



STATUTORY INSTRUMENTS.

S.I. No. 317 of 2013



CIRCUIT COURT RULES (PERSONAL INSOLVENCY) 2013

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We, the Circuit Court Rules Committee, constituted pursuant to the provisions of section 69 of the Courts of Justice Act 1936, by virtue of the powers conferred on us by section 66 of the Courts of Justice Act 1924 and section 70 of the Courts of Justice Act 1936, (as applied by section 48 of the Courts (Supplemental Provisions) Act 1961) and section 27 of the Courts (Supplemental Provisions) Act 1961, and section 140 of the Personal Insolvency Act 2012, and of all other powers enabling us in this behalf, do hereby, with the concurrence of the Minister for Justice and Equality, make the annexed Rules of Court.

Dated this 29th day of July 2013.

(Signed): Raymond Groarke
(Chairman of the Circuit Court Rules Committee)

Alison Lindsay

Fiona Duffy Coady

Noel Rubotham

Patricia Casey

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

Dated this 9th day of August, 2013.

Signed: ALAN SHATTER,
Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 20th August, 2013.*

S.I. No. 317 of 2013

CIRCUIT COURT RULES (PERSONAL INSOLVENCY) 2013

1. (1) These Rules, which may be cited as the Circuit Court Rules (Personal Insolvency) 2013, shall come into operation on the 9th day of August, 2013.

(2) These Rules shall be construed together with the Circuit Court Rules.

(3) The Circuit Court Rules as amended by these Rules may be cited as the Circuit Court Rules 2001 to 2013.

2. The Circuit Court Rules are amended:

(i) by the substitution for the definition of “The Judge” in the Interpretation of Terms provisions of the following definition:

“11. “The Judge” means a Judge of the Circuit Court and, for the avoidance of doubt, includes, where the context so admits or requires, a Specialist Judge of the Circuit Court.”;

(ii) by the insertion immediately following Order 72B thereof, of the Order set out in Schedule 1, and

(iii) by the insertion in Schedule B, immediately following Form 51B therein, of the Forms set out in Schedule 2.

Schedule 1

“Order 73

Proceedings under the Personal Insolvency Act 2012

I. Preliminary and General

1. (1) In this Order:-

the “Act” means the Personal Insolvency Act 2012;

“approved intermediary” means a person authorised by the Insolvency Service under section 47 of the Act to perform the functions of an approved intermediary under Chapter 1 of Part 3 of the Act;

unless the context requires otherwise, “creditor” has the same meaning as in section 2(1) of the Act;

unless the context requires otherwise, “debtor” has the same meaning as in section 2(1) of the Act;

each of the expressions “Debt Settlement Arrangement”, “domestic support order”, “electronic means”, “excludable debt”, “excluded debt”, “insolvency arrangement”, “Minister”, “Personal Insolvency Arrangement”, “personal insolvency practitioner”, “principal private residence”, “protective certificate”, “relative”, “relevant pension arrangement”, “secured creditor”, “secured debt”, “specified debt”, “spouse”, “unsecured creditor” and “unsecured debt” has the same meaning as in section 2(1) of the Act;

“electronic user” means a person, or a person within a category of persons, for the time being authorised, or as the case may be required, to deliver, file or lodge documents electronically in accordance with rule 4(1);

“the Insolvency Service” means the Insolvency Service of Ireland established by section 8 of the Act;

“proper officer” means, in the case of relevant court office specified in rule 2 which is not a combined court office, the County Registrar attached to that office, and in any other case, the combined court office manager for that office;

“relevant court office” means the office specified in rule 2;

“specified creditor” means a specified creditor referred to in section 25 of the Act;

“specified debtor” means a specified debtor referred to in section 25 of the Act;

“specified qualifying debt” shall be construed in accordance with section 32(b) of the Act;

“supervision period” has the same meaning as in section 25 of the Act.

(2) In the event that any conflict shall arise between the provision of any rule of this Order and any other provision of these Rules, the provision of the rule of this Order shall prevail in respect of any proceedings under the Act.

2. The office in each Circuit in which, in accordance with section 5(3) of the Act, notice of applications to the Court under the Act and in accordance with this Order is to be delivered shall be as set out in the following table:

Circuit	Office
Dublin	Circuit Court (Civil) Office, Dublin
Cork	Circuit Court Office, Cork
Northern	Combined Court Office, Monaghan
Midland	Combined Court Office, Tullamore
Eastern	Circuit Court Office, Trim
South Eastern	Combined Court Office, Kilkenny
South Western	Combined Court Office, Ennis
Western	Combined Court Office, Castlebar

3. (1) Any appeal to the Court under section 169 of the Act shall be made in accordance with Order 64C.

(2) The following applications to the Court shall be made in accordance with Order 64B—

(a) any application to the Court by an inspector under—

- (i) section 181(6) of the Act,
- (ii) paragraph 5 of Part 1 of Schedule 2 of the Act, and
- (iii) paragraph 5 of Part 2 of Schedule 2 of the Act,

(b) any application to the Court by the Insolvency Service under section 175(2) of the Act.

(3) Rule 4 shall not apply to proceedings under the Act mentioned in sub-rules (1) and (2).

II. Electronic filing, issuing and delivery of documents in proceedings under the Act

4. (1) Notwithstanding any other provision of these Rules, subject to compliance by the electronic user concerned with one or more of the conditions specified in sub-rule (2), or the whole or part of any one or more of such conditions, as the proper officer may notify to him

(a) the proper officer may—

- (i) authorise or require the Insolvency Service, and

- (ii) authorise any personal insolvency practitioner, approved intermediary, debtor, creditor, or other party to proceedings under the Act (or any solicitor acting for any such party),

to deliver to or file or lodge with the relevant court office mentioned in rule 2 by electronic means any document which may be delivered, filed or lodged and any application which may be made to the Court in any proceedings, or category of proceedings, under the Act or this Order, or in any stage or step in such proceedings,

- (b) any originating document, judgment, decree or other order or determination of the Court (including any judgment, decree or other order or determination entered in or issuing from the court office concerned) in such proceedings, or category of proceedings, which may under the Act or this Order be issued by or on behalf of the Court or the relevant court office concerned, may be issued to an electronic user by being transmitted by electronic means, and
- (c) any other document or information which may in such proceedings, or category of proceedings, be transmitted under the Act or this Order to the electronic user concerned by or on behalf of the Court or court office, may be transmitted to an electronic user by electronic means.

(2) The conditions mentioned in sub-rule (1) are that the proper officer is satisfied in respect of the intending electronic user (in this sub-rule “the user”):

- (a) that the hardware and other equipment, any data storage media and communications protocol to be employed by the user when delivering, filing, lodging or receiving documents or information by electronic means are compatible with, and otherwise suitable for use in conjunction with the corresponding equipment, media and protocols used or employed in or in respect of the court offices mentioned in rule 2;
- (b) that the user will use such naming conventions, electronic mail addresses, passwords, electronic signatures, electronic seals, digital signatures, protocols, unique identification codes or references or other means of authenticating documents delivered, filed or lodged by electronic means as may be required by the proper officer to assure the security and authenticity of such documents (and the proper officer may, for that purpose, require the provision to it of the names, specimen signatures and other particulars of the individuals authorised to act on behalf of the user);
- (c) that the user will use such firewall, anti-virus tool or other devices or applications, if any, as may be required by the proper officer to avoid damage to any information system used in the relevant court office;
- (d) that the user will take such steps and use such practice or protocol as may be specified by the proper officer to ensure that harmful, deleterious or offensive material does not enter any information system used in the relevant court office;

- (e) that the user will format and organise, and, where necessary, identify, code, index or produce in printed form documents to be delivered, filed, lodged or received by electronic means in any manner required by these Rules or by the proper officer.

(3) For the purposes of sub-rule (2), the proper officer may enter into any agreement or protocol with one or more persons (including one or more electronic users), or may publish any requirements which must be met in order to satisfy it that any condition set out in sub-rule (2) is met, or guidelines for compliance with any such conditions.

(4) Without prejudice to sub-rule (2), in accordance with section 140(2)(b) of the Act—

- (a) a document transmitted by the Insolvency Service, and
- (b) a certificate referred to in rule 19(3) or rule 28(3) transmitted by a personal insolvency practitioner who is an electronic user

by electronic means to an information system used in the relevant court office shall be authenticated, and the identity of the person in whose name it has issued shall be verified, by being—

- (a) transmitted from an information system or e-mail address of the Insolvency Service or personal insolvency practitioner concerned, accepted for the purpose of this sub-rule by the proper officer, or
- (b) transmitted to the information system used in the relevant court office using a password issued for the purpose of this sub-rule by the proper officer,

without the need for the incorporation in the document of a signature of the person in whose name it has issued.

