

SCHEDULE 2

PROCEDURAL MATTERS IN ENGLAND AND WALES

PART 5

REVIEWS OF COURT ORDERS

Reviews of court orders—where court makes order of its own motion

15.—(1) The court shall not of its own motion make a modification or termination order unless the foreign representative and the debtor have either—

- (a) had an opportunity of being heard on the question; or
- (b) consented in writing to such an order.

(2) Where the foreign representative or the debtor desires to be heard on the question of such an order, the court shall give all relevant parties notice of a venue at which the question will be considered and may give directions as to the issues on which it requires evidence.

(3) For the purposes of sub-paragraph (2), all relevant parties means the foreign representative, the debtor and any other person who appears to the court to have an interest justifying his being given notice of the hearing.

(4) If the court makes a modification or termination order, the order may include such provision as the court thinks fit with respect to matters arising in connection with the modification or termination.

Review application—affidavit in support

16. A review application must be supported by an affidavit sworn by the applicant stating—

- (a) the grounds on which it is proposed that the relief applied for should be granted;
- (b) whether, to the best of the knowledge and belief of the applicant, 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
- (c) all other matters that in the opinion of the applicant will assist the court in deciding whether or not it is appropriate to grant the relief applied for.

Hearing of review application and powers of the court

17. On hearing a review application, the court may in addition to its powers under the Model Law to make a modification or termination order—

- (a) dismiss the application;
- (b) adjourn the hearing conditionally or unconditionally;
- (c) make an interim order;
- (d) make any other order which the court thinks appropriate, including an order making such provision as the court thinks fit with respect to matters arising in connection with the modification or termination.