

Rule 6.1

Statutory Demand under section 268(2) of the Insolvency Act 1986. Debt Payable at Future Date.

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 when due 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 will have accrued due when payment falls due on the date specified.
- If the creditor holds any security the amount of 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 value put upon it by the creditor, as at the date of the demand, must be specified.
- The grounds for the creditor's opinion that the debtor has not reasonable prospects of paying the debt when it falls due must be stated.
- If signatory of the demand is a solicitor or other agent of the creditor the name of his/her firm should be given.

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 doubt about your position you should seek advice **immediately** from a solicitor, a Citizens 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 will owe the sum of £ _____, full particulars of which are set out on page 2, when payment falls due on _____

The creditor is of the opinion that you have no reasonable prospect of paying this debt when it falls due because _____

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

[Delete if inappropriate]

Signature of individual _____

Name _____

(BLOCK LETTERS)

Date _____

*Position with it relationship to creditor _____

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

Address _____

Tel. No. _____ Ref. _____

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.

*Delete if signed by the creditor himself

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 will arise) and (c) the amount of future debt and the date payment is due.)

Note for Creditor

Please make sure that you have read the notes in 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 6.40A. In accordance with those rules on present information the appropriate Court is [the High Court][the Central London County Court][or]

[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 within the period of **21 days** after its service upon you satisfy the creditor that you are able to meet the debt demanded when it is due.

If you dispute that the debt will be due in whole or in part or if you dispute the allegation that you will be unable to pay the debt when it falls due or if you consider that you may be able to offer security for the debt or to compound for it you should:

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

If you consider that you have grounds to have this notice 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 a witness statement (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.

Remember! –From the date of service on you of this document (a) you have only 18 days to apply to the court to have the demand set aside, and (b) you have only 21 days before the creditor may present a bankruptcy petition.
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