



STATUTORY INSTRUMENTS.

**S.I. No. 507 of 2015**



RULES OF THE SUPERIOR COURTS (PERSONAL INSOLVENCY) 2015

RULES OF THE SUPERIOR COURTS (PERSONAL INSOLVENCY) 2015

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

Dated this 29th day of October, 2015.

Sean Ryan  
Mary Laffoy  
Peter Kelly  
Deirdre Murphy  
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 13th day of November, 2015.

FRANCES FITZGERALD  
Minister for Justice and Equality

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 17th November, 2015.*

## S.I. No. 507 of 2015

## RULES OF THE SUPERIOR COURTS (PERSONAL INSOLVENCY) 2015

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Personal Insolvency) 2015, shall come into operation on the 20th day of November, 2015.

(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 2015.

2. The Rules of the Superior Courts are amended:

(i) by the substitution for paragraphs (a) to (c) inclusive in rule 5(1) of Order 76A of the following paragraphs:

“(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

(d) the date on which a hearing for the purposes of section 115A(9)<sup>1</sup> of the Act has been listed for initial consideration by the Court in accordance with rule 21A,”;

(ii) by the substitution for rule 11(2) of Order 76A of the following sub-rule:

“(2) A notification to the Court by the Insolvency Service in accordance with section 76(1)<sup>2</sup> of the Act of a Debt Settlement Arrangement which has been approved or is deemed to have been approved at a creditors’ meeting or, where only one creditor would be entitled to vote at a creditors’ meeting, has been approved or is deemed to have been approved by that

<sup>1</sup> Inserted by section 21 of the Personal Insolvency (Amendment) Act 2015.

<sup>2</sup> As substituted by section 72 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013.

creditor in accordance with section 74A<sup>3</sup> of the Act, 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)<sup>4</sup> or, as the case may be, section 75(1A)(a)<sup>5</sup>, of the Act, 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)<sup>6</sup> or, as the case may be, section 75(1A)(c)<sup>7</sup>, of the Act, which shall be in Form No. 56.”;
- (iii) by the substitution for rule 11(5) of Order 76A of the following sub-rule:

“(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(9)<sup>8</sup> of the Act.

(5A) The Debt Settlement Arrangement as varied, required to be lodged with the Court in accordance with section 76(1)<sup>9</sup> of the Act as applied by section 82(9)<sup>10</sup> of the Act, shall clearly identify, by annotation, underlining, bracketing or striking through of the relevant text, or by other means as appropriate, the variations effected to the original Debt Settlement Arrangement.”;

- (iv) by the substitution for rule 20(2) of Order 76A of the following sub-rule:

“(2) A notification to the Court by the Insolvency Service in accordance with section 113(1)<sup>11</sup> of the Act of a Personal Insolvency Arrangement which has been approved or is deemed to have been approved at a creditors’ meeting, or where only

<sup>3</sup> Inserted by section 7 of the Personal Insolvency (Amendment) Act 2015.

<sup>4</sup> Substituted by section 71 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013.

<sup>5</sup> Inserted by section 8 of the Personal Insolvency (Amendment) Act 2015.

<sup>6</sup> Substituted by section 71 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013.

<sup>7</sup> Inserted by section 8 of the Personal Insolvency (Amendment) Act 2015.

<sup>8</sup> As amended by section 11 of the Personal Insolvency (Amendment) Act 2015.

<sup>9</sup> As substituted by section 72 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013.

<sup>10</sup> As amended by section 11 of the Personal Insolvency (Amendment) Act 2015.

<sup>11</sup> As substituted by section 86 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013 and amended by section 19 of the Personal Insolvency (Amendment) Act 2015.

one creditor would be entitled to vote at a creditors' meeting, has been approved or is deemed to have been approved by that creditor in accordance with section 111A<sup>12</sup> of the Act, 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)<sup>13</sup> or, as the case may be, section 112(1A)(a)<sup>14</sup>, of the Act, 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)<sup>15</sup> or, as the case may be, section 112(1A)(c)<sup>16</sup>, of the Act, which shall be in Form No. 56.”;
- (v) by the substitution for rule 20(5) of Order 76A of the following sub-rule:

“(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(9)<sup>17</sup> of the Act.