(5) Where the proper officer determines that an electronic user is not complying with a condition (or part of any condition) specified in sub-rule (2) which he has required that user to comply with, he may, revoke or modify an authorisation or requirement referred to in sub-rule (1) in respect of that user.

(6) An electronic user shall deliver, file or lodge documents by electronic means by such one or more of the following methods as may be provided in or for the relevant court office for the purpose of:

- (a) transmitting the same in the form of an electronic document or other structured electronic data (which may include any electronic attachment in portable document (pdf) format or other format specified by the proper officer) to an information system used in the relevant court office provided for that purpose, and in a manner and in such form as may be specified by the proper officer, or

- (b) transmitting the same (including any electronic attachment) to such electronic mail address for the relevant court office specified in the table to rule 2 as may be specified by the proper officer (provided that nothing in this sub-rule shall invalidate the effect of any document transmitted to any other electronic mail address but actually received in the relevant court office concerned).

(7) Documents or information to be delivered by the Court to an electronic user may be:

- (a) transmitted in the form of an electronic document or other structured electronic data to an information system of the user, in a manner and in such form as may be specified by the proper officer, or
- (b) made available to the electronic user on an information system used in the relevant court office to which the electronic user concerned has secure access, or
- (c) transmitted to the electronic mail address of that user referred to in paragraph (b) of sub-rule (2) (provided that nothing in this sub-rule shall invalidate the effect of any document transmitted to any other electronic mail address but actually received by that user).

(8) An originating document in proceedings under the Act submitted for issue by electronic means in accordance with this Order shall be issued when it has been assigned a record number. A notice of motion in proceedings under the Act submitted for issue by electronic means in accordance with this Order shall be issued when it has been assigned a return date.

(9) The documents required to be filed together with any originating document mentioned in sub-rule (8) shall be transmitted by electronic means as a set of files, in portable document (pdf) format or other format specified by the proper officer.

(10) Where a statutory declaration or affidavit is submitted for filing by electronic means in accordance with this Order, unless otherwise permitted by the officer having charge of the relevant court office, the statutory declaration or affidavit and all exhibits thereto, in appropriate sequence, shall be transmitted in portable document (pdf) format or other format specified by the proper officer.

(11) Where an originating document or a notice of motion is issued in accordance with the preceding provisions of this rule,

- (a) a print or copy of the originating document or notice of motion as transmitted for issue shall, when issued, be treated, in accordance with section 140(3) of the Act, as the original of that document, and
- (b) the proper officer of the relevant court office may certify any printed version of such document as a certified copy of the original.

(12) Where a statutory declaration or affidavit is filed by delivery by electronic means in accordance with the preceding provisions of this rule, the statutory declaration or affidavit bearing the original manuscript signature of the deponent shall be retained for a period of seven years from the date of swearing thereof by the person who has filed the same by electronic means, subject to any order or direction of the Court.

(13) Any order, notice or protective certificate made or issued by the Court in proceedings under the Act shall be authenticated by the incorporation therein of the record number of the proceedings concerned.

(14) Where:

- (a) a party to proceedings under the Act who wishes to deliver, file or lodge a document to which this Order relates is not an electronic user, or
- (b) a party to proceedings under the Act wishes to deliver, file or lodge a document to which this Order relates as part of a stage or step in the proceedings for which that party is not an electronic user, or
- (c) for any reason any arrangement for the transmission of documents or information between the relevant court office and an electronic user by electronic means has not been provided or is for the time being unavailable or ineffective,

documents to which this Order applies may be delivered, filed or lodged by delivering to, or filing or lodging with the relevant court office a print of the document concerned (which, in the case of a document which requires to be signed, shall bear an original manuscript signature) together with a copy thereof in accordance with, and by any means permitted by the provisions of these Rules other than this Order.

III. Case management of applications under Part 3 of the Act

5. (1) On:

- (a) the return date of a notice of motion issued under rules 7 to 13 inclusive, 16 to 18 inclusive, 21 or 22, 25 to 27 inclusive, 30 or 31, or
- (b) the date on which any Debt Settlement Arrangement and any objections thereto has or have been entered for initial consideration by the Court in accordance with rule 19, or
- (c) the date on which any Personal Insolvency Arrangement and any objections thereto has or have been entered for initial consideration by the Court in accordance with rule 28,

or on any adjournment from such date, the Court may, if it does not hear and determine the application, objections or request for approval concerned (in this

rule referred to as the “matter”) on that date, and where it considers it necessary to do so, give such directions and make such orders for the further conduct of the matter as appear convenient for the determination of the matter in a manner which is just, expeditious and likely to minimise the costs of the proceedings which, where appropriate, may include:

- (i) directions as to the service of notice of the matter on any other person, including mode of service and the time allowed for such service (and the Court may for that purpose adjourn the hearing or further hearing of the matter to a date specified);
- (ii) directions as to the filing and delivery of any further affidavits by any party or parties;
- (iii) orders fixing time limits;
- (iv) directions as to the production of documents to other parties or the furnishing of additional documents or evidence to the Court;
- (v) directions as to the exchange of memoranda between or among the parties for the purpose of the agreeing by the parties or the fixing by the Court of any issues of fact or law to be determined in the proceedings, or orders fixing such issues;
- (vi) a direction that the matter be determined on oral evidence, where it appears to the Court that the matter is likely to involve a substantial dispute of fact or it is otherwise necessary or desirable in the interests of justice (and the Court may for that purpose make orders and give directions in relation to the exchange of pleadings or points of claim or defence between the parties);
- (vii) directions as to the furnishing by the parties to the Court and delivery of written submissions;
- (viii) directions as to the publication of notice of the hearing of the matter and the giving of notice in advance of such hearing to any person other than a party to the proceedings who desires to be heard on the hearing of the matter.

(2) On the date mentioned in sub-rule (1) (or on any adjournment from such date), the Court may, where it deems fit, hear any application for relief of an interlocutory nature.

IV. Debt Relief Notices

6. (1) The Insolvency Service may seek a decision of the Court under section 31(2) of the Act by submitting to the relevant court office:

- (i) the application for a Debt Relief Notice under section 29 of the Act on behalf of the debtor concerned;

- (ii) the certificate of the Insolvency Service (in Form 52A in the Schedule of Forms) to the effect that the relevant application under section 29 of the Act is in order, and
- (iii) the supporting documentation for the application under section 29 of the Act (other than the documents referred to in section 29(2)(e) and (f) of the Act).

(2) The application referred to in paragraph (i) of sub-rule (1) shall, in the form prescribed by the Insolvency Service under the Act, be the originating document for the proceedings concerning the Debt Relief Notice in respect of the debtor concerned. All further applications under the Act concerning the Debt Relief Notice in respect of the debtor concerned shall be brought in the proceedings commenced by the submission of that application and the documents and information referred to in paragraphs (ii) and (iii) of sub-rule (1).

(3) On the date first fixed for the consideration of the application for a decision mentioned in sub-rule (1), the Insolvency Service, the approved intermediary concerned and the debtor concerned shall not be required to attend and the Court, having considered the application, may:

- (a) if satisfied that the criteria specified in section 26(2) of the Act have been satisfied, issue a Debt Relief Notice, in Form 52B in the Schedule of Forms, in accordance with section 31(2)(a) of the Act;
- (b) if not satisfied that the criteria specified in section 26(2) of the Act have been satisfied, refuse the application to issue a Debt Relief Notice, in accordance with section 31(2)(b) of the Act;
- (c) adjourn the application and direct the registrar of the Court to request the Insolvency Service to clarify any matter in the documentation provided or to provide any documentation which appears to the Court to have been omitted, or
- (d) where it requires further information or evidence for the purpose of its arriving at a decision under section 31(2) of the Act, direct that a hearing be held, which hearing shall be on notice to the Insolvency Service and the approved intermediary concerned in accordance with section 31(3) of the Act.

(4) Where the Court directs a hearing in accordance with section 31(3) of the Act, the Court shall direct the registrar of the Court to include in the notification to the Insolvency Service issued under section 31(5) of the Act the time and place fixed for the hearing, and may direct the registrar to include in the notification:

- (a) an indication of the nature of the information or evidence which the Court requires for the purpose of its arriving at a decision under section 31(2) of the Act, and the persons who are likely to be able to provide such information or evidence, and

(b) notice of whether any evidence the Court requires shall be given by way of affidavit.

(5) Where the Insolvency Service has sought a decision of the Court under section 31(2) of the Act in accordance with sub-rule (1) and the authorised intermediary wishes to withdraw the application in accordance with section 29(5) of the Act, the authorised intermediary shall notify the Insolvency Service in writing of the withdrawal, and the Insolvency Service shall, as soon as practicable following receipt of such notification, notify the Court of the withdrawal of the application.

