
STATUTORY INSTRUMENTS

2017 No. 702

INSOLVENCY

COMPANIES

INDIVIDUALS

The Insolvency Amendment (EU 2015/848) Regulations 2017

<i>Made</i>	- - - -	<i>21st June 2017</i>
<i>Laid before Parliament</i>		<i>23rd June 2017</i>
<i>Coming into force</i>		<i>26th June 2017</i>

**THE INSOLVENCY AMENDMENT
(EU 2015/848) REGULATIONS 2017**

1. Citation and Commencement
2. Amendments and extent
3. Temporal application
4. Saving
Signature

SCHEDULE —

PART 1 — Amendments to the Insolvency Act 1986

1. The Insolvency Act 1986 is amended as follows.
2. In section 1 (those who may propose an arrangement) in...
3. In section 106 (final account prior to dissolution) after subsection...
4. In section 117 (High Court and county court jurisdiction) in...
5. In section 120 (Court of Session and sheriff court jurisdiction)...
6. In section 124 (application for winding up) in subsection (1)...
7. In section 146 (final account) after subsection (5) insert—
8. After section 146 insert— Official receiver's duty to send statement...
9. (1) Section 201 (dissolution on voluntary winding up) is amended...
10. (1) Section 202 (early dissolution: England and Wales) is amended...
11. In section 203 (consequence of notice under section 202), in...
12. (1) Section 205 (dissolution otherwise than under sections 202 to...
13. In section 221 (winding up of unregistered companies) in subsection...
14. In section 225 (company incorporated outside Great Britain may be...

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15. In section 240 (“relevant time” under sections 238 and 239)...
16. In section 247 (meaning of “insolvency” and “go into liquidation”)...
17. In section 251 (expressions used generally) at the appropriate places...
18. In section 263I (debtors against whom an adjudicator may make...
19. In section 264 (who may present a bankruptcy petition)—
20. In section 265 (creditor’s petition: debtors against whom the court...
21. In section 330 (final distribution) in subsection (6) for “Article...
22. In section 387 (meaning of “the relevant date”) in subsections...
23. In section 388 (meaning of “act as an insolvency practitioner”)...
24. In section 411 (company insolvency rules) in subsections (1), (2A)...
25. In section 412 (individual insolvency rules (England and Wales)) in...
26. In section 420 (insolvent partnerships) in subsections (1A) and (1B)...
27. In section 421 (insolvent estates of deceased persons) in subsections...
28. In section 436 (expressions used generally) in subsection (1)—
29. In section 436A (proceedings under EC Regulation: modified definition of...
30. (1) Schedule B1 (administration) is amended as follows.
31. In Schedule B1 (administration) in paragraph 111(1B) for the words...
PART 2 — Amendments to the Insolvency (England and Wales) Rules 2016
32. Amendments to the Insolvency Rules 2016
Rule 1.2 (defined terms)
35. Rule 2.14 (documents filed with the court to obtain a moratorium (paragraph 7(1) of Schedule A1))
36. Rule 2.25 (CVA: consideration of proposal: common requirements (section 3))
37. Rule 3.51 (order of priority)
38. Rule 6.42 (general rule as to priority)
39. Rule 7.33 (application for the appointment of provisional liquidator (section 135))
40. Rule 7.108 (general rule as to priority)
41. Rule 8.19 (IVA: Nominee’s report (section 256A))
42. Rule 10.49 (application for the appointment of interim receiver (section 286))
43. Rule 10.149 (general rule as to priority)
44. Rule 15.11 (Notice of decision procedures or of seeking deemed consent: when and to whom delivered)
45. Part 21
46. Interpretation for Part 21
47. Standard contents of applications to court under the EU Regulation
Conversion into winding-up proceedings or bankruptcy: application
49. Confirmation of creditors’ voluntary winding up: application
50. Member state liquidator: duty to give notice
51. Member State liquidator: rules on creditors’ participation in proceedings
52. After rule 21.8 insert the following— Main proceedings in England...
PART 3 — Other amendments: England and Wales
53. Land Registration Rules 2003
54. Civil Proceedings Fees Order 2008
PART 4 — Amendments to the Insolvency Act 1986 extending to Scotland only
55. The Insolvency Act 1986 is amended as follows.
56. In section 106 (final meeting prior to dissolution) after subsection...
57. In section 172 (liquidator vacating office in winding up by...
58. (1) In section 201 (dissolution (voluntary winding up)) in subsection...
59. In section 204 (early dissolution: Scotland) after subsection (4) insert—...

