



STATUTORY INSTRUMENTS.

**S.I. No. 506 of 2015**



CIRCUIT COURT RULES (PERSONAL INSOLVENCY) 2015

S.I. No. 506 of 2015

CIRCUIT COURT RULES (PERSONAL INSOLVENCY) 2015

We, the Circuit Court Rules Committee, constituted pursuant to the provisions of section 69 of the Courts of Justice Act 1936, by virtue of the powers conferred on us by section 66 of the Courts of Justice Act 1924 and section 70 of the Courts of Justice Act 1936, (as applied by section 48 of the Courts (Supplemental Provisions) Act 1961) and section 27 of the Courts (Supplemental Provisions) Act 1961, and of all other powers enabling us in this behalf, do hereby, with the concurrence of the Minister for Justice and Equality, make the annexed Rules of Court.

Dated this 20th day of October, 2015

(Signed): Raymond Groarke  
(Chairman of the Circuit Court Rules Committee)

Alison Lindsay  
Sarah Berkeley  
Keith Walsh  
Mairead Ahern  
Rita Considine  
Noel Rubotham

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

Dated this 13th day of November, 2015.

Signed: 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. 506 of 2015

## CIRCUIT COURT RULES (PERSONAL INSOLVENCY) 2015

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

(2) These Rules shall be construed together with the Circuit Court Rules 2001 to 2015.

(3) The Circuit Court Rules 2001 to 2015 as amended by these Rules may be cited as the Circuit Court Rules 2001 to 2015.

2. The Circuit Court Rules are amended:

(i) by the insertion in rule 1(1) of Order 73 immediately following the definition therein of “approved intermediary” of the following definition:

“ “authorised officer” means a person appointed by the Insolvency Service under section 176B<sup>1</sup> of the Act;”;

(ii) by the substitution for paragraph (b) rule 3(2) of Order 73 of the following paragraphs:

“(b) any application to the Court by the Insolvency Service under section 175(2) of the Act;

(c) any application to the Court by an authorised officer under section 176C(6)<sup>2</sup> of the Act.”;

(iii) by the substitution for paragraphs (a) to (c) inclusive in rule 5(1) of Order 73 of the following paragraphs:

“(a) the return date of a notice of motion issued under rules 7 to 13 inclusive, 16 to 18 inclusive, 21 or 22, 25 to 27 inclusive, 30 or 31, 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 19, 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 28, or

<sup>1</sup> Inserted by section 24 of the Personal Insolvency (Amendment) Act 2015.

<sup>2</sup> Inserted by section 24 of the Personal Insolvency (Amendment) Act 2015.

(d) the date on which a hearing for the purposes of section 115A(9)<sup>3</sup> of the Act has been listed for initial consideration by the Court in accordance with rule 29A,”;

(iv) by the substitution for rule 19(2) of Order 73 of the following sub-rule:

“(2) A notification to the Court by the Insolvency Service in accordance with section 76(1)<sup>4</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 creditor in accordance with section 74A<sup>5</sup> of the Act, shall be in Form 52E in the Schedule of Forms and shall be accompanied by:

(a) a true copy of the certificate provided for under section 75(1)(a)<sup>6</sup> or, as the case may be, section 75(1A)(a)<sup>7</sup>, of the Act, which shall be in Form 52F in the Schedule of Forms,

(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>8</sup> or, as the case may be, section 75(1A)(c)<sup>9</sup>, of the Act, which shall be in Form 52G in the Schedule of Forms.”;

(v) by the substitution for rule 19(5) of Order 73 of the following sub-rules:

“(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>10</sup> of the Act.

<sup>3</sup> Inserted by section 21 of the Personal Insolvency (Amendment) Act 2015.

<sup>4</sup> As substituted by section 72 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013.

<sup>5</sup> Inserted by section 7 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> Substituted by section 71 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013.

<sup>9</sup> Inserted by section 8 of the Personal Insolvency (Amendment) Act 2015.

