

SCHEDULE 1

PART 9

AMENDMENTS TO PART 12 OF THE PRINCIPAL RULES

Amendments to Rule 12.2

61. In Rule 12.2—

- (a) after the words “winding up” where they first appear, there is inserted “, administration” and after the words “winding up” where they appear for the second time, there is inserted “or the administration”; and
- (b) there is inserted as paragraph (2), and Rule 12.2 shall become Rule 12.2(1), the following—
 - “(2) The costs associated with the prescribed part shall be paid out of the prescribed part.”.

Amendments to Rule 12.3

62. In Rule 12.3—

- (a) in paragraph (1) for the words “in both winding up and bankruptcy” there is substituted “in administration, winding up and bankruptcy”;
- (b) in sub-paragraph (b) of paragraph (2) before the words “winding up” there is inserted “administration,” and at the end after “1988” there is inserted the words “or under Parts 2, 3 or 4 of the Proceeds of Crime Act 2002(1)”;
- (c) in paragraph (2A) after “section 189(2)” there is inserted “, Rule 2.88”;
- (d) in sub-paragraph (a) of paragraph (2A) before the words “a winding up” there is inserted “an administration,”; and
- (e) in sub-paragraph (c) of paragraph (2A) before the words “a winding up” where they occur for the first time there is inserted “an administration or” and after the word “bankruptcy” there is inserted “, an administration”.

Amendment to Rule 12.21

63. After Rule 12.21 there is inserted—

“Notice of order under section 176A(5)

12.22.—(1) Where the court makes an order under section 176A(5), it shall as soon as reasonably practicable send two sealed copies of the order to the applicant and a sealed copy to any other insolvency practitioner who holds office in relation to the company.

(2) Where the court has made an order under section 176A(5), the liquidator, administrator or receiver, as the case may be, shall, as soon as reasonably practicable, send a sealed copy of the order to the company.

(3) Where the court has made an order under section 176A(5), the liquidator, administrator or receiver, as the case may be, shall as soon as reasonably practicable, give notice to each creditor of whose claim and address he is aware.

(1) 2002 c. 29.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(4) Paragraph (3) shall not apply where the court directs otherwise.

(5) The court may direct that the requirement in paragraph (3) is complied with by the liquidator, administrator or receiver, as the case may be, publishing a notice in such newspaper as he thinks most appropriate for ensuring that it comes to the notice of the company's unsecured creditors stating that the court has made an order disapplying the requirement to set aside the prescribed part.

(6) The liquidator, administrator or receiver shall send a copy of the order to the registrar of companies as soon as reasonably practicable after the making of the order.”.