60. (1) In section 205 (dissolution otherwise than under sections 202...
PART 5 — Amendments to the Insolvency (Scotland) Rules 1986
61. The Insolvency (Scotland) Rules 1986
62. Rule 0.2 Interpretation
63. Rule 1.3 Contents of proposal
64. Rule 1.7 Nominee’s report on the proposal
65. Rule 1.10 preparation of proposal
66. Rule 1.17 Report of meetings
67. Rule 1.28 the nominee’s statement
68. Documents submitted to the court to obtain a moratorium
69. Part 1 Chapter 8: EC Regulation – Conversion of voluntary Arrangement into Winding Up
70. Rule 1.46 Application for conversion into winding up
71. Rule 1.47 Contents of affidavit
72. Part 1 Chapter 9: EC Regulation – Member State Liquidator
73. Rule 1.49 Notice to member State liquidator
74. Rule 2.1: Introductory and interpretation
75. Rule 2.2: Form of application
76. Rule 2.25 : Administrator’s proposals
77. Part 2 Chapter 12: EC Regulation – Conversion of Administration into Winding Up
78. Rule 2.57 Application for conversion into winding up
79. Rule 2.58 Contents of affidavit
80. Part 2 Chapter 13: EC Regulation —member State liquidator
81. Rule 2.60 Interpretation of creditor and notice to member State liquidator
82. Rule 4.67 (order of priority of expenses of liquidation)
83. Rule 4.75A (electronic measures - application)
84. Part 4 Chapter 14: EC Regulation – member State liquidator
85. Winding up – member State liquidator
86. Part 4 Chapter 15
87. Confirmation of creditors’ voluntary winding up: application
88. Member State liquidator: duty to give notice
89. Member State liquidator: interpretation of creditor
90. EU Regulation – undertakings and group proceedings etc.
91. Forms
PART 6 — Other amendments England, Wales and Scotland
92. Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016
93. The Pension Protection Fund (Entry Rules) Regulations 2005
94. Cross-Border Insolvency Regulations 2006
95. Regulated Covered Bonds Regulations 2008
PART 7 — Northern Ireland
96. Amendments to the Insolvency (Northern Ireland) Order 1989
97. In Article 3 (meaning of “act as insolvency practitioner”) in...
98. In Article 6 (interpretation: “insolvency” and “go into liquidation”) in...
99. In Article 14 (those who may propose an arrangement) in...
100. In Article 80 (final meeting prior to dissolution) after paragraph...
101. In Article 104 (application for winding up) for the words...
102. In Article 124 (duty to summon final meeting) after paragraph...
103. After Article 124 insert— Official receiver’s duty to send statement...
104. (1) Article 166 (dissolution (voluntary winding up)) is amended as...
105. (1) Article 167 (early dissolution) is amended as follows.
106. In Article 168 (consequence of notice under Article 167), in...

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107. (1) Article 169 (dissolution otherwise than under Article 167) is...
108. In Article 185 (winding up of unregistered companies) in paragraph...
109. In Article 189 (company incorporated outside Northern Ireland) may be...
110. In Article 204 (“relevant time” under Articles 202, 203) in...
111. In Article 238 (who may present a bankruptcy petition)—
112. In Article 239 (conditions to be satisfied in respect of...
113. In Article 303 (final distribution) in paragraph (6) for “Article...
114. In Article 347 (the “relevant date”) in paragraphs (3)(aa) and...
115. In Article 359 (Insolvency rules) in paragraphs (1), (2A) and...
116. In Article 364 (Insolvent partnerships) in paragraphs (1A) and (1B)...
117. In Article 365 (Insolvent estates of deceased persons) in paragraphs...
118. Schedule B1 (administration) is amended as follows.
119. (1) In paragraph 85 (moving from administration to dissolution) after...
120. In Schedule B1 (administration) in paragraph 1 (1B) for the...
PART 8 — Northern Ireland
121. Amendments to the Insolvency Rules (Northern Ireland) 1991
122. Rule 1.09 (Summoning of meetings under Article 16)
123. Rule 1.31 (application for conversion into winding up)
124. Rule 1.32 (contents of affidavit)
125. Rule 1.33 (power of court)
126. Interpretation of creditor and notice to member State liquidator
127. Documents submitted to the court to obtain moratorium
128. Rule 2.068 (expenses of the Administration)
129. Rules 2.131 (application for conversion into winding-up)
130. Rule 2.132 (contents of affidavit)
131. Rule 2.133 (power of court)
132. Interpretation of creditor and notice to member State liquidator
133. After Rule 2.134 insert the following— Main proceedings in Northern...
134. Rule 4.027 (Appointment of provisional liquidator)
135. Rule 4.228 (General Rule as to priority)
136. Rule 5.14 (Nominee’s report to the court)
137. Chapter 13 of Part 5
138. Rule 5.61 (Application for conversion of voluntary arrangement into
bankruptcy)
139. Rule 5.62 (contents of affidavit)
140. Rule 6.049 (Application for the appointment of interim receiver)
141. Rule 6.222 (General Rule as to priority)
142. Rule 7.56 (Application for confirmation)
PART 9 — Consequential amendments Northern Ireland
143. Amendments to the Pension Protection Fund (Entry Rules) Regulations
(Northern Ireland) 2005
144. Cross-Border Insolvency Regulations (Northern Ireland) 2007

Explanatory Note