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

(5A) The Debt Settlement Arrangement as varied, required to be lodged with the Court in accordance with section 76(1)<sup>11</sup> of the Act as applied by section 82(9)<sup>12</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.”;

(vi) by the substitution for rule 28(2) of Order 73 of the following sub-rule:

“(2) A notification to the Court by the Insolvency Service in accordance with section 113(1)<sup>13</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 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>14</sup> of the Act, shall be in Form 52E in the Schedule of Forms and shall be accompanied by:

- (a) a true copy of the certificate provided for under section 112(1)(a)<sup>15</sup> or, as the case may be, section 112(1A)(a)<sup>16</sup>, of the Act, which shall be in Form 52F in the Schedule of Forms,
- (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>17</sup> or, as the case may be, section 112(1A)(c)<sup>18</sup>, of the Act, which shall be in Form 52G in the Schedule of Forms.”;

(vii) by the substitution for rule 28(5) of Order 73 of the following sub-rules:

“(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

<sup>11</sup> As substituted by section 72 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013.

<sup>12</sup> As amended by section 11 of the Personal Insolvency (Amendment) Act 2015.

<sup>13</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>14</sup> Inserted by section 17 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 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>18</sup> Inserted by section 18 of the Personal Insolvency (Amendment) Act 2015.

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>19</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>20</sup> of the Act as applied by section 119(9)<sup>21</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.”;

(viii) by the insertion immediately following rule 29 of Order 73 of the following rule:

“29A. (1) An application by a personal insolvency practitioner on behalf of a debtor under section 115A<sup>22</sup> of the Act for an order under section 115A(9) of the Act shall be brought by notice of motion (which shall include the notice required by section 115A(3) of the Act), in Form 52I in the Schedule of Forms, 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 52J in the Schedule of Forms.

<sup>19</sup> As substituted by section 22 of the Personal Insolvency (Amendment) Act 2015.

<sup>20</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>21</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.

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

(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:

- (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>23</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.”;

- (ix) by the substitution for Forms 52D, 52E, 52F and 52G in the Schedule of Forms of the forms bearing the like numbers respectively set out in the Schedule, and
- (x) by the insertion immediately following Form 52H in the Schedule of Forms of the Forms numbered as 52I and 52J set out in the Schedule.

<sup>23</sup> Inserted by section 22 of the Personal Insolvency (Amendment) Act 2015.

**Schedule**

FORM 52D

AN CHÚIRT CHUARDA  
THE CIRCUIT COURT

[...] CIRCUIT

COUNTY OF [...]

Record number.....

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>24</sup> of the Personal Insolvency Act 2012 concerning a proposed  
\*(variation of a) Debt Settlement Arrangement

\*section 112(2)<sup>25</sup> of the Personal Insolvency Act 2012 concerning a proposed  
\*(variation of a) Personal Insolvency Arrangement

\*section 115A(3)<sup>26</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,*

<sup>24</sup> As amended by section 8 of the Personal Insolvency (Amendment) Act 2015.

<sup>25</sup> As amended by section 18 of the Personal Insolvency (Amendment) Act 2015.

<sup>26</sup> Inserted by section 21 of the Personal Insolvency (Amendment) Act 2015.

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

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

Creditor/Solicitor for creditor

To: The \*County Registrar, .....Circuit Court Office at.....

\*Combined Court Office at .....

\*office of the Courts Service at.....

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

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

\*Delete where inapplicable

FORM 52E

AN CHÚIRT CHUARDA  
THE CIRCUIT COURT

[.....] CIRCUIT

COUNTY OF [.....]

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>27</sup> \*section  
75(1A)(a)<sup>28</sup> \*section 112(1)(a)<sup>29</sup> \*section 112(1A)(a)<sup>30</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>27</sup> Substituted by section 71 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013.

<sup>28</sup> Inserted by section 8 of the Personal Insolvency (Amendment) Act 2015.

<sup>29</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>30</sup> Inserted by section 18 of the Personal Insolvency (Amendment) Act 2015.

\*Signed:

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\*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 \*County Registrar,.... Circuit Court Office at.....

\*Combined Court Office at.....

\*office of the Courts Service at.....

*[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

## FORM 52F

AN CHÚIRT CHUARDA  
THE CIRCUIT COURT

[....] CIRCUIT

COUNTY OF [....]

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>31</sup>] \*[SECTION 75(1A)(a)<sup>32</sup>] \*  
[SECTION 112(1)(a)<sup>33</sup>] \*[SECTION 112(1A)(a)<sup>34</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>35</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>36</sup> of the said Act, as no creditor at the meeting voted on the proposal.

<sup>31</sup> Substituted by section 71 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013.

