

Creditor’s Bankruptcy Petition on Failure to Comply with a Statutory Demand for a Liquidated Sum Payable Immediately (Title)

(a) Insert full names(s) and address(es) of petitioner(s) I/We (a) _____

(b) Insert full name, place of residence and occupation (if any) of debtor _____

 petition the court that a bankruptcy order may be made against (b) _____

(c) Insert in full any other name(s) by which the debtor is or has been known [also known as (c) _____]

(d) Insert trading name (adding “with another or others”, if this is so), business address and nature of business [and carrying on business as (d) _____]
 _____]

(e) Insert any other address or addresses at which the debtor has resided at or after the time the petition debt was incurred [and lately residing at (e) _____]
 _____]

(f) Give the same details as specified in note (d) above for any other businesses which have been carried on at or after the time the petition debt was incurred [and lately carrying on business as (f) _____]
 _____]

and say as follows:-

1. (g) [The debtor’s centre of main interests has been][The debtor has had an establishment] at _____

(g) Delete as applicable

OR

The debtor carries on business as an insurance undertaking; a credit institution; an investment undertaking providing services involving the holding of funds or securities for third parties; or a collective investment undertaking as referred to in Article 1.2 of the EC Regulation

OR

The debtor’s centre of main interests is not within a Member State

2. The debtor has for the greater part of six months immediately preceding the presentation of this petition (g) [resided at] [carried on business at] _____

(h) Or as the case may be following the terms of Rule 6.9

_____ within the district of this court (h)

Under the EC Regulation:

(i) The centre of main interests should correspond to the place where the debtor conducts the administration of his interests on a regular basis.

(ii) Establishment is defined as “any place of operations where the debtor carries out a non-transitory economic activity with human means and goods”.

(j) Please give the amount of the debt(s), what they relate to and when they were incurred.

Please show separately the amount or rate of any interest or other charge not previously notified to the debtor and the reasons why you are claiming it

(k) Insert date of service of a statutory demand

(l) State manner of service of demand

(m) If 3 weeks have not elapsed since service of statutory demand give reasons for earlier presentation of petition

3. The debtor is justly and truly indebted to me [us] in the aggregate sum of

£(j)_____

4. The above-mentioned debt is for a liquidated sum payable immediately and the debtor appears to be unable to pay it

5. On (k)_____ a statutory demand was served upon the debtor by

(l) _____ in respect of the above-mentioned debt. To the best of my knowledge and belief the demand has neither been complied with nor set aside in accordance with the Rules and no application to set it aside is outstanding

(m)

6. I/We do not, nor does any person on my/our behalf, hold any security on the debtor's estate, or any part thereof, for the payment of the above-mentioned sum

OR

I/We hold security for the payment of (g) [part of] the above-mentioned sum. I/We will give up such security for the benefit of all the creditors in the event of a bankruptcy order being made.

OR

I/We hold security for the payment of part of the above-mentioned sum and I/we estimate the value of such security to be £ . This petition is not made in respect of the secured part of my/our debt.

Endorsement

This petition having been presented to the court on _____ it is ordered that the petition shall be heard as follows:-

Date _____

Time _____ hours

Place _____

(n) Insert name of debtor

and you, the above-named (n) _____, are to take notice that if you intend to oppose the petition you must not later than 7 days before the date fixed for the hearing:

- (i) file in court a notice (in Form 6.19) specifying the grounds on which you object to the making of a bankruptcy order; and
- (ii) send a copy of the notice to the petitioner or his solicitor.

The solicitor to the petitioning creditor is: - (o)

(o) Only to be completed where the petitioning creditor is represented by a solicitor

Name _____

Address _____

Telephone Number _____

Reference _____

