



STATUTORY INSTRUMENTS.

S.I. No. 461 of 2013



RULES OF THE SUPERIOR COURTS (BANKRUPTCY) 2013

RULES OF THE SUPERIOR COURTS (BANKRUPTCY) 2013

We, the Superior Courts Rules Committee, constituted pursuant to the provisions of the Courts of Justice Act 1936, section 67, and reconstituted pursuant to the provisions of the Courts of Justice Act 1953, section 15, by virtue of the powers conferred upon us by the Courts of Justice Act 1924, section 36, the Courts of Justice Act, 1936, section 68 (as applied by the Courts (Supplemental Provisions) Act 1961, section 48), the Courts (Supplemental Provisions) Act 1961, section 14, and the Personal Insolvency Act 2012, section 140 and of all other powers enabling us in this behalf, do hereby make the following Rules of Court.

Dated this 24th day of October, 2013.

Susan Denham
John Edwards
Anthony Barr
Paul McGarry
Michael Kavanagh
Mary Cummins
Noel Rubotham
John Mahon

I concur in the making of the following Rules of Court.

Dated this 3rd day of December, 2013.

ALAN SHATTER,
Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 6th December, 2013.*

S.I. No. 461 of 2013

RULES OF THE SUPERIOR COURTS (BANKRUPTCY) 2013

1. (1) Subject to paragraphs (4) and (6), these Rules, which may be cited as the Rules of the Superior Courts (Bankruptcy) 2013, shall come into operation on the 3rd day of December, 2013.

(2) These Rules shall be construed together with the Rules of the Superior Courts.

(3) The Rules of the Superior Courts as amended by these Rules may be cited as the Rules of the Superior Courts 1986 to 2013.

(4) (a) Order 76 of the Rules of the Superior Courts is amended by the deletion therefrom of rules 88 to 99 inclusive.

(b) Appendix O to the Rules of the Superior Courts is amended by the deletion therefrom of the Forms therein numbered 26 to 30 inclusive.

(c) This paragraph shall come into operation on the 3rd day of December, 2013.

(5) Notwithstanding paragraph (4), proceedings on any petition to the Court under section 87 of the Bankruptcy Act 1988 presented before the 3rd day of December, 2013 may be continued on and following the 3rd day of December, 2013 and determined as if paragraph (4) had not come into operation.

(6) (a) Order 76 of the Rules of the Superior Courts is amended by the deletion therefrom of rules 137 to 140 inclusive and rules 144 to 158 inclusive.

(b) This paragraph shall come into operation on the 3rd day of December, 2013.

2. Order 76 of the Rules of the Superior Courts is amended:

(i) by the substitution in sub-rule (1) of rule 1 for the definition therein of “the Bank” of the following definition:

““the Bank” means the Central Bank of Ireland or a bank authorised to carry on business in the State;”;

(ii) by the insertion in sub-rule (1) of rule 1 immediately following the definition therein of “the Bank” of the following definition:

““bankruptcy payment order” means a bankruptcy payment order under section 85D of the Act;”;

(iii) by the substitution in sub-rule (1) of rule (1) for the definition therein of the “Official Assignee” of the following definition:

““Official Assignee” has the same meaning as in section 3 of the Act;”;

(iv) by the substitution in sub-rule (1) of rule 11 of “fourteen days” for “four days”;

(v) by the substitution for sub-rule (2) of rule 13 of the following sub-rule:

“(2) There shall be endorsed on the summons in addition to an intimation of the consequences of neglect to comply with the requisition of the summons, a notice to the debtor that if he disputes the debt and desires to obtain the dismissal of the summons he must file an affidavit within fourteen days after service of the summons stating (a) that he is not so indebted or only so indebted to an amount of €20,000 or less or (b) that before the service of the summons he had obtained the protection of the Court or (c) that he has secured or compounded the debt to the satisfaction of the creditor.”;

(vi) by the substitution for paragraphs (f) and (g) of sub-rule (1) of rule 19 of the following paragraphs:

“(f) indicate whether the petitioner had, prior to presenting the petition, received a proposal for a Debt Settlement Arrangement or a Personal Insolvency Arrangement and, where such proposal had been received, specify the details of the proposal;

(g) contain an indemnity on the part of the petitioner, indemnifying the Official Assignee as to the Official Assignee's costs, fees and expenses allowed by the Court up to and including the statutory sitting and as to such further costs, fees and expenses of the Official Assignee as the Court may upon the application of the Official Assignee direct, and

(h) contain notice of the date for the hearing of the petition.”;

(vii) by the insertion immediately following sub-rule (3) of rule 26 of the following sub-rule:

“(4) The affidavit referred to in sub-rule (3) shall, in addition, contain the averment required by section 11(4) of the Act.”;

(viii) by the substitution for rule 27 of the following rule:

“27. A petition of bankruptcy by a debtor shall be accompanied by and lodged together with a statement of affairs of the debtor in the Form No. 23, with such modifications as are

necessary, which shall be verified by the debtor, and the debtor shall comply with the requirements of rules 80 and 81 in respect of the statement of affairs.”;

- (ix) by the substitution for the caption preceding rule 80 and rule 80 of the following caption and rule respectively:

“XIX. The Statement of Affairs

80. (1) A debtor in respect of whom a petition has been presented by a creditor may, for the purposes of section 14(2) of the Act, file a statement of affairs.

(2) A statement of affairs filed by a debtor under section 11(5) or for the purposes of section 14(2) of the Act shall be in the Form No. 23, with such modifications as are necessary, and shall particularise those affairs (including the assets and liabilities of the debtor) as of the date of presentation of the petition.

(3) Where a debtor has, prior to adjudication as a bankrupt, filed a statement of affairs under section 11(5) or for the purposes of section 14(2) of the Act, the debtor may, on notice to the Official Assignee, apply to the Court for a direction dispensing with the requirement in section 19(c) of the Act to file, as a bankrupt, a statement of affairs.

(4) Where the Court has given a direction referred to in sub-rule (2), the statement of affairs filed by the debtor shall, for the purpose of this Order, be treated as his statement of affairs as a bankrupt.

