

This guidance is tailored specifically for official receivers. It is discretionary and not designed for use by third parties. This version was the most up to date guidance available to official receivers as at 10 March 2020.

4. Publication of insolvency information

Publication of information relating to insolvencies, including advertisement in the London Gazette and local newspapers

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Introduction

4.1 General

The insolvency legislation, and in particular the Insolvency (England and Wales) Rules 2016 requires that certain events and information are publicised. For example, the publication of the making of an insolvency order to allow creditors of an insolvent the opportunity to claim in the proceedings, or the publication of the venue (that is, the time, date and place) of a meeting of creditors to allow interested parties an opportunity to attend.

Gazette notices

4.2 The Gazette

The London Gazette (“the Gazette”) came into existence as the official newspaper of the court of King Charles II. At that time it was known as the Oxford Gazette as that was the location of the King’s court, which had moved from London to escape the Great Plague of 1665. The publication of news at this time was closely controlled and censored by the Crown, and the Gazette became the authoritative source of news and information. Over time, with the relaxing of control and censorship, and the consequent development of other newspapers, the Gazette has largely lost its role of reporting news and has evolved into a specialist newspaper for the publication of legal notices and official (government) information.

Insolvency notices placed in the Gazette are accessed and relied upon as a source of information by financial institutions, credit reference agencies, government departments and other interested parties. They can be viewed at the [Gazette](#)

[website](#). The London Gazette is printed each working day, and will contain notices published online the day before.

4.3 References in the Insolvency Act and Rules

“the Gazette” means –

- in respect of companies registered in England and Wales – the London Gazette
- in respect of companies registered in Scotland – the Edinburgh Gazette

“Gazette notice” - means a notice which is, has been, or is to be gazetted; “to gazette” means to advertise once in the Gazette.

4.4 Standard contents of gazette notices - All

Where the Act or Rules require or permit a notice to be gazetted the notice must contain the following¹;

- identify the proceedings and office holder
- the office holders contact details
- the name of any person other than the office holder who can be contacted about the proceedings
- the date of the office holder’s appointment

1. Rule 1.11

4.5 Standard contents of gazette notices – Additional information for a company

As well as the standard contents the notice must contain¹;

- the registered office
- any principle trading address if different to the registered office
- any name in which it was registered in the period of 12 months before the date of commencement of the proceedings
- any other name or style not being a registered name under which the company carried on business and in which any debt to a creditor was incurred

1. Rule 1.12 (1)

4.6 Standard contents of gazette notices – Additional information for an unregistered company

As well as the standard contents the notice must contain information to identify the company and specify any name or style under which the company carried on business and in which any debt owed to a creditor was incurred.¹

1. Rule 1.12 (2)

4.7 Standard contents of gazette notices – Additional information for a bankruptcy

As well as the standard contents the notice must¹;

- identify the bankrupt
- any other address which the bankrupt has lived at in the 12 months before the making of the bankruptcy order
- any principal trading address if different to the residential address
- the bankrupt's date of birth
- the bankrupt's occupation
- any other name by which the bankrupt has been known
- any name or style other than the bankrupt's own name under which they have carried on business and in which any debt to a creditor was incurred

1. Rule 1.13

4.8 Omissions

Where it is not reasonably practical to obtain the information for the standard contents of the notices as prescribed by the Rules, then it may be omitted.¹

1. Rule 1.10

When to gazette and contents

4.9 Provisional liquidator – When to gazette

The provisional liquidator must, as soon as reasonably practicable, gazette notice of their appointment unless the court directs otherwise. Where the provisional liquidation does not result in a winding up the provisional liquidator must gazette notice of the termination.¹

1. Rules 7.36 & 7.39

4.10 Winding-Up Orders – When to gazette

Where a winding up order is made by the court the official receiver must cause a notice of the order to be gazetted as soon as reasonably practicable.¹

It is the petitioning creditor's duty to give notice of the dismissal of a petition either by gazetting or advertising.²

