

SCHEDULE

PART 1

Amendment of retained direct EU legislation

Amendments to the EU Insolvency Regulation

1. Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings is amended as follows.

2.—(1) Article 1 is amended as follows.

(2) For the heading substitute “Application and jurisdiction”.

(3) For paragraph 1 substitute—

“1. The grounds for jurisdiction to open insolvency proceedings set out in paragraph 1B are in addition to any grounds for jurisdiction to open such proceedings which apply in the laws of any part of the United Kingdom.

1A. There is jurisdiction to open insolvency proceedings listed in paragraph 1B where the proceedings are opened for the purposes of rescue, adjustment of debt, reorganisation or liquidation and—

- (a) the centre of the debtor’s main interests is in the United Kingdom; or
- (b) the centre of the debtor’s main interests is in a Member State and there is an establishment in the United Kingdom.

1B. The proceedings referred to in paragraph 1 are—

- (a) winding up by or subject to the supervision of the court;
- (b) creditors’ voluntary winding up with confirmation by the court;
- (c) administration, including appointments made by filing prescribed documents with the court;
- (d) voluntary arrangements under insolvency legislation; and
- (e) bankruptcy or sequestration.”.

(4) In paragraph 2 for “[Directive 2001/24/EC](#)” substitute “the Credit Institutions (Reorganisation and Winding up) Regulations 2004”.(1)

3. In Article 2—

(a) insert the following paragraph—

“(1A) “Member State” means a state which is a member of the EU other than Denmark;”;

(b) omit paragraphs (1) and (3);

(c) in paragraph (4) for “listed in Annex A” substitute “listed in Article 1(1B) which there is jurisdiction to open under Article 1(1A) and includes interim proceedings”;

(d) in paragraph (6)—

- (i) omit point (i); and
- (ii) in point (ii) omit “in all other articles,” and “of a Member State”;

(1) [S.I. 2004/1045](#). There are amending instruments but none is relevant to this instrument.

- (e) omit paragraph (9);
- (f) in paragraph (10) omit “main”;
- (g) omit paragraphs (11) to (14).

4.—(1) Article 3 is amended as follows.

- (2) For the heading “International jurisdiction” substitute “Centre of main interests”.
- (3) In paragraph 1—
 - (a) in the first sub-paragraph omit the first sentence;
 - (b) in the second sub-paragraph for “to another Member State” substitute “from the United Kingdom to a Member State or to the United Kingdom from a Member State”;
 - (c) in the third sub-paragraph for “to another Member State” substitute “from the United Kingdom to a Member State or to the United Kingdom from a Member State”;
 - (d) in the fourth sub-paragraph for “to another Member State” substitute “from the United Kingdom to a Member State or to the United Kingdom from a Member State”;
- (4) Omit paragraphs 2 to 4.

5.—(1) Article 4 is amended as follows.

- (2) In paragraph 1—
 - (a) in the first sentence for “Article 3” substitute “Article 1(1A) (a) or (b)”;
 - (b) for the second sentence substitute “Where there is jurisdiction to open insolvency proceedings on either of the grounds specified in Article 1(1A)(a) or (b), the judgment opening such proceedings must state which of those grounds is applicable.”.
- (3) In paragraph 2—
 - (a) in the first sentence—
 - (i) omit “in accordance with national law” and “Member States may entrust”;
 - (ii) for the words from “to examine” to the end of the sentence substitute “must examine the grounds on which there is jurisdiction to open the proceedings under Article 1(1A).”; and
 - (b) for the second sentence substitute “Where this is the case and there is jurisdiction to open insolvency proceedings on either of the grounds specified in Article 1(1A)(a) or (b), the insolvency practitioner must specify in the decision opening the proceedings which of those grounds is applicable.”.

6.—(1) Article 5 is amended as follows.

- (2) In the heading omit “main”.
- (3) In paragraph 1—
 - (a) omit “main” after “the decision opening”; and
 - (b) for “grounds of international jurisdiction” substitute “the grounds of jurisdiction under Article 1(1A)(a)”.
- (4) In paragraph 2—
 - (a) omit “main” after “the decision opening”;
 - (b) omit “international”;
 - (c) after “jurisdiction” insert “under Article 1(1A)(a)”;

- (d) for “national law so provides” substitute “the relevant law (other than this Regulation) of the part of the United Kingdom in which the matter is being determined so provides”.
- 7. Omit Articles 6 to 24 and 26 to 83(2).
- 8. In Article 84 omit—
 - (a) the second sentence of paragraph 1, and
 - (b) paragraph 2.
- 9. In Article 85—
 - (a) omit paragraphs 1 and 2;
 - (b) in paragraph 3—
 - (i) in point (a) omit “in any Member State”; and
 - (ii) for “that Member State” substitute “the United Kingdom”.
- 10. Omit Articles 86 to 90.
- 11. In Article 91 omit the second sentence.
- 12. In Article 92 omit point (c).
- 13. Omit the sentence immediately following Article 92 which begins “This Regulation shall be binding”.
- 14. Omit Annex A.
- 15. In Annex B omit all the entries other than those for the United Kingdom.

(2) Article 25 makes provision for matters which apply after exit day. As a result this Article is not retained EU law and so cannot be amended by this instrument.