

Statutory Demand under Section 268(1)(a) of the Insolvency Act 1986. Debt for Liquidated Sum Payable Immediately Following a Judgment or Order of the Court

Warning

- This is an **important** document. You should refer to the notes below 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 very carefully. If you are in doubt about your position you should seek advice **immediately** from a solicitor, a Citizen Advice Bureau or a licensed insolvency practitioner.

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 B.
- If the amount of debt includes interest not previously notified to the company as included in its 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 signatory of the demand is a solicitor or other agent of the creditor the name of his/her firm should be given

Demand

To _____

Address

This demand is served on you by the creditor:

Name _____

Address _____

The creditor claims that you own 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.

By Judgment/Order of the _____ court in proceedings entitled (Case) Number
_____ between _____ claimant and
_____ Defendant it was adjudged/ordered that you pay to the creditor the sum of
£ _____ and £ _____ for costs.

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][County Court at Central London] [Delete as appropriate].

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. [* Delete if signed by the creditor]

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

*** This is the address to which the court or the creditor will send any documents relating to this demand.**

Address _____

Tel. No _____

Ref. _____

Details of Debt

(These details 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.)

Note: If there is insufficient space, please continue on a separate sheet and clearly indicate on this page that you are doing so.

Part A

Appropriate Court for Setting Aside Demand

Rule 10.4(4) and 10.4(8) of the Insolvency Rules 2016 sets out the way of determining the appropriate court or hearing centre to which the Application should be sent.

Where the statutory demand is served by a Minister of the Crown or a Government Department you may choose the court to which to make your application. You may choose the court in Rule 10.4 or the court which the Minister of the Crown or Government Department has indicated as the court to which it intends to present a bankruptcy petition against you (the High Court, or the County Court at Central London).

In accordance with those rules the appropriate court is [The High Court] [the County Court at Central London]

[or] [_____ County Court hearing centre]. (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, details of which are set out on page 2 of this notice, with 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 will 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.

If you consider that you have grounds to have this demand set aside or 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 should be made within 18 days from the date of service upon you and be supported by a witness statement stating the grounds on which the demand 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 this court to have the demand set aside, and
- (b) you have only 21 days before the creditor may present a bankruptcy petition