



Notes for Completion

Warning: Rule 22.4 cannot be used if you have already acted in breach of section 216 of the insolvency act 1986.

Note: The Insolvency Service considers that notice cannot be given under this rule prior to liquidation unless there is an office holder acting in relation to the company as administrator, administrative receiver or supervisor of a CVA.

NOTICE TO THE CREDITORS OF AN INSOLVENT COMPANY REGARDING THE RE-USE OF A PROHIBITED NAME - RULE 22.4 OF THE INSOLVENCY (ENGLAND AND WALES) RULES 2016

(a) Insert name(s) of insolvent company. Include the current registered name and any other registered name used in the 12 months prior to commencement of these insolvency proceedings.

(a)

(b) Insert company registration number of insolvent company.

(b) Registered number

(c) Insert registered office of insolvent company

(c) Registered address

(d) Insert principal trading address if different from registered office

(d) Trading address

(e) Enter any other name or style under which the company carried on business in which any debt owed to a creditor was incurred

(e) Trading name or style

Section A should not be completed if the company is in insolvent liquidation. In that case complete section B.

(f) Insert date.

* Mark with an 'x' as applicable.

[In cases where the company has been subject to different insolvency procedures which immediately follow each other e.g. administration followed by a voluntary arrangement, the date of the first proceedings should be entered].

(g) Insert name of person completing form.

(h) Insert address of person completing form.

* Mark with an 'x' as applicable.

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[The director in question may already be acting in relation to a successor company that has adopted a name which in the event that the insolvent company enters insolvent liquidation would be a prohibited name. Alternatively, he may be proposing so to act. The appropriate deletion should accordingly be made].

(i) Insert name which would be a prohibited name if the company were to enter insolvent liquidation.

SECTION A – COMPANY IN ADMINISTRATION, ADMINISTRATIVE RECEIVERSHIP OR COMPANY SUBJECT TO A VOLUNTARY ARRANGEMENT

(f) On , the company

*entered administration

*an administrative receiver was appointed in respect of the company.

*a voluntary arrangement under Part 1 of the Insolvency Act 1986 was approved in respect of the company ("CVA").

(g) I,

(h) of

was a director of the above-named company on the day it

*entered administration

*the administrative receiver was appointed

*the CVA under Part 1 of the Insolvency Act 1986 was approved.

I give notice that

*I am acting and intend to continue to act in all or any of the ways specified in section 216(3) of the Insolvency Act 1986 if the above-named company were to go into insolvent liquidation

*It is my intention to act in all or any of the ways specified in section 216(3) of the Insolvency Act 1986 if the above-named company were to go into insolvent liquidation

in connection with, or for the purposes of, the carrying on of the whole or substantially the whole of the business of the above-named company under the following name:

(i)

SECTION B - COMPANY IN INSOLVENT LIQUIDATION

(j) Insert date.

(j) On

the above-named company went into insolvent liquidation.

(k) Insert name of person completing the form.

(k) I,

(l) Insert address of person completing the form.

(l) of

was a director of the above-named company during the 12 months ending with the day before it went into liquidation.

I give notice that it is my intention to act in all or any of the ways specified in section 216(3) of the Insolvency Act 1986 in connection with, or for the purposes of, the carrying on of the whole or substantially the whole of the business of the insolvent company under the following name:

(m) Insert name under which the business is to be carried on.

(m)

Rule 22.5 - Statement as to the effect of the notice under rule 22.4(2):

"Section 216(3) of the Insolvency Act 1986 lists the activities that a director of a company that has gone into insolvent liquidation may not undertake unless the court gives permission or there is an exception in the Insolvency Rules made under the Insolvency Act 1986. (This includes the exceptions in Part 22 of the Insolvency (England and Wales) Rules 2016). These activities are-

- (a) acting as a director of another company that is known by a name which is either the same as a name used by the company in insolvent liquidation in the 12 months before it entered liquidation or is so similar as to suggest an association with that company;
- (b) directly or indirectly being concerned or taking part in the promotion, formation or management of any such company; or
- (c) directly or indirectly being concerned in the carrying on of a business otherwise than through a company under a name of the kind mentioned in (a) above.

This notice is given under rule 22.4 of the Insolvency (England and Wales) Rules 2016 where the business of a company which is in, or may go into, insolvent liquidation is, or is to be, carried on otherwise than by the company in liquidation with the involvement of a director of that company and under the same or a similar name to that of that company.

The purpose of the giving of this notice is to permit the director to act in these circumstances where the company enters (or has entered) insolvent liquidation without the director committing a criminal offence and in the case of the carrying on of the business through another company, being personally liable for that company's debts.

Notice may be given where the person giving the notice is already the director of a company which proposes to adopt a prohibited name".

Notes:

1. This notice must be given to every creditor of the insolvent company whose name and address is known or is ascertainable on the making of such enquiries as are reasonable in the circumstances.
2. This notice must be published in the London Gazette.
3. The notice to creditors and the London Gazette must be given and published no later than 28 days after completion of the acquisition of the whole (or substantially the whole) of the business of the insolvent company under arrangements made by the liquidator or office holder acting as administrator, administrative receiver or supervisor of a CVA.