<sup>32</sup> Inserted by section 8 of the Personal Insolvency (Amendment) Act 2015.

<sup>33</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>34</sup> Inserted by section 18 of the Personal Insolvency (Amendment) Act 2015.

<sup>35</sup> As substituted by section 6 of the Personal Insolvency (Amendment) Act 2015.

<sup>36</sup> As amended by section 6 of the Personal Insolvency (Amendment) Act 2015.

OR

\*Section 74A<sup>37</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>38</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>37</sup> As inserted by section 7 of the Personal Insolvency (Amendment) Act 2015.

<sup>38</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>39</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>40</sup> of the said Act, as no creditor at the meeting voted on the proposal.

OR

\*Section 111A<sup>41</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 \*County Registrar, .....Circuit Court Office at.....

\*Combined Court Office at .....

\*office of the Courts Service at.....

\*Delete where inapplicable

<sup>39</sup> As amended by section 16 of the Personal Insolvency (Amendment) Act 2015.

<sup>40</sup> As substituted by section 15 of the Personal Insolvency (Amendment) Act 2015.

<sup>41</sup> Inserted by section 17 of the Personal Insolvency (Amendment) Act 2015.

## FORM 52G

AN CHÚIRT CHUARDA  
THE CIRCUIT COURT

[.....] CIRCUIT

COUNTY OF [.....]

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>42</sup>]  
\*[SECTION 75(1A)(c)<sup>43</sup>] \*[SECTION 112(1)(c)<sup>44</sup>] \*[SECTION 112(1A)(c)<sup>45</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/\*Chapter 4 of Part 3 of the said Act HEREBY CONFIRM

\*for the purposes of section 78(2)<sup>46</sup> and 78(5)<sup>47</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>48</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>49</sup> and 115(5)<sup>50</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>51</sup> of the said Act,

<sup>42</sup> Substituted by section 71 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013.

<sup>43</sup> Inserted by section 8 of the Personal Insolvency (Amendment) Act 2015.

<sup>44</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>45</sup> Inserted by section 18 of the Personal Insolvency (Amendment) Act 2015.

<sup>46</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>47</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>48</sup> As amended by section 67 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013 and by section 100 of the Finance Act 2013.

<sup>49</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>50</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>51</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>52</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 \*County Registrar,..... Circuit Court Office at.....

\*Combined Court Office at.....

\*office of the Courts Service at....

\*Delete where inapplicable

<sup>52</sup> As amended by section 100 of the Finance Act 2013.

FORM 52I

AN CHÚIRT CHUARDA  
THE CIRCUIT COURT

[...] CIRCUIT

COUNTY OF [...]

Record number:

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>53</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 .....  
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 application) 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

\*date of receipt by me of the notice of the creditor concerned under section  
111A(6)<sup>54</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];*

<sup>53</sup> Inserted by section 21 of the Personal Insolvency (Amendment) Act 2015.

<sup>54</sup> Inserted by section 17 of the Personal Insolvency (Amendment) Act 2015.

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;
- †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>55</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>56</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>57</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 Circuit Court (in the Form 52D, Circuit Court Rules), setting out whether or not you object to the application, and your reasons for this.

<sup>55</sup> Inserted by section 17 of the Personal Insolvency (Amendment) Act 2015.

<sup>56</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>57</sup> As amended by section 100 of the Finance Act 2013.

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

- Copy proposal for a Personal Insolvency Arrangement;
- \*Original certificate in Form 52J 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.....

Signed:

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

To: \*County Registrar, .....Circuit Court Office at.....

\*Combined Court Office at .....

\*office of the Courts Service at.....

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 52J

AN CHÚIRT CHUARDA  
THE CIRCUIT COURT

[....] CIRCUIT

COUNTY OF [....]

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>58</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>59</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		.....%

<sup>58</sup> Inserted by section 21 of the Personal Insolvency (Amendment) Act 2015.

<sup>59</sup> As amended by section 16 of the Personal Insolvency (Amendment) Act 2015.

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		.....%
<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>60</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 \*County Registrar, .....Circuit Court Office at.....

\*Combined Court Office at .....

\*office of the Courts Service at.....

And to: The Insolvency Service of Ireland

And to: [each creditor]

\*Delete where inapplicable

<sup>60</sup> As 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 73 of the Circuit Court Rules 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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