7. An application to the Court by the Insolvency Service under section 34(2) of the Act to extend the supervision period shall be made by motion ex parte of the Insolvency Service in the proceedings, identifying the reasons (as set out in that sub-section) for the extension sought and attaching (by electronic means where authorised or required) copies of any documents relied on. The motion need not be supported by any affidavit, provided that the Court may require the delivery of an affidavit in any case in which it considers it just and necessary to do so.

8. (1) An application under section 35(3) of the Act for leave, during the supervision period concerned, to commence or continue other proceedings, execution or other legal process in respect of a specified qualifying debt against the specified debtor or his or her property, shall—

- (a) in the case of proceedings sought to be commenced or continued other than before a judge of the Court for the Circuit referred to in section 5(2) of the Act, be brought by originating notice of motion,
- (b) in the case proceedings sought to be commenced before a judge of the Court for the Circuit referred to in section 5(2) of the Act, be brought by originating notice of motion, and
- (c) in the case of proceedings which it is sought to continue before the judge referred to at paragraph (b), be brought by notice of motion,

of the person seeking such relief to the Court in accordance with section 5(3) of the Act and rule 2, grounded on an affidavit sworn by or on behalf of that person setting out the reasons why such leave is sought.

(2) The originating notice of motion or notice of motion (and a copy of any grounding affidavit) shall be served on the debtor concerned, the approved intermediary concerned, the Insolvency Service and any other person who the Court directs should be served, not less than 21 days before the date first fixed for the hearing of the originating notice of motion or notice of motion, unless otherwise ordered by the Court.

(3) The Insolvency Service and the approved intermediary concerned shall not be required to attend on the date first fixed for the hearing of the originating notice of motion or notice of motion, and shall not be required to attend on any date to which such motion is adjourned, save by direction of the Court.

9. (1) An application to the Court by the Insolvency Service under section 39(1) of the Act to amend a Debt Relief Notice shall be brought by motion on notice in the proceedings, identifying the amendment sought and the ambiguity, error or omission sought to be addressed and attaching (by electronic means where authorised or required) copies of any documents relied on.

(2) The notice of motion and a copy of any grounding affidavit shall be served on the specified debtor and each specified creditor concerned not less than 21 days before the date first fixed for the hearing of the motion.

10. (1) An application to the Court by the Insolvency Service under section 41 of the Act for directions in relation to a matter arising in connection with a Debt Relief Notice shall be brought by notice of motion of the Insolvency Service in the proceedings, grounded on an affidavit sworn by a person duly authorised in that behalf by the Insolvency Service.

(2) The notice of motion shall specify the particular directions and other reliefs, if any, sought under section 41(3) of the Act.

(3) The affidavit shall:

(a) where relevant to the directions and reliefs sought, include evidence of any alleged non-compliance by the specified debtor concerned with an obligation under section 36 of the Act, and

(b) set out the facts or circumstances which it is alleged justify the giving of any particular directions sought, and set out the basis of the deponent's belief as to the existence of those facts or circumstances.

(4) The notice of motion and a copy of the grounding affidavit shall be served on the specified debtor concerned in accordance with section 41(2) of the Act not less than 21 days before the date first fixed for the hearing of the motion.

(5) The specified debtor concerned shall be at liberty to file and serve a replying affidavit setting out concisely the grounds of any opposition to the application and verifying any facts relied on in opposing the application, and a copy of such affidavit (and any exhibits thereto) shall be served upon the Insolvency Service not later than seven days before the return date of the notice of motion.

11. (1) An application to the Court by a specified debtor or a specified creditor under section 42 of the Act shall be brought by notice of motion in the proceedings, grounded on an affidavit sworn by or on behalf of that person.

(2) The notice of motion shall specify the particular reliefs sought under section 42 of the Act.

(3) The affidavit shall set out particulars of any act, omission or decision of the Insolvency Service which is the subject of the application, the facts or circumstances which it is alleged authorise or entitle the applicant to the relief sought and set out the basis of the deponent's belief as to the existence of those facts or circumstances.

(4) The notice of motion and a copy of the grounding affidavit shall be served on each of the persons mentioned in section 42(2) of the Act not less than 21 days before the date first fixed for the hearing of the motion.

(5) Each person served with the notice of motion and a copy of the grounding affidavit shall be at liberty to file and serve a replying affidavit setting out concisely the grounds of any opposition to the application and verifying any facts relied on in opposing the application, and a copy of such affidavit (and any exhibits thereto) shall be served upon the moving party and upon every other person served with notice of the application not later than seven days before the return date of the notice of motion.

12. (1) An application to the Court by a specified creditor under section 43 of the Act shall be brought by notice of motion of the specified creditor in the proceedings, grounded on an affidavit sworn by or on behalf of the specified creditor.

(2) The notice of motion shall specify the grounds of objection mentioned in section 43(3) of the Act and the particular reliefs sought under section 43(5) of the Act.

(3) The affidavit shall set out the facts or circumstances which it is alleged establish the grounds of objection concerned and authorise or entitle the applicant to the relief sought and set out the basis of the deponent's belief as to the existence of those facts or circumstances.

(4) The notice of motion and a copy of the grounding affidavit shall be served on the Insolvency Service and the specified debtor concerned not less than 21 days before the date first fixed for the hearing of the motion.

(5) Each person served with the notice of motion and a copy of the grounding affidavit shall be at liberty to file and serve a replying affidavit setting out concisely the grounds of any opposition to the application and verifying any facts relied on in opposing the application, and a copy of such affidavit (and any exhibits thereto) shall be served upon the moving party and upon every other person served with notice of the application not later than seven days before the return date of the notice of motion.

13. (1) An application to the Court by the Insolvency Service under section 44 of the Act to have a Debt Relief Notice terminated, shall be brought by notice of motion of the Insolvency Service in the proceedings, grounded on an affidavit sworn by a person duly authorised in that behalf by the Insolvency Service.

(2) The notice of motion shall specify the grounds mentioned in section 44(3) of the Act on which the application is made and the particular reliefs sought under section 44(4) of the Act.

(3) The affidavit shall set out the facts or circumstances which it is alleged establish the grounds mentioned in section 44(3) of the Act concerned and authorise or entitle the Insolvency Service to the relief sought and set out the basis of the deponent's belief as to the existence of those facts or circumstances.

(4) The notice of motion and a copy of the grounding affidavit shall be served on the specified debtor concerned and on each specified creditor concerned not less than 21 days before the date first fixed for the hearing of the motion, unless otherwise ordered by the Court.

(5) The specified debtor concerned shall be at liberty to file and serve a replying affidavit setting out concisely the grounds of any opposition to the application and verifying any facts relied on in opposing the application, and a copy of such affidavit (and any exhibits thereto) shall be served upon the Insolvency Service and upon every other person served with notice of the application not later than seven days before the return date of the notice of motion.

(6) Each specified creditor served with notice of the application shall be at liberty to file and serve an affidavit setting out concisely the grounds of its support or opposition, as the case may be, to the application and verifying any facts relied on, and a copy of such affidavit (and any exhibits thereto) shall be served upon every other person served with notice of the application not later than seven days before the return date of the notice of motion.

V. Debt Settlement Arrangements

14. (1) Subject to sub-rule (2), an application to the Court by a debtor for an order under section 57(2) of the Act shall be made by motion on notice to the Insolvency Service grounded on an affidavit of the debtor.

(2) The Court may direct that notice of the application be given by the debtor to such person or persons as it may direct.

15. (1) The Insolvency Service may seek a decision of the Court under section 61(2) of the Act by submitting to the relevant court office:

- (i) the application for a protective certificate under section 59 of the Act on behalf of a debtor;
- (ii) a certificate of the Insolvency Service (in Form 52A in the Schedule of Forms) to the effect that the application under section 59 of the Act is in order, and
- (iii) the supporting documentation for the application under section 59 of the Act (other than the documents referred to in section 59(2)(f) and (g) of the Act).

(2) The application referred to in paragraph (i) of sub-rule (1) shall, in the form prescribed by the Insolvency Service under the Act, be the originating document in the proceedings concerning the Debt Settlement Arrangement in respect of the debtor concerned. All further applications under the Act concerning the Debt Settlement Arrangement in respect of the debtor concerned shall be brought in the proceedings commenced by the submission of that application and the documents and information referred to in paragraphs (ii) and (iii) of sub-rule (1).