(5A) The Personal Insolvency Arrangement as varied, required to be lodged with the Court in accordance with section 113(1)<sup>18</sup> of the Act as applied by section 119(9)<sup>19</sup> of the Act, shall clearly identify, by annotation, underlining, bracketing or striking through of the relevant text, or by other means as appropriate, the variations effected to the original Personal Insolvency Arrangement.”;

- (vi) by the insertion immediately following rule 21 of Order 76A of the following rule:

<sup>12</sup> Inserted by section 17 of the Personal Insolvency (Amendment) Act 2015.

<sup>13</sup> As amended by section 85 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013 and substituted by section 18 of the Personal Insolvency (Amendment) Act 2015.

<sup>14</sup> Inserted by section 18 of the Personal Insolvency (Amendment) Act 2015.

<sup>15</sup> As amended by section 85 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013 and substituted by section 18 of the Personal Insolvency (Amendment) Act 2015.

<sup>16</sup> Inserted by section 18 of the Personal Insolvency (Amendment) Act 2015.

<sup>17</sup> As substituted by section 22 of the Personal Insolvency (Amendment) Act 2015.

<sup>18</sup> As substituted by section 86 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013 and amended by section 19 of the Personal Insolvency (Amendment) Act 2015.

<sup>19</sup> As substituted by section 89 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013 and substituted by section 22 of the Personal Insolvency (Amendment) Act 2015.

“21A. (1) An application by a personal insolvency practitioner on behalf of a debtor under section 115A<sup>20</sup> of the Act for an order under section 115A(9) of the Act shall be commenced by notice of motion (which shall include the notice required by section 115A(3) of the Act), in Form No. 58, signed by the personal insolvency practitioner concerned, which shall—

- (a) bear the record number of the proceedings on the application for a protective certificate under section 93 of the Act on behalf of the debtor concerned,
- (b) include a statement of the grounds of the application, referred to in paragraph (a) of section 115A(2) of the Act,
- (c) include the statement referred to in paragraph (e) of section 115A(2) of the Act,
- (d) have appended a copy of the written instruction of the debtor to the personal insolvency practitioner to make the application, and
- (e) have appended the documents referred to in paragraphs (b), (c) and (d) of section 115A(2) of the Act.

(2) The certificate as to the matters referred to in paragraph (d) of section 115A(2) of the Act shall be in Form No. 59.

(3) On receipt of a notice of motion and appended documents in accordance with sub-rule (1), the proper officer shall issue the notice of motion and enter the notice of motion and any objections thereto for initial consideration by the Court on the earliest practicable date which is not less than 21 days after the date of issue of the notice of motion.

(4) The personal insolvency practitioner shall, not later than four days after the notice of motion referred to in sub-rule (1) has issued, send a copy of same to the Insolvency Service, to the debtor and to each creditor concerned.

(5) On the date first fixed for a hearing for the purposes of section 115A(9) of the Act (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.

(6) The provisions of these Rules which apply to:

<sup>20</sup> Inserted by section 21 of the Personal Insolvency (Amendment) Act 2015.

- (a) the notification and consideration of a Personal Insolvency Arrangement, and
- (b) an application for an order under section 115A(9) of the Act in relation to a proposed Personal Insolvency Arrangement;

shall apply, *mutatis mutandis*, to an application under section 119A<sup>21</sup> of the Act for an order confirming the coming into effect of the Personal Insolvency Arrangement as varied in accordance with the proposal under section 119A of the Act, 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 119A(6) and 119A(14) of the Act.

(7) The proper officer shall notify the Insolvency Service and the personal insolvency practitioner concerned where the court makes or refuses to make an order under either section 115A(9) or section 119A of the Act, by ordinary prepaid post or by such other means as the proper officer considers sufficient.”

- (vii) by the substitution for Forms No. 53, 54, 55 and 56 in Appendix O of the forms bearing the like numbers respectively set out in Schedule 1, and
- (viii) by the insertion immediately following Form No. 57 in Appendix O of the Forms numbered as Forms No. 58 and 59 set out in Schedule 1.

<sup>21</sup> Inserted by section 22 of the Personal Insolvency (Amendment) Act 2015.

