

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND  
CHANCERY DIVISION (BANKRUPTCY)

P R A C T I C E N O T E

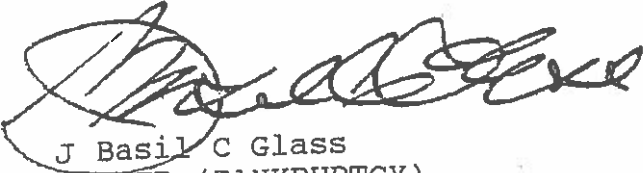
1995 No 1

INSOLVENCY : BANKRUPTCY : CREDITOR'S PETITION : SUBSTITUTION OF  
ANOTHER CREDITOR AS PETITIONER

Practitioners will be aware that the court's discretionary jurisdiction to substitute another creditor as petitioner in a creditor's bankruptcy petition depends initially upon the occurrence at the original hearing of the petition or any adjournment thereof of one or more of the several circumstances mentioned in Rule 6.027(1) of the Insolvency Rules (Northern Ireland) 1991 ('the 1991 Rules').

From and including Monday 27 February 1995, and until further notice, where, in relation to a creditor's bankruptcy petition, Rule 6.027 has become applicable, any creditor ('the supporting creditor'), who is desirous of prosecuting the petition and who has under Rule 6.020 of the 1991 Rules given notice of his intention to appear at the hearing of the petition or who has been given leave to appear under that Rule, will ordinarily be able to comply with the requirements of Rule 6.027(2) for the purpose of obtaining an order for substitution by producing to the court:

- (i) a true copy of any notice so given under Rule 6.020, and, if service thereof is disputed, proof of such service [see Rule 6.027(2)(a)].
- (ii) a true copy of the statutory demand served on the debtor exhibited to an affidavit of service thereof. The statutory demand must be sufficient to satisfy the court as to the matters mentioned in Article 241(2)(a) and (b) of the Insolvency (Northern Ireland) Order 1989 ('the 1989 Order') [see Rule 6.027(2)(c)], and must otherwise comply strictly with the requirements of the 1991 Rules and the prescribed form [Forms 6.01, 6.02 and 6.03] as set out in Schedule 2 to the 1991 Rules.
- (iii) a certificate in writing from the supporting creditor, or his solicitor, as to the result of a search at the Bankruptcy and Companies Office, completed immediately before the hearing, for any application to set aside the statutory demand [Article 241(2)(d) of the 1989 Order].
- (iv) proof that the debt referred to in the statutory demand has not been paid or secured or compounded for, and for this purpose a certificate in the form prescribed by Rule 6.022(2-CP) may be used.



J Basil C Glass  
MASTER (BANKRUPTCY)  
22 February 1995.