
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 12

COURT PROCEDURE AND PRACTICE

CHAPTER 6

Transfer of proceedings

Sub-division B : Block transfer of cases where insolvency practitioner has died etc.

Power to make a block transfer order

12.36.—(1) This rule applies where an office-holder ('the outgoing office-holder')—

- (a) dies;
- (b) retires from practice; or
- (c) is otherwise unable or unwilling to continue in office;

and it is expedient to transfer some or all of the cases in which the outgoing office-holder holds office to one or more office-holders ('the replacement office-holder') in a single transaction.

(2) In a case to which this rule applies the court has the power to make an order ('a block transfer order') appointing a replacement office-holder in the place of the outgoing office-holder to be—

- (a) liquidator in any winding up (including a case where the official receiver is the liquidator by virtue of section 136(1));
- (b) administrator in any administration;
- (c) trustee in a bankruptcy (including a case where the official receiver is the trustee by virtue of section 300(2)); or
- (d) supervisor of a CVA or an IVA.

(3) The replacement office-holder must be—

- (a) qualified to act as an insolvency practitioner in relation to the company or bankrupt; or
- (b) where the replacement office-holder is to be appointed supervisor of an IVA—
 - (i) qualified to act as an insolvency practitioner in relation to the debtor, or
 - (ii) a person authorised so to act.

(1) Section 136(4), (5)(a) and (c) and (6) are amended by paragraph 31 of Schedule 9 to the Small Business, Enterprise and Employment Act 2015 (c.26).

(2) Section 300(4) and (8) is amended, (3) is substituted and (3A) is inserted by paragraph 79 of Schedule 9 to the Small Business, Enterprise and Employment Act 2015 (c.26).