(3) On the date first fixed for the consideration of the application, the Insolvency Service, the personal insolvency practitioner concerned and the debtor concerned shall not be required to attend and the Court, having considered the application, may:

- (a) if satisfied that the eligibility criteria specified in section 57 of the Act have been satisfied, and the other relevant requirements relating to an application for the issue of a protective certificate have been met, issue a protective certificate, in Form 52C in the Schedule of Forms, in accordance with section 61(2)(a) of the Act;
- (b) if not satisfied that the eligibility criteria specified in section 57 of the Act have been satisfied, and the other relevant requirements relating to an application for the issue of a protective certificate have been met, refuse the application to issue a protective certificate, in accordance with section 61(2)(b) of the Act;
- (c) adjourn the application and direct the registrar of the Court to request the Insolvency Service to clarify any matter in the documentation provided or to provide any documentation which appears to the Court to have been omitted, or
- (d) where it requires further information or evidence for the purpose of its arriving at a decision under section 61(2) of the Act, direct that a hearing be held, which hearing shall be on notice to the Insolvency Service and the personal insolvency practitioner concerned in accordance with section 61(3) of the Act.

(4) Where the Court directs a hearing in accordance with section 61(3) of the Act, the Court shall direct the registrar of the Court to include in the notification to the Insolvency Service and the personal insolvency practitioner concerned issued under section 61(10) of the Act the time and place fixed for the hearing, and may direct the registrar of the Court to include in the notification:

- (a) an indication of the nature of the information or evidence which the Court requires for the purpose of its arriving at a decision under section 61(2) of the Act, and the persons who are likely to be able to provide such information or evidence, and
- (b) notice of whether any evidence the Court requires shall be given by way of affidavit.

(5) Where the Insolvency Service has sought a decision of the Court under section 61(2) of the Act in accordance with sub-rule (1) and the personal insolvency practitioner wishes to withdraw the application in accordance with section 59(3) of the Act, the personal insolvency practitioner shall notify the Insolvency Service in writing of the withdrawal, and the Insolvency Service shall, as soon as practicable following receipt of such notification, notify the Court of the withdrawal of the application.

16. (1) An application to the Court by a personal insolvency practitioner concerned under section 61(6) or section 61(7) of the Act to extend the period of the protective certificate shall be brought by notice of motion in the proceedings, setting out the reasons for the extension sought. The motion need not be supported by any affidavit, provided that the Court may require the delivery of an affidavit in any case in which it considers it just and necessary to do so.

(2) The notice of motion shall be served on the Insolvency Service.

(3) The Insolvency Service shall not be required to attend on the date first fixed for the hearing of the motion, and shall not be required to attend on any date to which such motion is adjourned, save by direction of the Court.

17. (1) Notwithstanding rule 2, an application to the Court under section 62(3) of the Act for leave, whilst a protective certificate remains in force, to commence or continue other proceedings, execution or other legal process in respect of a specified debt against the debtor or his or her property, shall:

(a) in the case of an application to commence proceedings, be brought in the County in which the proceedings in respect of the specified debt require to be brought by originating notice of motion, or

(b) in the case of an application to continue proceedings or for execution or other legal process, be brought in the County in which the proceedings sought to be continued (or arising from which execution or other legal process is sought) were brought, and be made by notice of motion in the proceedings in which it is sought to continue or in which leave for execution or other process is sought,

of the person seeking such relief, grounded on an affidavit sworn by or on behalf of that person setting out the reasons why such leave is sought.

(2) The originating notice of motion or notice of motion (and a copy of any grounding affidavit) shall be served on the debtor concerned, the personal insolvency practitioner concerned, the Insolvency Service, and any other person who the Court directs should be served, not less than 21 days before the date first fixed for the hearing of the originating notice of motion or notice of motion, unless otherwise ordered by the Court.

(3) The Insolvency Service and the personal insolvency practitioner concerned shall not be required to attend on the date first fixed for the hearing of the originating notice of motion or notice of motion, and shall not be required to attend on any date to which such motion is adjourned, save by direction of the Court.

18. (1) An application to the Court under section 63 of the Act by a creditor who is aggrieved by the issue of a protective certificate, shall be brought by notice of motion in the proceedings, grounded on an affidavit sworn by or on behalf of the creditor.

(2) The notice of motion shall specify the date on which notice of the issue of the protective certificate was given to the creditor concerned and the grounds of the application.

(3) The affidavit shall set out the facts or circumstances which it is alleged establish the grounds concerned and authorise or entitle the applicant to the relief sought and set out the basis of the deponent's belief as to the existence of those facts or circumstances.

(4) The notice of motion and a copy of the grounding affidavit shall be served on the Insolvency Service, the relevant personal insolvency practitioner concerned and any other person who the Court directs should be served in accordance with section 63(2) of the Act not less than 21 days before the date first fixed for the hearing of the motion.

(5) Each person served with the notice of motion and a copy of the grounding affidavit shall be at liberty to file and serve a replying affidavit setting out concisely the grounds of any opposition to the application and verifying any facts relied on in opposing the application, and a copy of such affidavit (and any exhibits thereto) shall be served upon the moving party and upon every other person served with notice of the application not later than seven days before the return date of the notice of motion.

19. (1) A notice of objection to a Debt Settlement Arrangement lodged by a creditor in accordance with section 75(3) of the Act shall be in Form 52D in the Schedule of Forms and shall:

- (a) include the record number of the proceedings;
- (b) state when the notice under section 75(2) of the Act was sent to the creditor by the personal insolvency practitioner (if known) and when the said notice was received by the creditor;
- (c) specify succinctly the grounds, set out in section 87 of the Act, on which objection is made to the coming into effect of the Debt Settlement Arrangement, and
- (d) confirm the amount of the debt due to the creditor concerned.

(2) A notification to the Court by the Insolvency Service in accordance with section 76(1) of the Act of a Debt Settlement Arrangement which has been approved at a creditors' meeting shall be in Form 52E in the Schedule of Forms and shall be accompanied by:

- (a) a true copy of the certificate provided for under section 75(1)(a) of the Act with the result of the vote taken at the creditors' meeting, which shall be in Form 52F in the Schedule of Forms,
- (b) a true copy of the approved Debt Settlement Arrangement,

(c) a true copy of the statement provided for under section 75(1)(c) of the Act, which shall be in Form 52G in the Schedule of Forms.

(3) Following such notification, a certificate of the personal insolvency practitioner certifying the date or dates on which every notice to creditors under section 75(2) of the Act was sent shall be furnished by the personal insolvency practitioner to the Insolvency Service and shall promptly be lodged in Court by the Insolvency Service.

(4) On receipt of a notification referred to in sub-rule (2), the proper officer shall enter the Debt Settlement Arrangement and any objections thereto for initial consideration by the Court on a date which is not less than 14 days after the date of the sending by the personal insolvency practitioner of the notice referred to in section 75(2) of the Act, or the date of receipt by the Court of a copy of the Debt Settlement Arrangement concerned, whichever appears to be later, and shall notify the Insolvency Service, the personal insolvency practitioner and any creditor who has lodged an objection to the coming into effect of the Debt Settlement Arrangement.

(5) The provisions of these Rules which apply to the notification and consideration of a Debt Settlement Arrangement shall apply, *mutatis mutandis*, to the notification and consideration of a variation of a Debt Settlement Arrangement and any objections thereto, and with such modifications to those Rules (including modifications to the relevant Forms) as may be necessary in accordance with section 82(8) of the Act.

20. (1) On the date fixed in accordance with rule 19(4) (or on any adjournment from such date), the Court shall (if it does not hear and determine any objections on that date) give directions and make orders for the determination of any objections in accordance with rule 5.

(2) Where no objection is lodged by a creditor with the Court within the time prescribed by section 75(2) of the Act, or an objection is lodged with the Court and the matter is determined by the Court on the date fixed in accordance with rule 19(4) on the basis that the objection should not be allowed, the Court:

- (a) if satisfied that the requirements specified in section 78(2)(a) of the Act have been satisfied, shall approve the coming into effect of the Debt Settlement Arrangement;
- (b) if not satisfied that the requirements specified in section 78(2)(a) of the Act have been satisfied, shall refuse the application to approve the coming into effect of the Debt Settlement Arrangement, in accordance with section 78(2)(b) of the Act;
- (c) may adjourn the further consideration of the Debt Settlement Arrangement to a date fixed by the Court and direct the registrar of the Court to request the Insolvency Service to provide such further information as is specified by the Court in accordance with section 78(3)(a) of the Act, or

(d) where it requires further information or evidence in accordance with section 78(3)(b) of the Act for the purpose of its arriving at a decision under section 78(2) of the Act, shall direct that a hearing be held, which hearing shall be on notice to the Insolvency Service and the personal insolvency practitioner concerned in accordance with section 78(3) of the Act.