1. Rule 7.22(4)

2. Rule 7.23

4.11 Winding-up orders – Gazette contents

In addition to the standard contents the notice must state:

- that a winding-up order has been made in relation to the company
- the date of the order

4.12 Creditors petitions – When to gazette

Where a bankruptcy order is made on the petition of a creditor, it is the duty of the official receiver to cause the notice to be gazetted as soon as reasonably practicable.¹

1. Rule 10.32

4.13 Creditors petitions – Gazette contents

In addition to the standard contents the notice must state¹:

- that a bankruptcy order has been made against the bankrupt
- the date and time of the making of the bankruptcy order
- the name and address of the petitioning creditor
- the date of presentation of the petition

1. Rule 10.32(4)

4.14 Creditors petitions – Stay, rescission or annulment

The official receiver must stop the publication of the gazette notice on receipt of an order staying the proceedings if it has not already been published.

There is no requirement on the official receiver to gazette notice of a stay, rescission or annulment.

4.15 Adjudicator cases – When to gazette

Where a bankruptcy order is made by the Adjudicator on a debtor's own petition it is the duty of the official receiver to cause notice to be gazetted as soon as reasonably practicable.¹

1. Rule 10.45

4.16 Adjudicator cases – Gazette contents

In addition to the standard contents the notice must state¹;

- that a bankruptcy order has been made against the bankrupt
- the date of the bankruptcy order
- that the bankruptcy order was made on the debtor's own bankruptcy application
- the date of delivery of the bankruptcy application

1. Rule 10.45

4.17 Gazette notice – A meeting

In a winding up by the court or a bankruptcy where a decision is being sought by a meeting the convener must gazette a notice of the procedure as soon as reasonably practicable after notice of the meeting is delivered.

The notice should contain¹;

- that a meeting of creditors or contributories is to take place
- the venue of the meeting
- the purpose of the meeting
- time and date by which proofs and proxies must be delivered and where in order to be able to vote
- the convener
- if the procedure is from the request of one or more creditors and the section of the Act under which it was summoned

1. Rule 15.13

4.18 Gazette notice – First dividend or distribution

Where the office-holder intends to declare a first dividend or distribution they must gazette a notice containing¹;

- a statement that the office-holder intends to declare a first dividend or distribution;
- the date by which and place to which proofs must be delivered; and

- in the case of a members' voluntary winding up, where the dividend or distribution is to be a sole or final distribution, a statement that the distribution may be made without regard to the claim of any person in respect of a debt not proved.

The office holder has discretion over whether to advertise if the dividend is only to preferential creditors.

1. Rule 14.28

Suspension of duty to gazette

4.19 Court order to suspend action

The court can, on the application of the bankrupt or a creditor, order the official receiver to suspend action including causing the notice to be gazetted on the making of the bankruptcy order. Any such application must be supported by a witness statement stating the grounds on which it is made and the applicant must deliver a copy of the order to the official receiver as soon as reasonably practicable.¹

1. Rule 10.32(5)-(7) & Rule 10.45 (5)-(7)

4.20 Gazette - Persons at risk of violence (PARV)

Where the disclosure or continuing disclosure to other persons of the bankrupt's current address or whereabouts might lead to violence against the bankrupt or a family member who resides with them¹, the court may, on the application of the bankrupt, the official receiver, the trustee or the Secretary of State, order that the bankrupt's current address be omitted from any notice to be gazetted or otherwise advertised. The order may provide that the bankrupt's previous residential or business addresses are to be included in the description². This would enable creditors to identify the bankrupt but avoid the disclosure of the bankrupt's current address where they or their family may be at risk of violence.

Where a bankrupt has obtained a PARV but address details are inadvertently published then official receiver staff must take urgent action to have the address details removed - please see paragraph 4.35.

