

Rule 6.1

# Statutory Demand under section 268(1)(a) of the Insolvency Act 1986. Debt for Liquidated Sum Payable Immediately

### Notes for Creditor

- If the creditor is entitled to the debt by way of assignment, details of the original creditor and any intermediary assignees should be given in part C on page 3.
- If the amount of debt includes interest not previously notified to the debtor as included in the debtor's liability, details should be given, including the grounds upon which interest is charged. The amount of interest must be shown separately.
- Any other charge accruing due from time to time may be claimed. The amount or rate of the charge must be identified and the grounds on which it is claimed must be stated.
- In either case the amount claimed must be limited to that which has accrued due at the date of the demand.
- If the creditor holds any security the amount of the debt should be the sum the creditor is prepared to regard as unsecured for the purposes of this demand. Brief details of the total debt should be included and the nature of the security and the

### Warning

- This is an **important** document. You should refer to the notes entitled "How to comply with a statutory demand or have it set aside".
- If you wish to have this demand set aside you must make application to do so **within 18 days** from its service on you.
- If you do not apply to set aside **within 18 days** or otherwise deal with this demand as set out in the notes **within 21 days** after its service on you, you could be made bankrupt and your property and goods taken away from you.
- Please read the demand and notes carefully. If you are in any doubt about your position you should seek advice **immediately** from a solicitor, a Citizen Advice Bureau, or a licensed insolvency practitioner.

### Demand

To \_\_\_\_\_

Address \_\_\_\_\_

This demand is served on you by the creditor:

Name \_\_\_\_\_

Address \_\_\_\_\_

The creditor claims that you owe the sum of £\_\_\_\_\_, full particulars of which are set out on page 2, and that it is payable immediately and, to the extent of the sum demanded, is unsecured.

The creditor demands that you pay the above debt or secure or compound for it to the creditor's satisfaction.

[The creditor making this demand is a Minister of the Crown or a Government Department, and it is intended to present a bankruptcy petition in the High Court.]

Signature of individual \_\_\_\_\_

Name \_\_\_\_\_  
(BLOCK LETTERS)

Date \_\_\_\_\_

\*Position with or relationship to creditor \_\_\_\_\_

\*I am authorised to make this demand on the creditor's behalf.

Address \_\_\_\_\_

\_\_\_\_\_

Tel. No. \_\_\_\_\_ Ref. \_\_\_\_\_

\*Delete if signed by the creditor himself

**N.B. The person making this demand must complete the whole of pages 1, 2 and parts A, B and C (as applicable) on page 3.**

**Particulars of Debt**

(These particulars must include (a) when the debt was incurred, (b) the consideration for the debt (or if there is no consideration the way in which it arose) and (c) the amount due as at the date of this demand.)

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**Notes for Creditor**

Please make sure that you have read the notes on page 1 before completing this page.

Note:  
If space is insufficient continue on page 4 and clearly indicate on this page that you are doing so.

**Part A**

**Appropriate Court for Setting Aside Demand**

Rule 6.4(2) of the Insolvency Rules 1986 states that the appropriate court is the court to which you would have to present your own bankruptcy petition in accordance with Rule 6.40(1) and 6.40(2). In accordance with those rules on present information the appropriate court is [the High Court of Justice] [ \_\_\_\_\_ County Court] (address)

Any application by you to set aside this demand should be made to that court.

**Part B**

The individual or individuals to whom any communication regarding this demand may be addressed is / are:

|                  |  |
|------------------|--|
| Name             |  |
| (BLOCK LETTERS)  |  |
| Address          |  |
| Telephone Number |  |
| Reference        |  |

**Part C**

For completion if the creditor is entitled to the debt by way of assignment

|                   | Name | Date(s) of Assignment |
|-------------------|------|-----------------------|
| Original creditor |      |                       |
| Assignees         |      |                       |

**How to comply with a statutory demand or have it set aside (ACT WITHIN 18 DAYS)**

If you wish to avoid a bankruptcy petition being presented against you, you must pay the debt shown on page 1, particulars of which are set out on page 2 of this notice, within the period of **21 days** after its service upon you. Alternatively, you can attempt to come to a settlement with the creditor. To do this you should:

- inform the individual (or one of the individuals) named in part B above immediately that you are willing and able to offer security for the debt to the creditor’s satisfaction; or

- inform the individual (or one of the individuals) named in part B immediately that you are willing and able to compound for the debt to the creditor's satisfaction.

If you dispute the demand in whole or in part you should:

- contact the individual (or one of the individuals) named in part B immediately.

**THERE ARE MORE IMPORTANT NOTES ON THE NEXT PAGE**

If you consider that you have grounds to have this demand set aside or if you do not quickly receive a satisfactory written reply from the individual named in part B whom you have contacted you should **apply within 18 days** from the date of service of this demand on you to the appropriate court shown in part A above to have the demand set aside.

**Any application to set aside the demand (Form 6.4 in Schedule 4 to the Insolvency Rules 1986) should be made within 18 days from the date of service upon you and be supported by an affidavit (Form 6.5 in Schedule 4 to those Rules) stating the grounds on which the demand should be set aside. The forms may be obtained from the appropriate court when you attend to make the application.**

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| <p><b>Remember!</b> – From the date of service on you of this document</p> <ul style="list-style-type: none"><li>(a) you have only 18 days to apply to the court to have the demand set aside, and</li><li>(b) you have only 21 days before the creditor may present a bankruptcy petition</li></ul> |
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