(5) Unless the Court otherwise directs, the bankrupt shall, not later than two clear days before the day fixed for the statutory sitting, lodge with the Official Assignee his statement of affairs in the Form No. 23 and the Official Assignee shall examine same so as to ascertain whether it be so complete, and shall refuse to stamp same, and the bankrupt shall not file same, until presented to the Official Assignee complete, unless the Court shall otherwise direct.

(6) Every statement of affairs shall be verified on oath, complete, regularly paged, and signed by the debtor on each page, with all the columns and blanks accurately filled up.”:

- (x) by the substitution for rule 101 of the following rule:

“101. The provisions of the preceding rules of this Order shall apply, with any necessary modifications, in relation to the winding up of the property of a bankrupt by a trustee and a committee of inspection as they apply in relation to the administration of such property by the Official Assignee and “trustee” shall be

substituted for “Official Assignee” in such provisions where appropriate.”;

(xi) by the substitution for rule 136 of the following rule:

“136. An Account called the “Bankruptcy Dividend Account” shall be kept in the Bank in the name of the Official Assignee. After an Order has been made in any matter of bankruptcy or arrangement for payment of a dividend or cash composition, the Official Assignee (or in his absence the Deputy Official Assignee) shall transmit to the Bank an authority in writing or by electronic means to transfer from the estate account (hereinafter mentioned) of such matter to the credit of the Bankruptcy Dividend Account the total amount of such dividend or cash composition and to pay the creditors, to whom the dividend or cash composition is payable, the respective amounts to which the said creditors are entitled as approved by the Court, and to charge the amounts so paid to the Bankruptcy Dividend Account.”;

(xii) by the substitution for sub-rule (1) of rule 141 of the following sub-rule:

“(1) The Official Assignee shall, immediately after the expiration of six months from the date of issue of any payments payable on the order for distribution of the estate or any part thereof cause a list of unpaid dividends or cash compositions, and of all other money unclaimed, to be prepared. The Official Assignee shall direct such notices to be served relative thereto as he may think fit, and when satisfied that the dividends, compositions or other sums in such list are properly transferable to the Official Assignee — Unclaimed Dividend Account shall give directions for the immediate transfer of the same.”;

(xiii) by the substitution for rule 142 of the following rule:

“142. (1) When, after an authority for payment out of the Bankruptcy Dividend Account has been transmitted to the Bank, any debt comprised therein shall be expunged or reduced or a stay shall be placed upon the payment of any dividend or composition specified in such authority, the Official Assignee shall thereupon issue to the Bank an instruction by electronic means or otherwise, cancelling the authority of the Bank to pay the amount of the dividend or composition upon the debt expunged or reduced or upon which the stay has been placed, and shall issue an instruction to the Bank by electronic means or otherwise to transfer such amount from the Bankruptcy Dividend Account to the account of the estate out of which such dividend or composition is payable, and the amount so transferred shall be brought to the credit of the said estate. After

receipt of such direction as aforesaid the Bank shall not make payment of the amount therein specified on foot of the original authority.

(2) When, after any such authority as aforesaid has been lodged in the Bank, the right to receive payment of a sum therein specified has been transferred to or devolves upon a person (hereinafter called “the new payee”) other than the person named in the authority as the person entitled to receive payment of such sum, the Official Assignee shall thereupon issue an instruction to the Bank by electronic means or otherwise cancelling the original authority in so far as it refers to such sum and shall issue a new instruction to the Bank to make payment of the said sum to the new payee and the Bank shall not, after receipt of such instruction, make payment of all or any part of the said sum to the person named in the original authority as entitled to receive payment thereof. The Official Assignee may, however, in any case require that application for payment be made to the Court.”;

(xiv) by the substitution for sub-rule (1) of rule 160 of the following sub-rule:

“(1) The following records, in electronic format or otherwise, shall be kept by the Official Assignee:—

- (a) a record of debtors, containing a record of debts due to each estate and amounts recovered,
- (b) a record of creditors, containing a record of the claims on each estate,
- (c) a cash account, containing a record of all receipts and payments,
- (d) a bankruptcy estate file, containing a debtor and creditor account of each estate,
- (e) copies of all deeds, securities and valuables delivered to him, and
- (f) copies of all books and papers delivered to him.”;

(xv) by the substitution for rules 162 to 166 inclusive of the following rules:

“162. (1) Where at a sitting for distribution it shall appear to the Court that the requirements of section 85B(1)(a) of the Act have been fulfilled, the Court shall, upon receipt of a report from the Official Assignee confirming that provision has been made for payment of the expenses, fees, costs and preferential

payments due in the bankruptcy, order that the bankruptcy be discharged.

(2) No application shall be made under this rule until the Official Assignee has ascertained the debts and liabilities of the bankrupt.

163. (1) An application by a bankrupt for an order discharging his bankruptcy on the ground set forth in section 85B(1)(b) of the Act shall be grounded upon an affidavit of the bankrupt exhibiting a consent to such discharge, in the Form No. 35, from each of his creditors. Notice of the application and a copy of such affidavit shall be served upon the Official Assignee not less than ten days prior to the hearing thereof.

(2) The Court shall, upon receipt of a report from the Official Assignee confirming that provision has been made for payment of the expenses, fees, costs and preferential payments due in the bankruptcy, order that the bankruptcy be discharged.

(3) No application shall be made under this rule until the Official Assignee has ascertained the debts and liabilities of the bankrupt.

164. (1) An application under section 85D(1) of the Act for a bankruptcy payment order shall be made by motion in the bankruptcy on notice to the bankrupt, grounded on an affidavit sworn by or on behalf of the applicant, specifying the amount of the bankruptcy payment order sought and the reasons for the application.

