
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.

Application for a block transfer order

12.37.—(1) An application for a block transfer order may be made to the registrar or District Judge for—

- (a) the transfer to the High Court of the cases specified in the schedule to the application under paragraph (8);
 - (b) the transfer of the cases back to the court or hearing centre from which they were transferred when a replacement office-holder has been appointed;
 - (c) the removal of the outgoing office-holder by the exercise of any of the powers in paragraph (2);
 - (d) the appointment of a replacement office-holder by the exercise of any of the powers in paragraph (3); or
 - (e) such other order or direction as may be necessary or expedient in connection with any of the matters referred to above.
- (2) The powers referred to in paragraph (1)(c) are those in—
- (a) section 7(5) and paragraph 39(6)(1) of Schedule A1 (CVA);
 - (b) section 19(2), paragraph 88 of Schedule B1 and rule 12.36(2) (administration);
 - (c) section 108 (voluntary winding up);
 - (d) section 172(2)(3) and rule 12.36(2) (winding up by the court);
 - (e) section 263(5)(4) (IVA); and
 - (f) section 298(5) and rule 12.36(2) (bankruptcy).

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- (1) Section 7(5) is amended by paragraph 20(2)(d) of Schedule 6 to the Deregulation Act 2015 (c.20) and paragraph 39(6) is amended by paragraph 20(2)(e)(iv) of Schedule 6 to the same Act.
- (2) Section 19 is substituted by section 248(1) of the Enterprise Act 2002 (c.40).
- (3) Section 172(2) is amended by paragraph 43(2) of Schedule 9 to the Small Business, Enterprise and Employment Act 2015 (c.26).
- (4) Section 263(5) is amended by paragraph 2(11)(b) of Schedule 6 to the Deregulation Act 2015.
- (5) Section 298(8A) is inserted and (1) is amended by paragraph 77 of Schedule 9; subsection (4) is amended and, (2) omitted and (4A) and (4B) are inserted by paragraph 9 of Schedule 10 to the Small Business, Enterprise and Employment Act 2015

- (3) The powers referred to in paragraph (1)(d) are those in—
- (a) section 7(5) and paragraph 39(6) of Schedule A1 (CVA);
 - (b) section 13(6), paragraphs 63, 91 and 95 of Schedule B1 and rule 12.36(2) (administration);
 - (c) section 108 (voluntary winding up);
 - (d) section 168(3) and (5) and rule 12.36(2) (winding up by the court);
 - (e) section 263(5) (IVA); and
 - (f) sections 298 and 303(2) and rule 12.36(2) (bankruptcy).
- (4) Subject to paragraph (5), the application may be made by any of the following—
- (a) the outgoing office-holder (if able and willing to do so);
 - (b) any person who holds office jointly with the outgoing office-holder;
 - (c) any person who is proposed to be appointed as the replacement office-holder;
 - (d) any creditor in a case subject to the application;
 - (e) the recognised professional body which was the source of the outgoing office-holder's authorisation; or
 - (f) the Secretary of State.
- (5) Where one or more outgoing office-holder in the schedule under paragraph (8) is an administrator, an application may not be made unless the applicant is a person permitted to apply to replace that office-holder under section 13 or paragraph 63, 91 or 95 of Schedule B1 or such a person is joined as applicant in relation to the replacement of that office-holder.
- (6) An applicant (other than the Secretary of State) must deliver a notice of the intended application to the Secretary of State on or before the date the application is made.
- (7) The following must be made a respondent to the application and served with it—
- (a) the outgoing office-holder (if not the applicant or deceased);
 - (b) any person who holds office jointly with the outgoing office-holder; and
 - (c) such other person as the registrar or District Judge directs.
- (8) The application must contain a schedule setting out—
- (a) identification details for the proceedings; and
 - (b) the capacity in which the outgoing office-holder was appointed.
- (9) The application must be supported by evidence—
- (a) setting out the circumstances as a result of which it is expedient to appoint a replacement office-holder; and
 - (b) exhibiting the consent to act of each person who is proposed to be appointed as replacement office-holder.
- (10) Where all the cases in the schedule under paragraph (8) are in the County Court—
- (a) the application may be made to a District Judge of a convenient hearing centre in which insolvency proceedings of such type may be commenced; and
 - (b) this rule applies with appropriate modifications.

(c.26) and subsections (7) and (8) are amended by paragraph 23 of Schedule 19 to the Enterprise and Regulatory Reform Act 2013 (c.24).

(6) Section 13 if substituted by section 248(1) of the Enterprise Act 2002.