1. Rule 20.1

2. Rule 20.6

4.21 Gazette - Person in prison

Particular care should be taken to ensure that where a bankrupt is in prison at the date the petition is presented no reference to the prison address is included in the bankruptcy order description. The court should remove the address to prevent the gazetted order including the prison address. If this has not been done prior to the official receiver receiving the bankruptcy order, the official receiver should refer the order back to the court to consider amending the order. Depending on the views of the court, the phrases “address withheld” or “of no fixed abode” may be used as an alternative to publishing the actual or prison address.

Checking orders, notices and variations

4.22 General checks to be undertaken

Where an order or notice of order is received from the court, it should be carefully checked prior to any required publication. The official receiver must also ensure that the names on the ISCRIS case and the order are the same.

If there is any doubt as to whether the order ought to have been issued (for example, where there is a stay of proceedings in force), or if there are inaccuracies in the order, the official receiver should refer the matter back to the court before taking any further action. It is better to act in this way, rather than causing the publication of a notice which may contain inaccurate information (see paragraph 4.33).

4.23 Variations to the gazette

Where the order of the court or the adjudicator has been varied or is incorrect or inaccurate it must be amended by the person whose responsibility it was to gazette the order¹, generally the official receiver.

Any amendments should be regarded as a matter of urgency as the purpose of the gazette is to give notice to creditors and the business community.

1. Rule 1.14(3)

Other gazettes notices that may be issued

4.24 Individual Voluntary Arrangements following a bankruptcy order

Where a bankruptcy order is annulled under sections 261(2)(a) and (b) because an individual voluntary arrangement is agreed, the former bankrupt may require the official receiver to gazette a notice. The request must be in writing and within 28 days of the order. Such a request must be complied with as soon as reasonably practicable. The notice must state¹;

- the name of the former bankrupt
- the date on which the bankruptcy order was made
- that the bankruptcy order has been annulled
- the date of the annulment order and
- the grounds of the annulment

1. Rule 8.36

4.25 Annulment

Where a bankruptcy order is annulled under section 282 the former bankrupt may require the official receiver to publish a notice of the making of the order by publishing a notice of the order in the gazette. This request should be made within 28 days of the making of the order.

It must state¹;

- the name of the former bankrupt
- the date on which the bankruptcy order was made
- that the bankruptcy order has been annulled under section 282(1)
- the date of the annulment

1. Rule 10.140

4.26 Other decision procedures or deemed consent procedure

The convener must gazette where a decision is being sought by a meeting in a winding up by the court or a bankruptcy. They may gazette other decision procedures or the deemed consent procedure.

This should contain¹;

- that a meeting of creditors or contributories is to take place
- the venue of the meeting
- the purpose of the meeting

- time and date by which proofs and proxies must be delivered and where in order to be able to vote
- the convener
- if the procedure is from the request of one or more creditors and the section of the Act under which it was summoned.

1. Rule 15.13

4.27 Public examination of company officers and others

Where the official receiver has obtained an order for public examination of company officers and others who may have information, such as past managers, they may give additional notice of the order by gazetting the notice. At least 5 business days need to have elapsed for service of the order on the examinee. It is expected that this will be done very rarely by the official receiver.

4.28 Public examination of bankrupt

Where the official receiver has obtained an order for public examination of a bankrupt they may give additional notice of the order by gazetting the notice. It must be gazetted not less than 14 days before the day fixed for the hearing.

4.29 Discharge where the bankruptcy order was made by the court

A bankrupt may apply to the court for a certificate of discharge unless the bankruptcy order was made on their own application to the adjudicator. The certificate is issued by the court and must contain the following information;

- the name of the former bankrupt
- the date of the bankruptcy order
- the statement that the certificate of discharge has been delivered to the former bankrupt
- the date of the certificate
- the date from which the discharge is effective

The notice should also state that;

- that the former bankrupt may request in writing notice of the discharge to be gazetted and advertised in the same manner as the bankruptcy order; and
- that such a request must be delivered to the official receiver within 28 days of the making of the certificate of discharge.