(2) An application under section 85D(5) of the Act shall be made by motion in the bankruptcy on notice to the Official Assignee or the trustee in bankruptcy or (as the case may be) the bankrupt, grounded on an affidavit sworn by or on behalf of the applicant setting out the reasons why the bankruptcy payment order concerned should be varied.”;

(xvi) by the substitution for rule 167 of the following rule:

“167. Where an order for payment of the costs of the petitioning creditor is made under section 12 of the Act, such costs shall, when taxed and ascertained, be paid out of the first net proceeds of the estate of the bankrupt next in priority to the costs, fees and expenses of the Official Assignee, unless the Court otherwise orders.”, and

(xvii) by the substitution for rule 168 of the following rule:

“168. (1) The following applications under the Act shall be brought by motion on notice grounded upon an affidavit sworn by or on behalf of the moving party:

- (a) an application for an order pursuant to section 44B(1) of the Act;
- (b) an application by the Official Assignee to compel compliance by a discharged bankrupt to co-operate in accordance with section 85(4) of the Act;
- (c) an application for annulment of an adjudication pursuant to section 85C(1)(b) of the Act.

(2) A debtor may, by motion on notice to the creditor concerned, apply to the Court to strike out, dismiss or stay a bankruptcy summons or a petition:

- (a) issued or presented by a specified creditor in respect of a specified qualifying debt, during the supervision period of a Debt Relief Notice issued under section 31 of the Personal Insolvency Act 2012 in respect of the debtor, or
- (b) issued or presented by a creditor in respect of a debt covered by a Debt Settlement Arrangement (within the meaning of section 2 of the Personal Insolvency Act 2012) which is in effect in respect of the debtor, or
- (c) issued or presented in respect of a debt covered by a Personal Insolvency Arrangement (within the meaning of section 2 of the Personal Insolvency Act 2012) which is in effect in respect of the debtor.

(3) On the date first fixed for the hearing of any motion referred to in sub-rule (1) or sub-rule (2), the Court may give such directions and make such orders, including the fixing of time limits, for the conduct of proceedings on the application, as appears convenient for the determination of the application in a manner which is just, expeditious and likely to minimise the costs of the application.”.

3. Appendix O to the Rules of the Superior Courts is amended by the substitution for the Forms therein numbered 1, 2, 4, 6, 11, 13, 15, 23, 24, 35, 46 and 48 of the Forms bearing the like numbers respectively set out in Schedule 1.

Schedule 1

No. 1.
THE HIGH COURT
BANKRUPTCY
BANKRUPTCY SUMMONS

To of

Not less than 14 days' notice having been sent to you on the day of 20..... of the under-mentioned creditor's intention to apply for a bankruptcy summons and the debt concerned remaining unpaid.

You are hereby warned that unless within 14 days after the service of this summons on you, you do pay to of the sum of euro and cent, being the sum claimed of you by according to the particulars hereunto annexed or endorsed hereon, or unless you shall secure or compound for the same to *his *her *its satisfaction, you will have committed an act of bankruptcy, in respect of which you may be adjudged a bankrupt, on a petition being presented against you by the said ... unless you shall have within the time aforesaid applied to the Court to dismiss this summons, on the ground that you are not indebted to the said... in any sum or that you are only indebted to in a sum of €20,000 or less, or that before service of this summons upon you, you had obtained the protection of the Court.

Issued pursuant to the provisions of section 8 of the Bankruptcy Act 1988.

Given under the seal of the Court this day of 20.....

(Signed)
Judge

You are specially to note:

That the consequences, which will follow any neglect to comply with the requisitions contained in the summons, are that you may be adjudged a bankrupt on a petition of bankruptcy being presented against you by the said...

If, however, you are not indebted to the said in any sum, or you are only indebted to in a sum of €20,000 or less, you must apply to the Court to dismiss this summons within fourteen days after service of this summons on you, by filing in the Examiner's Office, Four Courts, Dublin, an affidavit in the prescribed form (Form No. 6, Appendix O of the Rules of the Superior Courts), stating that

(a) you are not so indebted, or only so indebted to an amount of €20,000 or less, or

(b) before service of this summons upon you, you had obtained the protection of the Court, or had compounded or secured for the debt to the satisfaction of the said

and on your applying to dismiss the summons a date will be fixed for the hearing of your application.

(Signed)
Solicitor for the said
[Address]

PARTICULARS OF DEMAND
[set out in detail]

*delete where inapplicable

No. 2.

SUMMONS — TWO OR MORE CREDITORS NOT PARTNERS

THE HIGH COURT
BANKRUPTCY
BANKRUPTCY SUMMONS

To of

Not less than 14 days' notice having been sent to you on the day of 20..... of the under-mentioned creditor's intention to apply for a bankruptcy summons and the debt concerned remaining unpaid.

You are hereby warned that, unless within 14 days after the service of this summons on you, you do pay to of the sum of ... euro and ... cent, and to of the sum of euro and ... cent, and to of the sum of ... euro and ... cent, being the sums claimed of you by them according to the particulars hereunto annexed, or endorsed hereon, or unless you shall secure or compound for the same to their satisfaction respectively, you will have committed an act of bankruptcy, in respect of which you may be adjudged a bankrupt on a petition being presented against you by the said and the said unless you shall have, within the time aforesaid, applied to the Court to dismiss this summons, on the ground that you are not indebted to or only indebted to in a sum of €20,000 or less or that before service of this summons upon you, you had obtained the protection of the Court.

Issued pursuant to the provisions of section 8 of the Bankruptcy Act 1988.

Given under the seal of the Court, this day of 20.....

(Signed)
Judge

You are specially to note:

That the consequences which will follow any neglect to comply with the requisitions contained in the summons are that you may be adjudged a bankrupt on a petition of bankruptcy being presented against you by the said... and the said...

If, however, you are not indebted to the said ... or in any sum or you are only indebted to them in a sum of €20,000 or less, you must apply to the Court to dismiss this summons, within fourteen days after service of this summons on you, by filing in the Examiner's Office, Four Courts, Dublin, an affidavit in the prescribed form (Form No. 6, Appendix O of the Rules of the Superior Courts), stating that

(a) you are not so indebted, or only so indebted to a amount of €20,000 or less, or

(b) that before service of this summons upon you, you had obtained the protection of the Court, or had compounded or secured for the debt to the satisfaction of the said ...

and on your applying to dismiss the summons a day will be fixed for the hearing of your application.

(Signed) Solicitor for the said
[Address]

PARTICULARS OF DEMAND

[set out in detail]

No. 4.