(3) Where the Court directs a hearing in accordance with section 78(3)(b) of the Act, the Court shall direct the registrar of the Court to include in the notification to the Insolvency Service and the personal insolvency practitioner issued under section 78(6) of the Act the time and place fixed for the hearing, and may direct the registrar to include in the notification:

(a) an indication of the nature of the information or evidence which the Court requires for the purpose of its arriving at a decision under section 78(2) of the Act, and the persons who are likely to be able to provide such information or evidence, and

(b) notice of whether any evidence the Court requires shall be given by way of affidavit.

21. (1) An application to the Court by a creditor or a personal insolvency practitioner under section 83 of the Act to have a Debt Settlement Arrangement terminated, shall be brought by notice of motion in the proceedings, grounded on an affidavit sworn by or on behalf of the moving party.

(2) The notice of motion shall specify the grounds mentioned in section 83(1) of the Act on which the application is made and the particular reliefs sought under section 83(3) of the Act.

(3) The affidavit shall set out the facts or circumstances which it is alleged establish the grounds mentioned in section 83(1) of the Act concerned and authorise or entitle the moving party to the relief sought and set out the basis of the deponent's belief as to the existence of those facts or circumstances.

(4) The notice of motion and a copy of the grounding affidavit shall be served on the debtor concerned and on any other person who the Court directs should be served not less than 21 days before the date first fixed for the hearing of the motion, unless otherwise ordered by the Court.

(5) The debtor concerned shall be at liberty to file and serve a replying affidavit setting out concisely the grounds of any opposition to the application and verifying any facts relied on in opposing the application, and a copy of such affidavit (and any exhibits thereto) shall be served upon the moving party not later than seven days before the return date of the notice of motion.

(6) Where the Court makes an order under section 83 of the Act terminating a Debt Settlement Arrangement, an application for an order under section 85(1)(b) of the Act may be made without motion for that purpose, provided that the Court may direct that same be heard on affidavit; in a case where a Debt Settlement Arrangement has been deemed to have failed by virtue of

section 84(1) of the Act, an application for an order under section 85(1)(b) of the Act shall be made by notice of motion grounded upon an affidavit. The notice of motion and a copy of the grounding affidavit shall be served on the Insolvency Service and on any other person who the Court directs should be served.

22. (1) An application to the Court by a creditor or a personal insolvency practitioner for relief under section 88 of the Act shall be brought by notice of motion in the proceedings, grounded on an affidavit sworn by or on behalf of the moving party.

(2) The notice of motion shall specify the particular reliefs sought under section 88(3) of the Act.

(3) The affidavit shall set out the facts or circumstances which it is alleged establish that the debtor has made excessive contributions to a relevant pension arrangement, and authorise or entitle the moving party to the relief sought and set out the basis of the deponent's belief as to the existence of those facts or circumstances.

(4) The notice of motion and a copy of the grounding affidavit shall be served on the debtor concerned not less than 21 days before the date first fixed for the hearing of the motion.

(5) The debtor concerned shall be at liberty to file and serve a replying affidavit setting out concisely the grounds of any opposition to the application and verifying any facts relied on in opposing the application, and a copy of such affidavit (and any exhibits thereto) shall be served upon the moving party not later than seven days before the return date of the notice of motion.

VI. Personal Insolvency Arrangements

23. (1) Subject to sub-rule (2), an application to the Court by a debtor for an order under section 91(3) of the Act shall be made by motion on notice to the Insolvency Service grounded on an affidavit of the debtor.

(2) The Court may direct that notice of the application be given by the debtor to such person or persons as it may direct.

24. (1) The Insolvency Service may seek a decision of the Court under section 95(2) of the Act by submitting to the relevant court office:

- (i) the application for a protective certificate under section 93 of the Act on behalf of a debtor;
- (ii) a certificate of the Insolvency Service (in Form 52A in the Schedule of Forms) to the effect that the application under section 93 of the Act is in order, and

- (iii) the supporting documentation for the application under section 93 of the Act (other than the documents referred to in section 93(2)(f) and (g) of the Act).

(2) The application referred to in paragraph (i) of sub-rule (1) shall, in the form prescribed by the Insolvency Service under the Act, be the originating document for the proceedings concerning the Personal Insolvency Arrangement in respect of the debtor concerned. All further applications under the Act concerning the Personal Insolvency Arrangement in respect of the debtor concerned shall be brought in the proceedings commenced by the submission of that application and the documents and information referred to in paragraphs (ii) and (iii) of sub-rule (1).

(3) On the date first fixed for the consideration of the application, the Insolvency Service, the personal insolvency practitioner concerned and the debtor concerned shall not be required to attend and the Court, having considered the application, may:

- (a) if satisfied that the eligibility criteria specified in section 91 of the Act have been satisfied and the other relevant requirements relating to an application for the issue of a protective certificate have been met, issue a protective certificate, which shall be in Form 52H in the Schedule of Forms, in accordance with section 95(2)(a) of the Act;
- (b) if not satisfied that the eligibility criteria specified in section 91 of the Act have been satisfied and the other relevant requirements relating to an application for the issue of a protective certificate have been met, refuse the application to issue a protective certificate, in accordance with section 95(2)(b) of the Act;
- (c) adjourn the application and direct the registrar of the Court to request the Insolvency Service to clarify any matter in the documentation provided or to provide any documentation which appears to the Court to have been omitted, or
- (d) where it requires further information or evidence for the purpose of its arriving at a decision under section 95(2) of the Act, direct that a hearing be held, which hearing shall be on notice to the Insolvency Service and the personal insolvency practitioner concerned in accordance with section 95(3) of the Act.

(4) Where the Court directs a hearing in accordance with section 95(3) of the Act, the Court shall direct the registrar of the Court to include in the notification to the Insolvency Service and the personal insolvency practitioner concerned issued under section 95(10) of the Act the time and place fixed for the hearing, and may direct the registrar to include in the notification:

- (a) an indication of the nature of the information or evidence which the Court requires for the purpose of its arriving at a decision under section 95(2) of the Act, and the persons who are likely to be able to provide such information or evidence, and

(b) notice of whether any evidence the Court requires shall be given by way of affidavit.

(5) Where the Insolvency Service has sought a decision of the Court under section 95(2) of the Act in accordance with sub-rule (1) and the personal insolvency practitioner wishes to withdraw the application in accordance with section 93(3) of the Act, the personal insolvency practitioner shall notify the Insolvency Service in writing of the withdrawal, and the Insolvency Service shall, as soon as practicable following receipt of such notification, notify the Court of the withdrawal of the application.

25. (1) An application to the Court by the personal insolvency practitioner concerned under section 95(6) or section 95(7) of the Act to extend the period of the protective certificate shall be brought by notice of motion in the proceedings, setting out the reasons for the extension sought. The motion need not be supported by any affidavit, provided that the Court may require the delivery of an affidavit in any case in which it considers it just and necessary to do so.

(2) The notice of motion shall be served on the Insolvency Service.

(3) The Insolvency Service shall not be required to attend on the date first fixed for the hearing of the motion, and shall not be required to attend on any date to which such motion is adjourned, save by direction of the Court.

26. (1) Notwithstanding rule 2, an application to the Court under section 96(3) of the Act for leave, whilst a protective certificate remains in force, to commence or continue other proceedings, execution or other legal process in respect of a specified debt against the debtor or his or her property, shall—

(a) in the case of an application to commence proceedings, be brought in the County in which the proceedings in respect of the specified debt require to be brought by originating notice of motion, or

(b) in the case of an application to continue proceedings or for execution or other legal process, be brought in the County in which the proceedings sought to be continued (or arising from which execution or other legal process is sought) were brought, and be made by notice of motion in the proceedings which it is sought to continue or in which leave for execution or other process is sought,

of the person seeking such relief, grounded on an affidavit sworn by or on behalf of that person setting out the reasons why such leave is sought.

(2) The originating notice of motion or notice of motion (and a copy of any grounding affidavit) shall be served on the debtor concerned, the personal insolvency practitioner concerned, the Insolvency Service, and any other person who the Court directs should be served, not less than 21 days before the date first fixed for the hearing of the originating notice of motion or notice of motion, unless otherwise ordered by the Court.

(3) The Insolvency Service and the personal insolvency practitioner concerned shall not be required to attend on the date first fixed for the hearing of the originating notice of motion or notice of motion, and shall not be required to attend on any date to which such motion is adjourned, save by direction of the Court.

27. (1) An application to the Court under section 97 of the Act by a creditor who is aggrieved by the issue of a protective certificate, shall be brought by notice of motion of the creditor in the proceedings, grounded on an affidavit sworn by or on behalf of the creditor.