**Schedule 1**

No. 53

O. 76A, r. 11(1)

[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 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)<sup>22</sup> of the Personal Insolvency Act 2012 concerning a proposed  
\*(variation of a) Debt Settlement Arrangement

\*section 112(2)<sup>23</sup> of the Personal Insolvency Act 2012 concerning a proposed  
\*(variation of a) Personal Insolvency Arrangement

\*section 115A(3)<sup>24</sup> of the Personal Insolvency Act 2012 concerning an  
application for an order under section 115A(9) of the Personal Insolvency Act  
2012 in respect of a proposed Personal Insolvency Arrangement

in respect of the said debtor,

hereby gives notice of objection under \*[section 75(3)] \*[section 112(3)]  
\*[section 115A(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.

*[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  
Insolvency Arrangement,*

*or the reasons for the objection where the objection is made under section 115A(3)  
of the Personal Insolvency Act 2012.]*

<sup>22</sup> As amended by section 8 of the Personal Insolvency (Amendment) Act 2015.

<sup>23</sup> As amended by section 18 of the Personal Insolvency (Amendment) Act 2015.

<sup>24</sup> Inserted by section 21 of the Personal Insolvency (Amendment) Act 2015.

Dated the ..... day of ..... 20..

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

O. 76A, rr. 11(2), 20(2)

[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] \*[is deemed to have been] approved at a meeting of the creditors  
of the debtor

\*[has been] \*[is deemed to have been] approved by the only creditor of the  
debtor entitled to vote on the proposal

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)<sup>25</sup> \*section  
75(1A)(a)<sup>26</sup> \*section 112(1)(a)<sup>27</sup> \*section 112(1A)(a)<sup>28</sup> of the Act

a true copy of the approved \*[Debt Settlement Arrangement] \*[Personal  
Insolvency Arrangement] and

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

Dated this ..... day of ..... 20...

<sup>25</sup> Substituted by section 71 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013.

<sup>26</sup> Inserted by section 8 of the Personal Insolvency (Amendment) Act 2015.

<sup>27</sup> As amended by section 85 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013  
and substituted by section 18 of the Personal Insolvency (Amendment) Act 2015.

<sup>28</sup> Inserted by section 18 of the Personal Insolvency (Amendment) Act 2015.

\*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

O. 76A, rr. 11(5), 20(5)

[Title as in Form No. 51]

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)<sup>29</sup>] \*[SECTION 75(1A)(a)<sup>30</sup>]  
\*[SECTION 112(1)(a)<sup>31</sup>] \*[SECTION 112(1A)(a)<sup>32</sup>] OF THE PERSONAL  
INSOLVENCY ACT 2012

\*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		

\*Creditors representing the requisite proportion of debts referred to in section 73(6)<sup>33</sup> of the said Act have approved the proposal for a Debt Settlement Arrangement.

OR

\*The proposed Debt Settlement Arrangement is deemed to have been approved under section 73(7)<sup>34</sup> of the said Act, as no creditor at the meeting voted on the proposal.

<sup>29</sup> Substituted by section 71 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013.

<sup>30</sup> Inserted by section 8 of the Personal Insolvency (Amendment) Act 2015.

<sup>31</sup> As amended by section 85 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013 and substituted by section 18 of the Personal Insolvency (Amendment) Act 2015.

<sup>32</sup> Inserted by section 18 of the Personal Insolvency (Amendment) Act 2015.

<sup>33</sup> As substituted by section 6 of the Personal Insolvency (Amendment) Act 2015.

<sup>34</sup> As amended by section 6 of the Personal Insolvency (Amendment) Act 2015.

OR

\*Section 74A<sup>35</sup> of the said Act applies to the proposed Debt Settlement Arrangement and the proposal \*[has been approved] \*[is deemed to have been approved] in accordance with section 74A(7) of the said Act by the only creditor entitled to vote on the proposal.

