

Bankruptcy Petitions – Hearings in Multiple Lists in the Rolls Building

On 17 September 2015 I sent out a note entitled Electronic Filing in the Bankruptcy & Companies Court (Rolls Building) to provide some guidance to practitioners pending the coming into force of a Practice Direction. It has now been superseded by the Practice Direction 51O – The Electronic Working Pilot Scheme.

As frequent users will have experienced, the use of C-File in court for multiple bankruptcy petition lists is not satisfactory. Accordingly the registrars have decided that bankruptcy hearings in the multiple lists should be dealt with in line with Practice Direction 51O – The Electronic Working Pilot Scheme.

First hearings

Three working days before the first hearing of any bankruptcy petition the petitioning creditor should lodge a bundle containing:

- (a) the statutory demand and evidence of service;
- (b) the petition and evidence of service (including any order for substituted service and any extension order served).

An attendance sheet (incorporating the certificate of continuing debt) and list of supporting/opposing creditors should be handed to the registrar at the hearing along with any relevant documents received late.

The court will retain the bundle for any adjourned hearing until the petition is either dismissed or a bankruptcy order is made.

Subsequent hearings

If the papers were in order at the first hearing it will be unnecessary to file a further bundle. Any papers not filed for the first hearing should, however, be filed to complete the bundle. Otherwise, completion of the attendance sheet (including the certificate of continuing debt and of service of the adjournment notice) will generally suffice.

All hearings

Whilst the foregoing will suffice for the majority of hearings, practitioners should also file any other documents which the court needs to consider (e.g. any notice of or evidence in opposition from the debtor).

The procedure outlined above will take effect on 1 November 2016.

Stephen Baister
Chief Bankruptcy Registrar
7 October 2016