(2) The notice of motion shall specify the date on which notice of the issue of the protective certificate was given to the creditor concerned and the grounds of the application.

(3) The affidavit shall set out the facts or circumstances which it is alleged establish the grounds concerned and authorise or entitle the applicant to the relief sought and set out the basis of the deponent's belief as to the existence of those facts or circumstances.

(4) The notice of motion and a copy of the grounding affidavit shall be served on the Insolvency Service and the relevant personal insolvency practitioner concerned, in accordance with section 97(2) of the Act not less than 21 days before the date first fixed for the hearing of the motion.

(5) Each person served with the notice of motion and a copy of the grounding affidavit shall be at liberty to file and serve a replying affidavit setting out concisely the grounds of any opposition to the application and verifying any facts relied on in opposing the application, and a copy of such affidavit (and any exhibits thereto) shall be served upon the moving party not later than seven days before the return date of the notice of motion.

28. (1) A notice of objection to a Personal Insolvency Arrangement lodged by a creditor in accordance with section 112(3) of the Act shall be in Form 52D in the Schedule of Forms and shall:

- (a) include the record number of the proceedings;
- (b) state when the notice under section 112(2) of the Act was sent to the creditor by the personal insolvency practitioner (if known) and when the said notice was received by the creditor;
- (c) specify succinctly the grounds, set out in section 120 of the Act, on which objection is made to the coming into effect of the Personal Insolvency Arrangement, and
- (d) confirm the amount of the debt due to the creditor concerned.

(2) A notification to the Court by the Insolvency Service in accordance with section 113(1) of the Act of a Personal Insolvency Arrangement which has been

approved at a creditors' meeting shall be in Form 52E in the Schedule of Forms and shall be accompanied by:

- (a) a true copy of the certificate provided for under section 112(1)(a) of the Act with the result of the vote taken at the creditors' meeting, which shall be in Form 52F in the Schedule of Forms,
- (b) a true copy of the approved Personal Insolvency Arrangement with the record number of the proceedings endorsed thereon, and
- (c) a true copy of the statement provided for under section 112(1)(c) of the Act, which shall be in Form 52G in the Schedule of Forms.

(3) Following such notification, a certificate of the personal insolvency practitioner certifying the date or dates on which every notice to creditors under section 112(2) was sent shall be furnished by the personal insolvency practitioner to the Insolvency Service and shall promptly be lodged in Court by the Insolvency Service.

(4) On receipt of a notification in accordance with sub-rule (2), the proper officer shall enter the Personal Insolvency Arrangement and any objections thereto for initial consideration by the Court on a date which is not less than 14 days after the date of the sending by the personal insolvency practitioner of the notice referred to in section 112(2) of the Act, or the date of receipt by the Court of a copy of the Personal Insolvency Arrangement concerned, whichever appears to be later, and shall notify the Insolvency Service, the personal insolvency practitioner and any creditor who has lodged an objection to the coming into effect of the Personal Insolvency Arrangement.

(5) The provisions of these Rules which apply to the notification and consideration of a Personal Insolvency Arrangement shall apply, mutatis mutandis, to the notification and consideration of a variation of a Personal Insolvency Arrangement and any objections thereto, and with such modifications to those Rules (including modifications to the relevant Forms) as may be necessary in accordance with section 119(8) of the Act.

29. (1) On the date fixed in accordance with rule 28(4) (or on any adjournment from such date), the Court shall (if it does not hear and determine any objections on that date) give directions and make orders for the determination of any objections in accordance with rule 5.

(2) Where no objection is lodged by a creditor with the Court within the time prescribed by section 112(3) of the Act, or an objection is lodged with the Court and the matter is determined by the Court on the date fixed in accordance with rule 28(4) on the basis that the objection should not be allowed, the Court:

- (a) if satisfied that the requirements specified in section 115(2)(a) of the Act have been satisfied, shall approve the coming into effect of the Personal Insolvency Arrangement;

- (b) if not satisfied that the requirements specified in section 115(2)(a) of the Act have been satisfied, shall refuse the application to approve the coming into effect of the Personal Insolvency Arrangement, in accordance with section 115(2)(b) of the Act;
- (c) may adjourn the further consideration of the Personal Insolvency Arrangement to a date fixed by the Court and direct the registrar of the Court to request the Insolvency Service to provide such further information as is specified by the Court in accordance with section 115(3)(a) of the Act, or
- (d) where it requires further information or evidence in accordance with section 115(3)(b) of the Act for the purpose of its arriving at a decision under section 115(2) of the Act, shall direct that a hearing be held, which hearing shall be on notice to the Insolvency Service and the personal insolvency practitioner concerned in accordance with section 115(3) of the Act.

(3) Where the Court directs a hearing in accordance with section 115(3)(b) of the Act, the Court shall direct the registrar of the Court to include in the notification to the Insolvency Service and the personal insolvency practitioner issued under section 115(6) of the Act the time and place fixed for the hearing, and may direct the registrar to include in the notification:

- (a) an indication of the nature of the information or evidence which the Court requires for the purpose of its arriving at a decision under section 115(2) of the Act, and the persons who are likely to be able to provide such information or evidence, and
- (b) notice of whether any evidence the Court requires shall be given by way of affidavit.

30. (1) An application to the Court by a creditor or a personal insolvency practitioner for relief under section 121 of the Act shall be brought by notice of motion in the proceedings, grounded on an affidavit sworn by or on behalf of the moving party.

(2) The notice of motion shall specify the particular reliefs sought under section 121(3) of the Act.

(3) The affidavit shall set out the facts or circumstances which it is alleged establish that the debtor has made excessive contributions to a relevant pension arrangement, and authorise or entitle the moving party to the relief sought and set out the basis of the deponent's belief as to the existence of those facts or circumstances.

(4) The notice of motion and a copy of the grounding affidavit shall be served on the debtor concerned, and on any other person who the Court directs should be served not less than 21 days before the return date of the notice of motion, unless otherwise directed by the Court.

(5) The debtor concerned shall be at liberty to file and serve a replying affidavit setting out concisely the grounds of any opposition to the application and verifying any facts relied on in opposing the application, and a copy of such affidavit (and any exhibits thereto) shall be served upon the moving party and upon every other person served with notice of the application before the return date of the notice of motion.

31. (1) An application to the Court by a creditor or a personal insolvency practitioner under section 122 of the Act to have a Personal Insolvency Arrangement terminated, shall be brought by notice of motion in the proceedings, grounded on an affidavit sworn by or on behalf of the moving party.

(2) The notice of motion shall specify the grounds mentioned in section 122(1) of the Act on which the application is made and the particular reliefs sought under section 122(3) of the Act.

(3) The affidavit shall set out the facts or circumstances which it is alleged establish the grounds mentioned in section 122(1) of the Act concerned and authorise or entitle the moving party to the relief sought and set out the basis of the deponent's belief as to the existence of those facts or circumstances.

(4) The notice of motion and a copy of the grounding affidavit shall be served on the debtor concerned and on any other person who the Court directs should be served not less than 21 days before the date first fixed for the hearing of the motion, unless otherwise ordered by the Court.

(5) The debtor concerned shall be at liberty to file and serve a replying affidavit setting out concisely the grounds of any opposition to the application and verifying any facts relied on in opposing the application, and a copy of such affidavit (and any exhibits thereto) shall be served upon the moving party not later than seven days before the date first fixed for the hearing of the motion before the return date of the notice of motion.

(6) Where the Court makes an order under section 122 of the Act terminating a Personal Insolvency Arrangement, an application for an order under section 124(1)(b) of the Act may be made without motion for that purpose, provided that the Court may direct that same be heard on affidavit; in a case where a Personal Insolvency Arrangement has been deemed to have failed by virtue of section 123(1) of the Act, an application for an order under section 124(1)(b) of the Act shall be made by notice of motion grounded upon an affidavit. The notice of motion and a copy of the grounding affidavit shall be served on the Insolvency Service and on any other person who the Court directs should be served.

VII. Correction of Errors

32. (1) The Court may, where satisfied that no prejudice would thereby be suffered by any person, of its own motion and without a hearing for that purpose:

- (a) cancel any order, notice, certificate or other document which has issued for and on behalf of the Court in error, or
 - (b) without limiting the entitlement of any party or person to apply to the Court under Order 65, rule 3, correct any clerical mistake in any order, notice, certificate or other document issued for and on behalf of the Court, or any error arising therein from any accidental slip or omission.
- (2) Where any party may be affected thereby, the Court may cause the matter to be listed on notice to that person and, having heard that person, may:
 - (a) cancel any order, notice, certificate or other document which has issued for and on behalf of the Court in error, or
 - (b) without limiting the entitlement of any party or person to apply to the Court under Order 65, rule 3, correct any clerical mistake in any order, notice, certificate or other document issued for and on behalf of the Court, or any error arising therein from any accidental slip or omission.”