PARTICULARS OF DEMAND, AND NOTICE REQUIRING PAYMENT
PRIOR TO THE ISSUE OF A BANKRUPTCY SUMMONS.

To:

The following are the particulars of the demand of the undersigned
of..... against you the said amounting to the sum of €.....

[detailed particulars to be given]

Take notice that the said hereby requires immediate payment of the said
sum of within fourteen days of service of this Notice upon you at the
address given below and failing payment within that period, I will apply to the
High Court for the issue of a bankruptcy summons against you in accordance
with section 8 of the Bankruptcy Act 1988.

Dated
(Signed)

(State capacity Address)

No. 6.
AFFIDAVIT TO GROUND APPLICATION TO DISMISS BANKRUPTCY
SUMMONS

THE HIGH COURT
BANKRUPTCY

In the matter of a Bankruptcy Summons by against of and bearing date the day of 20.....

I, the above-named make oath and say that the above-named summons was served on me on the day of 20....., and that

†I am not indebted to the said in any sum amounting to more than €20,000.

†before such service I had obtained the protection of the Court.

†I have compounded for the debt to the satisfaction of the said in the following manner:—*

†I have secured for the debt to the satisfaction of the said in the following manner:—*

Sworn, &c.

†Delete where inapplicable

*Set out in detail.

PETITION OF BANKRUPTCY BY A PERSON OTHER THAN THE
DEBTOR

THE HIGH COURT

The petition of of shows as follows:—

[Note 1] 1. of (in this petition referred to as “the debtor”) is indebted to your petitioner in the sum of €..... in respect of (*state nature of debt*).

2. Your petitioner does not nor does any person or persons on your petitioner’s behalf hold any mortgage, charge, or lien on the debtor’s estate or any part thereof as security for said debt or any part thereof (*or* your petitioner holds security for the payment of (*or* part of) the said sum but he will give up such security for the benefit of the creditors of the debtor in the event of the debtor’s being adjudged a bankrupt *or* your petitioner holds security for the payment of (*or* part of) the said sum and he estimates the value of such security at the sum of €.....).

3. The said debtor has within three months before the presentation of this petition committed an act of bankruptcy as follows:- (*give details of the specific acts of bankruptcy alleged*) as your petitioner has been informed and believes.

[Note 2] 4. Council Regulation (EC) No 1346/2000 applies to the proceedings. The centre of main interests (as determined in accordance with Council Regulation (EC) No 1346/2000) of the said debtor is situated in the State because (*state facts and grounds relied on*).

[Note 2] 4. Council Regulation (EC) No 1346/2000 applies to the proceedings. The centre of main interests of the said debtor is situated within the territory of a Member State of the European Union in which Council Regulation (EC) No 1346/2000 applies (other than the State), namely at..... in..... because (*state facts and grounds relied on*) and the said debtor has an establishment within the State at..... because (*state facts and grounds relied on*).

[Note 2] [Note 3] 4. Council Regulation (EC) No 1346/2000 does not apply to the proceedings because (*state facts and grounds relied on*), and the debtor is domiciled in the State (*or specify which of the alternative requirements of Section 11(1)(d) of the Bankruptcy Act 1988 is fulfilled*).

[Note 4] 5. To your petitioner’s knowledge, no insolvency proceedings have been opened in respect of the said debtor in a Member State of the European Union to which Council Regulation (EC) No 1346/2000 applies.

5. Insolvency proceedings, which are

*main proceedings, (in accordance with Article 3(1) of Council Regulation (EC) No 1346/2000)

*secondary proceedings, (in accordance with Article 3(3) of Council Regulation (EC) No 1346/2000)

*territorial proceedings, (in accordance with Article 3(4) of Council Regulation (EC) No 1346/2000)

have been opened in respect of the said debtor in a Member State of the European Union to which Council Regulation (EC) No 1346/2000 applies (other than the State), namely in....., by decision of made on20....

*Your petitioner

*..... of

was appointed by the said decision to be liquidator (within the meaning of Article 2(b) of Council Regulation (EC) No 1346/2000) in those insolvency proceedings concerning the debtor.

*6. (*Where territorial proceedings are sought and no main proceedings are open in another EU Member State*) In your petitioner's belief, the centre of the debtor's main interests is situated within the territory of a Member State other than the State, and main proceedings have not been opened in another Member State. The condition referred to in *[Article 3(4)(a)] *[Article 3(4)(b)] of Council Regulation (EC) No 1346/2000 is met because (*state facts and grounds relied on, e.g. main proceedings cannot be opened in respect of the debtor where the centre of the debtor's main interests is situated, because of the conditions laid down by the law of that State, or the opening of territorial insolvency proceedings is requested by a creditor who has his/her domicile, habitual residence or registered office in the State or whose claim arises from the operation of that establishment*).

7. Your petitioner **has/*has not*, prior to presenting this petition, received a proposal for a Debt Settlement Arrangement or a Personal Insolvency Arrangement in respect of the debtor [*and, where such proposal had been received, specify the details of the proposal.*]

Your petitioner therefore requests that on proof of the requisites in that behalf, on the hearing of this petition, the said debtor may be adjudged bankrupt

*[Note 5] in main proceedings (in accordance with Article 3(1) of Council Regulation (EC) No 1346/2000).

*[Note 6] in secondary proceedings (in accordance with Article 3(3) of Council Regulation (EC) No 1346/2000).

*[Note 7] in territorial proceedings (in accordance with Article 3(4) of Council Regulation (EC) No 1346/2000).

YOUR PETITIONER HEREBY UNDERTAKES to this Honourable Court that, in the event of the said debtor being so adjudged your petitioner will advertise notice of the adjudication and statutory sitting in the manner directed by this Honourable Court and bear the expenses of such advertisement. Your petitioner HEREBY INDEMNIFIES the Official Assignee as to the costs, fees and expenses incurred, or to be incurred, in the event of such adjudication by the Official Assignee as to the costs, fees and expenses incurred, or to be incurred, in the event of such adjudication by the Official Assignee and allowed by the Court. Your petitioner FURTHER UNDERTAKES to lodge such sums as this Honourable Court may direct to cover such costs, fees and expenses.

