
STATUTORY INSTRUMENTS

2017 No. 1115

**The Insolvency (England and Wales) and Insolvency (Scotland)
(Miscellaneous and Consequential Amendments) Rules 2017**

PART 1

Amendments to the Insolvency (England and Wales) Rules 2016

2. The Insolvency (England and Wales) Rules 2016 are amended as follows.

Notice of members' meeting and attendance of officers

3. In rule 2.30(1) for "2.25(2)" substitute "2.25(3)".

Advertising administrator's proposals and notices of extension of time for delivery of proposals (paragraph 49 of Schedule B1)

4. In rule 3.37(4) for "(1)(b)" substitute "(2)(b)".

Moving from administration to dissolution (paragraph 84 of Schedule B1)

5. In rule 3.61(3) after "paragraph 84(5)(b)" insert "but excluding opted-out creditors".

Information to creditors and contributories

6. In rule 6.15(1)(b), before "a report" insert "be accompanied by".

The statutory demand (section 268)

7. After rule 10.1(9) insert—

"(10) When the statutory demand is to be served out of the jurisdiction, the time limits of 18 days and 21 days referred to in sub-paragraphs 10.1(1)(m) and (n) above must be amended as follows—

- (a) for any reference to 18 days there must be substituted the number of days which is the appropriate number of days set out in the table accompanying the Practice Direction supplementing Section IV of CPR Part 6 plus 4 days; and
- (b) for any reference to 21 days there must be substituted the number of days which is the appropriate number of days set out in the table accompanying the Practice Direction supplementing Section IV of CPR Part 6 plus 7 days."

Proof of service of statutory demand

8. After rule 10.9(3) insert—

"(4) The court may decline to file the petition if not satisfied that the creditor has discharged the obligation imposed by rule 10.2."

General rule as to priority

- 9.**—(1) Rule 10.149 is amended as follows.
- (2) For sub-paragraph (d) substitute—
- “(d) the fee payable under any order made under section 415 for the performance by the official receiver of the general duties of the official receiver and any repayable sum deposited under any such order as security for the fee;”
- (3) Omit sub-paragraph (e).

Blank proxy

- 10.** For rule 16.3(4) substitute—
- “(4) When it is delivered, a blank proxy must not have inserted into it the name or description of any person as proxy-holder or as a nominee for the office-holder, or instructions as to how a person appointed as proxy-holder is to act.”

Establishment of committees

- 11.**—(1) Rule 17.5 is amended as follows.
- (2) In paragraph (1) after “decision procedure” insert “or convener of the deemed consent process”.
- (3) For paragraph (5) substitute—
- “(5) The committee is not established (and accordingly cannot act) until the office-holder has sent a notice of its membership in order to comply with paragraph (9) or (10).”

Group coordination proceedings (Section 2 of Chapter 5 of the EU Regulation)

- 12.** In rule 21.12(2)(1) after “in this rule includes” insert “as the context requires”.

Schedule 2 (Transitional and savings provisions)

- 13.**—(1) Schedule 2 is amended as follows.
- (2) In paragraph 7(5) after “ceased to act” insert “, or an administrator has sent a progress report to creditors in support of a request for their consent to an extension of the administration,”.
- (3) In paragraph 14(3) after “rescind” insert “, vary”, and for “14(2)(a)” substitute “14(2)”.
- (4) In the title of paragraph 21 for “fee” substitute “fees and expenses”.
- (5) For the introductory words to paragraph 21(1) substitute—
- “(1) Rules 18.4(1)(e), 18.16(4) to (10), and 18.30 do not apply in a case where before 1st October 2015—”
- (6) For the title of paragraph 22 substitute—
- “Transitional provision for companies entering administration before 6th April 2010 and moving to voluntary liquidation between 6th April 2010 and 8th December 2017 inclusive of those dates”
- (7) For paragraph 22 substitute—
- “**22.** Where—
- (a) a company goes into administration before 6th April 2010; and

- (b) the company goes into voluntary liquidation under paragraph 83 of Schedule B1 between 6th April 2010 and 8th December 2017 inclusive of those dates;

the 1986 Rules as amended by the Insolvency (Amendment) Rules 2010⁽²⁾ apply to the extent necessary to give effect to section 104A of the Act notwithstanding that by virtue of paragraph 1(6)(a) or (b) of Schedule 4 to the Insolvency (Amendment) Rules 2010 those amendments to the Insolvency Rules 1986 would otherwise not apply.”

Schedule 4 (Service of documents)

- 14.** In Schedule 4 for paragraph 6(3) substitute—

“(3) Where the court has directed that service be effected in a particular manner, the certificate must be accompanied by a sealed copy of the order directing such manner of service.”