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)<sup>36</sup> 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:

<b>Total debt (see paragraph (a) of section 110(1) of the said Act)</b>	<b>Amount</b>	<b>Percentage of total</b>
Total amount of debt owed to creditors present and voting		100%
Total amount of debt in respect of which creditors present and voting voted in favour of the proposed Personal Insolvency Arrangement		.....%
Total amount of debt in respect of which creditors present and voting voted against the proposed Personal Insolvency Arrangement		.....%
<b>Secured debt (see paragraph (b) of section 110(1) of the said Act)</b>	<b>Value</b>	<b>Percentage of total</b>
Total value of secured debt owed to secured creditors present and voting		100%
Total value of secured debt in respect of which secured creditors present and voting have voted in favour of the proposed Personal Insolvency Arrangement		....%
Total value of secured debt in respect of which secured creditors present and voting have voted against the proposed Personal Insolvency Arrangement		.....%

<sup>35</sup> As inserted by section 7 of the Personal Insolvency (Amendment) Act 2015.

<sup>36</sup> As amended by section 85 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013 and substituted by section 18 of the Personal Insolvency (Amendment) Act 2015.

Unsecured debt (see paragraph (c) of section 110(1) of the said Act)	Amount	Percentage of total
Total amount of unsecured debt owed to unsecured creditors present and voting		100%
Total amount of unsecured debt in respect of which unsecured creditors present and voting have voted in favour of the proposed Personal Insolvency Arrangement		.....%
Total amount of unsecured debt in respect of which unsecured creditors present and voting have voted against the proposed Personal Insolvency Arrangement		.....%

\*Creditors representing the requisite proportion of debts referred to in section 110(1)<sup>37</sup> of the said Act have approved the proposal for a Personal Insolvency Arrangement.

OR

\*The proposed Personal Insolvency Arrangement is deemed to have been approved under section 108(8)(a)<sup>38</sup> of the said Act, as no creditor at the meeting voted on the proposal.

OR

\*Section 111A<sup>39</sup> of the said Act applies to the proposed Personal Insolvency Arrangement and the proposal \*[has been approved] \*[is deemed to have been approved] in accordance with section 111A(7) of the said Act by the only creditor entitled to vote on the proposal.

Dated this ..... day of ..... 20....

Signed:

To: The Registrar  
Central Office  
Four Courts  
Dublin 7

\*Delete where inapplicable

<sup>37</sup> As amended by section 16 of the Personal Insolvency (Amendment) Act 2015.

<sup>38</sup> As substituted by section 15 of the Personal Insolvency (Amendment) Act 2015.

<sup>39</sup> Inserted by section 17 of the Personal Insolvency (Amendment) Act 2015.

No. 56

O. 76A, rr. 11(5), 20(5)

[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

STATEMENT UNDER \*[SECTION 75(1)(c)<sup>40</sup>] \*[SECTION 75(1A)(c)<sup>41</sup>]  
\*[SECTION 112(1)(c)<sup>42</sup>] \*[SECTION 112(1A)(c)<sup>43</sup>] 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)<sup>44</sup> and 78(5)<sup>45</sup> 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)<sup>46</sup> 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)<sup>47</sup> and 115(5)<sup>48</sup> 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<sup>49</sup> of the said Act,

<sup>40</sup> Substituted by section 71 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013.

<sup>41</sup> Inserted by section 8 of the Personal Insolvency (Amendment) Act 2015.

<sup>42</sup> As amended by section 85 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013 and substituted by section 18 of the Personal Insolvency (Amendment) Act 2015.

<sup>43</sup> Inserted by section 18 of the Personal Insolvency (Amendment) Act 2015.

<sup>44</sup> As amended by section 73 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013 and by section 10 of the Personal Insolvency (Amendment) Act 2015.

<sup>45</sup> As amended by section 73 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013 and by section 10 of the Personal Insolvency (Amendment) Act 2015.

<sup>46</sup> As amended by section 67 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013 and section 100 of the Finance Act 2013.

<sup>47</sup> As amended by section 87 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013 and by section 20 of the Personal Insolvency (Amendment) Act 2015.

<sup>48</sup> As amended by section 87 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013 and by section 20 of the Personal Insolvency (Amendment) Act 2015.

<sup>49</sup> As amended by section 79 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013 and by section 12 of the Personal Insolvency (Amendment) Act 2015.

(ii) the approved Personal Insolvency Arrangement complies with the mandatory requirements referred to in section 99(2)<sup>50</sup> 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 Registrar  
Central Office  
Four Courts  
Dublin 7

\*Delete where inapplicable

<sup>50</sup> As amended by section 100 of the Finance Act 2013.