Dated

(Signed)

(Signed)

Witness

(Name, address and description of witness)

Received this.....day of20..., at the hour ofo'clock in the noon.

Notes:

[Note 1] In the case of the petition of a liquidator in main proceedings which concerns or involves the opening of secondary insolvency proceedings in the State pursuant to Article 27 of Council Regulation (EC) No 1346/2000 (“the Insolvency Regulation”), paragraphs 1-3 above are not required to be included. In the case of the petition of a person other than the liquidator in main proceedings (i.e. a person mentioned in Article 29(b) of the Insolvency Regulation) which concerns or involves the opening of secondary insolvency proceedings in the State pursuant to Article 27 of the Insolvency Regulation, paragraphs 1-3 above must be included. In such a case only, the appropriate alternative in the request for relief referring to secondary proceedings or, as the case may be, territorial insolvency proceedings, should be included.

[Note 2] One alternative version only of paragraph 4 must be included.

Under Council Regulation (EC) No 1346/2000—

the “centre of main interests” should correspond to the place where the debtor conducts the administration of his/her interests on a regular basis and is therefore ascertainable by third parties;

“establishment” means any place of operations where the debtor carries out a non-transitory economic activity with human means and goods.

[Note 3] Where this version of paragraph 4 is appropriate to the case, paragraph 5 should be deleted and the remaining paragraphs renumbered.

[Note 4] Where paragraph 5 is required, one alternative version only of that paragraph must be included.

[Note 5] To be completed only if Council Regulation (EC) No 1346/2000 applies and the debtor’s centre of main interests is situated in the State.

[Note 6] To be completed only if Council Regulation (EC) No 1346/2000 applies, insolvency proceedings in respect of the debtor have been opened in another Member State, and the debtor has an establishment in the State.

[Note 7] To be completed only if Council Regulation (EC) No 1346/2000 applies, insolvency proceedings in respect of the debtor have been opened in another Member State, and one of the conditions in Article 3(4) of the Council Regulation is satisfied.

*Delete where inapplicable.

(The following affidavit must be filed to verify the petition, and may be endorsed on the petition).

THE HIGH COURT

BANKRUPTCY

I, the petitioner named in the within petition, make oath and say as follows:

1. The several allegations in the said petition are true.

*2. (*Where insolvency proceedings are open in another EU Member State*) I refer to a certified copy of the decision /a certificate of the.....Court of.....appointing *me *.....of..... as liquidator in respect of the debtor, upon which marked “A” I have signed my name prior to the swearing hereof. [I further refer to a translation of that decision/certificate into the Irish/English language certified by a person competent and qualified for the purpose, upon which marked “B” I have signed my name prior to the swearing hereof.]

Sworn, &c.

*Delete where inapplicable

PETITION BY A DEBTOR TO BE ADJUDICATED A BANKRUPT

THE HIGH COURT

BANKRUPTCY

No.

The petition ofofshows as follows:

[Note 1] 1. Your petitioner is unable to meet *his *her engagements with *his *her creditors, as will appear from the statement of affairs and affidavit of your petitioner filed herewith.

[Note 2] 2. Council Regulation (EC) No 1346/2000 applies to the proceedings. Your petitioner's centre of main interests (determined in accordance with Council Regulation (EC) No 1346/2000) is situated in the State because (*state facts and grounds relied on*).

2. Council Regulation (EC) No 1346/2000 applies to the proceedings. Your petitioner's centre of main interests is situated within the territory of a Member State of the European Union in which Council Regulation (EC) No 1346/2000 applies (other than the State), namely at.....in..... because (*state facts and grounds relied on*) and your petitioner has an establishment within the State at..... because (*state facts and grounds relied on*).

2. Council Regulation (EC) No 1346/2000 does not apply to the proceedings because (*state facts and grounds relied on*), and your petitioner is domiciled in the State (*or specify which of the alternative requirements of Section 11(1)(d) of the Bankruptcy Act 1988 is fulfilled*).

[Note 3] 3. Insolvency proceedings, which are

*main proceedings, (in accordance with Article 3(1) of Council Regulation (EC) No 1346/2000)

*secondary proceedings, (in accordance with Article 3(3) of Council Regulation (EC) No 1346/2000)

*territorial proceedings, (in accordance with Article 3(4) of Council Regulation (EC) No 1346/2000)

have been opened in respect of your petitioner in a Member State of the European Union to which Council Regulation (EC) No 1346/2000 applies (other than the State), namely in....., by decision ofmade on20.... of was appointed by the said decision to be liquidator (within the meaning of Article 2(b) of Council Regulation (EC) No 1346/2000) in those proceedings concerning your petitioner.

*4. (*Where territorial proceedings are sought and no main proceedings are open in another EU Member State*) The centre of your petitioner’s main interests is situated within the territory of a Member State other than the State, and main proceedings have not been opened in another Member State. The condition referred to in *[Article 3(4)(a)] *[Article 3(4)(b)] of the Insolvency Regulation is met because (*state facts and grounds relied on, e.g. main proceedings cannot be opened in respect of the debtor where the centre of the debtor’s main interests is situated, because of the conditions laid down by the law of that State*).

Your petitioner therefore requests that your petitioner may be adjudged bankrupt

*[Note 4] in main proceedings (in accordance with Article 3(1) of Council Regulation (EC) No 1346/2000).

*[Note 5] in secondary proceedings (in accordance with Article 3(3) of Council Regulation (EC) No 1346/2000).

*[Note 6] in territorial proceedings (in accordance with Article 3(4) of Council Regulation (EC) No 1346/2000).

YOUR PETITIONER HEREBY UNDERTAKES to this Honourable Court that, in the event of *his *her being so adjudged, your petitioner will attend in person at the statutory sitting, and will advertise notice of the adjudication and statutory sitting in the manner directed by this Honourable Court and bear the expenses of such advertisement. Your petitioner HEREBY INDEMNIFIES the Official Assignee as to the costs, fees and expenses incurred or to be incurred, in the event of such adjudication, by the Official Assignee and allowed by the Court. Your petitioner FURTHER UNDERTAKES to lodge such sums as this Honourable Court may direct to cover such costs, fees and expenses.

