



STATUTORY INSTRUMENTS.

S.I. No. 316 of 2013



RULES OF THE SUPERIOR COURTS (PERSONAL INSOLVENCY) 2013

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We, the Superior Courts Rules Committee, constituted pursuant to the provisions of the Courts of Justice Act 1936, section 67, and reconstituted pursuant to the provisions of the Courts of Justice Act 1953, section 15, by virtue of the powers conferred upon us by The Courts of Justice Act 1924, section 36, the Courts of Justice Act 1936, section 68 (as applied by the Courts (Supplemental Provisions) Act 1961, section 48), the Courts (Supplemental Provisions) Act 1961, section 14, and the Personal Insolvency Act 2012, section 140 and of all other powers enabling us in this behalf, do hereby make the following Rules of Court.

Dated this 23rd day of July, 2013.

Susan Denham

Donal O'Donnell

Elizabeth Dunne

John Edwards

Paul McGarry

Gerard Meehan

Stuart Gilhooly

Michael Kavanagh

Noel Rubotham

John Mahon

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

Dated this 9th day of August, 2013.

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. 316 of 2013

RULES OF THE SUPERIOR COURTS (PERSONAL INSOLVENCY) 2013

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

(2) These Rules shall be construed together with the Rules of the Superior Courts.

(3) The Rules of the Superior Courts as amended by these Rules may be cited as the Rules of the Superior Courts 1986 to 2013.

2. The Rules of the Superior Courts are amended by the insertion, immediately following Order 76 thereof, of the Order set out in Schedule 1.

3. Appendix O to the Rules of the Superior Courts is amended by:

- (i) the substitution for the title thereto of “Bankruptcy Act 1988 and Personal Insolvency Act 2012”, and
- (ii) the insertion immediately following Form No. 50 therein of the Forms Nos. 51 to 57 set out in Schedule 2.

Schedule 1

“Order 76A

Personal Insolvency Act 2012

I. Preliminary and General

1. (1) In this Order:-

the “Act” means the Personal Insolvency Act 2012;

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”, “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 creditor”, “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 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.

(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. (1) Proceedings under the Act shall be entitled:

“THE HIGH COURT

PERSONAL INSOLVENCY ACT”.

(2) Subject to rule 4, proceedings under the Act shall be issued out of, and any document requiring to be lodged or filed therein shall be lodged or filed in, the Central Office.

3. (1) Any appeal to the Court under section 183 of the Act shall be made in accordance with Order 84C.

(2) Any application to the Court under section 19(6), section 174, section 179 or section 182(12) of the Act shall be made in accordance with Order 84B.

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

II. Electronic filing 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 of the Central Office may notify to it or him—

- (a) the proper officer of the Central Office may—
 - (i) authorise or require the Insolvency Service and
 - (ii) authorise any personal insolvency practitioner, debtor, creditor, or other party to proceedings under the Act (or any solicitor acting for any such party),

to deliver, file or lodge to or with the Court 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, order or determination of the Court (including any judgment, order or determination entered in or issuing from the Central Office) 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 Central Office, 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 the Central Office may be transmitted to an electronic user by electronic means.

(2) The conditions mentioned in sub-rule (1) are that the proper officer of the Central Office 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 Central Office;
- (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 of the Central Office to assure the security and authenticity of such documents (and the proper officer of the Central Office 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 of the Central Office to avoid damage to any information system used in the Central Office;
- (d) that the user will take such steps and use such practice or protocol as may be specified by the proper officer of the Central Office to ensure that harmful, deleterious or offensive material does not enter any information system used in the Central 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 of the Central Office.

(3) For the purposes of sub-rule (2), the proper officer of the Central Office 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 11(3) or rule 20(3) transmitted by a personal insolvency practitioner who is an electronic user

by electronic means to an information system used in the Central 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 of the Central Office, or
- (b) transmitted to the information system used in the Central Office using a password issued for the purpose of this sub-rule by the proper officer of the Central Office,

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 of the Central Office 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 Central 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 of the Central Office) to an information system used in the Central Office for that purpose, and in a manner and in such form as may be specified by the proper officer of the Central Office, or
- (b) transmitting the same (including any electronic attachment) to such electronic mail address as may be specified by the proper officer of the Central Office (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 Central Office).

(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 of the Central Office, or
- (b) made available to the electronic user on an information system used in the Central 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 of the Central Office.

(10) Where a statutory declaration or affidavit is submitted for filing by electronic means in accordance with this Order, unless otherwise permitted by the proper officer of the Central 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 of the Central Office.

(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 Central 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 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 Central 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 Central 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 8 to 10 inclusive, 13, 14, 17 to 19 inclusive, 22 or 23, 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 11, 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 20,

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 Settlement Arrangements

6. (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.

