
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 12

COURT PROCEDURE AND PRACTICE

CHAPTER 10

Appeals

[Note: a document required by the Act or these Rules must also contain the standard contents set out in Part 1.]

Application of Chapter

12.58. —CPR Part 52(1) (appeals) applies to appeals under this Chapter as varied by any applicable Practice Direction.

Appeals and reviews of court orders in corporate insolvency

12.59.—(1) Every court having jurisdiction for the purposes of Parts 1 to 7 of the Act and the corresponding Parts of these Rules, may review, rescind or vary any order made by it in the exercise of that jurisdiction.

(2) Appeals in civil matters in proceedings under Parts 1 to 7 of the Act and the corresponding Parts of these Rules lie as follows—

- (a) where the decision appealed against is made by a District Judge sitting in a hearing centre specified in the first column of the table in Schedule 10—
 - (i) to a High Court Judge sitting in a district registry, or
 - (ii) to a Registrar in Bankruptcy of the High Court;as specified in the second column of the table;
- (b) to a High Court Judge where the decision appealed against is made by—
 - (i) a Circuit Judge sitting in the County Court,
 - (ii) a Master,
 - (iii) a Registrar in Bankruptcy, if that decision is made at first instance, or
 - (iv) a District Judge sitting in a district registry;
- (c) to the Civil Division of the Court of Appeal where the decision appealed against is made by a Registrar in Bankruptcy of the High Court, if that decision is an appeal from a decision made by a District Judge; and

(1) Part 52 is amended by S.I.s 1987/2024, 1998/3132, 2000/221, 2000/2092, 2003/2113, 2003/3361, 2004/2072, 2005/2483, 2005/3515, 2006/1689, 2006/3435, 2007/2204, 2009/2092, 2009/3390, 2010/1953, 2012/2208, 2013/262, 2013/1412, 2013/1974, 2014/407, 2014/879, 2014/2044, 2014/3299, paragraph 1(2) of Schedule 11 to the Constitutional Reform Act 2005 (c.4), and sections 59 and 60 of the Access to Justice Act 1999 (c.22).

(d) to the Civil Division of the Court of Appeal where the decision is made by a High Court Judge.

(3) Any application for the rescission of a winding-up order must be made within five business days after the date on which the order was made.

(4) In this rule—

“Circuit Judge sitting in the county court” means a judge sitting pursuant to section 5(1)(a) of the County Courts Act 1984⁽²⁾;

“Civil Division of the Court of Appeal” means the division of the Court of Appeal established by section 3(1) of the Senior Courts Act 1981⁽³⁾;

“county court” means the court established by section A1 of the County Courts Act 1984;

“District Judge” means a person appointed a District Judge under section 6(1) of the County Courts Act 1984;

“District Judge sitting in a district registry” means a District Judge sitting in an assigned district registry as a District Judge of the High Court under section 100 of the Senior Courts Act 1981;

“district registry” means a district registry of the High Court under section 99 of the Senior Courts Act 1981;

“High Court Judge” means a judge listed in section 4(1) of the Senior Courts Act 1981;

“Master” means a person appointed to the office of Master, Chancery Division under section 89(1) of the Senior Courts Act 1981;

“Registrar in Bankruptcy of the High Court” means a person appointed to the office of Registrar in Bankruptcy of the High Court under section 89(1) of the Senior Courts Act 1981;

and for the purposes of each definition a person appointed to act as a deputy for any person holding that office is included.

Appeals in bankruptcy by the Secretary of State

12.60. In bankruptcy proceedings, an appeal lies at the instance of the Secretary of State from any order of the court made on an application for the rescission or annulment of a bankruptcy order, or for the bankrupt’s discharge.

Procedure on appeal

12.61.—(1) An appeal against a decision at first instance may be brought only with the permission of the court which made the decision or of the court that has jurisdiction to hear the appeal.

(2) An appellant must file an appellant’s notice within 21 days after the date of the decision of the court that the appellant wishes to appeal.

Appeals against decisions of the Secretary of State or official receiver

12.62. An appeal under the Act or these Rules against a decision of the Secretary of State or the official receiver must be brought within 28 days of delivery of notice of the decision.

(2) 1984 c.28. Section A1 was inserted by section 17(1) of the Crime and Courts Act 2013 c.22.

(3) 1981 c.54. There are amending instruments but none is relevant.