Notes:

[Note 1] In any appropriate case, one of the following statements may be substituted, where applicable, for the statement at paragraph 1:

1. Your petitioner has been subject as a debtor to a Debt Settlement Arrangement which has been terminated under section 83 of the Personal Insolvency Act 2012.

1. Your petitioner has been subject as a debtor to a Debt Settlement Arrangement which under section 84 of the Personal Insolvency Act 2012 is deemed to have failed.

1. Your petitioner has been subject as a debtor to a Personal Insolvency Arrangement which has been terminated under section 122 of the Personal Insolvency Act 2012.

1. Your petitioner has been subject as a debtor to a Personal Insolvency Arrangement which under section 123 of the Personal Insolvency Act 2012 is deemed to have failed.

[Note 2] One alternative version only of paragraph 2 must be included.

Under Council Regulation (EC) No 1346/2000—

the “centre of main interests” should correspond to the place where the debtor conducts the administration of his/her interests on a regular basis and is therefore ascertainable by third parties;

“establishment” means any place of operations where the debtor carries out a non-transitory economic activity with human means and goods.

[Note 3] Paragraph 3 must be included: (a) in any case in which main insolvency proceedings have been opened in another Member State and the debtor’s petition concerns or involves the opening of secondary insolvency proceedings (in accordance with Article 3(3) of Council Regulation (EC) No 1346/2000) in the State pursuant to Article 27 of the Insolvency Regulation (by virtue of Article 29(b) of the Insolvency Regulation), or (b) in any case in which territorial insolvency proceedings (in accordance with Article 3(4) of Council Regulation (EC) No 1346/2000) have been opened in another Member State. In such a case only, the appropriate alternative in the request for relief referring to secondary proceedings or, as the case may be, territorial insolvency proceedings, should be included.

[Note 4] To be completed only if Council Regulation (EC) No 1346/2000 applies and the petitioner’s centre of main interests is situated in the State.

[Note 5] To be completed only if Council Regulation (EC) No 1346/2000 applies, insolvency proceedings in respect of the petitioner have been opened in another Member State, and the petitioner has an establishment in the State.

[Note 6] To be completed only if Council Regulation (EC) No 1346/2000 applies, insolvency proceedings in respect of the petitioner have been opened in another Member State, and one of the conditions in Article 3(4) of the Council Regulation is satisfied.

*Delete where inapplicable

Dated
Signed

(Signed)

Witness

(name, address and description of witness)

Received thisday of20..., at the hour of.....o'clock in the.....noon.

(The petition must be accompanied by a statement of affairs in Form 23. The following affidavit must be filed to verify the petition, and may be endorsed on the petition).

THE HIGH COURT

BANKRUPTCY

I,.....of....., the petitioner named in the within petition, make oath and say as follows:

1. The petition contains a full and fair description of me as to my name, trade or profession and last and usual place of abode.

*2. (Where insolvency proceedings are open in another EU Member State) I refer to a certified copy of the decision /a certificate of the.....Court of.....appointingof..... as liquidator in respect of me upon which marked “A” I have signed my name prior to the swearing hereof. [I further refer to a translation of that decision/certificate into the Irish/English language certified by a person competent and qualified for the purpose, upon which marked “B” I have signed my name prior to the swearing hereof.]

3. I have, prior to presenting the petition, made reasonable efforts to reach an appropriate arrangement with my creditors relating to my debts by making a proposal for a *Debt Settlement Arrangement *Personal Insolvency Arrangement, to the extent that my circumstances would permit me to enter into such an arrangement. [*give details of proposal.*]

4. The remaining allegations of fact in the said petition are true.

Sworn, &c.

*Delete where inapplicable

ORDER OF ADJUDICATION

THE HIGH COURT

BANKRUPTCY

Before Mr./Ms. Justice

In the matter of a petition of bankruptcy by

**[in the case of a petition by a person other than the debtor]* against

Upon the hearing of the said petition this day, and proof satisfactory having been given:

**[in the case of a creditor's petition for adjudication by a person other than the liquidator in main proceedings]*

that the requirements of section 11(1) of the Bankruptcy Act 1988 have been complied with

**or [in the case of a debtor's petition for adjudication]* that the petitioner is, unable to meet **his *her* engagements with **his *her* creditors

And the Court having considered in accordance with section **14(2) *15(2)* of the Bankruptcy Act 1988 the nature and value of the assets available to the debtor, the extent of **his *her* liabilities, and whether the debtor's inability to meet **his *her* engagements could, having regard to those matters and the contents of the statement of affairs of the debtor filed with the Court, be more appropriately dealt with by means of a **Debt Settlement Arrangement *Personal Insolvency Arrangement, *and* the Court having adjourned the hearing of the petition to allow the debtor an opportunity to enter into such arrangement

†And the Court being satisfied that the centre of main interests of the said is situated in Ireland, IT IS ORDERED that the said be and **he *she* is hereby adjudged bankrupt in main proceedings, in accordance with Article 3(1) of Council Regulation (EC) No 1346/2000

†And the Court being satisfied that proceedings have been opened in another Member State as proceedings to which Article 3(1) of Council Regulation (EC) No 1346/2000 refers, IT IS ORDERED that the said be and **he *she* is hereby adjudged bankrupt in secondary proceedings, in accordance with Article 3(3) of Council Regulation (EC) No 1346/2000

†And the Court being satisfied that the centre of main interests of the said is not situated in Ireland, but that an establishment of the said is situated in Ireland, IT IS ORDERED that the said be and **he *she* is hereby adjudged bankrupt in territorial proceedings, in accordance with Article 3(4) of Council Regulation (EC) No 1346/2000

†And the Court being satisfied that Council Regulation (EC) No 1346/2000 does not apply to these proceedings, IT IS ORDERED that the said be and *he *she is hereby adjudged bankrupt

Given under the seal of the Court this..... day of, 20....

