according to the Insolvency Service grading structure/Status of Official</i>	<i>Total hourly rate £</i>
D2/Official Receiver	69
C2/Deputy or Assistant Official Receiver	58
C1/Senior Examiner	52



L3/Examiner	46
L2 Examiner	40
B2/Administrator	43
L1/Examiner	38
B1/Administrator	42
A2/Administrator	36
A1/Administrator	31]

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## NOTES

### Initial Commencement

#### *Specified date*

Specified date: 24 October 1994: see reg 1.

### Amendment

Table 1: revoked by SI 2004/472, reg 2, Schedule, para 6.

Date in force: 1 April 2004: see SI 2004/472, reg 1(1).

Tables 2, 3: substituted by SI 2009/482, reg 2.

Date in force: 6 April 2009: see SI 2009/482, reg 1.

UK Parliament SIs 1990-1999/1994/2501-2550/Insolvency Regulations 1994 (SI 1994/2507)/SCHEDULE 3

## SCHEDULE 3

### Regulation 37

### Interpretation

#### 1

In this Schedule the expression "the former Regulations" means the Insolvency Regulations 1986 as amended by the Insolvency (Amendment) Regulations 1987, the Insolvency (Amendment) Regulations 1988 and the Insolvency (Amendment) Regulations 1991.

### Requests pursuant to regulation 13(1) of the former Regulations

#### 2

Any request made pursuant to regulation 13(1) of the former Regulations which has not been complied with prior to 24th October 1994 shall be treated, in the case of a company that is being wound up by the court, as a request made pursuant to regulation 11(1) of these Regulations and, in the case of a bankruptcy, as a request made pursuant to regulation 25 of these Regulations and in each case the request shall be treated as if it had been made on 24th October 1994.

### Things done under the provisions of the former Regulations

So far as anything done under, or for the purposes of, any provision of the former Regulations could have been done under, or for the purposes of, the corresponding provision of these Regulations, it is not invalidated by the revocation of that provision but has effect as if done under, or for the purposes of, the corresponding provision.

## Time periods

Where any period of time specified in a provision of the former Regulations is current immediately before 24th October 1994, these Regulations have effect as if the corresponding provision of these Regulations had been in force when the period began to run; and (without prejudice to the foregoing) any period of time so specified and current is deemed for the purposes of these Regulations--

- (a) to run from the date or event from which it was running immediately before 24th October 1994, and
- (b) to expire whenever it would have expired if these Regulations had not been made;

and any rights, obligations, requirements, powers or duties dependent on the beginning, duration or end of such period as above-mentioned shall be under these Regulations as they were or would have been under the former Regulations.

## References to other provisions

Where in any provision of these Regulations there is reference to another provision of these Regulations, and the first-mentioned provision operates, or is capable of operating, in relation to things done or omitted, or events occurring or not occurring, in the past (including in particular past acts of compliance with the former Regulations), the reference to that other provision is to be read as including a reference to the corresponding provision of the former Regulations.

## Provisions of Schedule to be without prejudice to the operation of sections 16 and 17 of the Interpretation Act 1978

The provisions of this Schedule are to be without prejudice to the operation of sections 16 and 17 of the Interpretation Act 1978 (saving from, and effect of, repeals) as they are applied by section 23 of that Act.

## Meaning of "corresponding provision"

(1) A provision in the former Regulations, except regulation 13(1) of those Regulations, is to be regarded as the corresponding provision of a provision in these Regulations notwithstanding any modifications made to the provision as it appears in these Regulations.

(2) Without prejudice to the generality of the term "corresponding provision" the following table shall, subject to sub-paragraph (3) below, have effect in the interpretation of that expression with a provision of these Regulations listed in the left hand column being regarded as the corresponding provision of a provision of the former Regulations listed opposite it in the right hand column and that latter provision being regarded as the corresponding provision of the first-mentioned provision:

### TABLE

**Provision in these Regulations**

**Provision in the former Regulations**

5(1), 5(3), 5(4)	4
5(2), 5(3), 5(4)	24
6	6
7(1), 7(2), 7(4), 7(5)	5
7(3), 7(4)	25
8(1), 8(2), 8(4), 8(5), 8(6)	15
8(3), 8(4)	25
9	18, 34
10	9, 27
11(2)	31
12	10, 28
13	10A, 28A
15	12A, 30A
16(1)	14
16(2)	32
17	35
18	16, 33
20	4
21	6
22	5
23	15
24	9
26	10
27	10A
29	12A
30	14
31	16A
32	17, 33
33, Table 1 in Schedule 2	19
35, Tables 2 and 3 in Schedule 2	20
36, Table 1 in Schedule 2	22

(3) Where a provision of the former Regulations is expressed in the Table in sub-paragraph (2) above to be the corresponding provision of a provision in these Regulations and the provision in the former Regulations was capable of applying to other proceedings in addition to those to which the provision in these Regulations is capable of applying, the provision in the former Regulations shall be construed as the corresponding provision of the provision in these Regulations only to the extent that they are both capable of applying to the same type of proceedings.

## NOTES

### Initial Commencement

#### *Specified date*

Specified date: 24 October 1994: see reg 1.

### See Further

See further, in relation to the application of this Schedule, with modifications, in so far as it relates to bank insolvency or administration under the Banking Act 2009, Pts 2, 3: the Banking Act 2009 (Parts 2 and 3

Consequential Amendments) Order 2009, SI 2009/317, art 3, Schedule.