No. 58

O. 76A, r. 21A(1)

[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

NOTICE OF MOTION FOR AN ORDER UNDER SECTION 115A(9)<sup>51</sup> OF  
THE PERSONAL INSOLVENCY ACT 2012

TAKE NOTICE that on the.....day of ..... 20.... at ..... in the forenoon or the first available opportunity thereafter, ..... of ....., personal insolvency practitioner, will apply to this Honourable Court sitting at the Four Courts, Dublin 7, for an order under section 115A(9) of the Personal Insolvency Act 2012 on behalf of the above-named debtor, AND FURTHER TAKE NOTICE of the following:

1. a proposal for a Personal Insolvency Arrangement (a copy of which is appended to this notice of motion) in respect of the said debtor has been made and has not been approved in accordance with Chapter 4 of Part 3 of the Personal Insolvency Act 2012;
2. the debts that would be covered by the proposed Personal Insolvency Arrangement include a relevant debt, within the meaning of section 115A(18) of the Personal Insolvency Act 2012;
3. \*the creditors' meeting referred to in section 115A(16)(a) of the Personal Insolvency Act 2012 was held on the ....day of .....20....\*the date of receipt by me of the notice of the creditor concerned under section 111A(6)<sup>52</sup> of the Personal Insolvency Act 2012 was the ....day of .....20....
4. I consider that there are reasonable grounds for the making of this application. The grounds of the application are:-  
  
*[set out the grounds of the application; where for the purposes of the application it is intended to propose that any creditor(s) be considered as a class by the Court, set out clearly the grounds of such proposal];*
5. the debtor has instructed me in writing to make this application, a copy of which instruction is appended to this notice of motion;
6. there is submitted with this application my report (a copy of which is appended to this notice of motion) referred to in section 107(1)(d) of the Personal Insolvency Act 2012;

<sup>51</sup> Inserted by section 21 of the Personal Insolvency (Amendment) Act 2015.

<sup>52</sup> Inserted by section 17 of the Personal Insolvency (Amendment) Act 2015.

†7. there is submitted with this application a certificate (a copy of which is appended to this notice of motion) with the result of the vote taken at the creditors' meeting and identifying—

(I) the proportions of the respective categories of votes cast by those voting at the creditors' meeting, and

(II) the creditors who voted in favour of and against the proposal, and the nature and value of the debt owed to each such creditor;

†7. section 111A<sup>53</sup> of the Personal Insolvency Act 2012 applies to the proposal and the creditor concerned has notified me under section 111A(6) of the Act that the creditor does not approve of the proposal;

8. I am of the opinion that:

(a) the said debtor satisfies the eligibility criteria for the proposal of a Personal Insolvency Arrangement specified in section 91<sup>54</sup> of the Personal Insolvency Act 2012.

(b) the proposed Personal Insolvency Arrangement complies with the mandatory requirements referred to in section 99(2)<sup>55</sup> of the Personal Insolvency Act 2012;

(c) the proposed 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.

#### ADDITIONAL NOTICE TO CREDITORS

TAKE NOTICE that you may, within 14 days of the date of the sending of this notice to you, lodge a notice with the High Court (in the Form No. 53 in Appendix O to the Rules of the Superior Courts), setting out whether or not you object to the application, and your reasons.

Appended to this notice of motion for issue are the following documents:

— Copy proposal for a Personal Insolvency Arrangement

— \*Original certificate in Form No. 59 with the result of the vote taken at the creditors' meeting

— Copy report of personal insolvency practitioner referred to in section 107(1)(d) of the Personal Insolvency Act 2012, and

— Copy of written instruction of debtor, certified to be a true copy.

Dated this day ..... of ..... 20.....

<sup>53</sup> Inserted by section 17 of the Personal Insolvency (Amendment) Act 2015.

<sup>54</sup> As amended by section 79 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013 and by section 12 of the Personal Insolvency (Amendment) Act 2015.

<sup>55</sup> As amended by section 100 of the Finance Act 2013.