Judge

Solicitor for the petitioner

[address]

[In the case of a petition by a person other than the debtor, the following notice is to be endorsed on the order]

Notice: The time allowed for showing cause to the Court against the validity of this order of adjudication is three days from the service of this copy thereof upon the bankrupt, unless the Court shall think fit to extend such time in accordance with Section 16 of the Bankruptcy Act 1988.

† Only one alternative version must be used.

*Delete where inapplicable

THE HIGH COURT
BANKRUPTCY

Office Reference No:

Statement of Affairs of

..... (Name)

Address:

The **date of Adjudication** /..... /.....

Previous Bankruptcies/Arrangements (if any)

*I was a bankrupt in the year

*I presented a Petition for Arrangement in the year
And effected an arrangement of in the Euro Debts
amounting to €..... .

**Delete if not applicable*

Signed:

(Please note that all pages must be signed by person swearing this affidavit.)

Summary of Statement of Affairs

(Please insert total sums in relation to each heading)

Part 1: Assets

A	Moveable Property	€	Page....
	i) Cash	€	Page....
	ii) Accounts with Financial Institutions which show a balance to credit	€	Page....
	iii) Investments	€	Page....
	iv) Debts due to you	€	Page....
	v) Other Assets	€	Page....
B	Immoveable Property	€	Page....

Part 2: Liabilities

	i) Unsecured Creditors	€	Page....
	ii) Secured Creditors	€	Page....

Part 3: General

	i) Income	€	Page....
	ii) Property in Expectancy Yes/No		Page....
	iii) Accounts, Papers, Deeds, Etc. Yes/No		Page....

Part 4: Declaration

Signed:

PART 1 — LIST OF ASSETS**A — MOVEABLE PROPERTY i.e. all assets other than land or buildings****i) Cash**

State amount of cash in your possession

Total amount of cash in Hand

€.....

ii) Accounts with Financial Institution

Give details of any sums held by you in Financial Institution accounts, including account number and branch where account held (*overdrawn accounts should not be shown here but should be shown under unsecured creditors at page below*):-

No.	Name of Financial Institution	Branch	A/C Number	Balance (€)
FI1				
FI2				
FI3				
FI4				
FI5				
FI6				
FI7				
FI8				
FI9				
FI10				
FI11				
FI12				
FI13				
FI14				
FI15				
FI16				
Total amount in Financial Institution				€

Signed:

iii) Investments

Give details of any investments you have, i.e. stocks, shares, bonds, savings certificates, endowment insurance, pension, life policies, etc.

No.	Type of Investment	Name and address of Company or Institution	Ref. No.	Current Estimated Value
INV1				
INV2				
INV3				
INV4				
INV5				
INV6				

Give details of any company (registered with Company's Registration Office) in which you have had a management role in the last five years

No.	Name and address of Company	% Shareholding	CRO. No.	Current Estimated Value of your interest allowing for dividend distributions, Directors Loans to and from company etc.
SH1				
SH2				
SH3				

iv) Debts due to you

Give details of any debts owed to you, stating the name and address of the person or body by whom the debt is owed.

No.	Name and address of Debtor	Nature of Debt	Amount due (€)	Disputed Y/N
D1				
D2				
D3				
D4				
D5				
D6				
D7				
D8				
D9				

Signed:

v) Other Assets (Other than land or Buildings)

List any other property owned by you or in the course of purchase under credit, e.g. motor vehicles, goodwill of a business, electrical goods, jewellery, antiques, livestock, machinery.

No.	Full Description of Asset	State whether items subject to hire purchase or other credit agreement — YES/NO	Estimated Current Value
OTH1			
OTH2			
OTH3			
OTH4			
OTH5			
OTH6			
OTH7			
OTH8			
OTH9			
OTH10			
OTH11			
OTH12			
OTH13			
OTH14			
OTH15			
OTH16			
OTH17			
OTH18			
OTH19			
OTH20			
OTH21			
OTH22			
OTH23			
OTH24			
OTH25			

Signed:

B — IMMOVEABLE PROPERTY (Land, houses, buildings etc.)

List all the buildings/land in which you have an interest as owner or tenant.

No.	Type of Property and Folio Number	Address	Nature of Interest e.g. Tenant or Owner or Joint Owner	Estimated Current Value	Mortgage Amount owing	Estimated current value of your interest
LB1						
LB2						
LB3						
LB4						
LB5						
LB6						
LB7						
LB8						
LB9						
LB10						
LB11						
LB12						

Signed:

PART 2 — LIST OF CREDITORS**UC — Unsecured Creditors (specify unsecured debts due by you)**

Unsecured creditors (These do not include a mortgage (including judgment mortgage), charge or lien created in respect of liability e.g. personal bills, loans or overdrafts, creditor invoices and liabilities in respect of personal guarantees etc.)

No.	Name and address of Creditor	Email Address	Description of Debt	Account No. (if any)	Amount Due €	Accepted or Disputed
UC1						
UC2						
UC3						
UC4						
UC5						
UC6						
UC7						
UC8						
UC9						
UC10						
UC11						
UC12						
UC13						
UC14						
UC15						
UC16						
UC17						
UC18						
UC19						
UC20						
UC21						
UC22						
UC23						
UC24						
	Total amount of unsecured creditors					

Signed:

SC-Secured Creditors (Specify debts due by you which have been secured against assets.)
--

Secured Creditors (a secured creditor is a creditor who can repossess and sell your assets if you fall behind with your payments. For example a mortgage or charge over your house, a hire purchase or lease agreement over your vehicle or a bill of sale over your non-company business assets)

No.	Name and address of Financial Institution	Specify whether a mortgage / hire purchase / lease agreement and provide the account number	Amount Due €	Details of relevant property including the folio number
SC1				
SC2				
SC3				
SC4				
SC5				
SC6				
SC7				
SC8				
SC9				
SC10				
SC11				
SC12				
SC13				
SC14				
SC15				
SC16				
SC17				
SC18				
SC19				
SC20				
SC21				
SC22				
SC23				
SC24				
SC25				
SC26				
	Total amount of secured creditors			€

Signed:

PART 3 — GENERAL**i) Income**

Average monthly take home pay net of taxation (including overtime, commission, bonus etc.)	€
Other income e.g. pensions, income bonds, benefits etc. (please specify)	€
Total Income INC01	€
Total Set Costs (Reasonable Living Expenses based on household composition)	€
Total Other Costs (Mortgage/Rent, Childcare, Special Circumstances)	€ € €

ii) Property in Expectancy

No.	Description of Property	Testator / Settlor Name and Address	By Will / Intestate Succession or Trust
E1			
E2			
E3			
E4			
E5			
E6			
E7			

iii) Accounts, Papers, Deeds, Electronic Records and other documents relating to my estate

No.	Description	In whose possession and where to be found
1		
2		
3		
4		
5		
6		

Signed:

PART 4 — DECLARATION

I, the said make oath and say:

I have carefully read the foregoing statement of my affairs, on each page of which I have signed my name.