7. (1) The Insolvency Service may seek a decision of the Court in accordance with section 61(2) of the Act by submitting to the Central 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 No. 51) 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 No. 52, 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 consideration of the application and direct the proper officer 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 to include in the notification to the Insolvency Service issued under section 61(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 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 required may 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.

8. (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.

9. (1) Where an application is made 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, that application shall—

- (a) in the case of an application to commence proceedings, 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 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.

10. (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 on the protective certificate concerned, 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 before the return date of the notice of motion.

11. (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 No. 53 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 No. 54 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 No. 55,
- (b) a true copy of the approved Debt Settlement Arrangement, and
- (c) a true copy of the statement provided for under section 75(1)(c) of the Act, which shall be in Form No. 56.

(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) 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 of the Court 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 a 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.

12. (1) On the date fixed in accordance with rule 11(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.

(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 11(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 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 required may be given by way of affidavit.

13. (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 the 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.

14. (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 on the protective certificate concerned, 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.

V. Personal Insolvency Arrangements

15. (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.

16. (1) The Insolvency Service may seek a decision of the Court in accordance with section 95(2) of the Act by submitting to the Central 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 No. 51) 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, in Form No. 57, 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 consideration of the application and direct the proper officer 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 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 required may 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.

17. (1) An application to the Court by a 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.

18. (1) Where an application is made 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, that application shall:

(a) in the case of an application to commence proceedings, 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 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.

19. (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 on the protective certificate concerned, 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 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.

20. (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 No. 53 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 No. 54 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 No. 55,
- (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 No. 56.

(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 of the Court 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.

21. (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.

(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 19(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 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 required may be given by way of affidavit.

22. (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 on the protective certificate concerned, 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 date first fixed for the hearing of the originating notice of motion or notice of 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 and upon every other person served with notice of the application before the return date of the notice of motion.

23. (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 on the protective certificate concerned, 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 notice of 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 and upon every other person served with notice of the application 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 the 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.

VI. Correction of Errors

24. (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 make any application under Order 28, rule 11, correct any clerical mistake in any order, 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 28, rule 11, 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

No. 51

O. 76A, r. 7(1)

THE HIGH COURT

PERSONAL INSOLVENCY ACT 2012

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

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

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

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 Registrar,
Central Office,
Four Courts,
Dublin 7

[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.]

The total liabilities of the debtor, determined on the basis of the Prescribed Financial Statement completed by the debtor concerned in respect of the application concerned, are in excess of €2,500,000.

*Delete where inapplicable

[Title as in Form No. 51]

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

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

Before Mr/Ms Justice.....

PROTECTIVE CERTIFICATE
(DEBT SETTLEMENT ARRANGEMENT)

The Court

1. Being satisfied that the total liabilities of the debtor, determined on the basis of the Prescribed Financial Statement completed by the debtor concerned in respect of the application concerned, are in excess of €2,500,000

2. Having considered:

(i) the application dated the20... for the issue of a protective certificate in respect of the said debtor furnished to the Court on20.... 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 disappplied 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 on20.....

Registrar [Name]

*Delete where inapplicable

[Title as in Form No. 51]

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 thatof....., being a creditor of the above
named debtor, in the amount of €.....,

having received on theday of20... a notice sent on theday of20...
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 of20....

Creditor/Solicitor for creditor

To: The Registrar,
Central Office,
Four Courts,
Dublin 7

And to: the Insolvency Service of Ireland at.....

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

*Delete where inapplicable

[Title as in Form No. 51]

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 for 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 Insolvency Arrangement] and

a true copy of the statement provided for 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 Registrar,

Central Office,
Four Courts,
Dublin 7

[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

[Title as in Form No. 51]

CERTIFICATE 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 theday of20... 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 theday of20... 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:

*Delete where inapplicable

[Title as in Form No. 51]

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 mandatory 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:

*Delete where inapplicable

[Title as in Form No. 51]

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

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

Before Mr/Ms Justice.....

PROTECTIVE CERTIFICATE (PERSONAL INSOLVENCY ARRANGEMENT)

The Court

1. Being satisfied that the total liabilities of the debtor, determined on the basis of the Prescribed Financial Statement completed by the debtor concerned in respect of the application concerned, are in excess of €2,500,000

2. Having considered:

(i) the application dated the20.. for the issue of a protective certificate in respect of the said debtor, furnished to the Court on20.. 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.	Value of the debt on the application date (€)	Creditor to whom debt is owed
	€.....of.....

Given by the Court on20....

Registrar [Name]

*Delete where inapplicable

EXPLANATORY NOTE

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

These rules incorporate a new Order 76A in the Rules of the Superior Courts and new Forms 51 to 57 in Appendix O to those Rules, to regulate the procedure to be employed in proceedings in the High Court under the Personal Insolvency Act 2012, as amended by the Courts and Civil Laws (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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