
STATUTORY INSTRUMENTS

2018 No. 208

**The Small Business, Enterprise and Employment
Act 2015 (Consequential Amendments, Savings
and Transitional Provisions) Regulations 2018**

PART 5

Saving provisions for the Insolvency Rules 1986

Interpretation of Part 5

23. In this Part a reference to the revocation of the Insolvency Rules 1986 is a reference to the revocation of the Rules listed in Schedule 1 to the Insolvency (England and Wales) Rules 2016(1) by introductory rule 2 of those Rules.

Savings in relation to special insolvency rules

24.—(1) Despite the revocation of the Insolvency Rules 1986, those Rules apply as they applied(2) before they were revoked for the purposes of the application of—

- (a) the Bank Insolvency (England and Wales) Rules 2009(3);
- (b) the Bank Administration (England and Wales) Rules 2009(4);
- (c) the Building Society Special Administration (England and Wales) Rules 2010(5); and
- (d) the Building Society Insolvency (England and Wales) Rules 2010(6).

(2) Despite the revocation of the Insolvency Rules, Rule 12A.30 of, and Schedule 4 to, the Insolvency Rules 1986(7) (forms for use in insolvency proceedings) apply as they applied before they were revoked for the purpose of prescribing forms for the statement of affairs required to be delivered and for any statement of concurrence required to be submitted under rule 54 of the Investment Bank Special Administration (England and Wales) Rules 2011(8) (verification and filing).

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- (1) **S.I. 2016/1024.** These savings are made in consequence of the revocation by those Rules on 6th April 2017 of the Insolvency Rules 1986.
 - (2) For the purposes specified in this paragraph the Insolvency Rules 1986 applied without the amendments made by the Insolvency (Amendment) Rules 2010 and the amending instruments made after that instrument.
 - (3) **S.I. 2009/356**, as amended by **S.I. 2010/2579** and **2013/472**.
 - (4) **S.I. 2009/357**, as amended by **S.I. 2010/2583** and **2013/472**.
 - (5) **S.I. 2010/2580**, as amended by **S.I. 2013/472** and **2013/496**.
 - (6) **S.I. 2010/2581**, as amended by **S.I. 2013/472**.
 - (7) Rule 12A.30 was inserted with the rest of Part 12A by **S.I. 2010/686**.
 - (8) **S.I. 2011/1301.** There are amendments, but they are not relevant. Rule 54(8) provides that a reference in that rule to a specific form is a reference to that form as prescribed in the Insolvency Rules 1986, with any modification thought to be desirable to reflect the nature of special administration.

Savings in relation to insolvency proceedings

25.—(1) Despite the revocation of the Insolvency Rules, those Rules apply as they applied before they were revoked for the purposes of—

- (a) a proposal to a society and its creditors for a voluntary arrangement within the meaning given in section 1 of the Insolvency Act 1986⁽⁹⁾ as applied in relation to a relevant society by article 2(1) of the 2014 Order;
- (b) the administration of a society under Part 2 of the Insolvency Act 1986 as applied by article 2(2) of the 2014 Order; and
- (c) proceedings instituted in England and Wales for the winding up of a relevant scheme (within the meaning given in regulation 17(1)(a) of the Collective Investment in Transferable Securities (Contractual Scheme) Regulations 2013).

(2) In this regulation—

“the 2014 Order” means the Co-operative and Community Benefit Societies and Credit Unions (Arrangements, Reconstructions and Administration) Order 2014; and

“society” means a relevant society within the meaning given in article 1(2) of the 2014 Order which the courts in England and Wales have jurisdiction to wind up.

⁽⁹⁾ Section 1 was amended by the Insolvency Act 2000 (c. 39), Schedule 2, paragraphs 1 and 2, and by the Enterprise Act 2002, Schedule 17, paragraphs 9 and 10. There are other amendments, but they are not relevant.