Signed:

Personal Insolvency Practitioner, of ....., on behalf of the above-named debtor

To: The Registrar  
Central Office  
Four Courts  
Dublin 7

And To: Insolvency Service of Ireland

And To: the Debtor

And To: [each creditor concerned]

\*Delete where inapplicable

†One alternative version of paragraph 7 only should be used and the other deleted

## FORM 59

O. 76A, r. 21A(2)

[Title as in Form No. 51]

IN THE MATTER OF PART 3, CHAPTER 4 OF THE PERSONAL  
INSOLVENCY ACT 2012AND IN THE MATTER OF [.....] OF  
[.....], A DEBTORCERTIFICATE UNDER SECTION 115A(2)(d)<sup>56</sup> OF THE PERSONAL  
INSOLVENCY ACT 2012

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 115A(2)(d) 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:

Creditors representing the requisite proportion of debts referred to in section 110(1) of the said Act have not approved the proposal for a Personal Insolvency Arrangement.

\*[**TABLE 1** (section 115A(2)(d)(i)(I))

The proportions of the categories of votes under section 110(1) cast by those voting at the creditors' meeting were as follows:

Total debt (see paragraph (a) <sup>57</sup> of section 110(1) of the said Act)	Amount	Percentage of total
Total amount of debt owed to creditors present and voting		100%
Total amount of debt in respect of which creditors present and voting voted in favour of the proposed Personal Insolvency Arrangement		.....%
Total amount of debt in respect of which creditors present and voting voted against the proposed Personal Insolvency Arrangement		.....%

<sup>56</sup> Inserted by section 21 of the Personal Insolvency (Amendment) Act 2015.

<sup>57</sup> As amended by section 16 of the Personal Insolvency (Amendment) Act 2015.

<b>Secured debt (see paragraph (b) of section 110(1) of the said Act)</b>	<b>Value</b>	<b>Percentage of total</b>
Total value of secured debt owed to secured creditors present and voting		100%
Total value of secured debt in respect of which secured creditors present and voting have voted in favour of the proposed Personal Insolvency Arrangement		....%
Total value of secured debt in respect of which secured creditors present and voting have voted against the proposed Personal Insolvency Arrangement		.....%
<b>Unsecured debt (see paragraph (c) of section 110(1) of the said Act)</b>	<b>Amount</b>	<b>Percentage of total</b>
Total amount of unsecured debt owed to unsecured creditors present and voting		100%
Total amount of unsecured debt in respect of which unsecured creditors present and voting have voted in favour of the proposed Personal Insolvency Arrangement		.....%
Total amount of unsecured debt in respect of which unsecured creditors present and voting have voted against the proposed Personal Insolvency Arrangement		.....%

**TABLE 2** (section 115A(2)(d)(i)(II))

The creditors who voted in favour of and against the proposal, and the nature and value of the debt owed to each such creditor, are as follows:

Identity of each creditor who voted in favour of the proposed Personal Insolvency Arrangement	Nature of the debt owed to such creditor and proposed class for the purposes of section 115A (17)(see grounds set out in notice of motion)	Value of the debt owed to such creditor	Proportion of debts due to creditors participating and voting at the creditors' meeting that is represented by the creditor
<i>[insert an additional row for each creditor]</i>			
Identity of each creditor who voted against the proposed Personal Insolvency Arrangement	Nature of the debt owed to such creditor	Value of the debt owed to such creditor	Proportion of debts due to creditors participating and voting at the creditors' meeting that is represented by the creditor
<i>[insert an additional row for each creditor]</i>			

]

OR

\*[section 111A<sup>58</sup> of the said Act applies to the proposal and ....., the creditor concerned, has notified me under section 111A(6) that \*he \*she \*it does not approve of the proposal.]

Dated this day ..... of ..... 20....

Signed:

To: The Registrar  
Central Office  
Four Courts  
Dublin 7

And to: The Insolvency Service of Ireland

And to: [each creditor]

\*Delete where inapplicable

<sup>58</sup> Inserted by section 17 of the Personal Insolvency (Amendment) Act 2015.

EXPLANATORY NOTE

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

These rules amend Order 76A of the Rules of the Superior Courts consequential upon the amendments effected to the Personal Insolvency Act 2012 effected by the Personal Insolvency (Amendment) Act 2015.

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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