

SCHEDULE 2
PROCEDURAL MATTERS IN ENGLAND AND WALES

PART 3
APPLICATIONS FOR RELIEF UNDER THE MODEL LAW

Application for interim relief—affidavit in support

7.—(1) An interim relief application must be supported by an affidavit sworn by the foreign representative stating—

- (a) the grounds on which it is proposed that the interim relief applied for should be granted;
- (b) details of any proceeding under British insolvency law taking place in relation to the debtor;
- (c) whether, to the foreign representative's knowledge, an administrative receiver or receiver or manager of the debtor's property is acting in relation to the debtor;
- (d) an estimate of the value of the assets of the debtor in England and Wales in respect of which relief is applied for;
- (e) whether, to the best of the knowledge and belief of the foreign representative, the interests of the debtor's creditors (including any secured creditors or parties to hire-purchase agreements) and any other interested parties, including if appropriate the debtor, will be adequately protected;
- (f) whether, to the best of the foreign representative's knowledge and belief, the grant of any of the relief applied for would interfere with the administration of a foreign main proceeding; and
- (g) all other matters that in the opinion of the foreign representative will assist the court in deciding whether or not it is appropriate to grant the relief applied for.

Service of interim relief application not required

8. Unless the court otherwise directs, it shall not be necessary to serve the interim relief application on, or give notice of it to, any person.

The hearing and powers of court

9. On hearing an interim relief application the court may in addition to its powers under the Model Law to make an order granting interim relief under article 19 of the Model Law—

- (a) dismiss the application;
- (b) adjourn the hearing conditionally or unconditionally;
- (c) make any other order which the court thinks appropriate.

Application for relief under article 21 of the Model Law—affidavit in support

10. An article 21 relief application must be supported by an affidavit sworn by the foreign representative stating—

- (a) the grounds on which it is proposed that the relief applied for should be granted;

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- (b) an estimate of the value of the assets of the debtor in England and Wales in respect of which relief is applied for;
- (c) in the case of an application by a foreign representative who is or believes that he is a representative of a foreign non-main proceeding, the reasons why the applicant believes that the relief relates to assets that, under the law of Great Britain, should be administered in the foreign non-main proceeding or concerns information required in that proceeding;
- (d) whether, to the best of the knowledge and belief of the foreign representative, the interests of the debtor's creditors (including any secured creditors or parties to hire-purchase agreements) and any other interested parties, including if appropriate the debtor, will be adequately protected; and
- (e) all other matters that in the opinion of the foreign representative will assist the court in deciding whether or not it is appropriate to grant the relief applied for.

The hearing and powers of court

11. On hearing an article 21 relief application the court may in addition to its powers under the Model Law to make an order granting relief under article 21 of the Model Law—

- (a) dismiss the application;
- (b) adjourn the hearing conditionally or unconditionally;
- (c) make any other order which the court thinks appropriate.