If the official receiver is required to gazette or advertise they should do this as soon as reasonably practicable.¹

1. Rule 10.144

4.30 Discharge where the bankruptcy order was made by the adjudicator

The bankrupt may apply to the official receiver for a certificate of discharge where the bankruptcy order was made on a bankruptcy application. The bankrupt may request in writing that notice of the discharge be gazetted and this must be done within 28 days of the making of the certificate. The official receiver must do this as soon as reasonably practicable and the notice must contain¹;

- the name of the former bankrupt
- the date of the bankruptcy order
- the statement that a certificate of discharge has been delivered to the former bankrupt
- the date of the certificate
- the date from which the discharge is effective

1. Rule 10.145

Method and timing of publication

4.31 Method of publication

The most commonly used gazette notices (the making of an insolvency order and the amendment of a bankruptcy description) are automatically generated when the official receiver completes the ISCIS gazette screens. Publication of the gazette notice is arranged by Estate Accounts and Scanning (EAS).

For other events the gazette notice is prepared using a word template and the completed form is sent as an e-mail attachment to london.gazette@tso.co.uk. The subject line of the email should contain the account number and the name of the office submitting the gazette.

4.32 Timing of publication

Standard publication of notices is two working days (instruction given before 11:30am) or three working days (after 11:30am). Publication of a notice can be expedited to the next working day where the instruction is given before 11:30am.

This service requires the payment of a late advertisement fee in addition to the publication fee.

Errors and retractions

4.33 General

As at paragraph 4.22, on receipt of an order, the official receiver should check the order or notice of order before the order is gazetted. However, where an order has been gazetted, or the gazette instruction has been given (see paragraph 4.31), in error then immediate steps should be taken to withdraw the notice (pre publication) or issue a retraction (post publication). Guidance is also provided in chapter 8 (Stay of Proceedings).

4.34 Withdrawing a notice – pre publication

It is possible to withdraw a notice prior to publication by emailing CustomerServices.EAS and heading the email 'URGENT - GAZETTES - Gazette to be WITHHELD – case reference – case name'. There is a small fee payable.

4.35 – Withdrawing a notice – post publication

It is not possible to withdraw a notice once it has been published, although in bankruptcy cases it is possible to redact addresses where there is a threat of violence. Where a bankrupt has obtained a PARV (see paragraph 4.20) and address information has been inadvertently published then immediate steps must be taken by official receiver staff to have any such address details removed immediately. Staff must contact the London gazette by telephone without delay to request the removal and take instruction from the London gazette team. Telephone contact details are available on the [Gazette website](#).

4.36 Retraction

Where an order has been gazetted in error and it has not been possible to withdraw the notice prior to publication, then the official receiver will have to issue a retraction notice (see paragraph 4.23) which, on publication, will be linked to the original gazette notice. A fee will be payable.

4.37 Fees and contact

A full list of fees and charges are available on the [Gazette website](#) and if due to urgency an office needs to deal directly with the London gazette, they can be contacted by email at London@thegazette.co.uk.

Other matters

4.38 Gazette notice as evidence

Where the legislation requires an order to be gazetted it is evidence of the facts stated in the notice and a copy of the gazette containing the notice may be produced in any proceedings as conclusive evidence that the order was made on the date specified in the notice.¹

1. Rule 1.14 (1)-(2)

4.39 Debt Relief Orders

There is no requirement to gazette a debt relief order.

4.40 Responsibility where case transferred between official receivers

Where a case is transferred to another official receiver at the initial stage, it is the responsibility of the receiving official receiver to ensure that the relevant insolvency event is published.

Non- gazette notices

4.41 Local advertisement

There is no requirement on the official receiver to advertise the making of a winding-up order or bankruptcy order in local newspapers in every case. The official receiver may choose to do so where there is, or suspected to be, a failure on the part of the director or bankrupt to make a full disclosure of the relevant financial affairs.

Typically this will occur in non-surrender, non-trace or non-co-operation cases. The advertisement may also result in the absent director or bankrupt becoming aware of the proceedings and contacting the official receiver.