* My debts exceed my assets by the sum of € *My assets exceed my debts by the sum of €

I say that the same contains a full and true account of all debts due by me; that the same are justly due by me, save as therein otherwise stated; and that I am not, to my knowledge, indebted to any person or persons except the creditors therein named.

I say that the said statement contains a full and true account of all debts due to me and that there are not to my knowledge or belief any debts due to me except the debts therein returned.

I say that the said statement contains a full and true account and description of all other property of any kind or description whatsoever of which I am possessed or to which I am entitled.

Sworn at
In the County of,
This day of
Two Thousand and
before me a Commissioner for
Oaths [*or as the case may be*]
and I know the Deponent

Signed

.....
Commissioner for Oaths
[*or as the case may be*]

Signed _____
Solicitor for the debtor

Note

It is the duty of the bankrupt to prepare his statement of affairs in this form and to be accurate in making the statements for which the several columns are intended. Particular attention is required as to dates and amounts.

**Insert as appropriate. Note that a debtor may not present a petition for adjudication unless the debts of the debtor exceed the assets of the debtor by an amount greater than €20,000. (section 11(5), Bankruptcy Act1988)*

No. 24.

COMPOSITION AFTER BANKRUPTCY — NOTICE OF MEETING OF
CREDITORS

THE HIGH COURT

BANKRUPTCY

No.

In the matter of of a Bankrupt.

A meeting will be held before the Court at the Four Courts, Dublin 7, on the day of 20....., at the hour of o'clock in the noon, to consider the offer of the Bankrupt to pay the sum of cent in the euro by way of a composition on *his *her debts. If three-fifths in number and value of the creditors voting at the meeting, either in person or by an agent authorised in writing in that behalf, accept the offer or any modification of it, it shall be deemed to be accepted, and when approved by the Court shall be binding on all creditors of the Bankrupt. A creditor whose debt is less than €500 shall not be entitled to vote. Debts may be proved at the meeting. Creditors who have not yet sent proofs of their debts to the Official Assignee at the Insolvency Service,, Dublin., should do so forthwith.

Creditors are entitled to obtain from the Bankrupt, free of charge, a copy of his statement of affairs. Copies of the statement of affairs may be obtained from [state name and address of Bankrupt's solicitor, or of Bankrupt if no solicitor is employed].

Dated this day of 20.....

(Signed) Examiner.

Solicitor for Bankrupt
(address)

*delete where inapplicable

No. 35

CONSENT OF CREDITOR TO DISCHARGE FROM BANKRUPTCY
SECTION 85B, BANKRUPTCY ACT 1988.

THE HIGH COURT

BANKRUPTCY

No.

In the matter of a Bankrupt.

Whereas I,, of, have been admitted as a creditor in the bankruptcy of the above-named for the sum of €..... in respect of [state nature of debt].

I do hereby consent to the discharge of the said from bankruptcy. I understand that the giving of this consent constitutes a waiver of my right to recover the amount aforementioned.

Dated

[Signed]

(Signed)

Witness

No. 46.

WARRANT OF SEIZURE—SECTION 27 BANKRUPTCY ACT 1988

THE HIGH COURT

BANKRUPTCY

No.

In the matter of of a Bankrupt

Whereas on the day of 20....., an Order of adjudication of bankruptcy was made against the said bankrupt.

These are therefore to require, authorise, and empower you, and every one of you to whom this warrant is directed, forthwith to enter into and upon any house, building, room or other place belonging to the said Bankrupt where any of *his *her property is believed to be; and there seize all property whatsoever belonging to the said bankrupt except such articles of clothing, household, furniture, bedding, tools or equipment of the Bankrupt's trade or other like necessities for the Bankrupt, the Bankrupt's spouse or civil partner within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 and the Bankrupt's children and dependent relatives residing with the Bankrupt as the Bankrupt may select, not exceeding in value €6,000 and all such property you shall cause to be inventoried, and such inventory you shall return to the Court with all convenient speed, and what you shall so seize you shall safely detain and keep in your possession until the Court shall give you Order for the disposal thereof; and in case of resistance, or of not having the key or keys of any door or lock belonging to any place or places as aforesaid, of the said Bankrupt where any of *his *her property is believed to be, you shall break open, or cause to be broken open the same for the better execution of this warrant.

Given under the seal of the Court this day of 20.....

[Seal]

Examiner.

To

Bankruptcy Inspector or his Assistant.

*delete where inapplicable.

No. 48.

CERTIFICATE OF DISCHARGE FROM BANKRUPTCY
THE HIGH COURT
BANKRUPTCY

No.

In the matter of, a Bankrupt.
[or as the case may be]

[Whereas A.B. of was by Order of the Court made on the day of, 20....., adjudged bankrupt] or [Whereas by Order of the Court made on the day of, 20....., it was ordered that the estate of C.D. deceased, late of be administered under Part VI of the Bankruptcy Act 1988].

This is to certify that the said A.B. *[the said estate] has, pursuant to *[section 85] *[section 85B] of the Bankruptcy Act 1988, been discharged from bankruptcy.

Dated this day of 20.....

Signed
Official Assignee in Bankruptcy

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These rules amend Order 76 and Appendix O of the Rules of the Superior Courts to facilitate the operation of the amendments to the Bankruptcy Act 1988 effected by Part 4 of the Personal Insolvency Act 2012 and Part 7 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
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