Schedule 2

FORM 52A

AN CHÚIRT CHUARDA
THE CIRCUIT COURT

[.....] CIRCUIT

COUNTY OF [.....]

IN THE MATTER OF PART 3, *[CHAPTER 1] *[CHAPTER 3] *[CHAPTER 4] OF THE PERSONAL INSOLVENCY ACT 2012

AND IN THE MATTER OF [.....] OF [.....], A DEBTOR

CERTIFICATE UNDER SECTION *[31] *[61] *[95] OF THE PERSONAL INSOLVENCY ACT 2012

*The Insolvency Service of Ireland, having considered the application for a Debt Relief Notice by the above named debtor, a copy of which is furnished together with this certificate, HEREBY CERTIFIES that the application is in order.

*The Insolvency Service of Ireland, having considered the application for a protective certificate by the above named Debtor, a copy of which is furnished with this certificate, HEREBY CERTIFIES that the application is in order.

Dated this day of 20

*Signed:

*Director of the Insolvency Service of Ireland

*member of staff of the Insolvency Service of Ireland duly authorised by the Director of the Insolvency Service of Ireland

To: The *County Registrar, Circuit Court Office at

*Combined Court Office at

*office of the Courts Service at

[Note: this certificate, if furnished by electronic means to the Court, does not require to be authenticated by the signature of the person issuing it on behalf of the Insolvency Service of Ireland.]

*Delete where inapplicable

FORM 52B

AN CHÚIRT CHUARDA
THE CIRCUIT COURT

[.....] CIRCUIT

COUNTY OF [.....]

Record number

IN THE MATTER OF PART 3, CHAPTER 1 OF THE PERSONAL INSOLVENCY ACT 2012

AND IN THE MATTER OF [.....] OF [.....], A DEBTOR

Before Judge

DEBT RELIEF NOTICE

The Court

1. Being satisfied that the above entitled proceedings may be brought in the Circuit Court for this Circuit because it is the Circuit of the Circuit Court in which

*the above-named debtor to whom the application relates was residing at the time of the making of the application or has resided within one year of the time of the making of the application

*the above-named debtor to whom the application relates had a place of business at the time of the making of the application or has had a place of business within one year of the time of the making of the application

2. Having considered:

(i) the application dated the 20 for the issue of a Debt Relief Notice in respect of the said debtor furnished to the Court on 20 by the Insolvency Service of Ireland

(ii) the certificate of the Insolvency Service of Ireland, having performed its functions under the Personal Insolvency Act 2012 in relation to the said application, that the application to the Insolvency Service of Ireland under section 29 of the Personal Insolvency Act 2012 on behalf of the said debtor is in order

(iii) copies of the supporting documentation for the application (other than the documents referred to in section 29(2)(e) and (f) of the Act)

*(iv) further *information *evidence provided to it

3. Being satisfied that the criteria specified in section 26(2) of the Personal Insolvency Act 2012 have been satisfied

hereby issues in accordance with section 31(2) of the Personal Insolvency Act 2012 a Debt Relief Notice in respect of the said debtor and in respect of the

debts specified in the application under section 29 of the said Act which the Court is satisfied are qualifying debts, as set out hereunder:

Specified qualifying debts		
Reference/Number (if any) as per Prescribed Financial Statement.	Value of the debt on the application date (€)	Specified creditor to whom it is owed
	€ of

Given by the Court on 20

Registrar [Name]

*Delete where inapplicable

FORM 52C

AN CHÚIRT CHUARDA
THE CIRCUIT COURT

[.....] CIRCUIT

COUNTY OF [.....]

Record number

IN THE MATTER OF PART 3, CHAPTER 3 OF THE PERSONAL INSOL-
VENCY ACT 2012

AND IN THE MATTER OF [.....] OF
[.....], A DEBTOR

Before Judge

PROTECTIVE CERTIFICATE
(DEBT SETTLEMENT ARRANGEMENT)

The Court

1. Being satisfied that the above entitled proceedings may be brought in the Circuit Court for this Circuit because the total liabilities of the above named debtor determined on the basis of the Prescribed Financial Statement completed by the said debtor for the purpose of the proceedings do not exceed €2,500,000 and that the proceedings are brought in the Circuit of the Circuit Court in which

*the said debtor to whom the application relates was residing at the time of the making of the application or has resided within one year of the time of the making of the application

*the said debtor to whom the application relates had a place of business at the time of the making of the application or has had a place of business within one year of the time of the making of the application

2. Having considered:

(i) the application dated the 20 for the issue of a protective certificate in respect of the said debtor furnished to the Court on 20 by the Insolvency Service of Ireland

(ii) the certificate of the Insolvency Service of Ireland, having performed its functions under the Personal Insolvency Act 2012 in relation to the said application, that the application to the Insolvency Service of Ireland under section 59 of the Personal Insolvency Act 2012 on behalf of the said debtor is in order

(iii) copies of the supporting documentation for the application (other than the documents referred to in section 59(2)(f) and (g) of the Act)

*(iv) further *information *evidence provided to it

3. Being satisfied that the criteria specified in section 57 of the Personal Insolvency Act 2012 have been satisfied to the extent that the said criteria have not been disapplied by an order made under section 57(2) of the said Act

4. Being satisfied that the other relevant requirements relating to an application for the issue of a protective certificate have been met

hereby issues in accordance with section 61(2) of the Personal Insolvency Act 2012 a protective certificate in respect of the said debtor and in respect of the debts as set out hereunder:

Specified debts		
Reference/Number (if any) as per Prescribed Financial Statement.	Value of the debt on the application date (€)	Creditor to whom debt is owed
	€ of

Given by the Court on 20

Registrar [Name]

*Delete where inapplicable

FORM 52D

AN CHÚIRT CHUARDA
THE CIRCUIT COURT

[.....] CIRCUIT

COUNTY OF [.....]

Record number

IN THE MATTER OF PART 3, *[CHAPTER 3] *[CHAPTER 4] OF THE
PERSONAL INSOLVENCY ACT 2012

AND IN THE MATTER OF [.....] OF
[.....], A DEBTOR

NOTICE OF OBJECTION

TAKE NOTICE that of , being a creditor of the above
named debtor, in the amount of €,

having received on the day of 20 a notice sent on the
..... day of 20 pursuant to

*section 75(2) of the Personal Insolvency Act 2012 concerning a proposed *
(variation of a) Debt Settlement Arrangement

*section 112(2) of the Personal Insolvency Act 2012 concerning a proposed *
(variation of a) Personal Insolvency Arrangement

in respect of the said debtor,

hereby gives notice of objection under *[section 75(3)] *[section 112(3)] of the
Personal Insolvency Act 2012 to the coming into effect of the said proposed *
(variation of a) *Debt Settlement Arrangement *Personal Insolvency
Arrangement.

The grounds of objection are as follows-

[specify succinctly the grounds on which objection is made, as set out in

**section 87 of the Personal Insolvency Act 2012 in the case of a Debt Settlement
Arrangement*

**section 120 of the Personal Insolvency Act 2012, in the case of a Personal Insol-
vency Arrangement.]*

Dated the day of 20

Creditor/Solicitor for creditor

To: The *County Registrar, Circuit Court Office at

*Combined Court Office at

*office of the Courts Service at

And to: the Insolvency Service of Ireland at

And to: of personal insolvency practitioner appointed
by the debtor.

*Delete where inapplicable

FORM 52E

AN CHÚIRT CHUARDA
THE CIRCUIT COURT

[.....] CIRCUIT

COUNTY OF [.....]

IN THE MATTER OF PART 3, *[CHAPTER 3] *[CHAPTER 4] OF THE
PERSONAL INSOLVENCY ACT 2012

AND IN THE MATTER OF [.....] OF
[.....], A DEBTOR

NOTIFICATION TO COURT BY INSOLVENCY SERVICE OF
IRELAND UNDER SECTION *[76] *[113] OF THE PERSONAL
INSOLVENCY ACT 2012

The Insolvency Service of Ireland hereby notifies the Court that it has received
notification from of,

the personal insolvency practitioner appointed by the above named debtor,

that

a *[Debt Settlement Arrangement] *[Personal Insolvency Arrangement] has
been approved at a meeting of the creditors of the debtor

and that it has recorded such approval in the Register of *[Debt Settlement
Arrangements] *[Personal Insolvency Arrangements].

