

Debt Respite Scheme (breathing space)

Application to cancel a breathing space in respect of a debt

(Regulation 19 The Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020)

If after a review by a debt advice provider, you do not agree with their decision, you can apply to the court using this form to cancel a breathing space in respect of some or all of the debts.

You must apply to the court **within 50 days** of the start of a breathing space or **within 50 days** of the start of a breathing space for an additional debt

Name of court

Claim number (Court use only)

Name of applicant (creditor)
(include any reference)

Name of respondent (debtor)
(include any reference)

Date

Day

Month

Year

1. What is the Insolvency Service unique breathing space reference identification?

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2. Are you are a legal representative?

Yes, the name of my firm is

and the name of the person I represent is

No

3. Please provide the name and address of the debtor

Name of debtor

Debtor's address

Building and street

Second line of address

Town or city

County (optional)

Postcode

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If a joint debt give the name and address of all other debtors

Q3: Please note that a copy of this application will be served on all named joint debtors.

4. What is the name, address and contact details of the debt adviser who reviewed the breathing space on the notification?

Name of debt advice provider

Their address

Building and street

Second line of address

Town or city

County (optional)

Postcode

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Their contact details

Phone number

Email (if they have one)

5. Is your debt included in a:

- Standard breathing space, **or**
 Mental Health Crisis breathing space

6. When did it start?

Day

Month

Year

Q5: Please refer to the breathing space notification to find this information. If your notification has an end date then it is a standard breathing space. If your notification does not have an end date, it is a Mental Health Crisis breathing space.

Q6: This information can be found on the notification.

7. Indicate which of the following reasons apply to this application.

7.1 Does the breathing space unfairly prejudice the interests of the applicant?

Yes. **Go to question 8**

No

Note 7.1 and 7.2 - If you answer No to both questions please seek legal advice before proceeding.

7.2 Has there been a material irregularity regarding one of the three matters listed below?

Yes. Indicate which of the following apply

the debtor did not meet the relevant eligibility criteria when the application for a breathing space was made

the debt owed to you is not a moratorium debt

the debtor has sufficient funds to settle the debt

No

8. What information will you be relying on, to support your application?



Court fee

What you need to pay

You will find the court fee payable in the leaflet EX50 Civil and Family Courts Fees. It is available online at: www.gov.uk/government/publications/fees-in-the-civil-and-family-courts-main-fees-ex50

I am enclosing the court fee of:

How to pay the court fee

I have not included payment because

- I have applied for Help with Fees online and my reference number is

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- I am applying for Help with Fees, see attached form **EX160**

- Other – please explain why

A debit or credit card payment

- I will pay over the phone, please call me on this number

- please email me details on how to pay, my email address is

- Prepayment** – If you have already made a payment please write the reference number here

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- I attached a **cheque or postal order**, made payable to 'HMCTS'

- In person at** the court/office counter

Fee account details – for use by legal professionals

Your account number

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Your reference (if applicable)

If you cannot afford the court fee

You may not have to pay a fee, or you may get some money off it if you only have a small amount of savings and investments, receive certain benefits or are on a low income.

You can apply for help with court and tribunal fees online at www.gov.uk/help-with-court-fees or through the 'EX160 Apply for help with fees' form and 'EX160A – How to apply for help with fees' guidance.

Fee account – a way for solicitors, local authorities and other regular users to make payments relating to civil and family cases.

Statement of Truth

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

- I believe** that the facts stated in questions 7 and 8 (and any continuation sheets) are true.
- The creditor believes** that the facts stated in questions 7 and 8 (and any continuation sheets) are true. **I am authorised** by the creditor to sign this statement.

Signature

- Applicant
- Litigation friend (where applicant is a child or a Protected Party)
- Applicant's legal representative (as defined by CPR 2.3(1))

Date

Day

Month

Year

Full name

Name of applicant's legal representative's firm

If signing on behalf of firm or company give position or office held

Creditor's or creditor's legal representative's address to which documents should be sent.

Building and street

Second line of address

Town or city

County (optional)

Postcode

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If applicable

Phone number

Fax number

DX number

Your reference

Email

What you do next

Have you:

- signed the statement of truth
- enclosed the correct court fee **or** an application for Help with Fees (using form EX160)

Which court to send your form to

Send your completed application to the debtor's local court.

You can find this here: www.gov.uk/find-court-tribunal