The rules allow for certain matters to be advertised in addition to a gazette notice but these are at the discretion of the official receiver or office holder.

4.42 Advertisement – When to advertise

Before advertising the official receiver should consider whether the advertisement is likely to be of benefit to the administration of the affairs of the insolvent. Other means of obtaining information should be considered first including the employment of tracing agents and enquiries of third parties.

4.43 Advertisement - Standard contents

Where the Act or Rules provide that a notice may be advertised other than in the gazette the notice must identify the office holder and specify the office holder's contact details¹. In addition for a company, the notice must identify the proceedings and include²;

- the principle trading address
- any name under which the company was registered in the 12 months before the date of the commencement of the proceedings which aren't subject of the notice
- any name or style other than a registered name under which the company carried on business and any debt owed to a creditor was incurred.

For a bankruptcy, the notice must identify the proceedings and the bankrupt and include³;

- any other address at which the bankrupt has resided in the period of 12 months before the making of the bankruptcy order
- any principal trading address if different from the residential address
- the bankrupt's date of birth
- the bankrupt's occupation
- any other name by which the bankrupt has been known
- any name or style other than their own name under which they carried on business or any debt to a creditor was incurred

The notice must ensure that the information is clear and comprehensible⁴.

1. Rule 1.15

2. Rule 1.16

3. Rule 1.17

4. Rule 1.18

4.44 Advertisement – Public examination of company officers and third parties with information

Where the official receiver has obtained an order for public examination of company officers and others who may have information, such as past managers, they may advertise the notice in such a manner as the official receiver sees fit. The notice must state the purpose of the examination hearing and the venue¹.

1. Rule 7.103

4.45 Advertisement – Public examination of a bankrupt

Where the official receiver has obtained an order for the public examination of a bankrupt they may advertise the notice in such a manner as the official receiver sees fit. The notice must state the purpose of the examination hearing and the venue¹.

1. Rule 10.100

4.46 Advertisement – Annulment where known creditors have not proved or debts are disputed

Where a bankrupt makes an annulment application on the grounds of payment in full and either the trustee or official receiver has reported to the court that there are known creditors who have not proved, the court may direct the trustee or official receiver to advertise the fact that the annulment application has been made so that possible creditors may submit their claims within a specified time¹.

Similarly where, in an annulment application, a debt is disputed or a creditor who has proved can no longer be traced and the bankrupt has been required to give security for such sum as may be proved to be due the court may direct that particulars of the alleged debt and security be advertised in such manner as it thinks fit².

1. Rule 10.136

2. Rule 10.138(4)

4.47 Advertisement – Annulment of bankruptcy order under Section 282

Where a bankruptcy order is annulled under section 282 the former bankrupt may require the official receiver to publish a notice of the making of the order by advertising in the same manner as the bankruptcy order to which it relates was advertised. This request should be made within 28 days of the making of the order.

The notice, which must be advertised as soon as reasonably practicable, must state;

- the name of the former bankrupt
- the date on which the bankruptcy order was made
- that the bankruptcy order has been annulled under section 282(1)
- the date of the annulment¹

1. Rule 10.140

4.48 Advertisement – Discharge where the order was made by the court

A bankrupt may apply to the court for a certificate of discharge unless the bankruptcy order was made on their own application to the adjudicator. The certificate is issued by the court and must contain the following information;

- the name of the former bankrupt
- the date of the bankruptcy order
- the statement that the certificate of discharge has been delivered to the former bankrupt
- the date of the certificate
- the date from which the discharge is effective

The notice should also state that;

- that the former bankrupt may request in writing notice of the discharge to be gazetted and advertised in the same manner as the bankruptcy order; and
- that such a request must be delivered to the official receiver within 28 days of the making of the certificate of discharge

If the official receiver is required to gazette or advertise they should do this as soon as reasonably practicable¹.