This notification is accompanied by:

a true copy of the certificate provided under *section 75(1)(a) *section 112(1)(a)
of the Act with the result of the vote taken at the creditors' meeting

a true copy of the approved *[Debt Settlement Arrangement] *[Personal Insol-
vency Arrangement] and

a true copy of the statement provided under *section 75(1)(c) *section 112(1)(c)
of the Act.

Dated this day of 20

*Signed:

*Director of the Insolvency Service of Ireland

*member of staff of the Insolvency Service of Ireland duly authorised by the
Director of the Insolvency Service of Ireland

To: The *County Registrar, Circuit Court Office at

*Combined Court Office at

*office of the Courts Service at

[Note: this notification, if furnished by electronic means to the Court, does not require to be authenticated by the signature of the person issuing it on behalf of the Insolvency Service of Ireland.]

*Delete where inapplicable

FORM 52F

AN CHÚIRT CHUARDA
THE CIRCUIT COURT

[.....] CIRCUIT

COUNTY OF [.....]

IN THE MATTER OF PART 3, *[CHAPTER 3] *[CHAPTER 4] OF THE
PERSONAL INSOLVENCY ACT 2012AND IN THE MATTER OF [.....] OF
[.....], A DEBTORCERTIFICATE UNDER *[SECTION 75(1)(a)] *[SECTION 112(1)(a)] OF
THE PERSONAL INSOLVENCY ACT 2012 WITH THE RESULT OF
THE VOTE TAKEN AT THE CREDITORS' MEETING

*I, of, personal insolvency practitioner, being the personal insolvency practitioner appointed by the above-named debtor to act as *his/*her personal insolvency practitioner for the purposes of Chapter 3 of Part 3 of the said Act HEREBY CERTIFY pursuant to section 75(1)(a) of the said Act that the result of the vote taken at the creditors' meeting concerning the proposed Debt Settlement Arrangement for the above-named debtor, held at on the day of 20 is as follows:

		Percentage of total
Number of votes in value of the creditors present and voting		100%
Number of votes in value of the creditors present and voting in favour of the proposed Debt Settlement Arrangement		
Number of votes in value of the creditors present and voting against the proposed Debt Settlement Arrangement		

The requisite percentage of creditors referred to in section 73(6) of the said Act has approved the proposal for a Debt Settlement Arrangement.

OR

*I, of, personal insolvency practitioner, being the personal insolvency practitioner appointed by the above-named debtor to act as *his/*her personal insolvency practitioner for the purposes of Chapter 4 of Part 3 of the said Act HEREBY CERTIFY pursuant to section 112(1)(a) of the said Act that the result of the vote taken at the creditors' meeting concerning the proposed Personal Insolvency Arrangement for the above-named debtor, held at on the day of 20 is as follows:

<u>Secured</u>		Percentage of total
Number of votes in value of the secured creditors who are entitled to vote and have voted		100%
Number of votes in value of the secured creditors who are entitled to vote and have voted in favour of the proposed Personal Insolvency Arrangement		
Number of votes in value of the secured creditors who are entitled to vote and have voted against the proposed Personal Insolvency		
<u>Unsecured</u>		Percentage of total
Number of votes in value of the unsecured creditors who are entitled to vote and have voted		100%
Number of votes in value of the unsecured creditors who are entitled to vote and have voted in favour of the proposed Personal Insolvency Arrangement		
Number of votes in value of the unsecured creditors who are entitled to vote and have voted against the proposed Personal Insolvency		
<u>Total</u>		Percentage of total
Total number of votes in value of the creditors present and voting		100%
Total number of votes in value of the creditors present and voting in favour of the proposed Personal Insolvency Arrangement		
Total number of votes in value of the creditors present and voting against the proposed Personal Insolvency Arrangement		

The requisite percentage of creditors referred to in section 110(1) of the said Act has approved the proposal for a Personal Insolvency Arrangement.

Dated this day of 20

Signed:

To: The *County Registrar, Circuit Court Office at

*Combined Court Office at

*office of the Courts Service at

*Delete where inapplicable

FORM 52G

AN CHÚIRT CHUARDA
THE CIRCUIT COURT

[.....] CIRCUIT

COUNTY OF [.....]

IN THE MATTER OF PART 3, *[CHAPTER 3] *[CHAPTER 4] OF THE
PERSONAL INSOLVENCY ACT 2012

AND IN THE MATTER OF [.....] OF
[.....], A DEBTOR

STATEMENT UNDER *[SECTION 75(1)(c)] *[SECTION 112(1)(c)] OF
THE PERSONAL INSOLVENCY ACT 2012

1. I, of, personal insolvency practitioner, being the personal
insolvency practitioner appointed by the above-named debtor to act as *his/*
her personal insolvency practitioner for the purposes of *Chapter 3/*Chapter 4
of Part 3 of the said Act HEREBY CONFIRM

*for the purposes of section 78(2) and (5) of the said Act that I am of the
opinion that—

(i) the said debtor satisfies the eligibility criteria for the proposal of a Debt
Settlement Arrangement specified in section 57 of the said Act,

(ii) the approved Debt Settlement Arrangement complies with the mandatory
requirements referred to in section 65(2) of the said Act, and

(iii) the approved Debt Settlement Arrangement does not contain any terms
that would release the said debtor from an excluded debt, an excludable debt
(other than a permitted debt) or a secured debt or otherwise affect such a debt.

*for the purposes of section 115(2) and (5) of the said Act that I am of the
opinion that—

(i) the said debtor satisfies the eligibility criteria for the proposal of a Personal
Insolvency Arrangement specified in section 91 of the said Act,

(ii) the approved Personal Insolvency Arrangement complies with the manda-
tory requirements referred to in section 99(2) of the said Act, and

(iii) the approved Personal Insolvency Arrangement does not contain any terms
that would release the said debtor from an excluded debt or an excludable debt
(other than a permitted debt) or otherwise affect such a debt

Dated this day of 20

Signed:

To: The *County Registrar, Circuit Court Office at

*Combined Court Office at

*office of the Courts Service at

*Delete where inapplicable

FORM 52H

AN CHÚIRT CHUARDA
THE CIRCUIT COURT

[.....] CIRCUIT

COUNTY OF [.....]

Record number

IN THE MATTER OF PART 3, CHAPTER 4 OF THE PERSONAL INSOL-
VENCY ACT 2012

AND IN THE MATTER OF [.....] OF
[.....], A DEBTOR

Before Judge

PROTECTIVE CERTIFICATE
(PERSONAL INSOLVENCY ARRANGEMENT)

The Court

1. Being satisfied that the above entitled proceedings may be brought in the Circuit Court for this Circuit because the total liabilities of the above named debtor determined on the basis of the Prescribed Financial Statement completed by the said debtor for the purpose of the proceedings do not exceed €2,500,000 and that the proceedings are brought in the Circuit of the Circuit Court in which

*the above-named debtor to whom the application relates was residing at the time of the making of the application or has resided within one year of the time of the making of the application

*the above-named debtor to whom the application relates had a place of business at the time of the making of the application or has had a place of business within one year of the time of the making of the application

2. Having considered:

(i) the application dated the 20 for the issue of a protective certificate in respect of the said debtor, furnished to the Court on 20 by the Insolvency Service of Ireland

(ii) the certificate of the Insolvency Service of Ireland, having performed its functions under the Personal Insolvency Act 2012 in relation to the said application, that the application to the Insolvency Service of Ireland under section 93 of the Personal Insolvency Act 2012 on behalf of the said debtor is in order

(iii) copies of the supporting documentation for the application (other than the documents referred to in section 93(2)(f) and (g) of the Act)

*(iv) further *information *evidence provided to it

3. Being satisfied that the criteria specified in section 91 of the Personal Insolvency Act 2012 have been satisfied to the extent that the said criteria have not been disapplied by an order made under section 91(3) of the said Act

4. Being satisfied that the other relevant requirements relating to an application for the issue of a protective certificate have been met

hereby issues in accordance with section 95(2) of the Personal Insolvency Act 2012 a protective certificate in respect of the said debtor and in respect of the debts as set out hereunder:

Specified debts		
Reference/Number (if any) as per Prescribed Financial Statement	Amount of the debt on the application date (€)	Creditor to whom debt is owed
	€..... of

Given by the Court on 20

Registrar [Name]

*Delete where inapplicable

EXPLANATORY NOTE

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

These rules amend the Interpretation of Terms and incorporate a new Order 73 in the Circuit Court Rules and new Forms 52A to 52H in Schedule B to those Rules, to regulate the procedure to be employed in proceedings in the Circuit Court under the Personal Insolvency Act 2012, as amended by the Courts and Civil Law (Miscellaneous Provisions) Act 2013.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

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