1. Rule 10.144

4.49 Advertisement – Discharge where the order was made by the adjudicator

The bankrupt may apply to the official receiver for a certificate of discharge where the bankruptcy order was made on a bankruptcy application. The bankrupt may request in writing that notice of the discharge be advertised and this must be done

within 28 days of the making of the certificate. The official receiver must do this as soon as reasonably practicable and the notice must contain¹;

- the name of the former bankrupt
- the date of the bankruptcy order
- the statement that a certificate of discharge has been delivered to the former bankrupt
- the date of the certificate
- the date from which the discharge is effective

1. Rule 10.145

4.50 Service's advertising agents

The Service has a Service Level Agreement for its advertising with TMPW. Contact with TMPW should be made by email to insolvencyservice@tmpw.co.uk, or by telephone on 020 8501 9730. The services account coordinators are-

Peter Robson 020 8501 9706

Sue Flockton 020 8501 9737

John Watson 020 8501 9701

The account coordinators will handle any day to day enquiries.

4.51 Preparation and placement of a newspaper advertisement

A newspaper advertisement is created by completing the relevant forms and then forwarding them electronically to the relevant contact at The Service's agents, TMPW along with a covering letter. Requests for publication should be made to TMPW by Thursday 5 pm for publication in the following week's issue.

4.52 Amendment of title of proceedings

If the official receiver, having amended the title of proceedings, decides to gazette the amendment, then advertisement of the amendment may be given as the official receiver sees fit¹.

1. Rule 10.165

4.53 Advertisement – First dividend

The office-holder must gazette a notice if they intend to declare a first dividend or distribution and may in addition advertise such notice in such other manner (if any) as the office holder thinks fit¹.

1. Rule 14.28(3)

4.54 Advertisement – A meeting

In a winding up by the court or a bankruptcy where a decision is being sought by a meeting the convener may advertise in a manner they think fit¹. Such notice should contain²;

- that a meeting of creditors or contributories is to take place
- the venue of the meeting
- the purpose of the meeting
- time and date by which proofs and proxies must be delivered and where in order to be able to vote
- the convener
- if the procedure is from the request of one or more creditors and the section of the Act under which it was summoned

1. Rule 15.13(4)

2. Rule 15.13 (1) & (2)

4.55 Advertisement – Decision procedure

Notices are sent to individual creditors of a decision procedure. There may be cases where to do so would be onerous, for example where there are hundreds of small creditors as in a ticketed event that is cancelled. Any decision not to advertise can only be made by the court and the court must consider the cost of the advertisement against the giving of individual notices, the available assets and the extent of the interest of creditors, members and contributories. In practice the office-holder will need to make an application to the court.

The advertisement must meet the standard requirements for a notice under rule 15.8(3) and must also state;

- that the court ordered that notice of the decision procedure be given by advertisement only
- the date of the court order¹

1. Rule 15.12

Summary of notices that must or may be gazetted or advertised

4.56 Notices that must be gazetted and advertised

Matters that have to be gazetted:

- Making of a BO by the court
- Making of a BO by the adjudicator on a debtor petition
- Making of a WUO
- In a winding up by the court or a bankruptcy where a decision is being sought by a convener of a meeting
- Annulment order if bankrupt requests
- Notice of annulment application under 282(1) if directed by the court
- Discharge if bankrupt requests
- Appointment of OR as provisional liquidator
- Termination of appointment of OR as provisional liquidator where no winding-up order made following appointment
- Notice of intent to declare a first dividend or distribution
- Calls on contributories (if court orders)
- Where gazetted order has been varied or mistake made

Matters that have to be advertised:

- Annulment order if bankrupt requests and original order was advertised
- Notice of annulment application under 282(1) if directed by the court
- Discharge if bankrupt requests and original order was advertised

4.57 Matters that may be gazetted and advertised

- Amended title of proceedings
- Public examination
- IVA following a BO
- Decision procedures or deemed consent procedure

Matters that may be advertised:

- All of the above